

# **San Francisco Bay Area Rapid Transit District**

2150 Webster Street, P. O. Box 12688, Oakland, CA 94604-2688



## **BOARD MEETING AGENDA**

**The Board Meeting will be via teleconference with an option for in-person public participation. Please note that an attachment has been added under Item 9-A.**

**Thursday, December 1, 2022**

**9:00 AM**

**via Teleconference and BART Board Room, 2150 Webster Street, 1st Floor,  
Oakland, CA 94612.**

**Zoom Link: <https://us06web.zoom.us/j/86397332250>**

**Board of Directors**



SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT  
2150 Webster Street, P.O. Box 12688, Oakland, CA 94604-2688

## BOARD MEETING AGENDA

December 1, 2022

9:00 a.m.

A regular meeting of the Board of Directors will be held at 9:00 a.m. on Thursday, December 1, 2022, via teleconference and in the BART Board Room, 2150 Webster Street, 1st Floor, Oakland, California 94612.

Please note that this meeting will be via teleconference with an option for in-person public participation in the BART Board Room, 2150 Webster Street, 1st Floor, Oakland, California 94612. Face masks are strongly recommended on BART property, including the BART Board Room.

Please note, pursuant to all necessary findings having been made by the Board of Directors of the San Francisco Bay Area Rapid Transit District (for itself as well as all subordinate legislative bodies) to continue remote public meetings in the manner contemplated under urgency legislation Assembly Bill No. 361, public participation for this meeting will be available via teleconference and in person.

You may watch the Board Meeting live or archived at <https://bart.gov/boardtv>

Presentation and agenda materials will be available via Legistar at <https://bart.legistar.com>

You may attend the Board Meeting in person or join the Board Meeting via Zoom by calling 833-548-0282 and entering access code 863 9733 2250; logging in to Zoom.com and entering access code 863 9733 2250; or typing the following Zoom link into your web browser:  
<https://us06web.zoom.us/j/86397332250>

Members of the public may address the Board of Directors regarding any matter on this agenda. If you wish to discuss a matter that is not on the agenda during a regular meeting, you may do so under Public Comment.

If you wish to make a public comment:

- 1) Submit written comments via email to [board.meeting@bart.gov](mailto:board.meeting@bart.gov), using “public comment” as the subject line. Your comment will be provided to the Board and will become a permanent part of the file. Please submit your comments as far in advance as possible. Emailed comments must be received before 4:00 p.m. on November 30, 2022, in order to be included in the record.
- 2) Complete a “Request to Address the Board” form (available at the entrance to the Board Room) and hand it to the District Secretary before the Item is considered by the Board.
- 3) Call 833-548-0282, enter access code 863 9733 2250, dial \*9 to raise your hand when you wish to speak, and dial \*6 to unmute when you are requested to speak; log in to Zoom.com, enter

access code 863 9733 2250, and use the raise hand feature; or join the Board Meeting via the Zoom link (<https://us06web.zoom.us/j/86397332250>) and use the raise hand feature.

Public comment is limited to three (3) minutes per person.

Any action requiring more than a majority vote for passage will be so noted.

Items placed under “consent calendar” are considered routine and will be received, enacted, approved, or adopted by one motion unless a request for removal for discussion or explanation is received from a Director or from a member of the audience.

Please refrain from wearing scented products (perfume, cologne, after-shave, etc.) to these meetings, as there may be people in attendance susceptible to environmental illnesses.

BART provides services/accommodations upon request to persons with disabilities and individuals who are limited English proficient who wish to address BART Board matters. A request must be made within one and five days in advance of Board meetings, depending on the service requested. Please contact the Office of the District Secretary at 510-464-6083 for information.

Rules governing the participation of the public at meetings of the Board of Directors and Standing Committees are available for review on the District's website (<http://www.bart.gov/about/bod>).

Meeting notices and agendas are available at [bart.legistar.com](http://bart.legistar.com); via email (<https://cloud.info.bart.gov/signup>); or via regular mail upon request submitted to the District Secretary.

Complete agenda packets (in PDF format) are generally available for review at [bart.legistar.com](http://bart.legistar.com) no later than 48 hours in advance of the meeting.

Please submit your requests to the District Secretary via email to [BoardofDirectors@bart.gov](mailto:BoardofDirectors@bart.gov); in person or U.S. mail at 2150 Webster Street, 10th Floor, Oakland, CA 94612; or telephone 510-464-6083.

April B. A. Quintanilla  
District Secretary

## Regular Meeting of the

BOARD OF DIRECTORS

The purpose of the Board Meeting is to consider and take such action as the Board may desire in connection with:

1. CALL TO ORDER

- A. Roll Call.
- B. Pledge of Allegiance.
- C. Introduction of Special Guests.

