

San Francisco Bay Area Rapid Transit District

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



BOARD MEETING AGENDA

Thursday, September 9, 2021

9:00 AM

via Teleconference Only.

Board of Directors

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

BOARD MEETING AGENDA

September 9, 2021

9:00 a.m.

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

Please note, pursuant to Governor Newsom's Executive Order N-08-21, 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 859 3187 0611

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 September 8, 2021 in order to be included in the record.
- 2) Call 1-669-900-6833, enter access code 859 3187 0611, 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 859 3187 0611, 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 2150 Webster Street, 10th Floor, Oakland, CA 94612; 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 August 26, 2021. Board requested to authorize.

Attachments: [Approval of Minutes of the Meeting of August 26, 2021](#)

- B. Revision to Succession Resolution. Board requested to adopt.

Attachments: [Revision to Succession Resolution - Memo](#)

- C. Audit of Directors' Use of District Property for Fiscal Year 2021. Board requested to accept.

Attachments: [Audit of Directors' Use of District Property - Memo](#)
[Audit of Directors' Use of District Property - Report](#)

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. Change Order to Agreement No. 6M4625A, with KPMG, LLP, for the Development of the District's Project Portfolio Management System (C.O. No. 03). Board requested to authorize.

Attachments: [Change Order to Agreement No. 6M4625A - EDD](#)

5. ENGINEERING AND OPERATIONS ITEMS

Director Simon, Chairperson

- A. Change Order to Invitation for Bid No. 9085, Hayward Maintenance Complex (Phase 2) Mainline Trackwork Procurement, with Voestalpine Railway Systems Nortrak, Inc., for Termination of Contract in Part by BART (C.O. No. 002). Board requested to authorize.

Attachments: [Change Order to Invitation for Bid No. 9085, Hayward Maintenance Complex - EDD](#)

- B. Change Orders to Contract No. 15EK-140, Traction Power Substation Replacement ASL Installation, with Aldridge Electric, Inc.
Board requested to authorize.

- i. Reinforced Thermosetting Resin Conduit Upsizing 4" to 5" Labor and Materials (C.O. No. 004).
ii. 5" Reinforced Thermosetting Resin Conduit Hanger Modifications - Resubmittals Inefficiencies and Extended Overhead (C.O. No. 010B).

Attachments: [Change Orders to Contract No. 15EK-140, Traction Power Substation Replacement - EDD](#)

6. PLANNING, PUBLIC AFFAIRS ACCESS, AND LEGISLATION ITEMS

Director Raburn, Chairperson

- A. Update on BART Headquarters Office Building (2150 Webster St., Oakland, CA). For information.

Attachments: [Update on BART Headquarters Office Building - Memo](#)
[Update on BART Headquarters Office Building - Presentation](#)

- B. Update on Link21 Program. For information.

Attachments: [Update on Link21 Program - Memo](#)
[Update on Link21 Program - Presentation](#)

- C. BART 2020 Sustainability Annual Report. For information.

Attachments: [BART 2020 Sustainability Annual Report - Memo](#)
[BART 2020 Sustainability Annual Report - Presentation](#)

- D. Electric Vehicle Charging Policy. For information.

Attachments: [Electric Vehicle Charging Policy - Memo](#)
[Electric Vehicle Charging Policy - Presentation](#)
[Electric Vehicle Charging Policy - Policy](#)

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.)

9. CLOSED SESSION

A. CONFERENCE WITH LABOR NEGOTIATORS:

Designated representatives: Robert Powers, General Manager; Michael Jones,
Deputy General Manager; and David Coleman,
Manager of Labor Relations

- Employee Organizations: (1) Amalgamated Transit Union, Local 1555;
(2) American Federation of State, County and
Municipal Employees, Local 3993;
(3) BART Police Officers Association;
(4) BART Police Managers Association;
(5) Service Employees International Union, Local 1021;
and
(6) Service Employees International Union, Local 1021,
BART Professional Chapter
(7) Unrepresented employees (Positions: all)

Government Code Section: 54957.6

B. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Name of Case: Letifah Wilson; Ansar El Muhammad; Alicia Grayson;
Tashiya Wilson; and Decedent Nia Wilson, by and through her
Successors-In-Interest v. Bay Area Rapid Transit

Case No.: RG19014736

Government Code Section: 54956.9(a)

10. OPEN SESSION

Announcement from Closed Session, if any.

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

Board of Directors
Minutes of the 1,890th Meeting
August 26, 2021

A regular meeting of the Board of Directors was held on August 26, 2021, convening at 9:05 a.m. via teleconference, pursuant to Governor Gavin Newsom's Executive Order N-08-21. President Foley presided; Jacqueline R. Edwards, District Secretary.

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

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

Absent: None. Director Allen entered the Meeting later.

President Foley called for Introduction of Special Guests.

Robert Powers, General Manager, introduced Alaric Degrafinried as the new Assistant General Manager, Administration. Assistant General Manager Degrafinried addressed the Board.

President Foley welcomed Assistant General Manager Degrafinried to BART.

Director Raburn introduced Shay Roberson, Member of Community Resources for Independent Living (CRIL). Shay Roberson addressed the Board.

Director Raburn introduced Vinit Shrawagi, Member of the American Institute of Certified Public Accounts (AICPA), and Cindy Simon Rosenthal, Member of the League of Women Voters. Vinit Shrawagi and Cindy Simon Rosenthal addressed the Board.

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meeting of July 22, 2021.
2. Extension of Participation in a Regional Means-Based Transit Fare Discount Pilot Program: Clipper® START Pilot Program.
3. Fixed Property Tax Rates Fiscal Year 2021-2022 General Obligation Bonds.
4. District Base Pay Schedule.
5. Employee Recruitment and Relocation Assistance for the Assistant General Manager, Operations.
6. BART Accessibility Task Force (BATF) Membership Appointment.

