

San Francisco Bay Area Rapid Transit District

300 Lakeside Drive, P. O. Box 12688, Oakland, CA 94604-2688



BOARD MEETING AGENDA

Thursday, June 10, 2021

9:00 AM

via Teleconference Only.

Board of Directors

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
300 Lakeside Drive, P. O. Box 12688, Oakland, CA 94604-2688

BOARD MEETING AGENDA

June 10, 2021

9:00 a.m.

A regular meeting of the Board of Directors will be held at 9:00 a.m. on Thursday, June 10, 2021.

Please note, pursuant to Governor Newsom's Executive Order N-29-20 and the California Shelter-in-Place mandate, public participation for this meeting will be via teleconference only.

You may watch the Board Meeting live or archived at <https://www.bart.gov/about/bod/multimedia>

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

You may also join the Board Meeting via Zoom by calling 1-669-900-6833 or logging in to Zoom.com and entering access code 977 4277 5246

If you wish to make a public comment:

- 1) Submit written comments via email to 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 June 9, 2021 in order to be included in the record.
- 2) Call 1-669-900-6833, enter access code 977 4277 5246, dial *9 to raise your hand when you wish to speak, and dial *6 to unmute when you are requested to speak; OR log in to Zoom.com, enter access code 977 4277 5246, 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.

BART provides service/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; 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 available for review at 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; in person or U.S. mail at 300 Lakeside Drive, 23rd Floor, Oakland, CA 94612; fax 510-464-6011; or telephone 510-464-6083.

Jacqueline R. Edwards
District Secretary

Regular Meeting of the
BOARD OF DIRECTORS

1. CALL TO ORDER

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

2. CONSENT CALENDAR

- A. Approval of Minutes of the Meeting of May 27, 2021. Board requested to authorize.

Attachments: [Approval of Minutes of the Meeting of May 27, 2021](#)

- B. BART Police Citizen Review Board Reappointments. Board requested to ratify.

Attachments: [BART Police Citizen Review Board Reappointments - EDD](#)

- C. Updates to the Whistleblower Policy. Board requested to authorize.

Attachments: [Updates to the Whistleblower Policy - EDD](#)

- D. Amendment to Agreement No. 6M4711, with CityHealth Urgent Care, a Medical Corporation, for COVID-19 Testing Services. Board requested to authorize.

Attachments: [Amendment to Agreement No. 6M4711, with CityHealth Urgent Care - EDD](#)

- E. Temporary Upgrade Pay Provision for Amalgamated Transit Union (ATU) Local 1555. Board requested to authorize.

Attachments: [Temporary Upgrade Pay Provision for Amalgamated Transit Union - EDD](#)

- F. Award of Contract No. 6M3485, Wheel Impact Detector. Board requested to authorize.

Attachments: [Award of Contract No. 6M3485, Wheel Impact Detector - EDD](#)

3. 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.)

4. ADMINISTRATION ITEMS

Director Li, Chairperson

- A. Resolution Approving the Fiscal Year 2022 Annual Budget. Board requested to adopt.

Attachments: [Resolution Approving the Fiscal Year 2022 Annual Budget - EDD](#)
[Resolution Approving the Fiscal Year 2022 Annual Budget - Presentation](#)

5. ENGINEERING AND OPERATIONS ITEMS

Director Simon, Chairperson

- A. Update on Fare Gates. For information.

Attachments: [Update on Fare Gates - Memo](#)
[Update on Fare Gates - Presentation](#)

- B. Update on Fleet of the Future. For information.

Attachments: [Update on Fleet of the Future - Memo](#)
[Update on Fleet of the Future - Presentation](#)

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

Director Raburn, Chairperson

NO ITEMS.

7. GENERAL MANAGER'S REPORT

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

8. 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.)

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
300 Lakeside Drive, P.O. Box 12688, Oakland, CA 94604-2688

Board of Directors
Minutes of the 1,886th Meeting
May 27, 2021

A regular meeting of the Board of Directors was held on May 27, 2021, convening at 9:01 a.m. via teleconference, pursuant to Governor Gavin Newsom's Executive Order N-29-20 and the California Shelter-in-Place mandate. President Foley presided; Jacqueline R. Edwards, District Secretary.

President Foley gave remarks regarding the tragic mass shooting at the Santa Clara Valley Transportation Authority (SCVTA) rail yard on May 26, 2021 and requested that the Meeting be adjourned in memory of the victims of the shooting.

President Foley held a moment of silence to honor the victims of the shooting at the SCVTA rail yard.

Directors Present: Directors Allen, Ames, Dufty, Li, McPartland, Raburn, Saltzman, Simon, and Foley.

Absent: None.

President Foley gave instructions on viewing the Meeting, accessing presentation materials online, and Public Comment.

President Foley announced that under the provisions of the Rules of the Board of Directors of the San Francisco Bay Area Rapid Transit District, this was the time set to hold a Public Hearing on the Fiscal Year 2022 Budget; and that the Board would review the item under the Administration Committee portion of the agenda. President Foley requested that Board Members hold their questions and comments until the Public Hearing was closed and announced that staff would give a brief presentation on the item and that the Meeting would then be opened for comments from the public.

Christopher Simi, Director of Budgets, presented the item.

Aleta Dupree addressed the Board.

There being no further Public Comment, the Public Hearing was closed.

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meeting of May 13, 2021.
2. 2021 Organization of Committees and Special Appointments Revision.
3. Fiscal Year 2022 Proposition 4 Appropriations Limit.

4. Agreement with Environmental Systems Research Institute for Enterprise License Agreement for Software Products.
5. Award of Contract No. 54RR-350, Construction of Turntable Replacement Project Concord Yard (OCY).
6. Reject All Bids for Invitation for Bid No. 9097, Powered Flat Maintenance Vehicle.
7. Independent Auditor's Report on Audit of Federal Awards under the Office of Management and Budget Uniform Guidance for the Fiscal Year Ended June 30, 2020.

Director Raburn made the following motions as unit and requested that Item 3-F, Reject All Bids for Invitation for Bid No. 9097, Powered Flat Maintenance Vehicle, be removed from the Consent Calendar. Director Saltzman seconded the motions, which carried by unanimous roll call vote. Ayes: 9 – Directors Allen, Ames, Dufty, Li, McPartland, Raburn, Saltzman, Simon, and Foley. Noes: 0.

1. That the Minutes of the Meeting of May 13, 2021, be approved.
2. That the Board of Directors ratifies the proposed revisions to the 2021 Organization of Committees and Special Appointments.
3. That Resolution No. 5484, In the Matter of the Establishment of the Fiscal Year 2022 Appropriations Limit, be adopted.
4. That the General Manager or his designee be authorized to execute a 3-year Enterprise License Agreement with Environmental Systems Research Institute (ESRI) in an amount not to exceed \$465,000.00 to allow for the District's unlimited access to ESRI software products.
5. That the General Manager be authorized to award Contract No. 54RR-350 – Turntable Replacement Project Concord Yard to Clark Construction Group – California, LP for an amount not to exceed \$3,877,900.00, pursuant to notification to be issued by the General Manager, subject to the District's Protest Procedures.

President Foley called for Public Comment on the Consent Calendar. No comments were received.

Director Raburn commented on the lowest bid amount for the powered flat maintenance vehicles under Item 3-F.

Director Raburn moved that the General Manager be authorized to reject all bids for Invitation for Bid (IFB) No. 9097 – Powered Flat Maintenance Vehicles. Director Saltzman seconded the motion.

Richard Mills addressed the Board.

Director Dufty requested that Richard Mills explain why the projection of the cost differed from his company's bid.

Director Li requested that staff provide an explanation of staff's recommendation and response to Director Raburn's motion.

The motion brought by Director Raburn and seconded by Director Saltzman carried by unanimous roll call vote. Ayes: 9 – Directors Allen, Ames, Dufty, Li, McPartland, Raburn, Saltzman, Simon, and Foley. Noes: 0.

Jacqueline R. Edwards, District Secretary, noted that Director Simon voted in favor of the motion regarding Item 3-F via raised hand and Director Simon confirmed her affirmative vote.

President Foley called for general Public Comment. Aleta Dupree addressed the Board.

President Foley announced that the order of agenda items would be changed.

Director Raburn, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, brought the matter of Support for Regional Impact Council “Regional Action Plan” on Homelessness before the Board. Robert Powers, General Manager; Tomiquia Moss, Founder and Chief Executive of All Home; Gail Gilman, Chief Strategy Officer at All Home; and Tim Chan, Group Manager, Station Planning, presented the item.

The item was discussed.

Aleta Dupree addressed the Board.

Discussion continued, with the following highlight:

Director Saltzman requested that staff provide regular memos to update the Board on the funding for the Regional Action Plan and how BART can assist with funding.

Director Saltzman moved that the Board is in support of the Regional Impact Council’s Statement of Emergency and Regional Action Plan. Director Li seconded the motion.

Discussion continued.

The motion brought by Director Saltzman and seconded by Director Li carried by unanimous roll call vote. Ayes: 9 – Directors Allen, Ames, Dufty, Li, McPartland, Raburn, Saltzman, Simon, and Foley. Noes: 0.

Director Li, Chairperson of the Administration Committee, brought the matter of Fiscal Year 2021 Third Quarter Financial Report before the Board. Budget Director Simi presented the item.

Aleta Dupree addressed the Board.

The item was discussed, with the following highlight:

Director Ames requested that staff provide a list of ideas to reduce costs in the future.

Director Li brought the matter of Fiscal Year 2022 Annual Budget before the Board.

The item was discussed, with the following highlights:

Director Saltzman requested that staff provide more detailed ridership projections for the next fiscal year, other than the chart that was provided.

Director McPartland requested that staff provide information about how BART's ridership compares to ridership on other transit operators in the nation and region, and an analysis of problems encountered by regional transit operators and their efforts to address them.

Director Ames requested that staff provide the capital improvement plan.

Director Simon exited the Meeting.

On behalf of Director Simon, Chairperson of the Engineering and Operations Committee, President Foley brought the matter of Award of Contract No. 15EJ-182, 34.5 kV Cable Replacement and Fiber Optic Cable Installation, R-Line, RCP to RRY, before the Board. Avineet Garg, Project Manager, Strategic Engineering, presented the item.

Director Simon re-entered the Meeting.

Director Raburn moved that the General Manager be authorized to award Contract for R-Line Cable Replacement and Fiber Optic Cable Installation project to DMZ Builders, Concord, CA in the amount of \$54,149,787.00, pursuant to notification to be issued by the General Manager, subject to the District's Protest Procedures. Director Simon seconded the motion.

Aleta Dupree addressed the Board.

The motion brought by Director Raburn and seconded by Director Simon carried by unanimous roll call vote. Ayes: 9 – Directors Allen, Ames, Dufty, Li, McPartland, Raburn, Saltzman, Simon, and Foley. Noes: 0.

Director Simon brought the matter of Quarterly Service Performance Review – Third Quarter Fiscal Year 2021 before the Board. Tamar Allen, Assistant General Manager, Operations; Ed Alvarez, Chief of Police; and Angela Averiett, Deputy Police Chief, presented the item.

The item was discussed, with the following highlight:

Director Allen requested that the auto burglary metric be changed to the number of parked cars, instead of parking places.

Aleta Dupree addressed the Board.

Discussion continued, with the following highlight:

Director Saltzman requested that Chief Alvarez reassess the performance goals for bicycle thefts, emergency response time, and police presence on trains, and rename the police presence on trains category to remove "police" from the title.

Director Simon exited the Meeting and Director Raburn chaired the remainder of the Committee agenda.

Discussion continued.

Director Raburn brought the matter of Agreements for Improvements Supporting the Balboa Park Upper Yard Transit-Oriented Development before the Board. Nicole Franklin, Principal Property Development Officer, Real Estate and Property Development, presented the item.

The item was discussed.

Director Li moved that the BART Board authorizes the General Manager or his designee to enter into the Affordable Housing and Sustainable Communities (AHSC) Agreement, the No-Build Easement Agreement, and the Storm Drain Easement Agreement, and authorizes the General Manager or his designee to execute any and all supporting documents in order to effectuate the foregoing agreements. Director Dufty seconded the motion, which carried by unanimous roll call vote. Ayes: 8 – Directors Allen, Ames, Dufty, Li, McPartland, Raburn, Saltzman, and Foley. Noes: 0. Absent: 1 – Director Simon.

Director Allen exited the Meeting.

Director Raburn brought the matter of Affordable Housing and Sustainable Communities Grant Application Agreements before the Board. Shannon Dodge, Principal Property Development Officer, Real Estate and Property Development, presented the item.

The item was discussed.

Director Saltzman moved that the General Manager or his designee be authorized to enter into agreements required to apply for the Fiscal Year (FY) 2019-2020 Affordable Housing and Sustainable Communities grant program, including Memoranda of Understanding and Pass-Through Agreements to receive funds; Agreements will be with the following parties:

1. BRIDGE Housing
2. Pacific West Communities with City of Richmond
3. East Bay Asian Local Development Corporation
4. MidPen Housing Corporation
5. Resources for Community Development

Director McPartland seconded the motion, which carried by unanimous roll call vote. Ayes: 7 – Directors Ames, Dufty, Li, McPartland, Raburn, Saltzman, and Foley. Noes: 0. Absent: 2 – Directors Allen and Simon.

Director Simon re-entered the Meeting.

President Foley called for the General Manager's Report. General Manager Powers reported on ridership, the service increases effective on June 7, 2021, the A75 Interlocking Project weekend closure, and efforts to obtain federal funding.

The General Manager's Report was discussed.

Jesse Hunt and Sal Cruz addressed the Board.

President Foley called for Board Member Reports, Roll Call for Introductions, and In Memoriam requests.

Director Raburn reported that he had attended the American Public Transportation Association (APTA) Legislative Conference, the California Transit Association Legislative Conference, and the Alameda-Contra Costa Transit District (AC Transit) Interagency Liaison Committee (ILC) meeting; and that the City of Oakland Planning Commission had approved the Lake Merritt transit-oriented development (TOD) master plan.

Director Saltzman reported that she had attended the virtual community meeting held by the developer of the El Cerrito Plaza TOD project with Director Simon and staff; thanked staff for their assistance with the El Cerrito Plaza TOD community event; offered her condolences to the affected families, victims of the mass shooting at the SCVTA rail yard, and the SCVTA family; indicated a desire for the BART Board to start taking positions on legislation related to gun violence; encouraged donations to the fund for the families of the victims of the shooting; and requested that District Secretary Edwards send the donation fund link to the Board and management staff.

Director Simon reported that she had attended meetings with City of Pinole City Councilmembers regarding updates on the BART system and reported on her conversation with the Friends of Adeline regarding the TOD project at Ashby Station.

Director Raburn reported that he had reviewed the BART Active Shooter video and requested that the Meeting be adjourned in honor of The Honorable John Sutter, former Alameda County Superior Court Judge and Member of the East Bay Regional Parks District Board of Directors, and Ellie Sutter, wife of Judge Sutter. Director Raburn held a moment of silence in remembrance of Judge John Sutter and Ellie Sutter.

President Foley announced that the Board would enter into closed session under Item 10-A (Conference with Legal Counsel – Existing Litigation) of the Regular Meeting agenda, and that the Board would reconvene in open session upon conclusion of the closed session.

The Board Meeting recessed at 12:30 p.m.

The Board reconvened in closed session at 12:46 p.m.

Directors present: Directors Ames, Li, McPartland, Raburn, Saltzman, Simon, and Foley.

Absent: Directors Allen and Dufty.

The Board Meeting recessed at 1:26 p.m.

The Board reconvened in open session at 1:28 p.m.

Directors present: President Foley.

Absent: Directors Allen, Ames, Dufty, Li, McPartland, Raburn, Saltzman, and Simon.

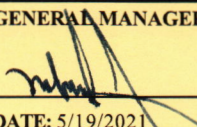
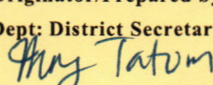
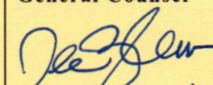
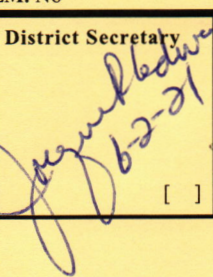
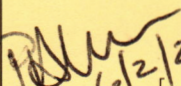
President Foley announced that the Board had concluded its closed session under Item 10-A and that there was no announcement to be made.

The Meeting adjourned at 1:28 p.m. in honor of Judge John Sutter, Ellie Sutter, the SCVTA family, and the victims of the mass shooting at the SCVTA rail yard on May 26, 2021.

Jacqueline R. Edwards
District Secretary



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:  6/2/2021		GENERAL MANAGER ACTION REQ'D:		
DATE: 5/19/2021		BOARD INITIATED ITEM: No		
Originator/Prepared by: Mag Tatum Dept: District Secretary  Signature/Date: 06/01/2021	General Counsel  6/2/2021 []	Controller/Treasurer Chun Gan 6/2/2021 []	District Secretary  6-2-21 []	BARC  6/2/21 []

BART Police Citizen Review Board Re-Appointments

PURPOSE:

To request that the Board of Directors ratifies the reappointment of Dwaine Pete Longmire, Les Mensinger, Laura Pagey, David Rizk, and Darren White to the BART Police Citizen Review Board.

DISCUSSION:

The BART Police Citizen Review Board (BPCRB) was established by the BART Board of Directors (Board) to increase the public's visibility of the delivery of BART police services; to provide community participation in the review and establishment of BART Police Department (BPD) policies, procedures, practices and initiatives; and to receive citizen complaints and allegations of misconduct by BPD employees.

In accordance with Chapter 2-02 of the BART Citizen Oversight Model, members of the BPCRB appointed by Directors from Districts 2, 4, 6, and 8, as well as, the BART Police Associations, shall have their terms of service expire on June 30, 2021. Terms of service for currently seated members who have been reappointed shall be for two years.

The Directors from Districts 2, 4, 6, and 8 and BART Police Associations have indicated an intention to reappoint each of their current BPCRB appointees and each of those current BPCRB appointees have accepted their reappointment. If ratified by the Board, all reappointed members will be officially installed as members of the BPCRB for a term of two years, beginning on July 1, 2021.

FISCAL IMPACT:

None.

ALTERNATIVES:

Do not ratify the reappointments.

RECOMMENDATION:

Reappoint Dwaine Pete Longmire, Les Mensinger, Laura Pagey, David Rizk, and Darren White to the BART Police Citizen Review Board.

MOTION:

That the BART Board of Directors ratifies the reappointment of the following individuals for a term of two years, beginning on July 1, 2021 and expiring on June 30, 2023:

Dwaine Pete Longmire, District 2

Darren White, District 4

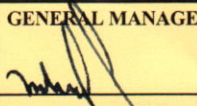
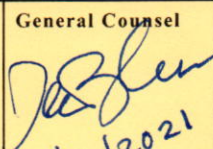
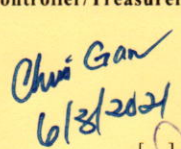
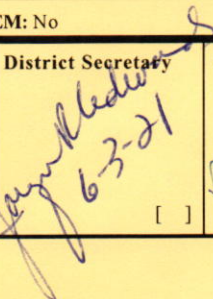
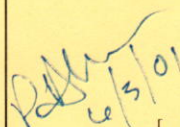
Les Mensinger, District 6

David Rizk, District 8

Laura Pagey, BART Police Associations



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:  6/3/2021		GENERAL MANAGER ACTION REQ'D:		
DATE: 6/3/2021		BOARD INITIATED ITEM: No		
Originator/Prepared by: Jeffrey Dubsick Dept: Inspector General	General Counsel  6/3/2021 []	Controller/Treasurer  6/3/2021 []	District Secretary  6-3-21 []	BARC  6/3/21 []

To adopt updates to the District Whistleblower Policy

PURPOSE:

To adopt updates to the District Whistleblower Policy.