2. REPORT OF THE BOARD PRESIDENT3. BOARD COMMITTEE REPORTS

(An opportunity for Committee Chairpersons to report out on the activities of Board Committees that have met since the last Board Meeting.)

4. BOARD MATTERS

- A. Resolution Commending Amy Worth, City Councilmember, City of Orinda.  
*Board requested to adopt.*

**Attachments:** [Resolution Commending Amy Worth - Resolution](#)

- B. Resolution Commending Elsa Ortiz, President, Board of Directors, Alameda-Contra Costa Transit District.  
*Board requested to adopt.*

**Attachments:** [Resolution Commending Elsa Ortiz - Resolution](#)

- C. Resolution Commending Therese McMillan, Executive Director, Metropolitan Transportation Commission and Association of Bay Area Governments.  
*Board requested to adopt.*

**Attachments:** [Resolution Commending Therese McMillan - Resolution](#)

5. CONSENT CALENDAR

- A. (CONTINUED from November 17, 2022 Board Meeting)  
Approval of Minutes of the Meeting of September 22, 2022.  
*Board requested to authorize.*

**Attachments:** [Approval of Minutes of the Meeting of September 22, 2022](#)

- B. Resolution to Continue Virtual Meetings During the Pandemic.  
*Board requested to adopt.*

**Attachments:** [Resolution to Continue Virtual Meetings During the Pandemic - Resolution](#)

- C. Extension of Agreement No. 6M4607, with PayPal/Braintree, for Mobility as a Service (MaaS), Payment Processor.  
*Board requested to authorize.*

**Attachments:** [Extension of Agreement No. 6M4607 - EDD](#)

- D. Review of Directors' Use of District Property for Fiscal Year 2022.  
*Board requested to accept.*

**Attachments:** [Review of Directors' Use of District Property for Fiscal Year 2022 - Memo](#)  
[Review of Directors' Use of District Property for Fiscal Year 2022 - Report](#)

- E. Non-California Public Employees' Retirement System (CalPERS) Medical Plan Structure and Rates for Calendar Year 2023.  
*Board requested to adopt.*

**Attachments:** [Non-California Public Employees' Retirement System - EDD](#)  
[Non-California Public Employees' Retirement System - Resolution](#)

- F. (CONTINUED from November 17, 2022 Board Meeting)  
Resolutions Fixing the Employer's Contribution to CalPERS.  
*Board requested to adopt.*

- i. Public Employees' Medical and Hospital Care Act for  
Employees Represented by BART Police Officers'  
Association and BART Police Managers' Association.
- ii. Public Employees' Medical and Hospital Care Act at an Equal  
Amount for Employees and Annuitants Represented by  
BART Police Officers' Association and BART Police  
Managers' Association.

**Attachments:** [Resolutions Fixing the Employer's Contribution to CalPERS  
- EDD](#)  
[Resolutions Fixing the Employer's Contribution to CalPERS  
- Resolutions Set 1](#)  
[Resolutions Fixing the Employer's Contribution to CalPERS  
- Resolutions Set 2](#)

- G. Results of Independent Audit for the Fiscal Year Ended June 30, 2022.  
*For information.*

**Attachments:** [Results of Independent Audit for the Fiscal Year Ended June 30, 2022 - EDD](#)  
[Results of Independent Audit - a\) BART Annual Financial Statements](#)  
[Results of Independent Audit - b\) Independent Auditor's Report on Financial Statement of BART's Retiree Health Benefit Trust](#)  
[Results of Independent Audit - c\) Independent Auditor's Report on Financial Statement of BART's Survivors Benefit Trust](#)  
[Results of Independent Audit - d\) Single Audit Report](#)  
[Results of Independent Audit- e\) Independent Auditor's Report on Compliance for Measure B Program and Report on Internal Control over Compliance](#)  
[Results of Independent Audit - f\) Independent Auditor's Report on Compliance for Measure BB Program and Report on Internal Control over Compliance](#)  
[Results of Independent Audit - g\) Independent Auditor's Report on Compliance for PTMISEA Guidelines and Internal Control over Compliance](#)  
[Results of Independent Audit - h\) Independent Auditor's Report on Compliance with the Transportation Development Act \(TDA\) and Report on Internal Control over Compliance](#)  
[Results of Independent Audit - i\) Agreed Upon Procedures Report for Evaluation of Board of Director's Expenses](#)  
[Results of Independent Audit - j\) Management Letter - SAS114](#)

- H. Award of Invitation for Bid No. 9127, For the Procurement of Bulk Fuel.  
*Board requested to authorize.*

**Attachments:** [Award of Invitation for Bid No. 9127 - EDD](#)

- I. Award of Contract No. 15CQ-208, K-Line Interlocking Replacement K23/K25 Special Trackwork Procurement.  
*Board requested to authorize.*

**Attachments:** [Award of Contract No. 15CQ-208 - EDD](#)



- J. Execute Joint Use and Maintenance Agreement (JUMA) with the California Department of Transportation (Caltrans) for a Traction Power Substation at 34th Street in Oakland for the Transbay Corridor Core Capacity Program.