7. Award of Invitation for Bid No. 9100, New Garbage Truck Procurement.
8. Amendment to Agreement with Salvation Army for Homeless Outreach.
9. Procurement with Cisco Systems, as the Official National Association of State Procurement Officials (NASPO) Provider, for the New Unified Optical Network (UON) Equipment at Lake Merritt.
10. Appointments to BART Safety, Reliability and Traffic Relief Program (Measure RR) Bond Oversight Committee.
11. Award of Agreements for Environmental Consulting Services.
 - i. Agreement No. 6M5159 to C2PM.
 - ii. Agreement No. 6M5164 to AEW Engineering, Inc.

Director Dufty made the following motions as a unit. Director Raburn seconded the motions.

1. That the Minutes of the Meeting of July 22, 2021, be approved.
2. That the Board of Directors approves the recommended Program extension to continue BART's participation in the Clipper® START Regional Means-Based Transit Fare Discount Pilot Program by 18 months.
3. That Resolution No. 5487, In The Matter of Fixing The Rate of Taxes For The San Francisco Bay Area Rapid Transit District for Fiscal Year 2021/22, be adopted.
4. That the Board approves the base pay schedule in effect July 1, 2021.
5. That the General Manager or his designee be authorized to execute a national recruitment agreement with an executive search firm to assist the District with filling the position of Assistant General Manager, Operations in conformance with established District procedures governing the use of executive search services, and to identify suitable candidates both inside and outside of California; and that in addition, the General Manager be authorized to enter into a relocation agreement for this position, if necessary, in accordance with Management Procedure Number 70, New Employee Relocation Expense Reimbursement.
6. That the BART Board has considered the recommendation of the BATF and appoints the nominated candidate, Shay Roberson, for membership to the BATF for a term beginning August 26, 2021 until June 30, 2023, or until the Board makes new appointments and/or reappointments for a new term, whichever occurs later.
7. That the General Manager be authorized to award Invitation for Bid (IFB) No. 9100 for Garbage Truck Procurement to Golden Gate Truck Center for an amount of \$545,428.00 including all taxes, pursuant to notification to be issued by the General Manager, subject to the District's Protest Procedures.

(The foregoing motion was made on the basis of analysis by the staff and certification by the Controller/Treasurer that funds are available for this purpose.)

8. That the Board authorizes the General Manager to pay the total cost of the agreement with The Salvation Army (TSA) in the amount of \$250,000.00 for Fiscal Year 2022 (FY22) for one Homeless Outreach Team.
9. That the General Manager be authorized to enter into a NASPO ValuePoint contract with Cisco Systems, Inc. for the procurement of Cisco UON network equipment for an amount not to exceed \$1,228,086.95.
10. That the BART Board of Directors appoints the following individuals to the July 1, 2021 to June 30, 2023 term.
 - a. Michael McGill (Chair)
 - b. Catherine Newman (Vice-Chair)
 - c. Marian Breitbart
 - d. Daren Gee
 - e. Sonja Stewart
 - f. Cindy Simon Rosenthal
 - g. Vinit Shrawagi
11. That the General Manager be authorized to award Agreement No. 6M5159, Environmental Consulting Services, to C2PM for a not to exceed amount of \$3,000,000.00 and Agreement No. 6M5164, Environmental Consulting Services, to AEW Engineering, Inc. for a not to exceed amount of \$3,000,000.00 pursuant to notification to be issued by the General Manager and subject to the District's Protest Procedures and Federal Transit Administration (FTA) requirements related to protests.

President Foley called for Public Comment on the Consent Calendar. Aleta Dupree addressed the Board.

Director Allen entered the Meeting.

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

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

Director Li, Chairperson of the Administration Committee, brought the matter of Body Worn Camera Surveillance Technology before the Board. Ed Alvarez, Chief of Police, and Kevin Franklin, Deputy Chief of Police, presented the item.

Aleta Dupree and Brian Hofer addressed the Board.

The item was discussed, with the following highlights:

Director Li thanked staff for their work.

Director Raburn commended the Surveillance Use Policy and commented on limiting the term of the proposed contract with Axon Enterprise, Inc. to five years.

Director Raburn moved that the Board adopts the Surveillance Use Policy and Surveillance Impact Report; that the Board authorizes the proposed contract with Axon Enterprise, Inc. for a period of five years; and that page four of the Surveillance Impact Report be revised to change or strike the reference to a ten-year lease contract.

Director Raburn's motion died for lack of a second.

Director Li made the following motions as a unit. Director Dufty seconded the motions.

1. That pursuant to District Ordinance No. 2018-1, the Board of Directors finds that the Surveillance Use Policy for Body Worn Cameras will reasonably safeguard civil liberties and civil rights, and thereby approves the Body Worn Camera Surveillance Use Policy.
2. That the Board of Directors has considered the Surveillance Impact Report for Body Worn Camera enhancements and finds that the benefits to the community of this new technology outweigh the costs, apparent concerns, and/or consequences of the new technology enhancements proposed for adoption at BART.
3. That in view of the above findings made pursuant to District Ordinance No. 2018-1, the General Manager or his designee be authorized to enter into a NASPO ValuePoint contract with Axon Enterprise, Inc. for procurement of the Officer Safety Plan Subscription for an amount not to exceed \$6,719,036.56.

Discussion continued, with the following highlight:

Director McPartland expressed a desire to support the item.

Director Dufty withdrew his second of Director Li's motions, and Director McPartland seconded Director Li's motions, instead.

Discussion continued, with the following highlights:

Director McPartland expressed support for the proposed Officer Safety Plan Subscription procurement and Director Li's motions.

Vice President Saltzman expressed support for Director Li's motions; commended the publication of the Surveillance Impact Report; inquired about renegotiation of the contract with Axon Enterprise, Inc. regarding the contract term length; and commented on the provision of new technology under the contract.

Director Ames expressed appreciation for Director Raburn's comments and support for Director Li's motions; and inquired about exiting the contract with Axon Enterprise, Inc., if necessary, because superior technology is available elsewhere.

Director Allen commented on ensuring that BART retains an exit strategy regarding the contract with Axon Enterprise, Inc., if other technology becomes more favorable, and the importance of continuing to support BART Police Officers in new technology and the training that accompanies new technology to safety; expressed support for Director Li's motions; and requested that staff identify the exit strategy when negotiating the contract if circumstances become unfavorable.