DISCUSSION:

The District Whistleblower Policy was established in 2013, prior to the Office of the Inspector General (OIG) being established. This update clarifies the type of complaints that should be directed to the OIPA or OIG, as well as to the Office of Civil Rights (OCR). It also changes the title of the policy from "San Francisco Bay Area Rapid Transit District Whistleblower Policy" to "San Francisco Bay Area Rapid Transit District Whistleblower and Antiretaliation Policy" to emphasize that anyone who submits a complaint will not be retaliated against and adds language regarding reporting of retaliation complaints. The Audit Committee has reviewed the proposed changes and recommended that it be brought to the full Board for final approval.

The policy clarifies that it expects all Directors, Board-Appointed Officers (BAOs), employees, consultants, and contractors to fulfill their responsibilities in compliance with all applicable laws, regulations, and District policies and procedures. It clarifies the broad responsibilities for reporting misconduct or misappropriation of District assets. The policy restates the definition of "misconduct" to better align it with the definition in the California Government Code.

The policy clarifies that complaints regarding 1) Equal Employment Opportunity, equity, and contract compliance should be filed with OCR; 2) sworn or nonsworn police staff or their

activities should be filed with the OIPA, the BART Police Citizen Review Board, or the BART Police Department Office of Internal Affairs; 3) fraud, waste, and abuse should be filed with the OIG, and that Directors, BAOs, and employees *must* report suspected or known instances of fraud to the OIG; and 4) ethics complaints and questions should be filed with the District Ethics Officer. The policy adds a nondiscrimination provision.

The policy updates the language on handling of reported misconduct to state that investigations would be completed as promptly as time allows rather than committing to a five-day turnaround, which is not always feasible. It also adds a provision that managers and supervisors may forward misconduct that is reported to them to one of the investigative offices. Lastly, the policy adds definitions and examples of fraud, waste, and abuse.

The attached proposed Whistleblower and Antiretaliation Policy is in two formats: 1) Proposed final format, and 2) Redline version showing the recommended changes to the Whistleblower Policy that the Board approved in 2013.

FISCAL IMPACT:

No additional costs are anticipated. Investigations conducted would be done within each department's existing budget.

ALTERNATIVES:

Do not adopt the proposed changes to the Whistleblower and Antiretaliation Policy, which would leave it unclear as to which office is the appropriate one to receive various types of complaints.

RECOMMENDATION:

Staff recommends that the Board of Directors adopt the revised Whistleblower and Antiretaliation Policy.

MOTION:

The Board adopts the revised Whistleblower and Antiretaliation Policy.

San Francisco Bay Area Rapid Transit District

Whistleblower and Antiretaliation Policy

I. Declaration of Policy

The San Francisco Bay Area Rapid Transit District ("District") is committed to high standards of ethical, moral, and legal professional conduct. The District expects its Directors, Board-Appointed Officers (BAOs), employees, consultants, and contractors to observe high standards of professional and personal ethics in the conduct of their duties and responsibilities. Employees and representatives of the District must practice honesty and integrity in fulfilling their responsibilities and comply with all applicable laws, regulations, and District policies and procedures.

II. Reporting Responsibility

All Directors, BAOs, employees, consultants, and contractors have a responsibility to safeguard District assets and to report misconduct or misappropriation of District assets in accordance with this Whistleblower and Antiretaliation Policy. Directors, BAOs, and employees must report suspected or known instances of fraud to the Office of the Inspector General. Members of the public are encouraged to report known or suspected misconduct by Directors, BAOs, employees, consultants, and contractors as described below.

III. Misconduct

"Misconduct" is defined in this Whistleblower and Antiretaliation Policy as any activity undertaken by a District Director, BAO, employee, consultant, or contractor in the performance of their official duties, including activities deemed to be outside the scope of their employment or contractual obligations, that jeopardizes the safety of passengers or District employees, violates a local, state, or federal law or regulation relating to corruption, malfeasance, bribery, theft or misuse of District property, false claims, fraud, coercion, conversion, gross misconduct or incompetence, or willful omission to perform a duty, or otherwise violates any applicable District Code of Conduct or District policy, or is economically wasteful or inefficient.

This definition of misconduct is not intended to be an exclusive listing of the illegal or improper activity covered by the Whistleblower and Antiretaliation Policy but is intended to serve as a guide to reporting all serious improprieties that impact the integrity and effective operation of the District.

IV. No Retaliation

This Whistleblower and Antiretaliation Policy is intended to encourage and enable employees and others to raise serious concerns within the District before seeking resolution outside the District.

Accordingly, no Director, BAO, employee, consultant, contractor, or citizen who, in good faith, reports suspected misconduct under this Whistleblower and Antiretaliation Policy or who cooperates in the investigation of misconduct shall suffer harassment, retaliation, or adverse employment consequence or business opportunity as a result of making such a report or cooperating in an investigation. An employee who retaliates against someone who has reported misconduct in good faith or who has cooperated in the investigation of misconduct is subject to discipline, up to and including termination of employment. Retaliation complaints should be reported to the office that investigated the original complaint.

V. Reporting Misconduct

The District encourages its Directors, BAOs, employees, consultants, contractors, and citizens to share their questions, concerns, suggestions, or complaints with someone who can address them properly. For employees, their supervisor is often in the best position to address areas of concern. Consultants, contractors, residents, and other stakeholders, as well as employees who are not comfortable speaking with their supervisor or are not satisfied with the supervisor's response, are encouraged to report their concern to the District as described below. Supervisors and managers are required to report alleged violations of law to the District's Chief of Police and General Counsel. The Chief of Police will coordinate as appropriate with the District Attorney who has jurisdiction.

All reports may be made regardless of ancestry, age, color, disability, genetic information, gender, gender identity, gender expression, marital status, medical condition, military or veteran status, national origin, race, religion, sex, and sexual orientation.

Equal Employment Opportunity (EEO), Equity, and Contract Compliance Complaints – The Office of Civil Rights handles complaints regarding equity and equity programs, including EEO, Title VI of the Civil Rights Act of 1964, Environmental Justice, Disadvantaged Business Enterprise (DBE), Small Business (SB), and compliance with state and federal contract and labor requirements. Complaints may be made as follows:

- Contract compliance, DBE, and SB complaints may be submitted by calling 510-464-6324.
- Labor compliance complaints may be submitted by calling 510-287-4951.
- Environmental Justice, Equal Employment Opportunity, Title VI and harassment complaints may be made by calling 510.464.6107 or filling out a form in the appropriate language available at www.bart.gov/guide/titlevi.

Police Officer Complaints– Complaints received by any office in the District regarding sworn or nonsworn police staff or their activities are to be forwarded to the Office of the Independent Police Auditor. Complaints may also be made as follows:

- Office of the Independent Police Auditor – Call 510-874-7477 or fill out the complaint form available at www.bart.gov/sites/default/files/docs/OIPA_Complaint_Form_0.pdf.
- BART Police Citizen Review Board – Make a public comment at one of their meetings.
- BART Police Department Office of Internal Affairs – Call 877-679-7000 or email ia@bart.gov.

Fraud, Waste, or Abuse Complaints – Complaints may be made to the Office of the Inspector General’s whistleblower hotline at www.bart.gov/OIGhotline or by calling [510-464-6100](tel:510-464-6100). Both options are available 24/7. Calls are taken and reports submitted through a third-party hotline provider to ensure anonymity for those who wish not to provide their name. More information regarding the types of complaints that may be provided through the whistleblower hotline are available at www.bart.gov/about/inspector-general/investigations.

Complaints Against the OIG or staff in the OIG – Complaints against the OIG or OIG staff should be made to the Office of the General Counsel who, in consultation with the Board President, will determine whether to hire an outside consultant to conduct an independent investigation and present the report to the General Counsel. The General Counsel will discuss the report with the Board President to determine the next steps, if any, to be taken.

Other – Ethics Complaints and Questions – The District’s Ethics Officer handles complaints and questions regarding ethics and improprieties, conflicts of interest, and provides leadership and advice on governance issues to ensure that ethical behavior is consistently adhered to throughout the District. The Ethics Officer can be contacted at 510-464-7516.

VI. Acting in Good Faith

Anyone who reports misconduct must be acting in good faith and have reasonable grounds for alleging the misconduct. Any allegations that were known to be false when made or were made with willful disregard for their truth or falsity will be viewed as a serious disciplinary offense.

VII. Anonymous Allegations and Confidentiality

Complainants may report misconduct or suspected misconduct anonymously. However, individuals are encouraged to put their names to allegations of misconduct because appropriate follow-up questions and investigation may not be possible unless the complainant provides their contact information. Complainants’ names will

be kept confidential to the extent possible and to the extent permitted by law. Reports of misconduct or suspected misconduct will be shared with other individuals, including individuals outside the District's organization, only as necessary to conduct an adequate investigation.

VIII. Handling of Reported Misconduct

The appropriate District representative will acknowledge receipt of the reported misconduct within five business days, unless the report was submitted anonymously. If the complainant submits information to support that an investigation is warranted, reports will be investigated as promptly as time and resources allow, and appropriate corrective action will be taken if warranted by the investigation. Supervisors and managers may forward misconduct reported directly to them to the Office of Civil Rights, Office of Inspector General, or Independent Police Auditor to conduct the investigation, which may employ the services of an independent investigator in cases where the alleged misconduct creates a significant exposure of liability to the District, requires specialized expertise, or in other special circumstances that justify independent investigation.

IX. Disciplinary Action

Management will be provided the results of investigations and may take disciplinary action for substantiated allegations, up to and including termination of employees or, to the extent permitted by law, barring consultants and contractors from performing future work for the District.

DEFINITIONS AND EXAMPLES OF FRAUD, WASTE, AND ABUSE

Fraud – A false or dishonest representation about a material fact used as a tool for personal or financial gain or to deprive the District of something of value through **intentional** deceit, misrepresentation, or concealment of something that should have been disclosed. Fraud can occur through the spoken word or by an individual's conduct and actions. Examples include:

- Bribery, gratuities and kickbacks
- Claiming pay for hours not actually worked
- Bid rigging and collusion
- Inferior product substitution
- Falsified invoices
- Records falsification
- Contractor and supplier overbilling
- Theft/embezzlement of District materials and supplies
- False Worker's Compensation claim

Waste – Using or expending resources carelessly, negligently, extravagantly, or to no purpose, whether intentional or not. Waste often results from deficient practices, systems, internal controls, decisions, or oversight. Examples include

- Unnecessary processes/procedures
- Making travel choices that are unnecessarily extravagant or expensive
- Making procurement/vendor selections that are unnecessarily extravagant or expensive
- Purchasing products that are deficient
- Buying unnecessary equipment or supplies
- Discarding equipment or supplies that could be donated or sold

Abuse – Behavior that violates a policy or is deficient or improper when compared with behavior that a prudent person would consider a reasonable and necessary business practice given the facts and circumstances. Examples include

- Ethics and Code of Conduct violations, such as soliciting or receiving gifts from prohibited sources, or acting with a prohibited conflict of interest
- Providing information to a potential bidder that gives the bidder an unfair advantage
- Misuse of authority or position, such as a supervisor or manager asking staff to perform personal errands
- Personal use of District equipment, resources, or information
- Creating unnecessary overtime
- Willful dereliction of duty
- Use of District facilities to perform non-District work

San Francisco Bay Area Rapid Transit District

Whistleblower and Antiretaliation Policy

I. Declaration of Policy

The San Francisco Bay Area Rapid Transit District ("District") is committed to high standards of ethical, moral, and legal professional conduct. The District expects its Directors, Board-Appointed eOfficers (BAOs), and employees, consultants, and contractors to observe high standards of professional and personal ethics in the conduct of their duties and responsibilities. Employees and representatives of the District must practice honesty and integrity in fulfilling their responsibilities and comply with all applicable laws, ~~and~~ regulations, and District policies and procedures.

II. Reporting Responsibility

All Directors, BAOs, employees, consultants, and contractors have a responsibility to safeguard District assets. It is the responsibility of all Directors, officers and employees to report misconduct or misappropriation of District assets in accordance with this Whistleblower and Antiretaliation Policy. Directors, BAOs, and employees must report suspected or known instances of fraud to the Office of the Inspector General. Members of the public are encouraged to report known or suspected misconduct by Directors, BAOs, employees, consultants, and contractors as described below.

III. Misconduct

"Misconduct" is defined in this Whistleblower and Antiretaliation Policy as any activity undertaken by a District Director, BAO officer, employee, or Board member, or a District consultant, or contractor in the performance of their official duties, including activities deemed to be outside the scope of their employment or contractual obligations, that jeopardizes the safety of passengers or District employees, violates a local, state, or federal law or regulation or involves relating to corruption, malfeasance, fraud, bribery, theft or misuse of District property, false claims, fraud, coercion, conversion, gross misconduct or incompetence, or willful omission to perform a duty, or otherwise violates any applicable District Code of Conduct or District policy, or is economically wasteful or inefficient.

This definition of misconduct is not intended to be an exclusive listing of the illegal or improper activity covered by the Whistleblower and Antiretaliation Policy but is intended to serve as a guide to reporting all serious improprieties that impact the integrity and effective operation of the District.

IV. No Retaliation

This Whistleblower and Antiretaliation Policy is intended to encourage and enable employees and others to raise serious concerns within the District before seeking resolution outside the District.

Accordingly, no Director, ~~officer~~BAO, ~~or~~ employee, consultant, contractor, or citizen who, in good faith, reports suspected misconduct under this Whistleblower and Antiretaliation Policy or who cooperates in the investigation of misconduct shall suffer harassment, retaliation, or adverse employment consequence or business opportunity as a result of making such a report or cooperating in an investigation. An employee who retaliates against someone who has reported misconduct in good faith or who has cooperated in the investigation of misconduct is subject to discipline, up to and including termination of employment. Retaliation complaints should be reported to the office that investigated the original complaint.

V. Reporting Misconduct

The District encourages its Directors, ~~officer~~BAOs, ~~and~~ employees, consultants, contractors, and citizens to share their questions, concerns, suggestions, or complaints with someone who can address them properly. ~~In most cases~~For employees, an employee'stheir supervisor is often in the best position to address areas of concern. Consultants, contractors, residents, and other stakeholders, as well as~~However, if an~~ employees who are~~is~~ not comfortable speaking with ~~his or her~~their supervisor or ~~is are~~ not satisfied with the supervisor's response, ~~the employee is~~are encouraged to contact~~report~~ their concern to the District as described below~~Ethics Officer~~. Supervisors, ~~and~~ managers ~~and the District Ethics Officer~~ are required to report alleged violations of law to the District's Chief of Police and General Counsel. The Chief of Police will coordinate as appropriate with the District Attorney who has jurisdiction.

All reports may be made regardless of ancestry, age, color, disability, genetic information, gender, gender identity, gender expression, marital status, medical condition, military or veteran status, national origin, race, religion, sex, and sexual orientation.

Equal Employment Opportunity (EEO), Equity, and Contract Compliance Complaints – The Office of Civil Rights handles complaints regarding equity and equity programs, including EEO, Title VI of the Civil Rights Act of 1964, Environmental Justice, Disadvantaged Business Enterprise (DBE), Small Business (SB), and compliance with state and federal contract and labor requirements. Complaints may be made as follows:

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- Labor compliance complaints may be submitted by calling 510-287-4951.
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~~VIII.~~ Anonymous Allegations

~~This Whistleblower Policy encourages individuals to put their names to allegations of misconduct because appropriate follow-up questions and investigation may not be possible unless the source of the information is identified. Concerns expressed anonymously will be looked into appropriately, but consideration will be given to the seriousness of the issue raised, the credibility of the concern, and the likelihood of confirming the allegation from attributable sources.~~

~~IX.~~ VIII. Handling of Reported Misconduct

The ~~employee's supervisor or other~~ appropriate District representative will acknowledge receipt of the reported misconduct within five business days, unless the report was submitted anonymously. ~~All~~ If the complainant submits information to support that an investigation is warranted, reports will be ~~promptly~~ investigated as promptly as time and resources allow, and appropriate corrective action will be taken if warranted by the investigation. Supervisors and managers may forward misconduct reported directly to them to the Office of Civil Rights, Office of Inspector General, or Independent Police Auditor to conduct the investigation, which ~~The Ethics Officer~~ may employ the services of an independent investigator in cases where the alleged misconduct ~~involves an expenditure or loss to the District in excess of \$250,000.00, or~~ creates a significant exposure ~~to of~~ liability to the District, requires specialized expertise, or in other special circumstances that justify independent investigation.

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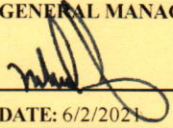
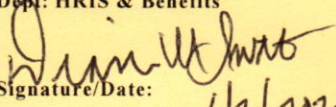
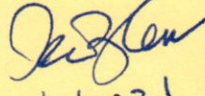
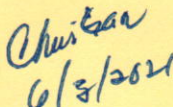
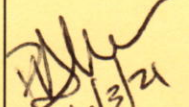
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- Willful dereliction of duty
- Use of District facilities to perform non-District work



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:  6/2/2021		GENERAL MANAGER ACTION REQ'D:		
DATE: 6/2/2021		BOARD INITIATED ITEM: No		
Originator/Prepared by: Diane Iwata Dept: HRIS & Benefits  Signature/Date: 6/2/2021	General Counsel  6/2/2021 []	Controller/Treasurer  6/3/2021 []	District Secretary []	BARC  6/3/21 []

Amendment to Agreement 6M4711, COVID Testing

PURPOSE:

To obtain Board authorization for the General Manager to execute an amendment to Agreement No. 6M4711 with CityHealth Urgent Care to extend the term of the Agreement to June 30, 2022 and increase the funding from \$600,000 to \$1,200,000 for COVID testing services.

DISCUSSION:

The current Agreement, 6M4711, was entered into for the period of July 1, 2020 through June 30, 2021. It is essential that we continue providing COVID testing when needed, especially with the increase in ridership and return of employees back to the District office for the safety of our employees and the public. Therefore, staff is seeking to extend the current contract until June 30, 2022 and to add \$600,000 to the Agreement.

FISCAL IMPACT:

The additional amount for COVID testing is not to exceed \$600,000. Funds are included in the operating budget, Cost Center number 0502420, Account 681300 Professional and Technical Services. This action is not anticipated to have any fiscal impact on unprogrammed District reserves in the current Fiscal year.

ALTERNATIVE:

To not increase funding would limit testing availability and disrupt our ability to promptly test employees who are identified as contacts, which could cause risk to BART employees and

community health and safety.

RECOMMENDATION:

It is recommended that the Board adopt the following motion:

MOTION:

The General Manager is authorized to execute an amendment to Agreement No. 6M4711, with CityHealth Urgent Care for COVID testing services to extend the Agreement date to June 30, 2022, and to increase funding by \$600,000 for a total of \$1,200,000.

EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:		GENERAL MANAGER ACTION REQ'D:			
 DATE: 5/27/2021					
Originator/Prepared by: Shana Dines Dept: Labor Relations Signature/Date: 6/1/21		General Counsel 6/1/21	Controller/Treasurer 6/01/21 []	District Secretary []	BARC 6/1/21 []

Temporary Upgrade Pay Provision for ATU

PURPOSE:

To approve a Memorandum of Understanding (MOU) codifying temporary upgrade pay for employees represented by the Amalgamated Transit Union Local 1555 (ATU) in a form prescribed by California Public Employees' Retirement System (CalPERS).

DISCUSSION:

The District contracts with CalPERS for employee retirement benefits. CalPERS' rules control whether compensation qualifies as reportable to CalPERS for purposes of retirement calculations. For special pay compensation, including temporary upgrade pay, to be reportable for purposes of retirement calculation, CalPERS requires that the eligible special pay provisions be approved by the Board.

To meet the CalPERS reportable compensation requirements, for represented employees, their collective bargaining agreements (CBAs) document their special pay provisions and are ratified by the Board. However, a special pay provision that is an established long-standing past practice may not be codified in the CBA, and consequently does not meet the requirements to be considered "compensation earnable" by CalPERS. Therefore, an administrative action is needed by the Board to document the special pay provision to make it reportable to CalPERS. This is the case with ATU's temporary upgrade pay provision, which is a long-standing past practice, but not codified in the CBA.

An MOU was reached between the District and ATU to clarify the temporary upgrade pay provision in their CBA. An MOU does not require formal ratification by the Board of

Directors and members of the union, because it is only clarifying, and not modifying the CBA. However, in this case, to be able to qualify the ATU temporary upgrade pay as reportable to CalPERS for purposes of retirement calculations, staff requests that the Board approve the attached MOU regarding the temporary upgrade pay provision. There are already temporary upgrade pay provisions in the American Federation of State, County and Municipal Employees Local 3993 (AFSCME) and Service Employees International Union Local 1021 (SEIU) CBAs that qualify as reportable compensation for CalPERS.

The District is proposing an effective date of July 1, 2013, the beginning of their contract term.

FISCAL IMPACT:

There is no fiscal impact. Based on the long-standing past practice and other CBA provisions related to past practices, the temporary upgrade pay provision has already been implemented and is currently being reported to CalPERS.

ALTERNATIVES:

To not approve the attached MOU regarding the temporary upgrade pay provision for documentation purposes for CalPERS. However, failure to do so will result in CalPERS' disqualification of past reported temporary upgrade pay as "compensation earnable" for reporting and determination of District employees' retirement benefits, which will likely negatively impact pension calculations for current BART retirees.

RECOMMENDATION:

Approve the following motion.

MOTION:

The Board approve the attached Memorandum of Understanding (MOU) codifying the temporary upgrade pay for employees represented by Amalgamated Transit Union Local 1555 (ATU) in a form prescribed by California Public Employees' Retirement System (CalPERS) effective on July 1, 2013.

ATU/MOU 21-02

MEMORANDUM OF UNDERSTANDING BETWEEN THE
SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT AND
THE AMALGAMATED TRANSIT UNION LOCAL 1555

RE: TEMPORARY UPGRADE

This Memorandum of Understanding is entered into between the San Francisco Bay Area Rapid Transit District (District) and the Amalgamated Transit Union Local 1555 (ATU) in clarification of the conditions under which an employee covered by the terms of the Collective Bargaining Agreement (CBA) between the parties may be assigned in writing to a temporary upgrade and receive temporary upgrade pay.

Whenever an employee is temporarily assigned to perform duties of a higher classification, the employee shall be paid consistent with the Temporary Instructor's Employee Development Specialist's Pay in Section S21.3, which is the difference between their current step rate and the same pay step of the position they're upgraded into, as specified in the base wage schedule at Section 47.1, while assigned to such duties. No reduction in pay shall occur because of any temporary assignment.

FOR THE DISTRICT



Shana Dines
Director of Labor Relations
Bay Area Rapid Transit District

5/27/2021

Date

FOR THE UNION



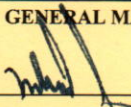
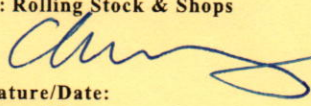
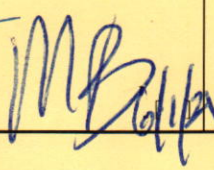
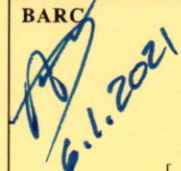
Jesse J. Hunt
President/Business Agent
ATU Local 1555

5/27/2021

Date



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:  6/2/2021		GENERAL MANAGER ACTION REQ'D:		
DATE: 5/7/2021		BOARD INITIATED ITEM: No		
Originator/Prepared by: Charles Franz Dept: Rolling Stock & Shops  Signature/Date: June 1, 2021	General Counsel 	Controller/Treasurer Chris Gae 6/01/2021 []	District Secretary []	BARC  6.1.2021 []

Award of Contract 6M3485 - Wheel Impact Detector

PURPOSE:

To request Board authorization for the General Manager to award Contract No. 6M3485 to Salient Systems, of Dublin, OH, subsidiary of LB Foster Inc, for the fabrication, installation, and commissioning of a wayside wheel impact detector.

DISCUSSION:

In the course of regular operation of railroad equipment, specific defects can materialize on the tread of the wheel that cause damage to the track and the railcar. Such defects can include flat spots among other things; the severity of which can range widely as they impact safety, performance, reliability, and passenger comfort. Currently, the only method of detecting wheel tread defects is during PM (preventative maintenance) inspection or by ear (if they are causing noise or vibration), from train operators, mainline technicians, or patrons. There are two problems this creates: timeliness of defect detection, and accuracy of diagnosis, due to their subjective nature. These problems can be solved by automating the inspection and measurement of these defects with a device such as a wheel impact detector.

A wheel impact detector is a track-mounted instrument widely used in the freight and general railroad system that measures the physical force exerted by each wheel as it passes over for two full revolutions. If there is a defect on the tread, the detector will recognize it as a spike in the force applied to the rail, and make appropriate notifications in real time. This will dramatically increase the frequency and accuracy of defect reporting, allowing staff to detect

potential safety and operational concerns faster. Further, with discreet force measurements of wheel tread defects from the detector, staff can set both statistical and absolute thresholds on how the Operations Control Center (OCC) handles and routes cars with such defects. This will improve overall rail system performance by reducing switching, unnecessary work, and railcar downtime.

This contract procures a single wheel impact detector designed to suit the District's needs, as well as assists in the installation, calibration, commissioning, and includes two years of subsequent calibration and subscription to the vendor's analysis software.

Advance Notice to Bidders was sent to three (3) prospective Bidders on March 16, 2021. The Contract was posted to the District's Procurement Portal on March 17, 2021, and was made available to prospective Bidders to download electronically. The Contract was also advertised in local publications on March 16, 2021. A total of seven (7) prospective Bidders downloaded the Contract through the Procurement Portal. A Pre-Bid meeting was conducted on March 30, 2021, with two (2) firms attending.

One (1) Bid was submitted to the District on May 4, 2021. The Bidder is listed below:

Bidder	Bid Price
Salient Systems, of Dublin, OH, subsidiary of LB Foster Inc.	\$292,020.00

The Technical Qualification Bid was reviewed by a Selection Committee ("Committee") consisting of three members from Rolling Stock and Shops Administration, Engineering, and Procurement. The method of evaluation used was Acceptable Technical Qualification / Lowest Price (Two-Step Procurement). Bids were first reviewed to determine if the Technical Qualifications were responsive to the requirements of the Contract. Subsequently, the Bid was evaluated.

Pursuant to the District's Non-Federal Small Business Program, the Office of Civil Rights set a 5% Small Business Prime Preference for this Contract for Small Businesses certified by the California Department of General Services. The lowest responsive Bidder Salient Systems is not a certified Small Business and, therefore, is not eligible for the 5% Small

Business Prime Preference

Pursuant to the District's Non-Discrimination Program for Subcontracting, the Availability Percentages for this Contract are 5.5% for Minority Business Enterprises (MBEs) and 2.8% for Women Business Enterprises (WBEs). The Bidder Salient Systems will not be subcontracting any portion of the Work and therefore, the provisions of the District's Non-Discrimination Program for Subcontracting do not apply.

Staff has determined that Salient System's Bid total of \$292,020.00 is fair and reasonable, within the project's budget, and less than the Engineer's Estimate of \$300,000.00.

After the review of the Bidder's business experience, references, and financial capabilities, the Bidder was also determined to be responsible.

FISCAL IMPACT:

Funding in the amount of \$292,020 for award of Contract 6M3485 is in the total project budget for the RS&S Tools & Equipment Project Number 79NB001.

The table below lists funding assigned to the referenced project and is included to track funding history against spending authority. Funds needed to meet this request will be expended from the following sources:

Project 79NB001:

Fund	Description	Type	Amount
8534	FY2020 Operating Capital Allocation	Internal	\$511,000
8530	FY16 Operating Capital Allocation	Internal	\$493,000
8531	FY2017 Operating Capital Allocation	Internal	\$490,000
8529	FY 2015 Operating Capital Allocation	Internal	\$1,124,912
8532	FY2018 Operating Capital Allocation	Internal	\$500,000
8533	FY2019 Operating Capital Allocation	Local	\$500,000
Total			\$3,618,912

As of May 27, 2021, \$3,618,912 is the total budget for this project. BART has expended \$2,023,262, committed \$4,651, and reserved \$1,232,000 to date. This action will commit \$292,020, leaving an available fund balance of \$66,979 in this fund source for this project.

The Office of the Controller/Treasurer certifies that funds are currently available to meet this obligation.

This action is not anticipated to have any Fiscal Impact on unprogrammed District reserves.

ALTERNATIVES:

The alternative to awarding this contract would be to reject the bid received and re-advertise the Contract. Staff does not believe this would result in a better price or increased competition.

RECOMMENDATION:

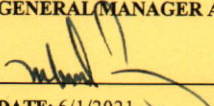
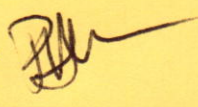
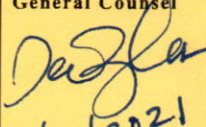
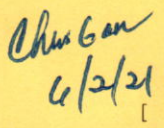
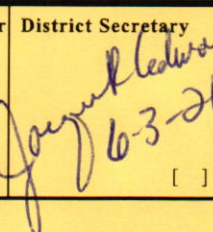

Adopt the following motion.

MOTION:

The General Manager is authorized to award Contract No. 6M3485 to Salient Systems, of Dublin, OH, subsidiary of LB Foster Inc, for a total bid price of \$292,020.00.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:  6/2/2021		GENERAL MANAGER ACTION REQ'D:		
DATE: 6/1/2021		BOARD INITIATED ITEM: Yes		
Originator/Prepared by: Katherine Alagar Dept: Operating Budgets Signature/Date:  6/2/2021 []	General Counsel  6/2/2021 []	Controller/Treasurer  6/2/21 []	District Secretary  6-3-21 []	BARC  6/2/21 []

Annual Budget Resolution for Fiscal Year 2022

PURPOSE:

Authorize adoption of the Annual Budget Resolution for Fiscal Year 2022 (FY22).

DISCUSSION:

Approval by the Board of Directors is required for the FY22 operating and capital budgets. The total proposed FY22 operating and capital budget is \$2.44 billion (B). The FY22 operating budget is balanced, with \$1.02B in uses, and the FY22 capital/reimbursable budget totals \$1.42B.

The proposed FY22 annual budget is summarized in Attachments 1, 2, 3 and Exhibit A. The attachments summarize the budget, including proposed increases for enhanced cleaning and increased service initiatives, restoration of FY21 capital funding, and BART-to-Antioch post warranty vehicle maintenance. In addition, the budget includes savings from the District Retirement Incentive Program (DRIP). Proposed Initiatives and actions were reviewed in the Sources and Uses presentations to the Board of Directors on May 13, 2021, as well as at a public hearing on May 27, 2021.

FY22 Operating Budget

The FY22 Budget faces extraordinary challenges due to the effects of the COVID-19 pandemic, in addition to the continuing challenges created by declining ridership and fare revenue, aging infrastructure, and increased operating expense. The operating budget proposes FY22 expenditures of \$1.02B and funds 3,409.5 positions. The FY22 operating budget includes funding for the Progressive Policing initiative implemented during FY21, as

well as enhanced cleaning, increased service, expense reductions generated by the District Retirement Incentive Program (DRIP), and other changes as described in the March 31, 2021 Preliminary Budget Memo and subsequent presentations to the Board of Directors.

Regular revenues in FY22 revenue budget are \$13.2 million (M) higher than the adopted FY21 budget. The revenue budget projects \$196M of operating revenue, including \$166M of rail passenger revenue. This figure has been adjusted to reflect the District's September fare promotion. Financial assistance is budgeted at \$437M, including \$262M of sales tax, \$54M of property tax, \$35M of VTA Financial Assistance, and \$28M of State Transit Assistance. \$386M of Emergency Funding balances the budget, including Coronavirus Response and Relief Supplemental Appropriations Act (CRRSAA) and anticipated American Rescue Plan (ARP) Assistance.

FY22 Capital & Reimbursable Budget

The capital/reimbursable budget proposes FY22 expenditures of \$1.42B and funds 1,071 positions. The \$105M increase from the Preliminary Budget is due to ongoing refinement and sequencing of multi-year funded capital projects. The FY22 capital/reimbursable budget is 6% lower than the \$1.5B FY21 capital/reimbursable budget.

The largest investments in FY22 include rail car procurement (\$452M), Core Capacity Program (\$247M), and 34.5kV Cable Replacement and Enhancement (\$104M). Attachment 2 categorizes the FY22 expenditures by Capital Improvement Program (CIP). The largest share of investment by CIP is in System Reinvestment, representing \$684M, 48% of the overall FY22 Capital Budget. System Reinvestment includes replacement of rail cars (\$390M), reinvestment in track and structures (\$107M), and reinvestment in traction power (\$95M). The capital budget also includes Service and Capacity Enhancement at \$524M (37%), Earthquake Safety at \$86M (6%), Safety and Security \$39M (3%), System Expansion \$79M (6%), and Reimbursable expenses at \$8M (0.5%).

In November 2016, the passage of Measure RR provided the capital program with a substantial source of support and authorization to issue up to \$3.5B in general obligation bonds to fund certain capital improvements. Measure RR has become more prominent in the mix of federal, regional, and local funds. Measure RR makes up \$512M (36%) of FY22 capital sources. Funding will continue to support investment focusing on traction power, track replacement, structural rehabilitation, station access, and station modernization.

Typically, the ongoing commitment of BART funds is an essential component of the capital program, particularly in delivering major capital projects such as rail car replacement and the Hayward Maintenance Complex. Other capital activities dependent on BART operating allocations are local match for grants, and funding grant-ineligible projects and initiatives, routine but necessary capitalized maintenance projects, emergent safety and security

projects, and equipment and inventory.

In FY21, the operating to capital allocations were reduced from planned levels. The FY22 budget will provide funds and local matching amounts needed to leverage federal capital funding, BART to Antioch post warranty vehicle maintenance needs and a partial restoration of allocations not made in FY21. The result is an investment in state of good repair, vehicle procurement, information technology, and infrastructure.

Most capital revenues are limited in their flexibility and many sources and grants are restricted to certain projects and/or activities as a condition of award. The FY22 capital budget contains contributions of federal funds matched to prior year capital allocations for state of good repair capital investment; additionally, state and local funds, including bridge toll allocations and county transportation sales tax funds, are earmarked for station modernization and grant match. Proceeds from the Earthquake Safety Program general obligation bond are dedicated exclusively to the Earthquake Safety Program. Additionally, there are smaller, defined purpose grants that are limited to specific projects.

FY22 Budget Resolution

Staff recommends approval of the attached Resolution to adopt the FY22 Annual Budget. As in previous years, the FY22 Resolution includes authorizations that allow the General Manager or the General Manager's designee to apply to different bodies for grant funds (including but not limited to Transportation Development Act, State Transit Assistance, Bridge Toll, Federal Emergency Management Agency, and Federal Transit Administration). It also includes authorizations that allow the General Manager or the General Manager's designee to execute agreements which may require payments to regional partner governments and agencies. The Resolution incorporates provisions referring to the SFO Extension and Silicon Valley extension service plans.

For FY22, the Budget Resolution includes language temporarily suspending certain previously-adopted Board policies and resolutions. These include a suspension of a directive in Board Resolution 5208 ("Renewal of Productivity-Adjusted Inflation-Based Fare Increase Program") that funds generated by inflation-based biennial fare increases be dedicated to paying for capital improvements; the District will instead make an allocation for capital improvements comparable to the amount that would have been funded with pre-COVID ridership. Board Resolution 5405 ("New Fare Rates and Charges: Series 3, 2022 – 2026, Productivity-Adjusted Inflation Based Fare Increase Program"), which directs that funds generated by inflation-based annual fare increases be dedicated to enhanced service and a portion of the \$200M local funds match for the District's FTA Capital Investment Grant (CIG) to fund the Transbay Corridor Core Capacity Project, is being temporarily suspended to July 1, 2022 in order to provide fare relief to riders during a period of economic difficulty for many. Board Resolution 5207 ("New Systemwide Paid Parking

Program Modifications and fees”), which directs additional revenue generated as a result of the modifications to the paid parking program only be utilized for station access, station rehabilitation, and station modernization needs, will also be temporarily suspended. Finally, although the BART Low Carbon Fuel Standard (LCFS) Policy adopted July 27, 2017 is being suspended in FY22, a number of targeted sustainability projects are funded through the Operating Budget, allowing that important work to continue in FY22.

The FY22 Budget Resolution language includes the General Manager’s additional permanent position authorization of 100 positions. This provides the flexibility necessary to meet operational needs as well as for other hiring needs.

Exhibit A (attached) of the Budget Resolution summarizes operating and capital budget totals. Exhibit B (attached) reflects current hourly pay rates or base pay ranges, as applicable, and management incentive pay, if any, for non-represented employees.

FISCAL IMPACT:

The proposed FY22 Annual Budget is balanced. It may be revised as conditions and actuals change over the course of the fiscal year.

ALTERNATIVES:

Do not adopt the budget or adopt a budget that differs from what has been presented to the Board of Directors. Rules of the Board of Directors require that the budget be adopted prior to June 30th; adoption of the Budget Resolution by June 30th is required to authorize expenditures in FY22.

RECOMMENDATION:

Adoption of the following motion.

MOTION:

The Board adopts the attached Resolution in the matter of approving the Annual Budget for the San Francisco Bay Area Rapid Transit District and authorizes expenditures for the fiscal year July 1, 2021 to June 30, 2022.