*Board requested to authorize.*

**Attachments:** [Execute Joint Use and Maintenance Agreement - EDD](#)

- K. Change Order to Contract No. 09AU-120, Earthquake Safety Program Transbay Tube (TBT) Internal Retrofit, with Shimmick/CEC Joint Venture, for Impacts to Contractor's Scheduled Work Windows (Change Order No. 229.1).

*Board requested to authorize.*

**Attachments:** [Change Order to Contract No. 09AU-120 - EDD](#)

- L. Resolution to Dissolve the South Hayward BART Station Access Authority and Authorize the General Manager to Negotiate and Execute an Intergovernmental Agreement with the City of Hayward.

*Board requested to adopt and authorize.*

**Attachments:** [Resolution to Dissolve the South Hayward BART Station Access Authority - EDD](#)  
[Resolution to Dissolve the South Hayward BART Station Access Authority - Resolution](#)

- M. Cost-Sharing Agreement for Paratransit Services between BART and the City and County of San Francisco.

*Board requested to authorize.*

**Attachments:** [Cost-Sharing Agreement for Paratransit Services - EDD](#)

- N. Resolution for Application and Receipt of Regional Early Action Plan (REAP) 2.0 High Impact Transformative Grant Funds for Transit-Oriented Development.

*Board requested to adopt.*

**Attachments:** [Resolution for Application and Receipt of Regional Early Action Plan - EDD](#)  
[Resolution for Application and Receipt of Regional Early Action Plan - Resolution](#)

6. GENERAL MANAGER'S REPORT

- A. Report of Activities, including Updates of Operational, Administrative, and Roll Call for Introductions Items.

7. PUBLIC COMMENT - 15 Minutes

(An opportunity for members of the public to address the Board of Directors on matters under their jurisdiction and not on the agenda. Public comment is limited to three (3) minutes per person.)

8. PLANNING, PUBLIC AFFAIRS, ACCESS, AND LEGISLATION ITEMS

Director Foley, Chairperson

- A. Authorization for Exclusive Negotiating Agreement for the North Berkeley BART Station Transit-Oriented Development.

*Board requested to authorize.*

**Attachments:** [Authorization for Exclusive Negotiating Agreement for the North Berkeley BART Station - EDD](#)  
[Authorization for Exclusive Negotiating Agreement for the North Berkeley BART Station - Presentation](#)

- B. BART's 2023 Federal and State Legislative Advocacy Program.

*Board requested to authorize.*

**Attachments:** [BART's 2023 Federal and State Legislative Advocacy Program - EDD](#)  
[BART's 2023 Federal and State Legislative Advocacy Program - Presentation](#)

9. ADMINISTRATION ITEMS

Director Simon, Chairperson

- A. Fiscal Year 2023 Reimagined Short Range Transit Plan.

*Board requested to authorize.*

**Attachments:** [Fiscal Year 2023 Reimagined Short Range Transit Plan - EDD](#)  
[Fiscal Year 2023 Reimagined Short Range Transit Plan - Presentation](#)  
[Fiscal Year 2023 Reimagined Short Range Transit Plan - Memo](#)  
[Fiscal Year 2023 Reimagined Short Range Transit Plan - Operating Financial Outlook](#)  
[Fiscal Year 2023 Reimagined Short Range Transit Plan - Reimagined Short Range Transit Plan](#)

- B. Creation of a Grace Period for the Excursion Fare.

*Board requested to authorize.*

**Attachments:** [Creation of a Grace Period for the Excursion Fare - EDD](#)

#### 10. ENGINEERING AND OPERATIONS ITEMS

Director Dufty, Chairperson

- A. Quarterly Service Performance Review - First Quarter Fiscal Year 2023.

*For information.*

**Attachments:** [Quarterly Service Performance Review – First Quarter Fiscal Year 2023 - Memo](#)  
[Quarterly Service Performance Review – First Quarter Fiscal Year 2023 - Presentation](#)

#### 11. BOARD MATTERS

- A. Board Member Reports.

(Board member reports as required by Government Code Section 53232.3(d) are available through the Office of the District Secretary. An opportunity for Board members to report on their District activities and observations since last Board Meeting.)

- B. Roll Call for Introductions.

(An opportunity for Board members to introduce a matter for consideration at a future Committee or Board Meeting or to request District staff to prepare items or reports.)

C. In Memoriam.

(An opportunity for Board members to introduce individuals to be commemorated.)

12. CLOSED SESSION

A. PUBLIC EMPLOYMENT

Title: Inspector General

Government Code Section: 54957

13. OPEN SESSION

A. Announcement from Closed Session, if any.