Director Raburn explained why he could not support the motions brought by Director Li.

The motions brought by Director Li and seconded by Director McPartland carried by roll call vote. Ayes: 8 – Directors Allen, Ames, Dufty, Li, McPartland, Saltzman, Simon, and Foley. Noes: 1 – Director Raburn.

Director Simon, Chairperson of the Engineering and Operations Committee, brought the matter of Quarterly Service Performance Review – Fourth Quarter Fiscal Year 2021 before the Board. Shane Edwards, Interim Assistant General Manager, Operations, and Chief Alvarez presented the item.

Aleta Dupree addressed the Board.

The item was discussed, with the following highlights:

Director Raburn inquired about improvement in car equipment reliability in the next quarter.

President Foley expressed appreciation for the increase in focused cleaning crews throughout the system; thanked staff for the police presence in the system; expressed disappointment with the reliability of the Fleet of the Future; and requested that staff provide information about how bike thefts are occurring.

Director Allen thanked Interim Assistant General Manager Edwards, General Manager Powers, and staff for their work and inquired about the graph and data regarding BART Police presence.

Director Ames commented on feedback she has received regarding police and fare inspector's presence in stations and in train cars; and inquired about whether staff works with other agencies to address burglaries and thefts and the purpose and benefit of hiring part-time workers.

Vice President Saltzman thanked Director Allen for addressing an error in the presentation, and requested that staff correct the BART Police Presence and ridership slides of the presentation and thoroughly review all the slides for errors.

Director Raburn, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, brought the matter of Federal and State Legislation for Consideration before the Board. Amanda Cruz, Manager of Government Relations and Legislative Affairs, and Chief Alvarez presented the item.

The item was discussed, with the following highlight:

Vice President Saltzman thanked staff and Chief Alvarez for researching legislation that addresses gun violence.

Vice President Saltzman moved that the Board of Directors supports House of Representatives (H.R.) 3088, Senate (S.) 1558, and Assembly Bill (AB) 1057. Directors Raburn and Simon seconded the motion, but Director Raburn subsequently withdrew his second of the motion and Director Simon's second of the motion remained. The motion brought by Vice President Saltzman 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 Raburn brought the matter of Update on Regional Transit Coordination before the Board. Hannah Lindelof, Group Manager, Policy Planning, Strategic and Policy Planning, and Jumana Nabti, Manager of Access Programs, Customer Development and Station Access, presented the item.

Aleta Dupree and Ian Griffiths addressed the Board.

The item was discussed, with the following highlights:

Director Allen expressed excitement about the signage consistency program; thanked Ian Griffiths for inquiring about consistency among all transit agencies; and inquired about staff's outreach efforts to other agencies, the bus bay numbering system at Walnut Creek Station, and the grant application for Walnut Creek Station.

Director Ames commented on flanking stations with bus stops and inquired about the function of the QR code and the prioritization and funding of the Blue Ribbon Task Force (BRTF) goals.

Vice President Saltzman commented on ensuring that the proposed wayfinding signage standards be implemented quickly after adoption.

Director Raburn thanked General Manager Powers for serving on the BRTF and commented on maintaining wayfinding information on a regular basis and coordination within BART.

Director Raburn brought the matter of Update on BART and Valley Transportation Authority, Phase 2 before the Board. Carl Holmes, Assistant General Manager, Design and Construction, presented the item.

The item was discussed, with the following highlight:

Director Raburn inquired about the composition of the 88% design completion.

Aleta Dupree addressed the Board.

Discussion continued, with the following highlights:

Director Allen inquired about BART's role in the selection of design-build contractors, BART's role in the oversight of the construction progress and cost overruns, and BART's financial investment in the project.

Director Ames inquired about whether inflation is included in the \$6.9 million cost estimate; requested that staff clarify the amount of inflation included in the cost estimate at the next joint meeting of BART and the Santa Clara Valley Transportation Authority (SCVTA); and inquired about the SCVTA's inclusion of an innovation clause in the Requests for Proposals (RFPs).

Director Raburn commented on the \$6.9 million cost estimate and completing the design criteria early in order for estimates to be created and reliably followed.

President Foley called for the General Manager's Report. General Manager Powers reported on the Transportation Security Administration's (TSA) extension of the order requiring face mask coverings, face mask compliance, COVID-19 vaccination among BART employees, his Listening Tour, his BART tour with Senator Lena Gonzalez, Chair of the Senate Transportation Committee, Assembly Member Laura Friedman, Chair of the Assembly Committee on Transportation, Directors Raburn, Li, and Simon, and staff, ridership, and the upcoming ribbon-cutting ceremony for one of the new escalators at Powell Street Station; thanked Rodd Lee, Assistant General Manager, External Affairs, and Government Relations and Legislative Affairs Manager Cruz for their

assistance with coordinating the BART tour and Directors Raburn, Li, and Simon for their participation in the BART tour; and recognized Pamela Herhold, Assistant General Manager, Performance and Budget, for her development of the ridership dashboard.

Aleta Dupree addressed the Board.

President Foley commented on increasing the COVID-19 vaccination rate among employees and requested that General Manager Powers continue meeting with labor partners to strengthen the COVID-19 vaccination rate among employees and keep communication open.

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

Director Allen reported that the Audit Committee had met on August 17, 2021.

Vice President Saltzman reported that she had attended a lunch meeting with Assembly Member Laura Friedman and East Bay transportation leaders, an El Cerrito City Council meeting at which BART staff presented on access plans, and the El Cerrito Plaza developer team's presentation to the El Cerrito Democratic Club. Vice President Saltzman also reported that she would attend a virtual meeting with the Richmond Annex Association and a celebration at El Cerrito Del Norte Plaza Station on September 10, 2021.