**BEFORE THE BOARD OF DIRECTORS OF THE
SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT**

**In the matter of approving
The Annual Budget for the
San Francisco Bay Area Rapid
Transit District and authorizing
Expenditures for the Fiscal Year
July 1, 2021, to June 30, 2022**

Resolution No. _____

WHEREAS, the Board of Directors of the San Francisco Bay Area Rapid Transit District published notices on May 4, May 7 and May 10, 2021, in newspapers of general circulation in the County of San Francisco, the County of Contra Costa, the County of Alameda, and the County of San Mateo of its intention to adopt an Annual Budget for the Fiscal Year July 1, 2021, to June 30, 2022; and

WHEREAS, the Board of Directors of the San Francisco Bay Area Rapid Transit District desires to adopt an Annual Budget for the Fiscal Year July 1, 2021, to June 30, 2022; and

WHEREAS, the Board of Directors of the San Francisco Bay Area Rapid Transit District is required by Public Utilities Code Section 28767 to determine and create, by resolution, such number and character of positions as are necessary to properly carry out the functions of the District; and

WHEREAS, the Transportation Development Act (TDA), Public Utilities Code §99200, et seq., provides for the disbursement of funds from the Local Transportation Fund of the Counties of Alameda and Contra Costa for use by eligible claimants for the purpose of operating assistance; and

WHEREAS, the State Transit Assistance (STA) fund makes funds available pursuant to Public Utilities Code Section 99313.6 for allocation to eligible applicants to support approved transit projects; and

WHEREAS, as attested to by opinions of the Office of the General Counsel, the San Francisco Bay Area Rapid Transit District is an eligible applicant for Net Toll Revenues and MTC Rail Extension Reserve bridge toll revenues pursuant to Section 30892 of the Streets and Highways Code; and is an eligible claimant for TDA and STA funds pursuant to Public Utilities Code Section 99260; and

WHEREAS, the agreement between the San Francisco Bay Area Rapid Transit District and San Mateo County Transit District, dated April 27, 2007, states that the San Francisco Bay Area Rapid Transit District will provide service on the San Francisco Airport (SFO) extension in a manner consistent with BART's system-wide operating policies; and

WHEREAS, the agreement between the San Francisco Bay Area Rapid Transit District and Santa Clara Valley Transportation Authority, dated May 22, 2020, states that the San Francisco Bay Area Rapid Transit District will provide service on the Silicon Valley Extension in a manner consistent with BART's system-wide operating policies; and

WHEREAS, the Federal Emergency Management Agency (FEMA) or its designee makes reimbursement funds available pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended (42 U.S.C. 5121 et seq.); and

WHEREAS, the Federal Coronavirus Aid, Relief, and Economic Security Act of 2020 (CARES Act), (Pub.L. 116-136) makes emergency funding available to public transportation agencies through the Federal Transit Administration (FTA); and

WHEREAS, the system-wide operating plan for Fiscal Year 2022 was presented to the Board of Directors on May 13, 2021, in a presentation entitled FY22 Budget: Service Plan, Operating & Capital Sources & Uses; and

NOW, THEREFORE, BE IT RESOLVED that the attached Annual Budget (marked Exhibit A and incorporated herein as though set forth at length) is hereby adopted; and

BE IT FURTHER RESOLVED that, subject to the resolved clauses, said Annual Budget includes appropriations of monies expected to be available in the General Fund, Capital Funds including Construction Funds and existing and anticipated Federal, State and local grants, for expenditures in the amounts and for the purposes set forth in said budget; and

BE IT FURTHER RESOLVED that, subject to the resolved clauses, said Annual Budget includes a suspension of previously-adopted Board policies and resolutions for the duration of Fiscal Year 2022, including:

- (1) Board Resolution 5207 ("New Systemwide Paid Parking Program Modifications and Fees") passed February 28, 2013, directed additional revenue generated as a result of the modifications to the paid parking program would only be utilized for station access, station rehabilitation, and station modernization needs.
- (2) Board Resolution 5208 ("Renewal of Productivity-Adjusted Inflation-Based Fare Increase Program") passed February 28, 2013, directed that funds generated by inflation-based annual fare increases be dedicated to paying for capital improvements;
- (3) BART Low Carbon Fuel Standard Policy adopted July 27, 2017;
- (4) Board Resolution 5405 ("New Fare Rates and Charges: Series 3, 2022-2026, Productivity-Adjusted Inflation-Based Fare Increase Program") adopted June 13, 2019;

BE IT FURTHER RESOLVED that, subject to the resolved clauses, said Annual Budget includes funds dedicated to paying for capital improvements in an amount consistent with what would be required by previously-adopted Board Resolution 5208 ("Renewal of Productivity-

Adjusted Inflation-Based Fare Increase Program”) passed February 28, 2013, directing that funds generated by inflation-based annual fare increases be dedicated to paying for capital improvements.

BE IT FURTHER RESOLVED that the General Manager is authorized to enter into services agreements (including professional, technical, maintenance and repair agreements) and lease or license agreements for District use of real property, facilities, equipment and software provided that:

- (1) The General Manager shall first determine that the work or services concerned, in the amounts authorized in a service agreement, cannot satisfactorily be performed by the officers or employees of the District;
- (2) Agreements that are let by public bidding, service, lease, and license agreements, and amendments thereto, between \$25,000 and \$100,000, shall be reported bi-monthly to the Board of Directors;
- (3) Prior authorization by the Board of Directors is required when:
 - a. The agreement, and amendments thereto, total in the aggregate \$100,000 or more in the fiscal year; or
 - b. Amendments total in the aggregate \$100,000 or more in any subsequent fiscal year;
- (4) The General Counsel is authorized to enter into services agreements in amounts up to \$100,000 with special counsel not previously designated by the Board without prior notice to the Board where the General Counsel determines that such immediate action is necessary to protect the legal interests of the District. Any such agreement shall be reported by the General Counsel to the Board within the calendar month thereafter.
- (5) The General Manager’s authority to take immediate remedial measures, as defined in Section 20224 of the California Public Contract Code, and as authorized in Resolution No. 4834 shall remain unchanged; and

BE IT FURTHER RESOLVED that the General Manager is authorized to exchange District goods and services for goods and services from others of approximately equal or greater value; and

BE IT FURTHER RESOLVED that all disbursements resulting from the exercise of authority granted to the General Manager pursuant to this resolution shall be reported to the Board of Directors in the District’s quarterly financial report; and

BE IT FURTHER RESOLVED THAT that the General Manager is authorized to waive minor irregularities in bid documents prior to recommending contract awards to the Board; and

BE IT FURTHER RESOLVED that the General Manager or the General Manager's designee is authorized to execute and file a Bridge Toll Application, a TDA Application and an STA Application along with necessary supporting documents, with the Metropolitan Transportation Commission for allocation of bridge toll revenues, TDA and STA funds in FY22; and

BE IT FURTHER RESOLVED that the General Manager or the General Manager's designee is authorized to execute and file a reimbursement claim with FEMA or its designee for expenses incurred in FY2021 and FY2022; and

BE IT FURTHER RESOLVED that the General Manager or the General Manager's designee is authorized to execute and file an application to the FTA for allocation of Coronavirus Response and Relief Supplemental Appropriations Act (CRRSAA) funding in FY2021 and FY2022; and

BE IT FURTHER RESOLVED that the General Manager or the General Manager's designee is authorized to execute and file an application to the FTA for allocation of American Rescue Plan Act (ARP) funding in FY2022; and

BE IT FURTHER RESOLVED that the San Francisco Bay Area Rapid Transit District's system-wide operating policies shall be generally as set forth in the May 13, 2021, in a presentation entitled FY22 Budget: Service Plan, Operating & Capital Sources & Uses, subject to such adjustments that staff determines necessary to operate the service in the public's interest; and

BE IT FURTHER RESOLVED that the General Manager or the General Manager's designee is authorized to execute agreements with regional transit operators to provide or receive transfer payments, such transfer payments being paid or received by the District to facilitate the coordination of transit service and to furnish incentives for providing of enhanced transfer services between San Francisco Bay Area Rapid Transit District and other operators' operations.

BE IT FURTHER RESOLVED that the General Manager is authorized to make expenditures and incur liabilities against said funds within the limits set forth in said budget and the provisions of this Resolution, and to act on behalf of the District in connection with contracts arising thereunder, by following the procedures provided by law, and by Board of Directors' Resolutions and Board Rules, except that no contractual obligation shall be assumed by the District in excess of its ability to pay, and provided further that all expenditures shall be in conformance with statutory and other restrictions placed on the use of said funds; and

BE IT FURTHER RESOLVED that the General Manager is authorized to exceed Board Appointed Department/Executive Office budgets by more than ten percent (10%) ten (10) days after written notice of this intended action has been mailed to the Board of Directors, provided that the Total Net Operating Expense line item set forth in "Exhibit A" is not exceeded and such action is consistent with Board Rule 5-1.4 and provided further that the General Manager will prepare and send to the Board, a summary of Department budgets within approximately 30 days after the adoption of this budget; and

BE IT FURTHER RESOLVED that the General Manager is authorized to exceed the foregoing ten percent limitation for emergency expenditures which are made in accordance with Resolution No. 4834 and Public Contract Code Section 20224; and

BE IT FURTHER RESOLVED that the General Manager is authorized to act on behalf of the District, and to make expenditures and incur liabilities against all funds of the District as provided for in contracts which have been authorized by the Board of Directors of the District and that the Board's authorizations of such contracts also include the necessary appropriations for such contracts and change orders authorized by Rules approved by the Board, subject, however, to compliance with such specific appropriation resolutions as may be adopted by the Board from time to time; and

BE IT FURTHER RESOLVED that the General Manager or the General Manager's designee is authorized to issue free or discounted promotional rides in FY22 for purposes of building ridership on the system, consistent with ridership development guidelines; and

BE IT FURTHER RESOLVED that effective July 1, 2021:

- (1) The total number of permanent full and permanent part-time positions ("full time equivalent") as of July 1, 2021, budgeted for the District shall be 4,432.575 (a part-time position is counted as 0.625 positions). Additional permanent positions are authorized, as required, not to exceed 100 positions.
- (2) The character and salary ranges of such positions, including officers appointed by the Board pursuant to Public Utilities Code Section 28811 shall be as set forth in the agreements entered into with Service Employees' International Union, Local 1021, Amalgamated Transit Union, Local 1555, American Federation of State and County Municipal Employees, Local 3993, the BART Police Officers Association and the BART Police Managers Association as to the employees represented thereby, and with other Bargaining Units for employees that may later be represented thereby, and for all other employees as set forth in the attached "Exhibit B", incorporated herein as though set forth at length. The employment benefits for non-represented employees shall be administered by the General Manager in accordance with Board Rule 4-1.2.
- (3) The General Manager is authorized to make future adjustments to the Professional/Management Salary Ranges ("Exhibit B") for non-represented employees in accordance with applicable provisions of the Compensation Manual, which reflects the District policy and practice to evaluate such ranges on an annual basis and to establish the mid-points of the pay ranges for positions so that they approximate the 75th percentile of the average of salaries paid for similar jobs in the labor market and to promptly advise the Board of any and all such range adjustments. The General Manager is directed to initiate the annual review by October of each year.
- (4) The District Secretary shall ensure that an amendment to Exhibit B be prepared to reflect any adjustment to the hourly wage rates or professional/management pay

bands as provided above or any adjustment to the Board appointed officers' salaries as a result of merit adjustments or scheduled increases provided in such officers' employment agreements that take effect during the fiscal year. The District Secretary shall attach any such amendment to Exhibit B as an addendum to this resolution.

BE IT FURTHER RESOLVED that the General Manager or the General Manager's designee shall post all grant applications online to the public as they are submitted, except those that if made public would compromise the security of the system.

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EXHIBIT A
SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
ANNUAL BUDGET - FISCAL YEAR 2022

FUND SOURCES

TOTAL

FUND SOURCES FOR NET OPERATING EXPENSE BUDGET,
DEBT SERVICE AND CAPITAL ALLOCATIONS

Operating Revenue	\$	195,655,792
Sales Tax		261,700,000
Property Tax		54,503,923
SFO Ext Financial Assistance		22,607,087
MTA Financial Assistance		35,180,968
MTC Financial Assistance Clipper Start		618,968
Local & Other Assistance		7,366,625
State Transit Assistance		28,394,496
Low Carbon Transit Operations Program		4,368,203
Low Carbon Fuel Standard Program		22,600,750
Subtotal Operating Sources		632,996,813
ARP		57,852,083
CRRSAA Funding		327,812,230
Subtotal – Emergency Assistance		385,664,313
Total Operating Sources		1,018,661,126

FUND SOURCE FOR CAPITAL BUDGET

Capital Funds - Cash Flow FY22	\$	1,419,276,622
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TOTAL ESTIMATED FUND SOURCES **\$ 2,437,937,748**

FUND USES

FUND USES FOR NET OPERATING EXPENSE BUDGET,
DEBT SERVICE AND CAPITAL ALLOCATIONS

Net Labor Expense ⁽¹⁾	\$	649,685,698
Non-Labor Expense		209,881,261
Total Net Operating Expense	\$	859,566,959
Revenue Bond Debt Service		57,167,323
Allocation to Capital - Rehabilitation		56,322,695
Allocation to Capital - Priority Capital		34,000,000
Allocation to Capital - Other		1,604,149
Allocation - Pension		10,000,000
Total Operating Uses	\$	1,018,661,126

FUND USES FOR CAPITAL BUDGET

Capital Funds - Cash Flow FY22	\$	1,419,276,622
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TOTAL ESTIMATED FUND USES **\$ 2,437,937,748**

NET FINANCIAL RESULT (DEFICIT) **-**

⁽¹⁾ Total Authorized Permanent Positions as of 07/01/21 = 4,432.575

EXHIBIT B

**CHARACTER, BASE SALARIES, PAY BANDS, HOURLY WAGE RATES,
AND MANAGEMENT INCENTIVE PAY OF MANAGEMENT AND
NON-REPRESENTED CLASSIFICATIONS**

CHARACTER OF POSITION/PAYROLL CLASSIFICATION TITLE						
HOURLY WAGE RANGE						
CLERICAL & HOURLY	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6
ADMINISTRATIVE TECHNICIAN	\$33.6321	\$35.1113	\$36.4823	\$37.8889	\$39.3322	\$39.8861
PARALEGAL	\$40.1300	\$41.8937	\$43.5270	\$45.2047	\$46.9259	\$47.5801
P/T SURVEY TAKER (SINGLE RATE)	\$38.6050					
ENGINEER INTERN	\$22.5000					

NOTE: The clerical rates are effective 7/1/2020, no rate increase in FY22.

PROFESSIONAL/MANAGEMENT PAY BANDS

PAY BAND	MINIMUM	MIDPOINT	MAXIMUM
15	\$196,636	\$245,795	\$297,904
14	178,760	223,450	270,821
13	162,509	203,136	246,201
12	147,736	184,669	223,819
11	138,071	172,588	209,177
10	129,038	161,297	195,493
9	120,596	150,745	182,703
8	112,707	140,883	170,751
7	105,333	131,667	159,580
6	98,442	123,053	149,140
5	92,002	115,003	139,383
4	85,983	107,479	130,265
3	80,358	100,448	121,743
2	75,101	93,877	113,778
1	69,769	87,735	105,701

NOTE: The professional/ management pay bands were effective 6/30/2019.

MANAGEMENT INCENTIVE PAY (ANNUAL) Amount

Assistant General Manager - Operations	\$4,800
Assistant General Manager - External Affairs	\$4,800
Assistant General Manager - Administration	\$4,800
Assistant General Manager - Technology/CIO	\$4,800
Assistant General Manager - Design & Construction	\$4,800
Assistant General Manager - Performance & Budget	\$4,800
Deputy General Manager	\$4,800
Managing Director - Capitol Corridor	\$4,800
Police Chief	\$4,800
Deputy Police Chief	10%

Due to the unique nature of these jobs as executive management employees reporting directly to the General Manager, these classifications are eligible to receive Management Incentive Pay of \$4,800 annually (26 equal pay period installments of \$184.61).

Due to the unique nature of the job as first level management over Police Lieutenants, the Deputy Police Chief classification is eligible to receive Deputy Police Chief Management Incentive Pay in the amount of 10% of the regular base pay rate.

BOARD APPOINTED OFFICERS' ANNUAL SALARIES

	Base Salaries	Effective
DISTRICT SECRETARY	\$220,307.33	7/1/2020
CONTROLLER-TREASURER	\$279,829.28	7/1/2020
GENERAL COUNSEL	\$309,391.56	7/1/2020
GENERAL MANAGER	\$396,210.03	7/1/2020
INDEPENDENT POLICE AUDITOR	\$210,730.48	7/1/2020
INSPECTOR GENERAL	\$210,968.98	7/1/2020

Note: No rate increases in FY22.

Attachment 1
Fiscal Year 2022 District Operating Budget
Sources and Uses Detail

	FY22 Preliminary Budget*	FY22 Adopted	Delta from Preliminary Budget
Rail Passenger Revenue	\$ 159,125,294	\$ 165,891,578	\$ 6,766,284
ADA Passenger Revenue	482,310	482,310	-
Parking Revenue	9,735,376	9,411,265	(324,111)
Other Operating Revenue	18,740,639	19,870,639	1,130,000
Subtotal - Operating Revenue	188,083,620	195,655,792	7,572,172
Sales Tax Proceeds	261,700,000	261,700,000	-
Property Tax Proceeds	54,503,923	54,503,923	-
SFO Ext Financial Assistance	21,007,087	22,607,087	1,600,000
VTa Financial Assistance	35,715,250	35,180,968	(534,282)
MTC Financial Assistance Clipper Start	575,633	618,968	43,335
Local & Other Assistance	7,366,625	7,366,625	-
State Transit Assistance	28,394,496	28,394,496	-
Low Carbon Transit Operations Program	4,368,203	4,368,203	-
Low Carbon Fuel Standard Program	12,370,750	22,600,750	10,230,000
Subtotal - Financial Assistance	426,001,967	437,341,020	11,339,053
ARP	-	57,852,083	57,852,083
CRRSAA Funding	349,300,000	327,812,230	(21,487,770)
Subtotal - Emergency Assistance	349,300,000	385,664,313	36,364,313
SUBTOTAL - OPERATING SOURCES	963,385,588	1,018,661,126	55,275,538
Labor & Benefits	621,973,377	649,685,698	27,712,321
ADA Paratransit	13,979,000	13,979,000	-
Purchased Transportation	12,363,259	12,363,259	-
Power	39,962,972	48,909,482	8,946,510
Other Non-Labor	118,593,088	134,629,520	16,036,432
Subtotal - Operating Expense	806,871,696	859,566,959	52,695,263
Bond Debt Service	57,167,323	57,167,323	-
Allocation - Capital Rehabilitation	32,489,660	56,322,695	23,833,035
Allocation - Priority Capital Programs	34,000,000	34,000,000	-
Allocation - Other	1,625,718	1,604,149	(21,569)
Allocation - Pension	10,000,000	10,000,000	-
Allocations	78,115,378	101,926,844	23,811,466
Subtotal - Debt Service & Allocations	135,282,701	159,094,167	23,811,466
TOTAL - OPERATING EXPENSE	942,154,397	1,018,661,126	76,506,729
NET RESULT	\$ 21,231,191	\$ -	\$ (21,231,191)
Average Weekday Trips	140,000	142,600	
Rail Farebox Recovery Ratio	20%	19%	
Operating Ratio	23%	23%	

*FY22 Preliminary Budget does not include net cost of Increased Service and Enhanced Cleaning initiatives

Attachment 2

FY22 Capital & Reimbursable Budget Headcount and Planned Expenditures Program Summary by Category

Program Category	FY22 Headcount*	FY22 Planned Expenditures
System Reinvestment		
Mainline	286.2	\$ 215,207,512
Rolling Stock	57.5	\$ 389,859,615
Stations	56.9	\$ 33,954,105
Controls & Communications	45.9	\$ 22,404,285
Facilities	24.1	\$ 22,130,873
Work Equipment	0.3	\$ 125,229
Total System Reinvestment	471.0	\$ 683,681,620
Service & Capacity Enhancement		
Mainline	109.3	\$ 110,170,841
Rolling Stock	10.9	\$ 97,067,919
Stations	62.8	\$ 67,122,059
Controls & Communications	92.7	\$ 134,193,664
Facilities	47.7	\$ 114,134,613
Work Equipment	0.3	\$ 868,832
Total Service and Capacity Enhancement	323.7	\$ 523,557,928
Safety & Security	44.8	\$ 38,746,165
Earthquake Safety	89.0	\$ 86,443,362
System Expansion	55.1	\$ 79,018,906
SUBTOTAL CAPITAL	983.6	1,411,447,981.1
Capitol Corridor**	20.0	\$ 4,621,169
Reimbursable***	19.5	\$ 3,207,472
SUBTOTAL REIMBURSABLE	39.5	\$ 7,828,641
Cost Allocation Plan	48.0	
TOTAL CAPITAL & REIMBURSEABLE	1,071.1	\$ 1,419,276,622

* Total authorized permanent positions.