Director Raburn reported that he had met with Senator Gonzalez, Assembly Member Friedman, Senator Bob Wieckowski, and General Manager Powers at Lake Merritt Station and participated in the BART tour; attended a reception for the Oakland African American Chamber of Commerce (OAACC), a reception for the Alameda Labor Council Unionist of the Year, a Capitol Corridor Joint Powers Authority Ad Hoc Infrastructure meeting, a University of California, Berkeley meeting regarding energy with Vice Chancellor Marc Fisher and General Manager Powers, and a meeting regarding transit-oriented development (TOD) at West Oakland Station with SUDA, NVIDIA, and QB3; and provided BART update presentations to the OAACC and the Rotary Club of Oakland. Director Raburn also reported that the groundbreaking for Casa Sueños at Lake Merritt Station had commenced.

Director Ames reported that she had attended the Audit Committee meeting on August 17, 2021, the California State University, East Bay, Fall Festival, and the South Bay Connect Workshop.

Director Simon reported that she had tabled at the Ashby Flea Market with staff and Friends of Adeline as part of the TOD process for Ashby Station and thanked staff for their attendance at the event; reported that she had she had attended the BART tour with state elected officials and thanked staff for their assistance with the tour; and requested that the Meeting be adjourned in honor of Michael Morgan, musician and Music Director and Conductor of the Oakland Symphony, and Steven Gaines, artist and founder of Zion I.

Director Dufty requested that the Meeting be adjourned in honor of Janice Mirikitani, co-founder of GLIDE and poet laureate of San Francisco, and James (Jim) Hormel, LGBTQ advocate and former United States Ambassador, on behalf of himself and Directors Li and Simon.

Director Allen requested that the Meeting be adjourned in honor of the victims of the bombings in Kabul, Afghanistan.

President Foley requested that the Meeting be adjourned in honor of Gordon Robinson, BART Transportation Administrative Specialist, and that staff provide an update regarding categorization of overtime.

President Foley announced that the Board would enter into closed session under Items 9-A (Public Employee Performance Evaluation), 9-B (Conference with Legal Counsel – Existing Litigation), and 9-C (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.

Joe Kunzler and Shay Roberson addressed the Board.

The Board Meeting recessed at 12:03 p.m.

The Board reconvened in closed session at 12:19 p.m.

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

Absent: None. Director Dufty and Simon entered the Meeting later.

Director Dufty entered the Meeting.

Director Simon entered the Meeting.

Directors Dufty, Foley, and Simon exited the Meeting.

The Board Meeting recessed at 3:09 p.m.

The Board reconvened in open session at 3:10 p.m.

Vice President Saltzman announced that the Board had concluded its closed session under Items 9-A, 9-B, and 9-C and that there were no announcements to be made.

The Meeting adjourned at 3:10 p.m. in honor of Michael Morgan, Steven Gaines, Janice Mirikitani, James (Jim) Hormel, victims of the bombings in Kabul, Afghanistan, and BART employee Gordon Robinson.

Jacqueline R. Edwards
District Secretary

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Board of Directors

DATE: September 2, 2021

FROM: District Secretary 

SUBJECT: Consent Calendar, Succession Resolution

PURPOSE: To update the Board's existing succession plan for vacancies in District offices to reflect new incumbents in the Assistant District Secretary position, Deputy Assistant District Secretary position, Associate General Counsel position, and Assistant General Manager of Operations position.

DISCUSSION: The existing Board Resolution represents the succession plan for the District in the event any officer of the District is absent or disabled. That Resolution lists the names and positions of those who shall act for the absent officer and needs to be updated to reflect the hiring of the above-mentioned positions.

As such, Resolution No. 5429 should be repealed, and a new Resolution adopted to ensure the orderly conduct of District business.

MOTION: That the Board of Directors adopts the attached Resolution.

cc: Board Appointed Officers
Deputy General Manager
Executive Staff

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

**In the Matter of Designating an
Alternate for the General Manager
And Authorizing Certain District
Officers to Use Facsimile Signatures
On District Warrant-Checks _____/**

Resolution No. _____

WHEREAS, Public Utilities Section 28810 provides in part:

“The officers of the district shall consist of the members of the board of directors; a president and vice president of the board, each of whom shall be a member of the board; a secretary, a general manager, a general counsel, a treasurer, a controller, and such other or subordinate officers, assistants and deputies as the board may deem necessary and provide for by ordinance or resolution.” and,

WHEREAS, Public Utilities Code Section 28767.8(a) provides:

“The board may establish an office of independent police auditor, reporting directly to the board, to investigate complaints against district police personnel.” and,

WHEREAS, Public Utilities Code Section 28817 provides:

“The treasurer shall be the custodian of the funds of the district and shall make payments only upon warrants duly and regularly signed by the general manager. [S]he shall keep an account of all receipts and disbursements. With the approval of the board, the treasurer and general manager may designate alternates to act for them.” and,

WHEREAS, it is necessary to the orderly conduct of the business of the District that the powers of the General Manager be exercised during the absence or disability of the holder; and

WHEREAS, the Board of Directors of the San Francisco Bay Area Rapid Transit District desires to authorize the use of facsimile signatures for signing warrant-checks of the District;

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the San Francisco Bay Area Rapid Transit District hereby confirms that only the following are officers of the District:

Members of the Board of Directors
President of the Board
Vice President of the Board
Secretary
General Manager
General Counsel
Controller-Treasurer
Assistant District Secretary
Deputy Assistant District Secretary
Associate General Counsel
Deputy General Manager
Assistant General Manager – Operations
Assistant Controller
Assistant Treasurer
Independent Police Auditor
Independent Police Investigator
and

BE IT FURTHER RESOLVED that the Board hereby authorizes Michael Jones (Deputy General Manager) to exercise the powers of the Office of General Manager in the absence or disability of the General Manager. In the case of the absence or disability of the General Manager and the Deputy General Manager, Shane Edwards (Interim Assistant General Manager – Operations) is authorized to exercise the power of the Office of the General Manager. In the absence or disability of the General Manager, Deputy General Manager and Assistant General Manager, Operations, Matthew Burrows (General Counsel) is authorized to exercise the powers of the Office of the General Manager; and

BE IT FURTHER RESOLVED that the Board hereby authorizes the named holders of the positions set forth below to exercise the powers of the office listed opposite such position in the absence or disability of the holder of such office;

<u>INCUMBENT</u>	<u>POSITION</u>	<u>OFFICE</u>
April Quintanilla	Assistant District Secretary	Secretary
Michelle Radcliffe	Deputy Assistant District Secretary	Secretary (in the absence of April Quintanilla)
Jeana Zelan	Associate General Counsel	General Counsel
(Vacant)	Assistant Controller	Controller
Todd Morgan	Assistant Treasurer	Treasurer
Patrick Caceres	Independent Police Investigator	Independent Police Auditor

and

BE IT FURTHER RESOLVED that the Board hereby authorizes the use of facsimile signatures by Robert Powers (General Manager) or Michael Jones (Deputy General Manager) or Shane Edwards (Interim Assistant General Manager—Operations) and Chris Gan (Interim Controller-Treasurer), all of whose verified signatures have been or will be filed with the Secretary of State, on warrant-checks used for making payments out of the funds of the District; and

BE IT FURTHER RESOLVED that Resolution No. 5429 is hereby repealed; and

BE IT FURTHER RESOLVED that the District Secretary is directed to transmit a copy of this resolution to the Secretary of State.

###

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Board of Directors

DATE: September 2, 2021

FROM: General Manager

SUBJECT: Audit of Directors' Use of District Property

Attached is the Performance and Audit Department's final audit report – *Audit of Directors' Use of District Property for Fiscal Year 2021*. The audit report will appear on the September 9, 2021 Board Consent Calendar.

If you have any questions regarding the audit, please contact Dennis Markham, Director of Performance & Audit, at (510) 464-6275.


Robert M. Powers

cc: Board Appointed Officers
Deputy General Manager
Executive Staff



Audit of Directors' Use of District Property

INTERNAL AUDIT REPORT—FISCAL YEAR 2020-21



BART Performance & Audit Department Internal Audit Report

Audit of Directors' Use of District Property for Fiscal Year 2021

Issue Date:

August 26, 2021

Audit Work Performed by:

Cherry Chang, Principal Internal Auditor

**Audit Work Reviewed
and Report Approved by:**

Michael Wilkison, Internal Audit Manager

Approved to Issue:



Dennis Markham,
Director of Performance and Audit

1. Background

Internal Audit has audited the Bay Area Rapid Transit District's (District) compliance with the requirements of the San Francisco Bay Area Rapid Transit District's Rules of the Board of Directors, Board Rule 5-3.5, Use of District Property Other than Automobiles. Rule 5-3.5 requires that the Internal Audit Department (currently identified as the Internal Audit Division of the Performance and Audit Department) shall complete an annual audit for the previous fiscal year for compliance with the requirements of Board Rule 5-3.5. The audit report, including a list of property issued to each Director, will be submitted to the next Administration Committee after September 15 for review and forwarding to the full Board. Board Rule 5-3.5 requires that:

- Directors may have use and possession of specifically identified District property that is comparable in cost and function to equipment available to District employees;
- The property shall be returned when a Director leaves office;
- Directors request the property through the District Secretary's Office;
- The District Secretary shall request quarterly that the Directors review their cellular phone and mobile device charges;
- Directors reimburse the District within 30 days of the quarterly request for reimbursement of costs that are not for District business; and
- The District Secretary shall report to the Board President or Vice President if the quarterly requests are not responded to, or reimbursements not made within 30 days.

2. Purpose

The purpose of our audit was to determine whether the District complied with the requirements of Board Rule 5-3.5 for the fiscal year ending June 30, 2021.

3. Scope & Methodology

To accomplish our objectives, we reviewed the requirements of the Board Rule, reviewed the prior year's report, examined the relevant records maintained by the District Secretary, notified and confirmed with every Director of the property recorded in the District's records as issued to individual Directors, and reviewed compliance procedures with the staff of the District Secretary's Office. Internal Audit performed the audit in accordance with generally accepted government auditing standards and included such tests as we considered necessary in the circumstances. We used the Rules of the Board of Directors, Board Rule 5-3.5 as criteria for the audit.

We provided Jacqueline Edwards, District Secretary, with a draft copy of our audit report on August 25, 2021. We discussed the draft audit report with her on August 25, 2021, and she had no additional comments.

4. Summary of Audit Results

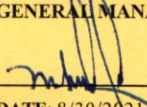

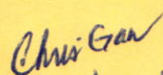
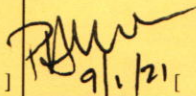
We found that in fiscal year 2021, the District complied in all material respects with the requirements of Board Rule 5-3.5. A list of property issued to each Director as recorded in the District's records is shown in Exhibit A.

Exhibit A - Schedule of District Property in Directors' Custody as of June 30, 2021

District/Director	Property Description
District #1	
Debora Allen	(No Equipment Issued)
District #2	
Mark Foley	(No Equipment Issued)
District #3	
Rebecca Saltzman	Tablet Computer
District #4	
Robert Raburn	(No Equipment Issued)
District #5	
John McPartland	Mobile Smartphone
District #6	
Elizabeth Ames	Mobile Smartphone
District #7	
Lateefah Simon	Mobile Smartphone
District #8	
Janice Li	(No Equipment Issued)
District #9	
Bevan Dufty	(No Equipment Issued)



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:  9/2/21		GENERAL MANAGER ACTION REQ'D:		
DATE: 8/30/2021		BOARD INITIATED ITEM: Yes		
Originator/Prepared by: Pamela Herhold Dept: AGM - Performance & Budget	General Counsel  9/2/2021 []	Controller/Treasurer  9/1/2021 []	District Secretary []	BARC  9/1/21 []

Change Order No. 3 to Agreement No. 6M4625A - Project Portfolio Management System

To obtain Board authorization for the General Manager to execute Change Order No. 3 to Agreement No. 6M4625A with KPMG, LLP for the development of the District's Project Portfolio Management (PPM) System for an amount not to exceed \$400,000.