** All expenses for the Capitol Corridor service to be reimbursed as allocated to the Capital corridor Joint Powers Board in the Annual State Budget Act.

*** Positions fully reimbursed by Muni, Caltrans, and others for BART staff expenses incurred in performing services for the organizations.

Attachment 3

FY22 Operating and Capital Budget Initiatives/Changes (General Fund)

OPERATING		FTEs	Labor	Non-Labor	Total
Quality of Life	Homelessness - additional QOL investment		\$ -	\$ 853,916	\$ 853,916
	Progressive Policing Unit (net add)	15.0	1,454,355	258,326	1,712,681
Initiatives	Enhanced Cleaning	97.2	8,950,765	334,021	9,284,786
	Increased Service	53.0	39,949,492	-	39,949,492
Modernization, Efficiency and Financial Stability	BART to Antioch DMU overhaul maintenance			8,565,690	8,565,690
	Technology upgrades			3,000,000	3,000,000
	Paratransit modernization			2,000,000	2,000,000
	Targeted Sustainability Work			1,400,000	1,400,000
	Tasers and Body Cams			3,500,000	3,500,000
	Utilities increase			1,646,943	1,646,943
	BPD Non Labor			1,100,000	1,100,000
	BPD Training			400,000	400,000
Compliance	Fire & Life Safety			350,000	350,000
Reductions	DRIP Operating FTEs	(112.4)	(16,241,499)	-	(16,241,499)
	COVID Labor/NL		(23,463,876)	(20,316,386)	(43,780,262)
	Rent (LKS rent)			(12,061,615)	(12,061,615)
	Credit Card/Clipper Fees			(7,313,591)	(7,313,591)
	Election Costs			(2,755,000)	(2,755,000)
Debt	Debt Service increase			9,760,126	9,760,126
Service/Allocations	Other Allocations - Pension			10,000,000	10,000,000
Other Expenses	Labor/Benefits/Non Labor		14,688,787	2,413,467	17,102,254
OPERATING TOTAL		52.9	25,338,024	3,135,897	28,473,921
CAPITAL					Total
Initiative	BART to Antioch DMU overhaul			7,150,000	7,150,000
	Restored FY21 Baseline Capital Projects			15,000,000	15,000,000
	Other Baseline capital projects			19,184,170	19,184,170
	Priority Capital			34,000,000	34,000,000
CAPITAL TOTAL				75,334,170	75,334,170
Total Change			\$ 25,338,024	\$78,470,067	\$ 103,808,091



FY22 Budget Adoption

June 10, 2021

FY22 Operating Budget: Executive Summary

In FY22, BART will **restore service** and use federal funding to **support the region's economic recovery**

The FY22 Operating Budget makes investments in:

- More frequent **service**, including weekends, and longer service hours
- Less crowding
- Increased employee presence throughout the system to promote **safety and security**
- **Cleaner** trains and stations
- Reducing long-term expenses and liabilities via **increased allocations**

BART continues to face significant medium- and long-term operating and capital challenges

September ridership promotion (50% all Clipper fares) to bring riders back



Let's Go... September

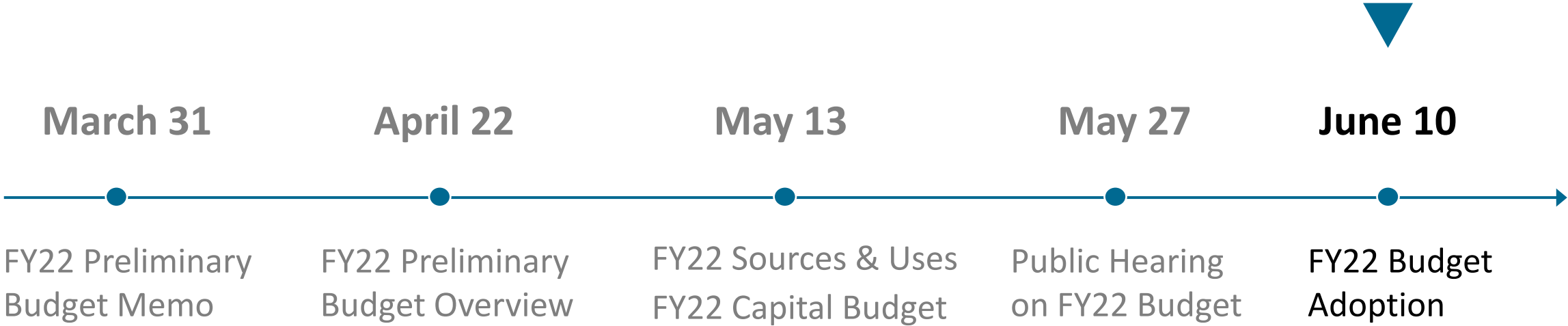
Service Increase & Fare Promotion

- Longer hours and more trains
- Cleaner trains and stations
- More safety staff on trains
- *50% off all Clipper fares Sept. 1 - 30*

FY22 Operating Budget: Income Statement

Sources (\$M)	FY21 Adopted	FY22	Change	
			\$	%
Rail Passenger Revenue	148	166	18	12%
Parking Revenue	10	9	-1	-10%
Other Operating Revenue	24	20	-4	-17%
Sales Tax Proceeds	239	262	23	10%
Other Financial Assistance	182	176	-6	-3%
Subtotal - Regular Revenues	604	633	30	5%
Federal Assistance (CARES + CRRSAA)	251	328	77	31%
FEMA Reimbursement	20	0	-20	-100%
Deferred Allocation (FY20 Railcars)	40	0	-40	-100%
American Recovery Plan (ARP)	0	58	58	-
Subtotal - Emergency Assistance	311	386	75	24%
TOTAL - OPERATING SOURCES	915	1,019	104	11%
Uses (\$M)				
Labor & Benefits	624	650	26	4%
Power	48	49	1	2%
Other Non-Labor	179	161	-18	-10%
Bond Debt Service	47	57	10	21%
Allocations	17	102	85	500%
TOTAL – OPERATING USES	915	1,019	104	11%
NET RESULT	0	0		

Timeline





Discussion

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

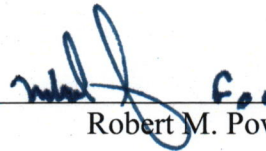
MEMORANDUM

TO: Board of Directors
FROM: General Manager
SUBJECT: Fare Gate Update

DATE: June 4, 2021

Attached is the "Fare Gate Update" presentation that will be presented at the June 10, 2021 meeting as an information item.

If you have any questions about the document, please contact Tamar Allen, Assistant General Manager, Operations at (510) 464-7513.



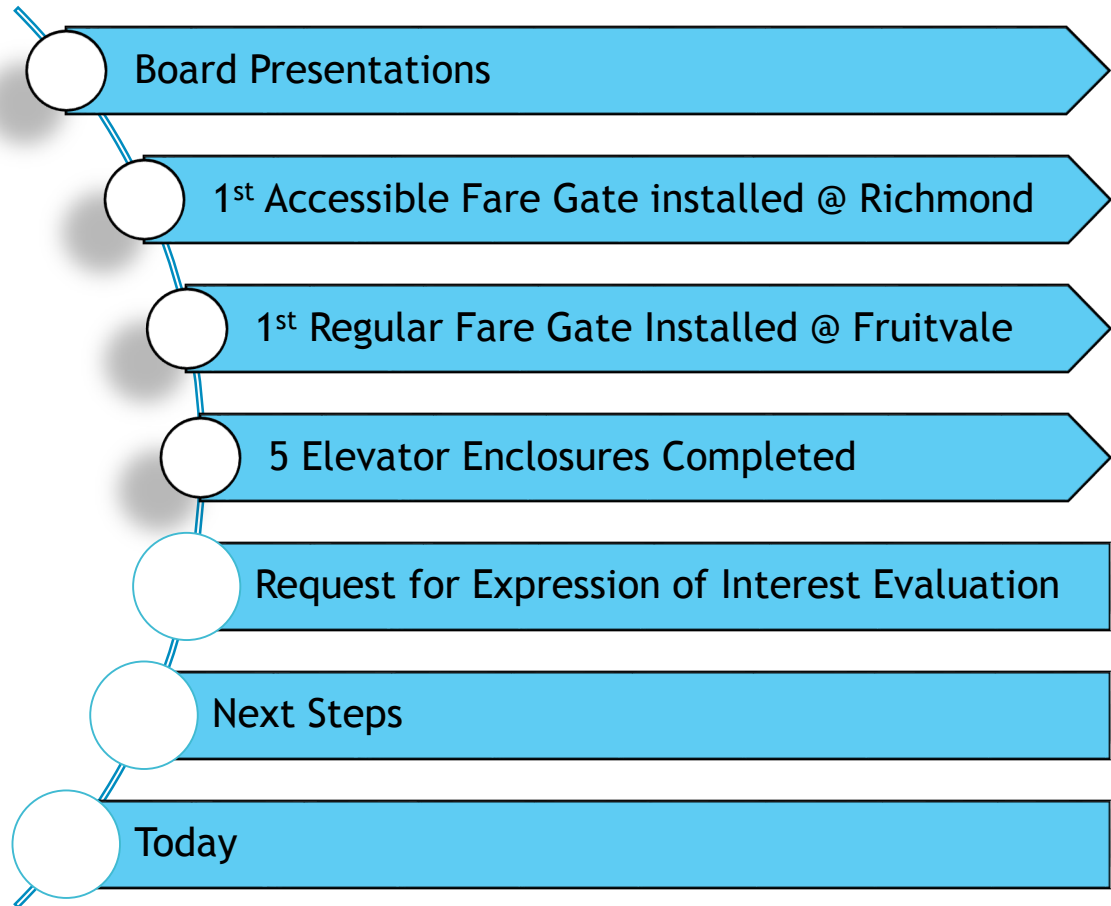
Robert M. Powers

cc: Board Appointed Officers
Deputy General Manager
Executive Staff

Next Generation Fare Gates Update



We're Back

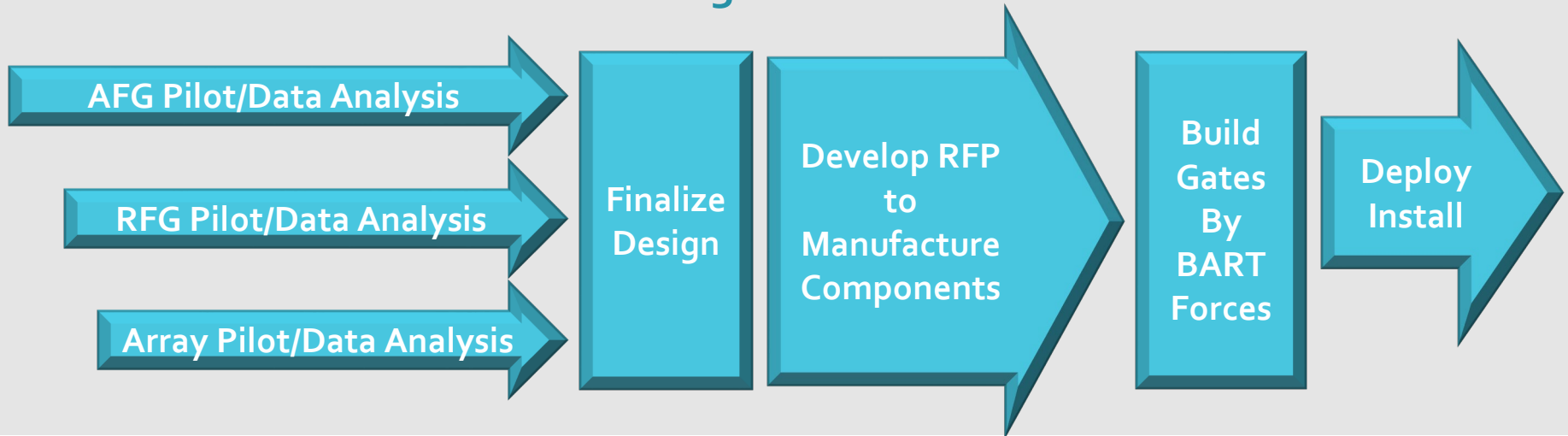


Today

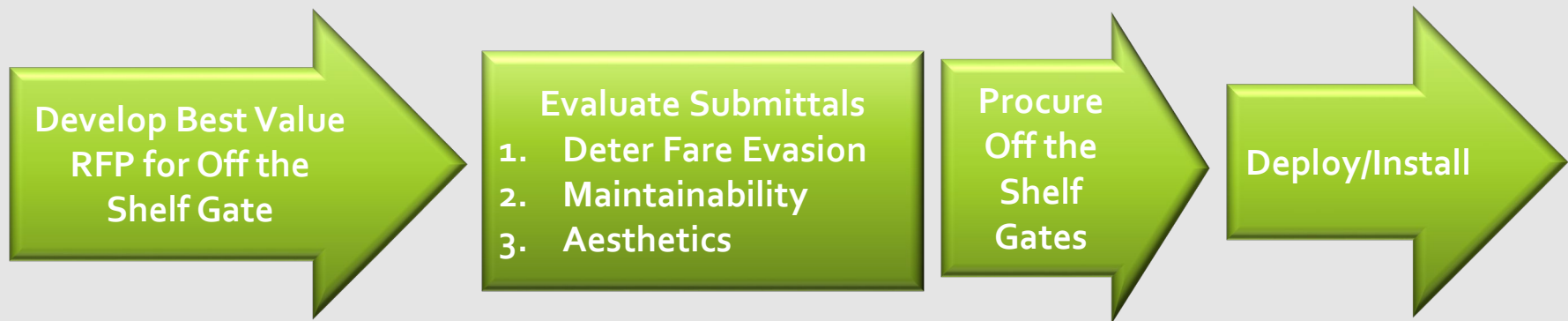


- On Schedule
- On Budget
- Secured Funding on Target
- Enhancements to original Design
- Evaluated the Request for Expression of Interest (RFEI) Responses
- Adopted the Hybrid Approach
 - BART Design +
 - RFP for Manufacturing +
 - RFP for Vendor of Off the Shelf Gates
 - *All Gates Installed by BART Forces*

BART Designed Gate Path



Vendor Supplied Off the Shelf Gate Path








Hybrid Approach – Parallel Paths

BART Designed Gate Update

Fare Gate Project Goals

- Deter Fare Evasion
- Reduce Maintenance Costs
- Aesthetics

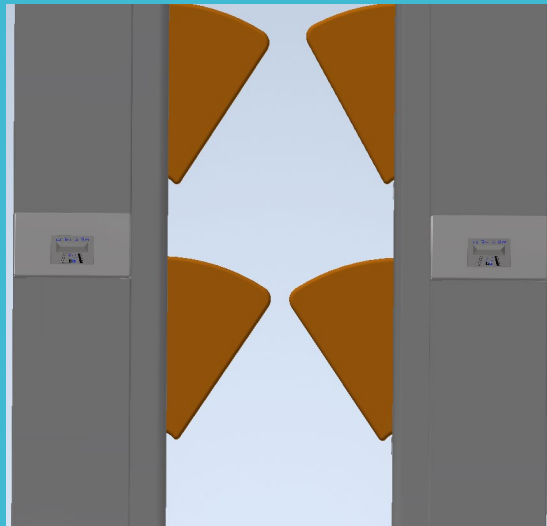
1	2	3	4	5
JUMP OVER	CRAWL UNDER	CLIMB OVER	FORCE THROUGH	TAIL GATING/ PIGGY BACKING
				

Prior Efforts

Existing Gates - Air Cinch Modification

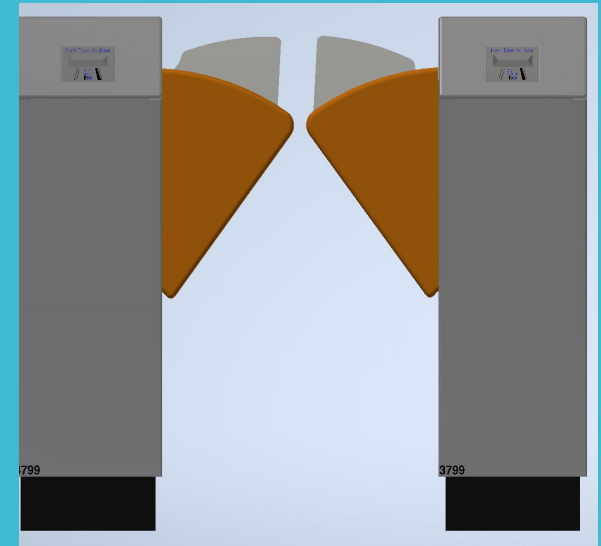
- Once Gate Closes - 80 lbs. of Pressure Applied the Leaf
- 29 Stations Converted

Double Decker

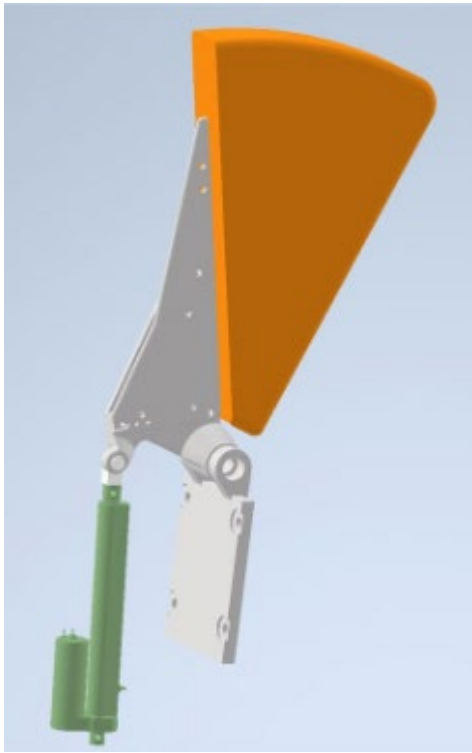


Regular Fare Gates Richmond

Pop-Up Barrier



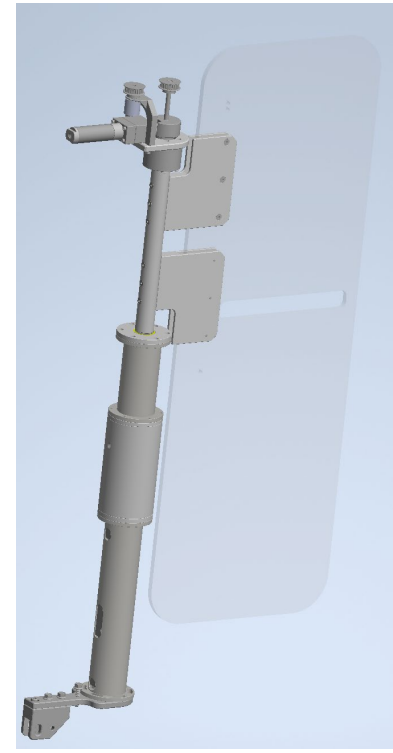
Removed from the Field



Electric Actuator Assembly



New Gate - Richmond



Pneumatic Swing Gate Assembly

Swing Barrier Accessible Gate v 1.0

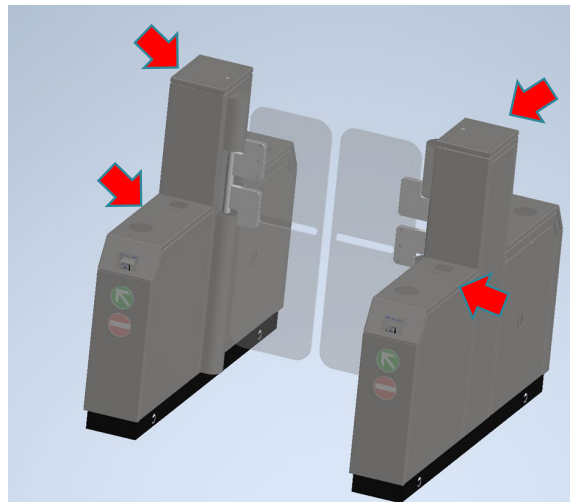
Swing Barrier V 1.0

Benefits:

- Favorable Customer Response
- Reduced Maintenance

Challenges Post Implementation:

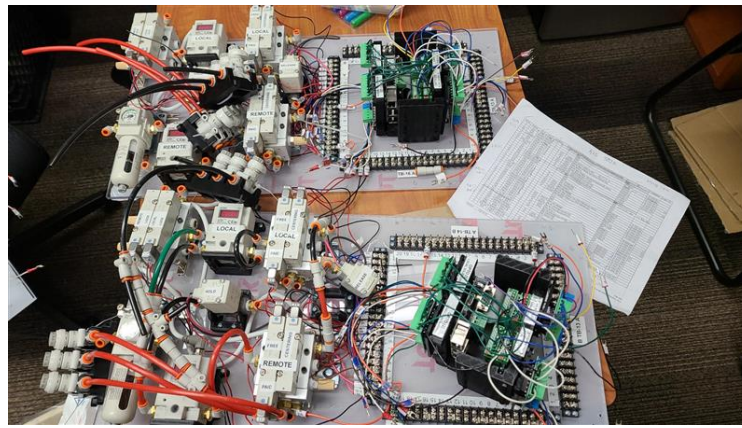
- Leaf Alignment
- Wear of Bolt Lock
- Flat Surfaces still easy to use for Climbing



Swing Barrier Enhancements Post Field Test

Electrical Innovations

Off-The-Shelf Fare Gate Controller Board - Pneumatic Control Assembly



*Prototype -
Fare Gate Controller*



New Fare Gate Controller

Benefits:

- Reduced Implementation Costs
- Reduced Maintenance Costs
- Easy to Troubleshoot for Maintenance

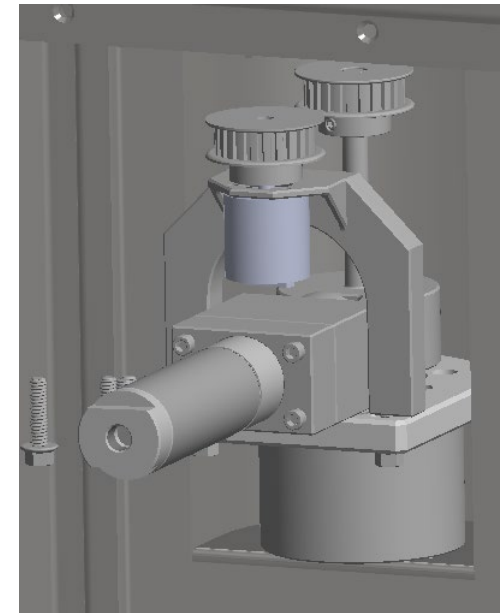
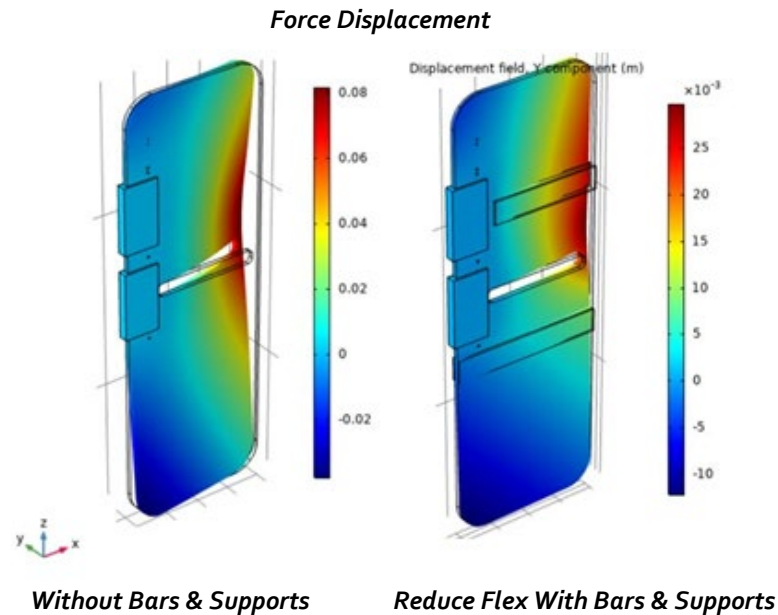
Mechanical Innovation

Design Improvements:

- Improved Bolt Mechanism
- Steel Alloy Bolt
- Leaf Hardening – Aluminum Bars & Supports
- Reduce Crawl Space under Leaves to 8"

Benefits:

- Reduced Wear on Parts
- Reduced Maintenance Tickets



Bolt

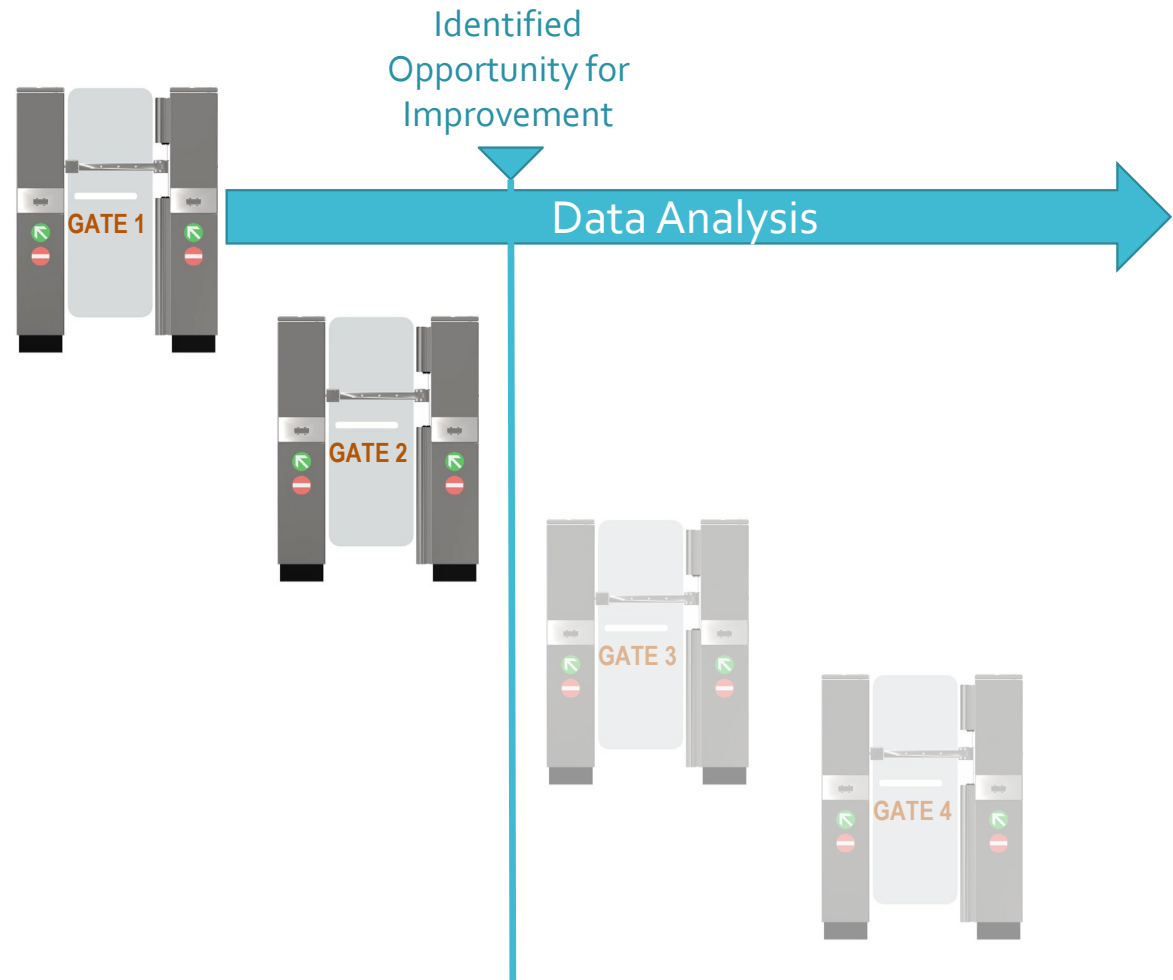
Software Improvements Smart Gate

Benefits:

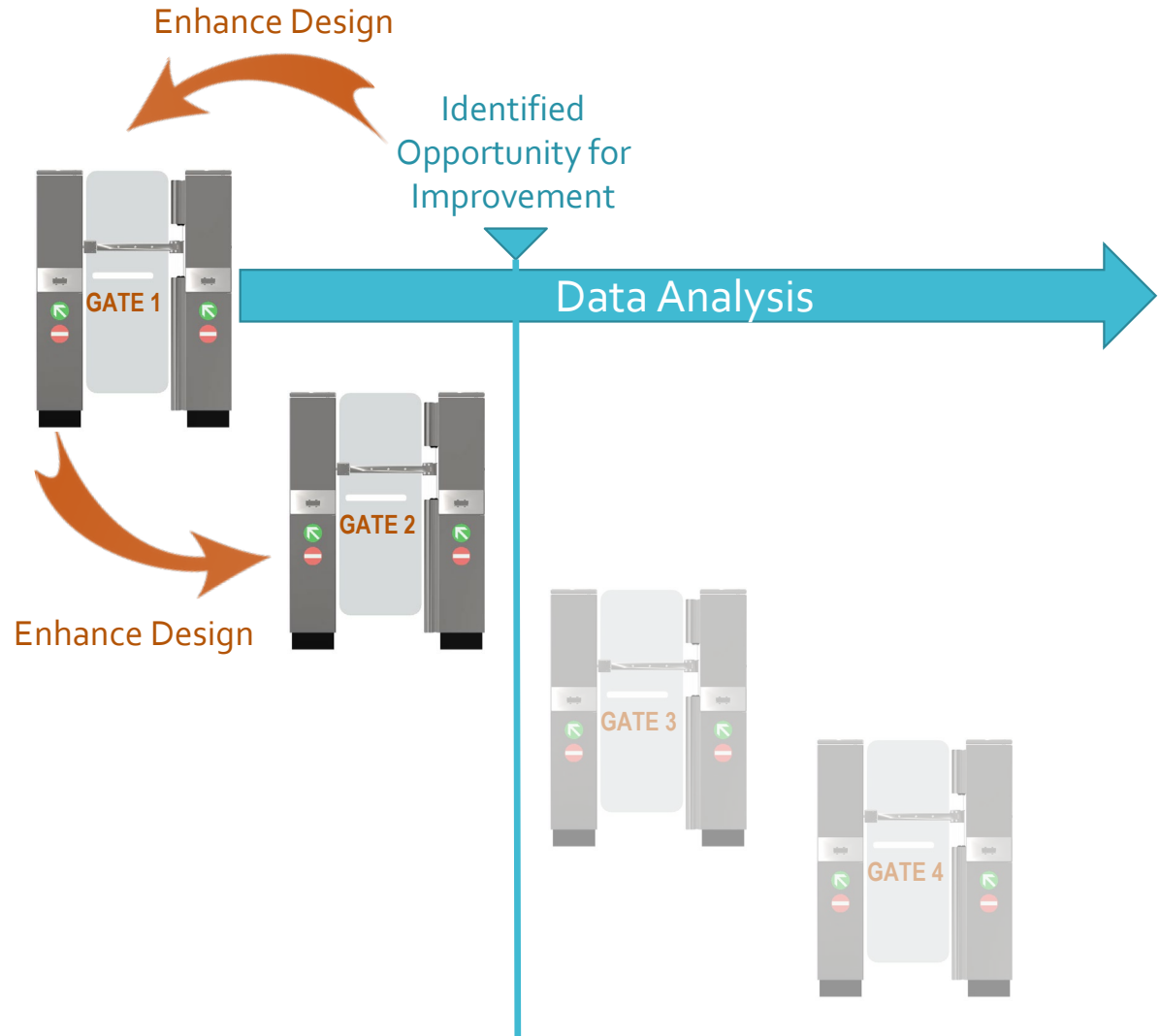
- Leaves Respond to Customer Interaction
- Softer Landing when Opening
- Reduced Wear on Parts
- Automated Barrier Speed Adjustments to reduce Maintenance tuning requirements