DISCUSSION: On August 22, 2019, the Board authorized the award of Agreement No. 6M4625A to KPMG. Notice to Proceed was issued on October 15, 2019. With the passage of Measure RR, implementation of the Transbay Corridor Core Capacity Program, and BART's overall focus on infrastructure, the number of capital projects and programs that BART must plan for, track, and deliver continues to grow. The PPM System aligns and improves Districtwide capital project planning, management, and monitoring of spending and project/program delivery across multiple disciplines by establishing a common singular platform to improve collaboration among BART employees, contractors, vendors, and other third-party stakeholders.

This change order supports critical enhancements of the PPM software to better align the software's capabilities with BART's specific capital contracts and project needs beyond the scope originally envisioned such as allowing for project controls and project forecasts (e.g., earned value) at the sub-activity. The change order also covers related modifications and enhancements to training materials. Execution of this Change Order No. 3 will enable the close-out of this contract.

Pursuant to Board Resolution No. 5485, ("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"), Board approval is required for amendments to

service agreements that total in the aggregate \$100,000 or more in the fiscal year.

The Office of the General Counsel will approve this Change Order as to form prior to execution. The Procurement Department will review this Change Order for compliance with procurement guidelines prior to execution.

FISCAL IMPACT: Funding in the amount of \$400,000 for the Project Portfolio Management (PPM) initiative is included in the total Project budget 65HF000 – Project Portfolio Management System.

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:

Fund No.	Fund Description	Source	Amount
8529	FY 2015 Operating to Capital Allocation	BART	\$1,000,000
8533	FY 2019 Operating to Capital Allocation	BART	\$3,000,000
8534	FY 2020 Operating to Capital Allocation	BART	\$1,172,560
TOTAL			\$5,172,560

As of 08/31/2021, \$5,172,560 is the total budget for this project. BART has expended \$4,081,847 and committed \$106,066 and reserved \$0 to date. This action will commit \$400,000 leaving an available fund balance of \$584,647 in the fund sources 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.

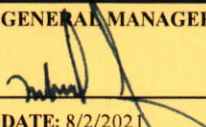
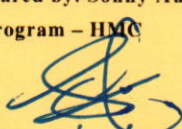
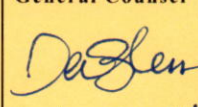
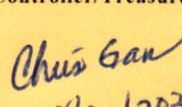
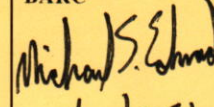
ALTERNATIVES: The Board can elect not to authorize the execution of this Change Order for costs associated with the enhancements. Failure to approve this Change Order could have an impact on the functionality of the system and the usability of the results.

RECOMMENDATION: Approve the following motion.

MOTION: The General Manager is authorized to execute Change Order No. 3 to Agreement No. 6M4625A with KPMG, LLP for the development of the District's Project Portfolio Management (PPM) System for an amount not to exceed \$400,000.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:  8/17/2021		GENERAL MANAGER ACTION REQ'D: Approve and forward to Board of Directors		
DATE: 8/2/2021		BOARD INITIATED ITEM: No		
Originator/Prepared by: Sonny Au Dept: Capital Program – HMC Signature/Date:  8/27/2021	General Counsel  8/30/2021 []	Controller/Treasurer  8/30/2021 []	District Secretary []	BARC  8/30/2021 []

Invitation for Bid (IFB) No. 9085, Hayward Maintenance Complex (Phase 2), Mainline Trackwork Procurement, Change Order No. 002 for Termination of Contract in Part by BART

PURPOSE:

To obtain Board authorization for the General Manager to execute Change Order No. 002 for IFB No. 9085, Hayward Maintenance Complex (Phase 2), Mainline Trackwork Procurement, with voestalpine Railway Systems Nortrak, Inc. for termination of contract in part by BART.

DISCUSSION:

On July 23, 2020, the Board of Directors authorized the award of IFB No. 9085, Hayward Maintenance Complex (Phase 2), Mainline Trackwork Procurement, to voestalpine Railway Systems Nortrak, Inc. (Nortrak) in the contract amount of \$2,030,850. The Contract was awarded to Nortrak on August 3, 2020. The Contract provides for the procurement of special trackwork, concrete ties and switch machines that are needed for the future construction of the Northern/Southern Mainline Connectors as part of the East Vehicle Storage Yard.

Subsequent to the Contract award, BART project staff conducted value engineering and a series of yard optimization studies with BART stakeholders, including Maintenance & Engineering, Rolling Stock & Shops, Operations Planning, and Transportation. Based on the findings from these studies, BART project staff identified opportunities to save costs and increase operating efficiencies. In order to realize these opportunities, BART project staff determined the modifications to the original design and scope of the East Vehicle Storage Yard that would be required. In March 2021, BART executive staff elected to accept the design modifications.

Under the modified design, the Southern Mainline Connector will be removed, and the Northern Mainline Connector will be re-aligned in order to mitigate impacts to the Hayward Test Track and other existing nearby facilities. By modifying the Connectors, BART project staff determined that the special trackwork and concrete ties to be procured under the Contract are no longer needed. As a result, and as provided for in Contract Special Provisions C-10.1, Termination for Convenience, BART project staff decided to terminate the Contract in part, and notified Nortrak on April 23, 2021, of the intent to do so, directing Nortrak to stop work on the Contract and submit a claim setting forth the actual and direct damages incurred as a result of the partial termination.

On June 13, 2021, after additional communications between BART project staff and Nortrak to negotiate a settlement amount for a partial termination claim, Nortrak provided written notice to BART to offer a reduced claim in the amount of \$275,000 to settle all actual and direct damages, including material cancellation fees, restocking fees, operating inefficiencies, administrative costs, and engineering costs. BART project and procurement staff have reviewed Nortrak's offer and accepted the offer based on the determination that it is fair and reasonable. The Contract was terminated in part effective July 16, 2021, through written notice to Nortrak.

As a result of the partial termination, this Change Order, based on \$414,954 for procurement of only the switch machines and \$275,000 for the partial termination claim by Nortrak, will revise the Contract amount to \$689,954 from the original Contract amount of \$2,030,850. The descoping of the procurement for special trackwork and concrete ties under this Change Order will result in a credit to the District of \$1,340,896.

Pursuant to Board Rule 5.2-3, change orders that involve a substantial alteration in the obligations of either the District or the contractor require Board approval. The Procurement Department will review this Change Order prior to execution for compliance with procurement guidelines. The Office of the General Counsel will approve the Change Order as to form prior to execution.

FISCAL IMPACT:

Change Order No. 002 is a credit to the Contract. The credit will be utilized to support other funding needs in the Project.

ALTERNATIVES:

The Board can elect not to authorize the execution of this Change Order. If this Change Order is not executed, the procurement of the special trackwork and concrete ties will proceed. Since these materials are no longer needed for the Project, BART staff will need to store and maintain the materials for an indefinite period of time, which will result in increased operating and Project costs. In addition, the credit from this Change Order will not be made available to support the additional design costs needed to complete the East Vehicle Storage

Yard modified design.

RECOMMENDATION:

That the Board approve the following motion:

MOTION:

The General Manager is authorized to execute Change Order No. 002 for IFB No. 9085, Hayward Maintenance Complex (Phase 2), Mainline Trackwork Procurement, with voestalpine Railway Systems Nortrak, Inc. for termination of contract in part by BART.

EXECUTIVE DECISION DOCUMENT

ATTACHMENT #1

CHANGE ORDER SUMMARY

1. BACKGROUND

Name of Contractor: voestalpine Railway Systems Nortrak, Inc.
Contract No. / NTP: Invitation for Bid No. 9085 / August 3, 2020
Contract Description: Hayward Maintenance Complex (Phase 2), Mainline Trackwork Procurement
Percent Complete
as of 8/20/2021: 0%

2. COST

	<u>% of Award</u>	<u>CO Totals</u>	<u>Contract Amount</u>
Original Contract Award Amount:			\$2,030,850
Change Orders:	0%	\$0.00	
Other than Board Authorized CO's:	0%	\$0.00	
Pending Change Order No. 002:	(66.03%)	(\$1,340,896)	
Subtotal of all Change Orders:	(66.03%)	(\$1,340,896)	
Revised Contract Amount:			\$689,954

3. SCHEDULE

Original Contract Duration:	345 Days
Time Extension to Date:	0 Days
Time Extension Due to Approved CO's:	0 Days
Revised Contract Duration:	345 Days

4. SUMMARY REASON FOR THIS CHANGE ORDER

This Change Order will terminate the Contract in part since the special trackwork and concrete ties are no longer needed under the modified design to the East Vehicle Storage Yard. As a result of the termination, only switch machines will be procured through the Contract.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: DATE: 6/29/2021		GENERAL MANAGER ACTION REQ'D: Yes		
Originator/Prepared by: Bryant Fields Dept: Strategic Engineering Signature/Date: 9/1/21		General Counsel 9/1/2021 []	Controller/Treasurer 9/1/2021 []	District Secretary []
BARC 9/1/2021 []				

Contract No.15EK-140, Change Order Nos. 004 and 010B

PURPOSE:

Obtain Board authorization for the General Manager to execute Change Orders to Contract No. 15EK-140 for Traction Power Substation Replacement ASL Installation, in the not to exceed amount of \$286,000.

DISCUSSION:

On August 18, 2018, the Board authorized the General Manager to award Contract No.15EK-140 for Traction Power Substation Replacement ASL Installation to Aldridge Electric, Inc., Libertyville, IL in the amount of \$4,783,000.

The Contract provides for the new installation of the traction power substation located at the San Leandro BART Station.

To date, the District has issued Change Orders to this Contract in the total amount of \$438,157, which is 9.16% of the original Contract amount.

The forecasted amount for prospective Change Orders is not-to-exceed (NTE) amount of \$286,000. Conduits were upsized to accommodate for larger diameter cables. The on-hand cables provide enhanced design features that include more robust insulation and better abrasion resistance, making them more reliable. These prospective Change Orders will resolve costs associated with changing the conduit sizes to accommodate the District Furnished electrical cables that were readily available on hand.

Descriptions of the Change Order's costs are set forth below:

- Change Order No. 004 – Anticipated Cost: Not to Exceed \$137,000 for the labor, equipment, and material procurement expenditure for installation of upsized cable and conduit.
- Change Order No. 010B – Anticipated Cost: Not to Exceed \$149,000 for the additional field modifications, resubmittals (design and work packages) and resequencing of construction activities.

All change orders will be approved as to form by the Office of General Counsel prior to execution.

Summary	Amount	Percentage of Base Bid
Total Base Bid Amount	\$4,783,000	
Agreed/Executed Change Orders	\$438,157	9.16%
Potential Change Orders	\$286,000	5.98%
Revised Contract Amount	\$5,507,157	

CAPITAL FISCAL IMPACT:

Funding in the amount of \$137,000 and \$149,000 for execution of Change Orders 004 and Change Order 010B respectively, for a total of \$286,000 of Contract 15EK-140 is included in the total project budget for the Traction Power Substation Replacement Project (Project Number 15EK350).

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:

Fund	Description	Source	Amount
3607	FTA 53307/5307 CA-2016-77-00	FEDERAL	1,000,000
8525	FY2013 Operating Cap Allocation	INTERNAL	68,862
3401	FTA-CA-05-0263-00	FEDERAL	1,900,000
851W	FY07-11 Capital Allocation	INTERNAL	114,767
353K	CA-05-0236 FG MOD-FY09	FEDERAL	19,068
6302	B-Toll AB664 FY12-13 13408004	REGIONAL	180,000