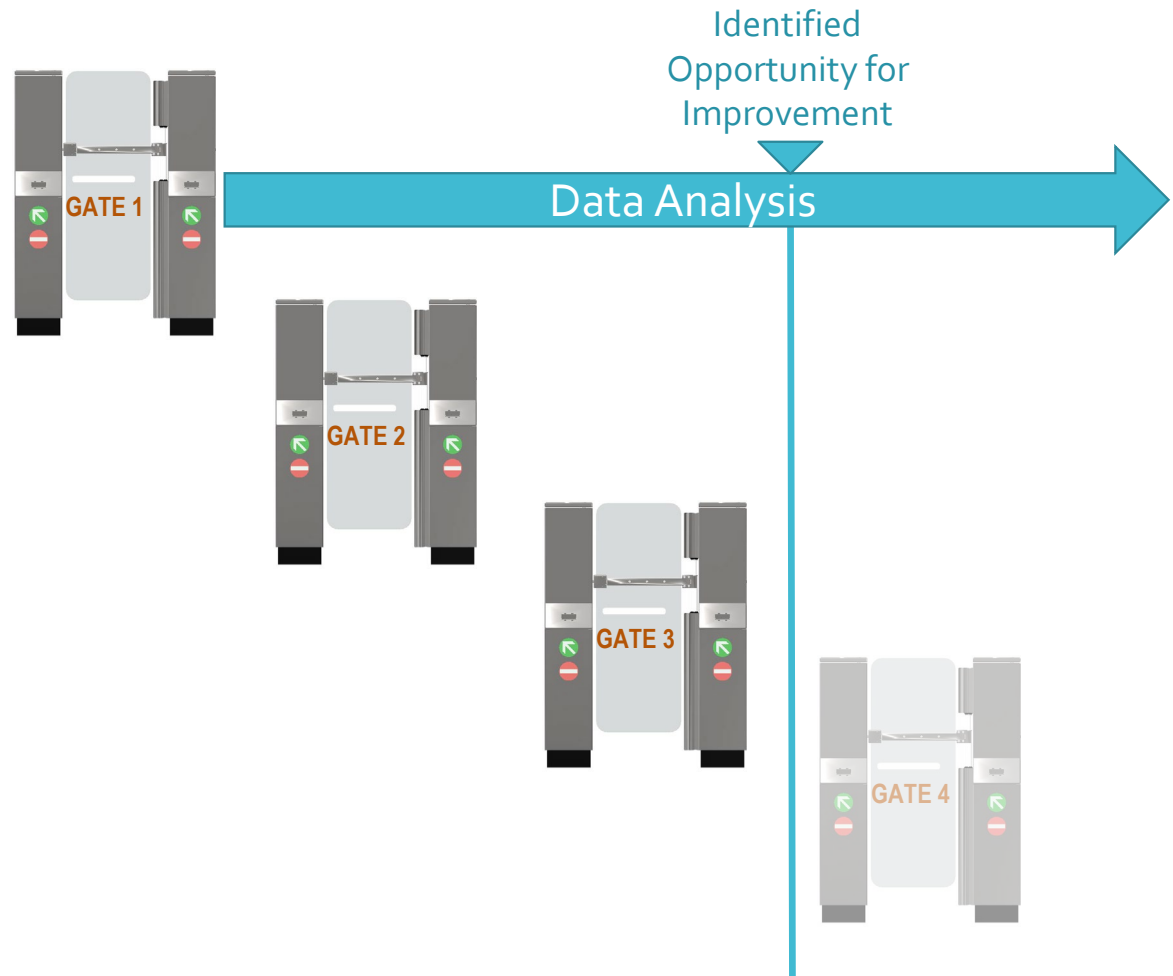
Design Iterations and Enhancements



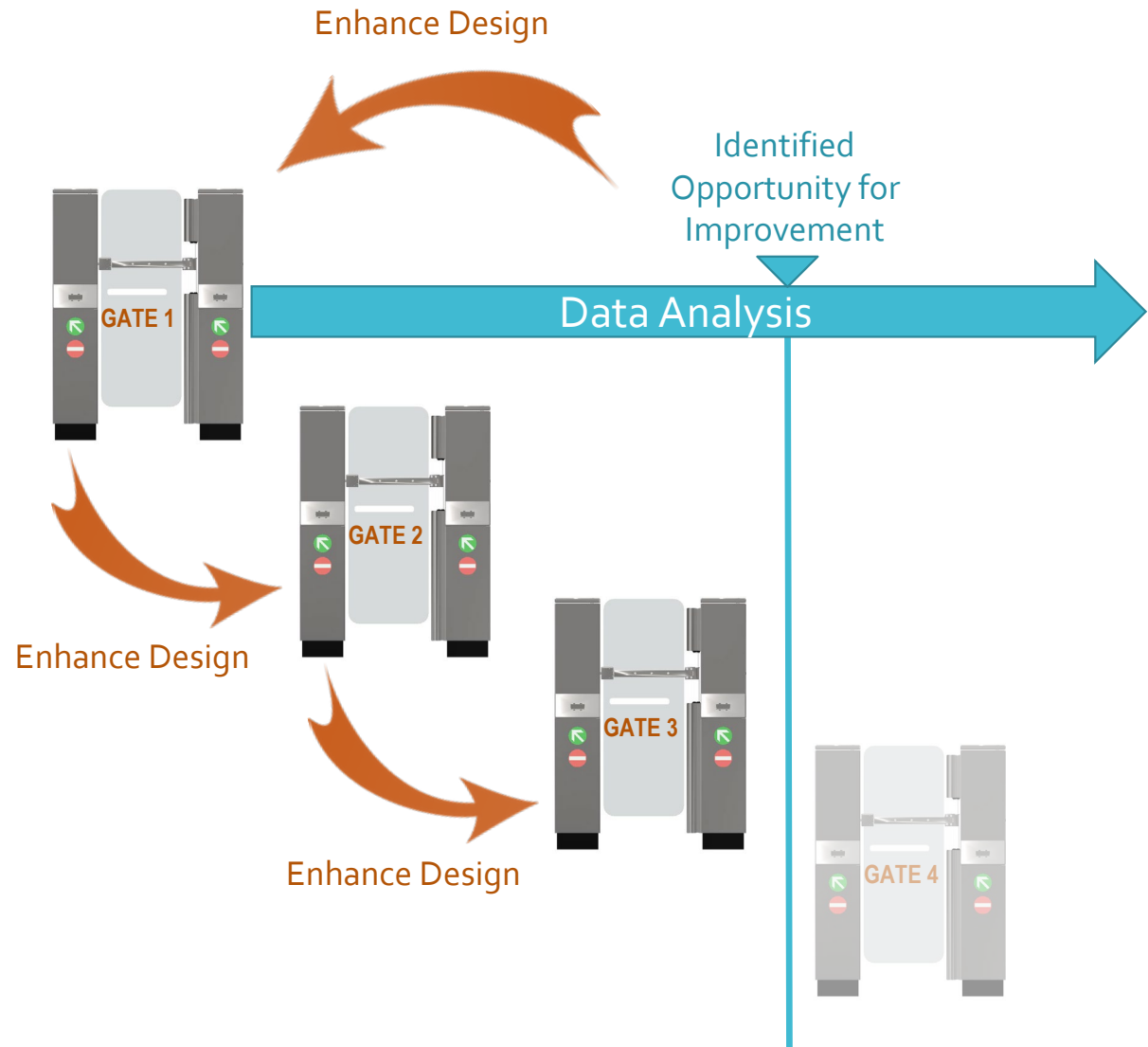
Design Iterations and Enhancements



Design Iterations and Enhancements



Design Iterations and Enhancements

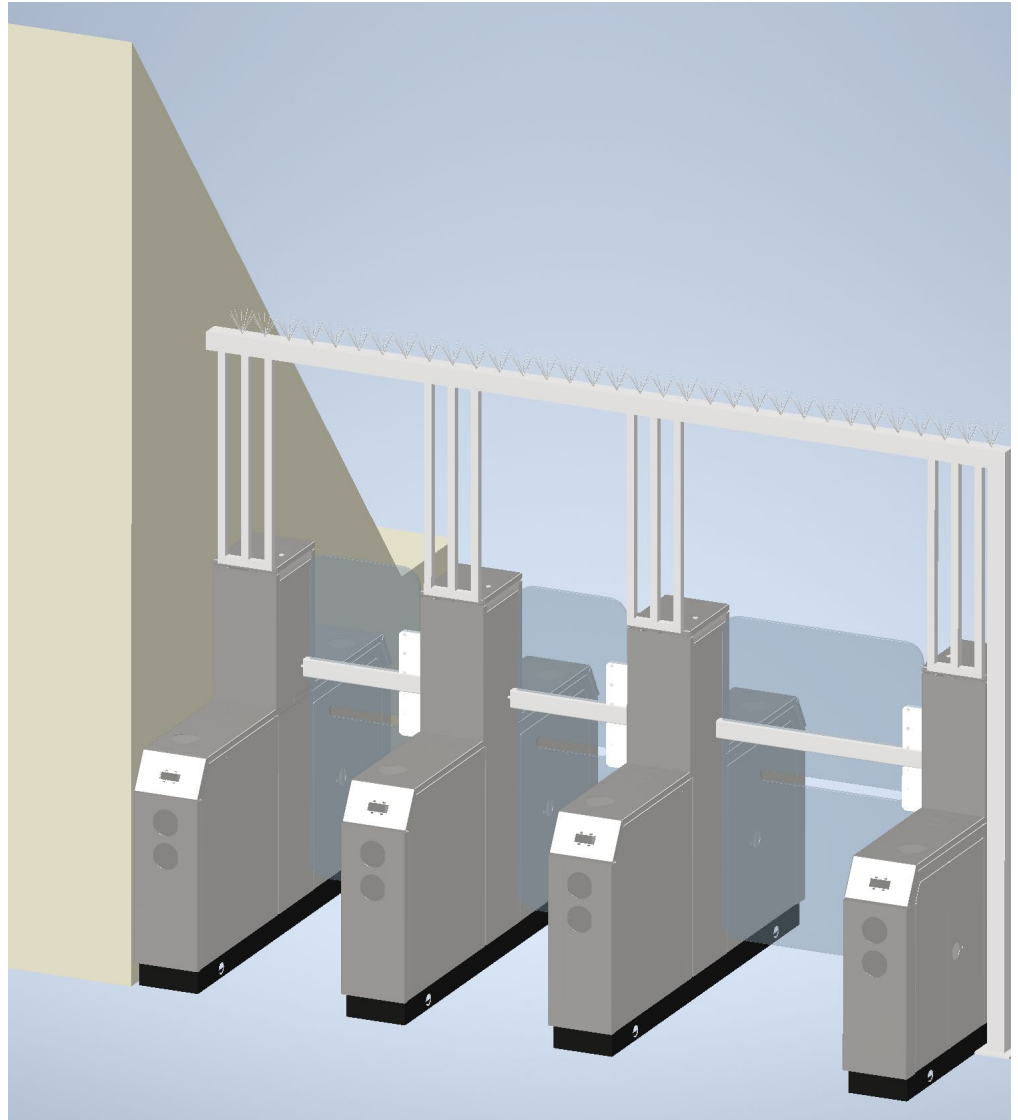


Upcoming Swing Barrier Enhancements

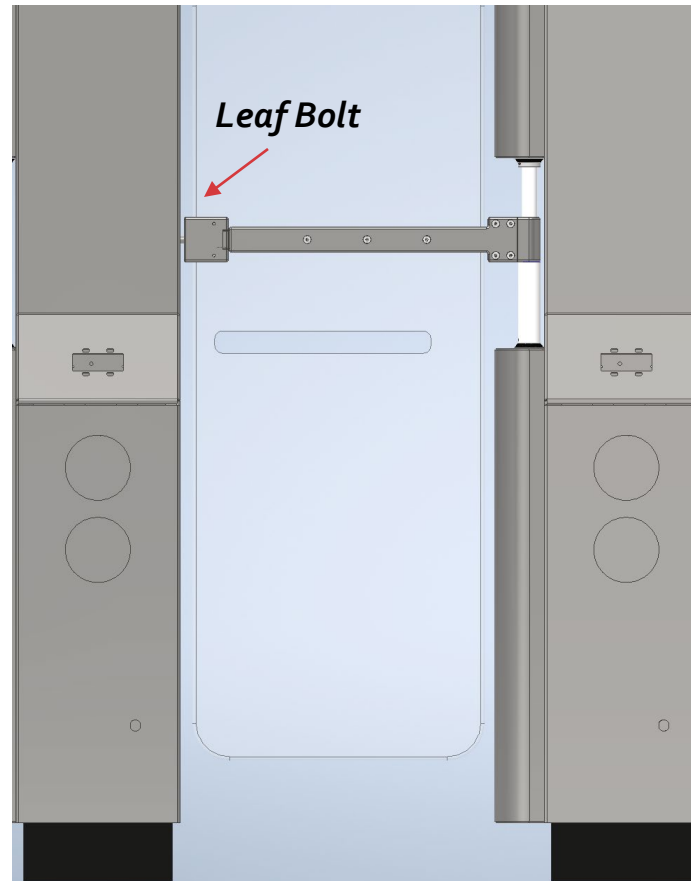
Rockridge Single Leaf Array

Aug '21

- Swing Barrier Design v 2.0
- No Magnetic Stripe Ticket
- Overhead Barrier



Single Barrier - Leaf Locking



Benefits:

- Will Prevent all Leaf Force Through
- Decreased Maintenance Costs

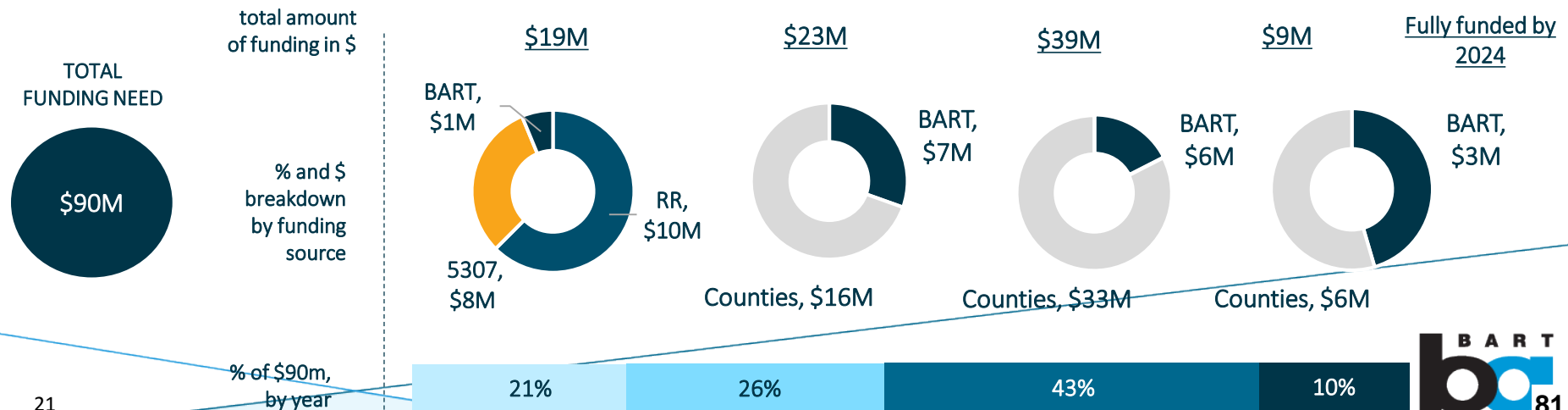
Funding

Project and Funding Needs Timeline – Dec '20

PROJECT TIMELINE



FUNDING TIMELINE



Target Funding Plan

Next Generation Fare Gates Systemwide = \$90M

County/Segment	Total # of Fare Gates	% of Total	Total Cost (\$M)	Estimated County Contribution (\$M)	Estimated BART Contribution (\$M)
Alameda (excl. 580 Corr.)	243	34%	\$ 30.6	\$ 15.3	\$ 15.3
580 Corridor	34	5%	4.3	4.3	-
Contra Costa	117	16%	14.7	7.4	7.4
San Francisco (incl. SFO)	199	28%	25.0	12.5	12.5
San Mateo (excl. SFO)	82	11%	10.3	10.3	-
Santa Clara	40	6%	5.0	5.0	-
Total	715		\$ 90.0	\$ 54.8	\$ 35.2

Secured Funding – \$40.66 million

BART

Source	Amount (\$M)	Notes
FTA Section 5307/5337 (New funding)	7.00	MTC - administered TCP Program
FTA Section 5307/5337 (Prior Year)	11.00	Part of overall M&E Project Reprioritization Process
Measure RR	10.00	Access Program Funds
Capital Allocations/Other Grants	7.18	Future Year Funds
Total	35.18	

County

Source	Amount (\$M)	Notes
Subregional Transportation Mitigation Program (STMP)	0.45	WCCTAC Administered Program
Santa Clara VTA	5.03	O&M Agreement
Total	5.48	

- Ahead of schedule – previously forecast to secure \$19M in FY21
- M&E reprioritizing, shifting funds from deferred capital projects
- Awarded \$750K WCCTAC STMP grant (including \$450K for NGFG)
- VTA's contribution covered under SVRT O&M Agreement

Pending Funding – \$41.2M

Pending - Notice of Award/Approval Pending

Source	Amount (\$M)	Notes
Affordable Housing and Sustainable Communities	6.20	Sub-applicant of 6 affordable housing projects
FY22 Appropriations Bill	5.00	Member Request Senator Feinstein
FY22 State Budget Bill	30.00	Budget Request State Senator Skinner
Total	41.20	

- Submitted NGFG for additional funding opportunities, including:
 - Requested >\$6M in AHSC funding across six applications (pending - award notification expected in October 2021)
 - Submitted \$5M request to Senator Feinstein to be included as a Member Project (earmark) in FY22 Appropriations bill (pending)
 - Submitted \$30M request to State Senator Skinner to be included as a budget request in FY22 State Budget bill (pending)
- Will continue to pursue funding opportunities as they arise

Planned & Identified Sources – \$52.48M

BART District Counties

Source	Notes
Alameda County	
Measure BB	Subject to ACTC Approval
RM2	Forecast savings from WSX; subject to MTC Approval
Measure B	Forecast savings from WSX; subject to ACTC Approval
Total - Alameda County	\$19.57 million
Contra Costa County	
State Transportation Improvement Program	Subject to support by RTPCs, CCTA, MTC; and CTC Approval
Measure J	Station Modernization; subject to CCTA Approval
Future Sales Tax Measure	Reauthorization of Measure J, timing TBD
Total - Contra Costa County	\$6.91 million
San Francisco County	
Proposition K	Subject to voter approval of Prop K Reauthorization and SFCTA Approval
Total - San Francisco County	\$12.52 million
Total - Three BART District Counties	\$39.01

Non-BART District Counties

Source	Amount (\$M)	Notes
San Mateo County - Measure W	10.32	First Call for Project in FY22; extremely competitive Program
SFO Airport Funds	3.15	Potential to leverage SFO Funds
Total Non-BART District Counties	\$13.47 million	

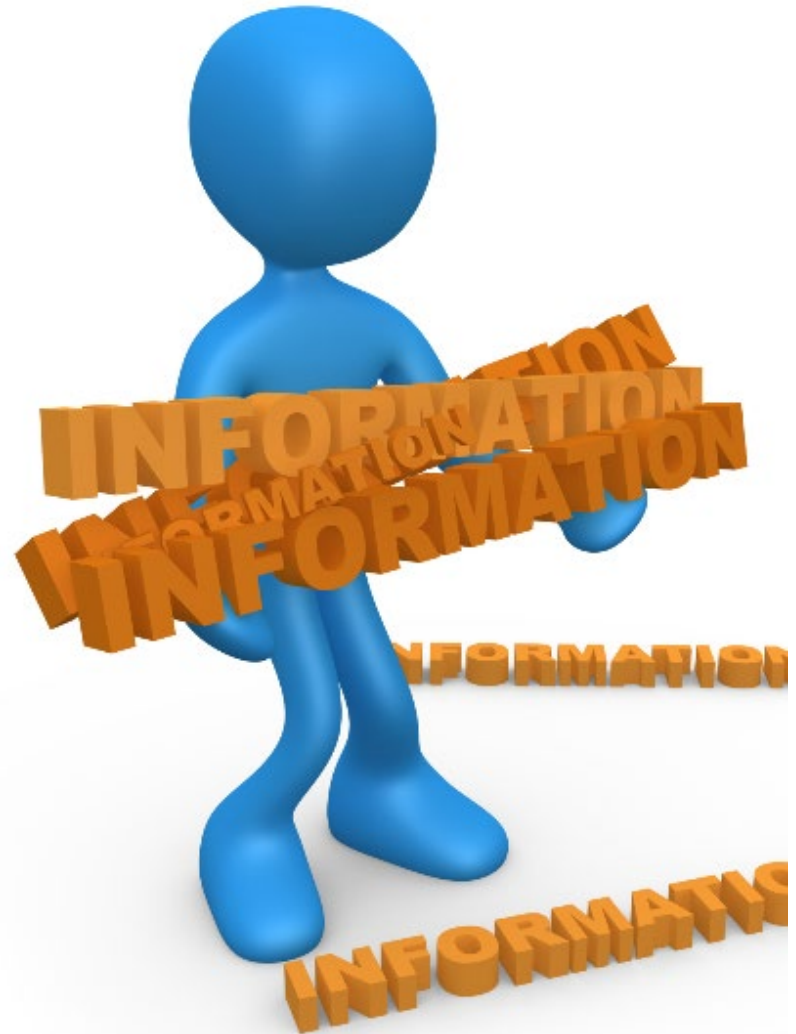
- In active discussions with three BART county CTAs regarding balance of funding for county share

Request for Expression of Interest (RFEI) Updates

Next Gen Fare Gates RFEI

Obtain Feedback and Input on
Industry Fare Gate Solutions

- Designs
- Fare Evasion Solutions
- Fare Gate Dimensions
- Implementation Approaches



RFEI Responses Received

GUNNEBO®

CONDUENT



SCHEIDT&BACHMANN



Results

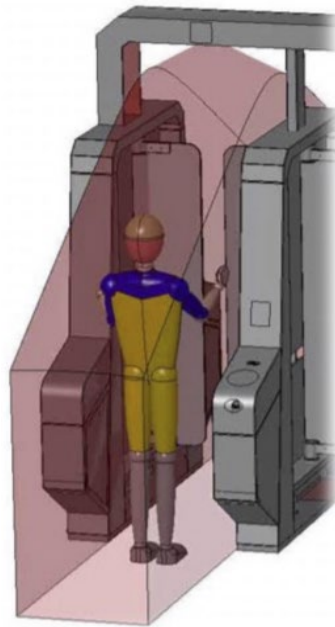
- No Off the Shelf Pneumatic Options
- Varying Lead Times
- Fit Options Included:
 - Three Options had Slimmer Consoles
 - Overhead Gantry for Cabling
 - Customized Baseplates Over Existing Footprint
 - 2 Options had Wider Than Bart's Standard
- Maintenance / Fare Deterrence Data Pending



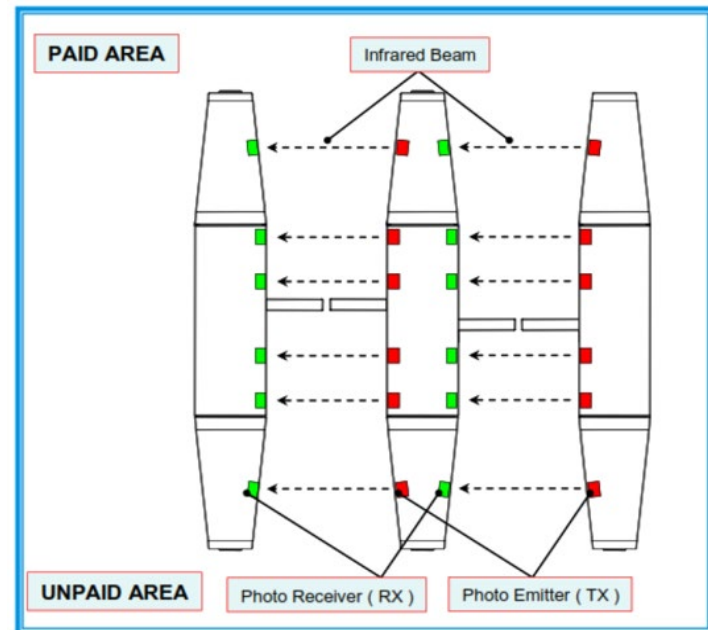
Innovation in Fare Evasion Prevention



- 3-D overhead sensors detection
- Hidden photocells tracking passenger movement
- Real-time reporting and trend analysis
- Communication with control center and ability to trigger alarms



Conduent



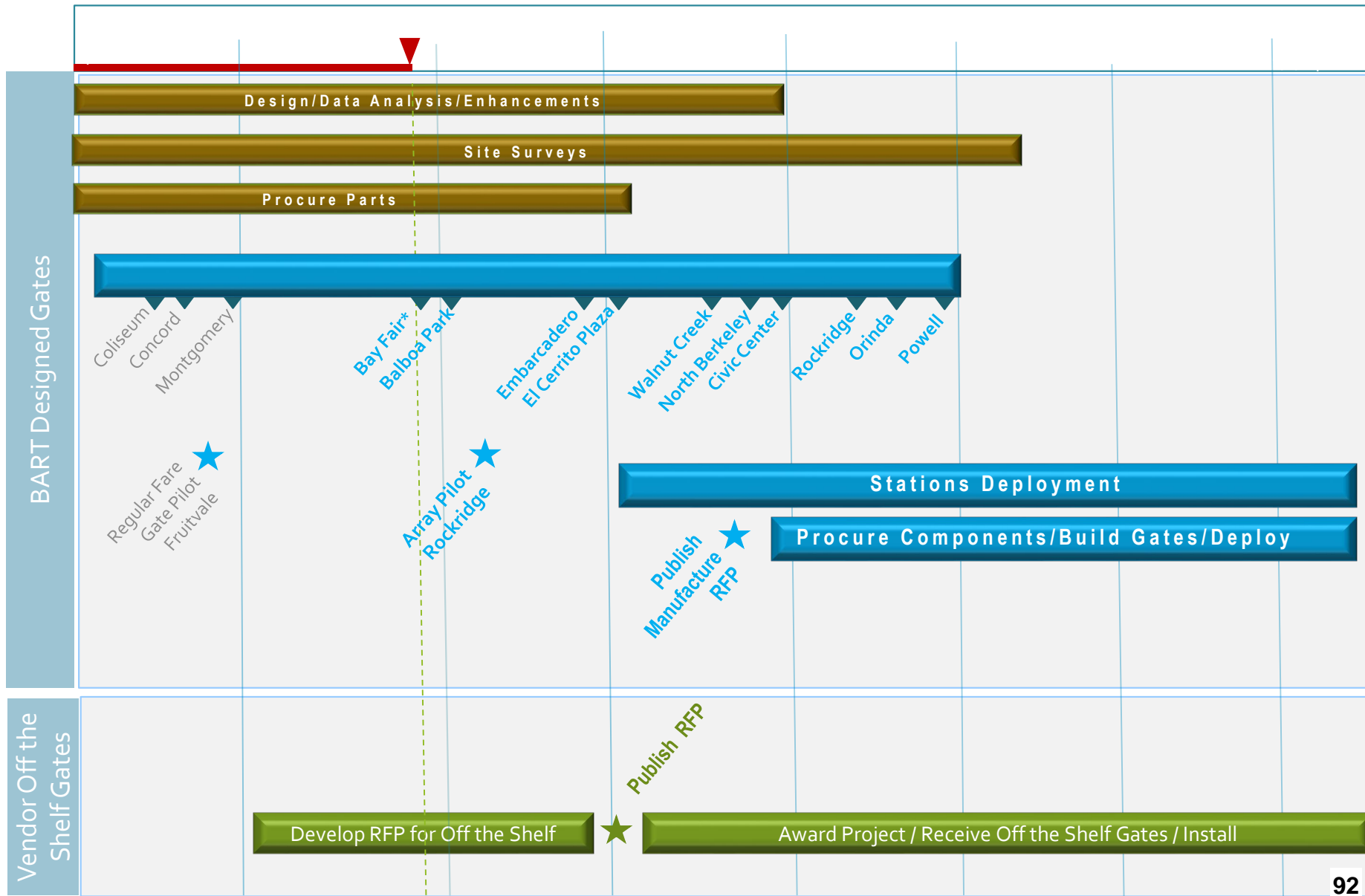
Solari

Next Steps

- Gather Maintenance Data on Gate Performance
- Proceed with Best Value RFP
 - BART's Facilities Standards (BFS)
 - BART's Technical Requirements
- Continue Hybrid Deployment with BART Designed Fare Gates



Project 2 Year Look Ahead



Station Deployment Strategy

2 Year Plan

- ✓ Smaller Arrays
- ✓ Distributed Across the District
- ✓ Diverse Fare Evasion Challenges
- ✓ Potential Initial Stations *:

- 16th St
- Balboa
- Fruitvale
- Hayward
- North Berkley
- Pittsburg Center
- Pleasant Hill
- South Hayward
- West Oakland

* Pending Site Surveys



Thank you!

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Board of Directors

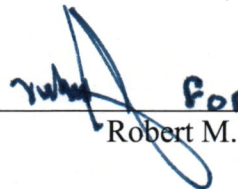
DATE: June 4, 2021

FROM: General Manager

SUBJECT: Fleet of the Future (FOTF) Procurement

Attached is the "Fleet of the Future (FOTF) Procurement" presentation that will be presented at the June 10, 2021 meeting as an information item.

If you have any questions about the document, please contact Tamar Allen, Assistant General Manager, Operations at (510) 464-7513.



Robert M. Powers

cc: Board Appointed Officers
Deputy General Manager
Executive Staff

Fleet of the Future Procurement

Board update June 10, 2021





Agenda

- ☐ Vehicle acceptance status
- ☐ Performance Improvement Effort
- ☐ Budget Forecast
- ☐ Planned Activities Next Quarter
- ☐ Schedule
- ☐ Progress Photos



Vehicle Acceptance Status

- ☐ 286 cars conditionally accepted and ready for revenue service.
- ☐ Trains are in Service on all Lines.
- ☐ The District stopped accepting vehicles for revenue service on January 8, 2021, due to poor reliability performance and car availability issues related to wheel flats.
- ☐ Main contributors to poor reliability were the VATC, TCMS, and Propulsion systems.
- ☐ The Project Team is continuing to work with Alstom to identify both short- and long-term changes to improve the performance of the brake system and significantly reduce the number of flat wheels.



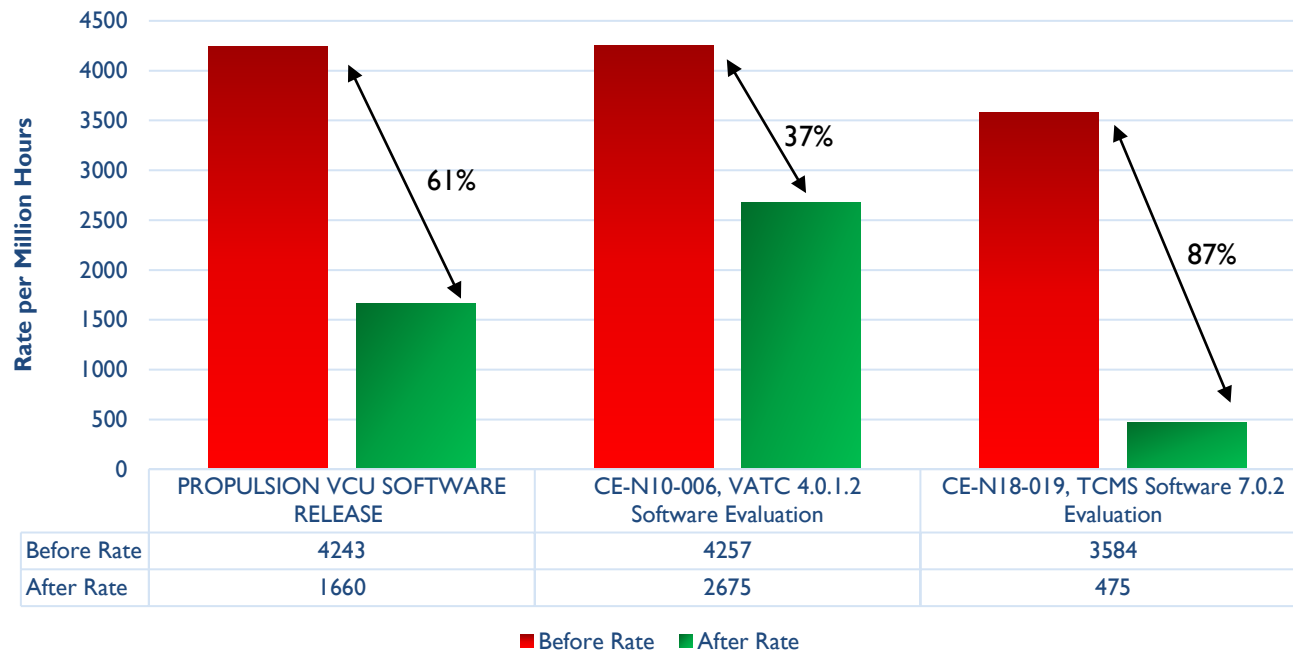
Early Reliability Improvement Results

- ❑ VATC software revisions correcting the signal 14 issues and related service delays as well as supporting TCMS software. Full testing started in March and installation began in April and has been completed on all active cars.
- ❑ Over **42,000** hours of operation to date with ***no signal 14 failures.***
- ❑ Propulsion software updates were installed in March which have further improved the performance of that system by **61%**, and another revision is due this month.



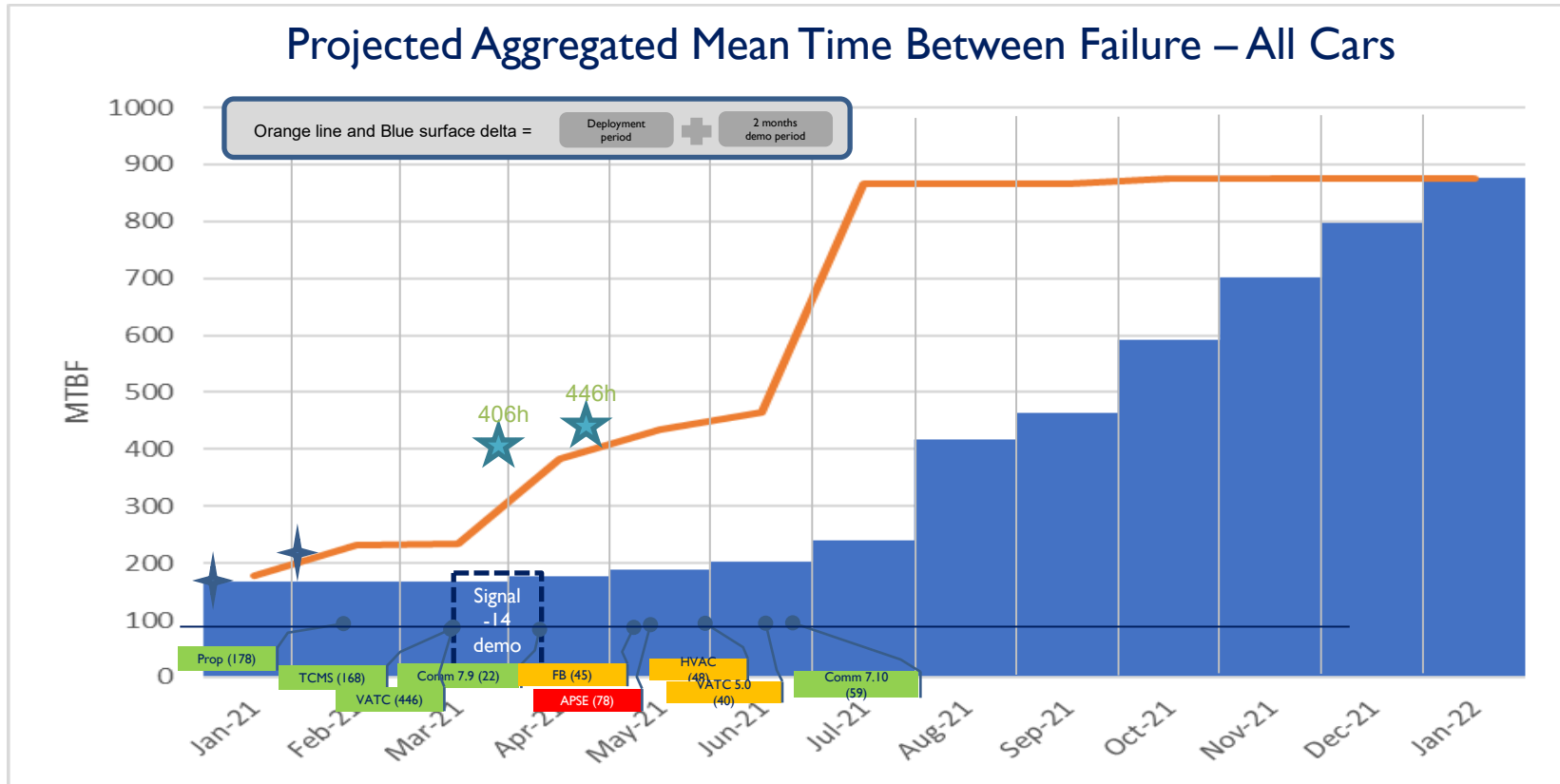
Early Reliability Improvement Results

Incident Rate for Reliability Mods





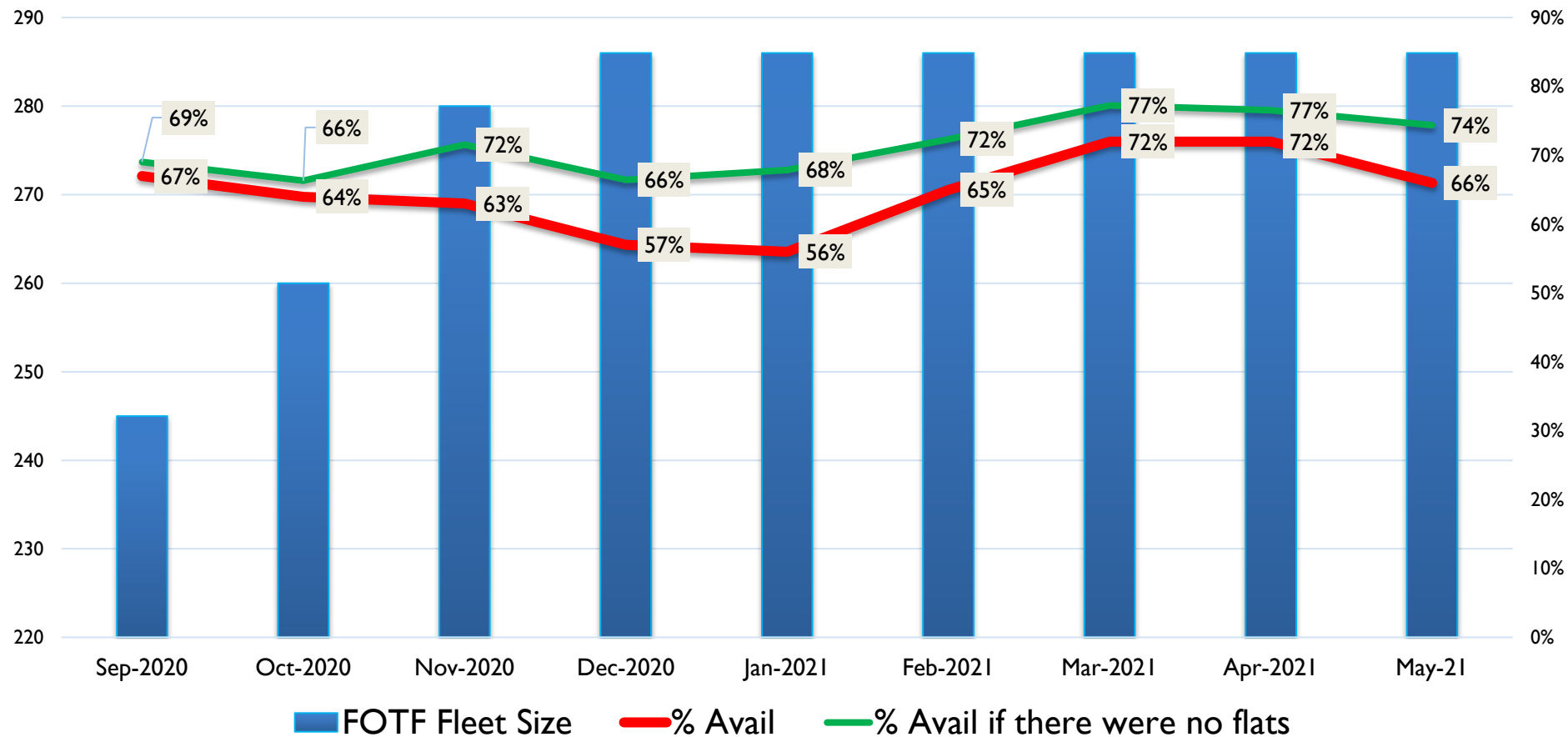
Reliability Growth





Flat Wheel Car Availability Impacts

Rush Hour Weekday Non-Holiday Car Availability





Budget Forecast

(Fed-MTC / State / BART / VTA Funding)

Description	Baseline Budget (775 Cars)	Expended ITD	Cost to Complete	Forecast at Completion (775 Cars)
New Car Procurement Contract	\$1,862,912,122	\$845,030,919	\$1,053,717,486	\$1,898,748,405
Vehicle Consulting Services	\$53,807,035	\$24,374,152	\$6,415,455	\$30,789,607
Professional Services Consultant	\$10,731,662	\$5,397,681	\$155,940	\$5,553,621
Misc. Expenses	\$5,568,150	\$1,504,381	\$1,542,543	\$3,046,924
Direct Purchase Material	\$3,098,020	\$1,671,562	\$772,277	\$2,443,839
Project Management	\$75,323,502	\$62,744,785	\$37,243,074	\$99,987,859
Escalation	\$326,879,920	\$26,687,227	\$115,434,763	\$142,121,990
Subtotal	\$2,338,320,410	\$967,410,706	\$1,215,281,538	\$2,182,692,244
Reserve	\$245,679,590	\$0	\$401,307,756	\$401,307,756
Total	\$2,584,000,000	\$967,410,706	\$1,616,589,294	\$2,584,000,000



MOD Cars

- Plattsburgh (Pilots)
 - 1st 4 Cars arrived in Plattsburgh 15th March; 5th Car arrived 7th May
 - 1st completed Car arriving back in Hayward 28th May
 - Subsequent completed Cars back in Hayward at an average 9-calendar day interval rate
 - Last (11th) completed Car back in Hayward delayed to 20th August
- Pittsburg
 - Mod car completion forecast:
 - May: 12 of 14 completed
 - June forecast: 16
- Hayward Test Track
 - Allocated to MOD Cars and Engineering testing (reliability and compliance)
 - 43 Cars re-commissioned/transferred to BART
- BART test station
 - All equipment ordered / 63% in-hand
 - Delivery of equipment in Hayward planned for 2 July



Planned Activities Next Quarter

- ☐ VATC software upgrade is scheduled for July.
- ☐ Communication software releases in June.
- ☐ APSE software installation



Schedule

Milestone	Approved Schedule	Bombardier Current Forecast	Actual	Status
Award of Contract	N/A	N/A	5/30/12	Complete
Complete Final Design Phase	9/30/14	9/30/14	9/30/14	Complete
Commence Pilot Vehicle Delivery	4/30/15	3/15/16	3/15/16	Complete
Complete Pilot Car Delivery	8/25/15	11/19/16	11/19/16	Complete
Delivery of First Production Vehicle	12/30/16	11/6/17	11/6/17	Complete
Complete Delivery 260 th Vehicle	9/21/18	11/24/20		Complete
Complete Delivery of 775 th Vehicle	9/27/21	11/20/23		In Process
Complete Warranty of 775 th Vehicle	10/27/25	11/21/27		In Process



Pittsburg Mod Stations





Pittsburg Production Stations





Hayward Shop Mod Stations





Hayward Shop Mod Team