802B	2019B Measure RR GOB #2	INTERNAL	4,964,973
353M	CA-05-0248 FG MOD-FY10 CAPITAL	FEDERAL	124,218
802A	2017A Measure RR GOB #1	INTERNAL	3,253,030
353G	CA-05-0224-FY08 CAP Improvement	FEDERAL	1,219,119
3603	FTA 5337 CA-54-0023-00	FEDERAL	355,448
8529	FY 2015 Operating Capital Allocation	INTERNAL	250,000
8523	CAP SURCHRG-STATN 2 ST	INTERNAL	31,055
3602	FTA CA-54-0007-00 FY13 Cap Improvement	FEDERAL	1,760,000
347Z	FTA CA-05-0216-00 FY07	FEDERAL	704,000
6018	FY 11-12 BR TL ALLOC #12404403	REGIONAL	1,400,000
3004	FTA CA-90-Y946-00	FEDERAL	518,666
6213	REGIONAL MEAS 2 08382301	REGIONAL	176,000
6303	MTC B-Toll AB664 FY 13-14	REGIONAL	20,000
8202	SLS TX REVN BOND FND (1)	INTERNAL	54,780
802C	2020C Measure RR GOB #3	INTERNAL	22,631,997
		Total	40,745,984

As of August 26, 2021, \$40,745,984 is the total budget for this project. BART has expended \$25,003,664 committed \$14,623,163 and reserved \$10,000 to date. This action will commit \$286,000 leaving an available fund balance of \$823,157 in this fund source for this project.

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

There is no fiscal impact on available unprogrammed District Reserves.

ALTERNATIVES:

The Board may elect not to authorize execution of these Change Orders. Failure to issue these Change orders could result in added costs to the District due to the resulting contract cost and time extension, and likely claims from the Contractor.

RECOMMENDATION:

Adopt the Motion as presented.

MOTION:

The General Manager is authorized to execute Change Order Nos. 004 and 010B in an aggregate amount not to exceed \$286,000 to Contract No. 15EK-140 for Traction Power Substation Replacement ASL Installation with Aldridge Electric, Inc.

EXECUTIVE DECISION DOCUMENT

ATTACHMENT #1

CHANGE ORDER SUMMARY

BACKGROUND

Name of Contractor: Aldridge Electric, Inc.

Contract No./NTP: 15EK-140 / August 31, 2018

Contract Description: Traction Power Substation Replacement ASL Installation

Percent Complete as of 07/08/2021 94.20%

<u>COST</u>	<u>% of Award</u>	<u>CO Totals</u>	<u>Contract Amount</u>
Original Contract Award Amount			\$4,783,000.00
Change Orders:	9.16%	\$438,156.99	
Other than Board Authorized C.O.	5.98%	\$286,000.00	
Pending Board Authorized C.O.			
Subtotal of all Change Orders	15.14%	\$724,156.99	
<u>Revised Contract Amount:</u>			\$5,507,156.99

SCHEDULE

Original Contract Duration: 410 days

Time Extension to Date: 0 days

Time Extension Due to Approved COs: 70 days

Revised Contract Duration 480 days

SUMMARY REASON FOR THESE CHANGE ORDER(S)

- *Change Order No. 004:* Upsize and install 5" conduits and fittings at ASL to accommodate the larger diameter District Furnished Material of 750 kcmil cables. This is needed to satisfy the conduit fill requirements of the 1.81" OD conductors (original design was based on a 1.546" OD conductor).
- *Change Order No. 010B:* As a result of installing larger 5" RTRC conduit and slip couplings, additional field modifications, inefficiencies, and additional man hours were encountered.

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Board of Directors

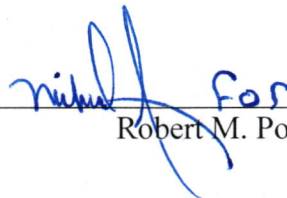
DATE: September 2, 2021

FROM: General Manager

SUBJECT: BHQ – BART Headquarters

Attached is the “BHQ – BART Headquarters” presentation that will be presented at the September 9, 2021 board meeting as an information item.

If you have any questions, please contact Carl Holmes, Assistant General Manager, Design and Construction at (510) 464-7592.



Robert M. Powers

cc: Board Appointed Officers
Deputy General Manager
Executive Staff



BART Headquarters Update

9/9/2021

Agenda

- *Schedule and Timeline Update*
- *Construction Update*
- *Technology Initiatives*
- *Workspace Sound Management – Acoustic Chair Update*
- *Office of Civil Rights Update*
 - *Small Business Participation*
 - *Turner Construction Community Benefit Results*
- *Next Steps*
 - *Transition from Construction to Property Management*

BHQ Project Timeline

Jul — Oct — Jan — Apr — July — **We are here** — Oct — Feb ➔

TIMELINE

Notice To Proceed

SCHEMATIC DESIGN

60 DAY PROGRAMMING PERIOD

Trade Package Advertising & Awards

Construction Started
12/28/2020

Construction and Relocation

Floors 3 & 9	6/4 – 6/7
Floors 8 & 7	6/11 – 6/13
Floors 6 & 5	6/23 – 6/27
Floors 4 & 10	7/2 – 7/4
Floors 2 & 1	7/23 – 8/2

Remaining Items

- Fire Pump
- Roof Top Access
- Lobby Doors

Activities over next 4-6 Weeks

- ❖ Systems Commissioning
- ❖ Fire Pump infrastructure
- ❖ Minor Punch list

POST AWARD SBSS

Jan & Feb Workshops

- Pre-Construction Submittals
- B2Gnow Payment Tracking Software
- CPR Upload Overview

March Workshops

- Understanding General & Supplemental Conditions

April Workshops

- BHQ Quality Assurance (QA & QC) and Closeout
- Requirements for Successful Completion

Engagement Input & Communications:

- | | | |
|---|---|--|
| <ul style="list-style-type: none"> • Leadership & Project Meetings • Change Team Network • Newsletters • BHQ Website & FAQs | <ul style="list-style-type: none"> • Town Halls & Virtual Workshops • Workplace Tours • Furniture Mockups • Department Meetings | <ul style="list-style-type: none"> • Move Prep Planning • District wide survey |
|---|---|--|



BHQ

Technology Initiatives for a Better Workplace

Collaboration

- ❖ On average there are now 6 smart rooms per floor
- ❖ 9 advanced training rooms with full online video connectivity

Flexibility

- ❖ Laptops for BHQ staff
- ❖ Secure connectivity while working remote

Comfort

- ❖ Widescreen monitors w/ integrated docking station
- ❖ Seamless WiFi
- ❖ Sound Masking

Environmental

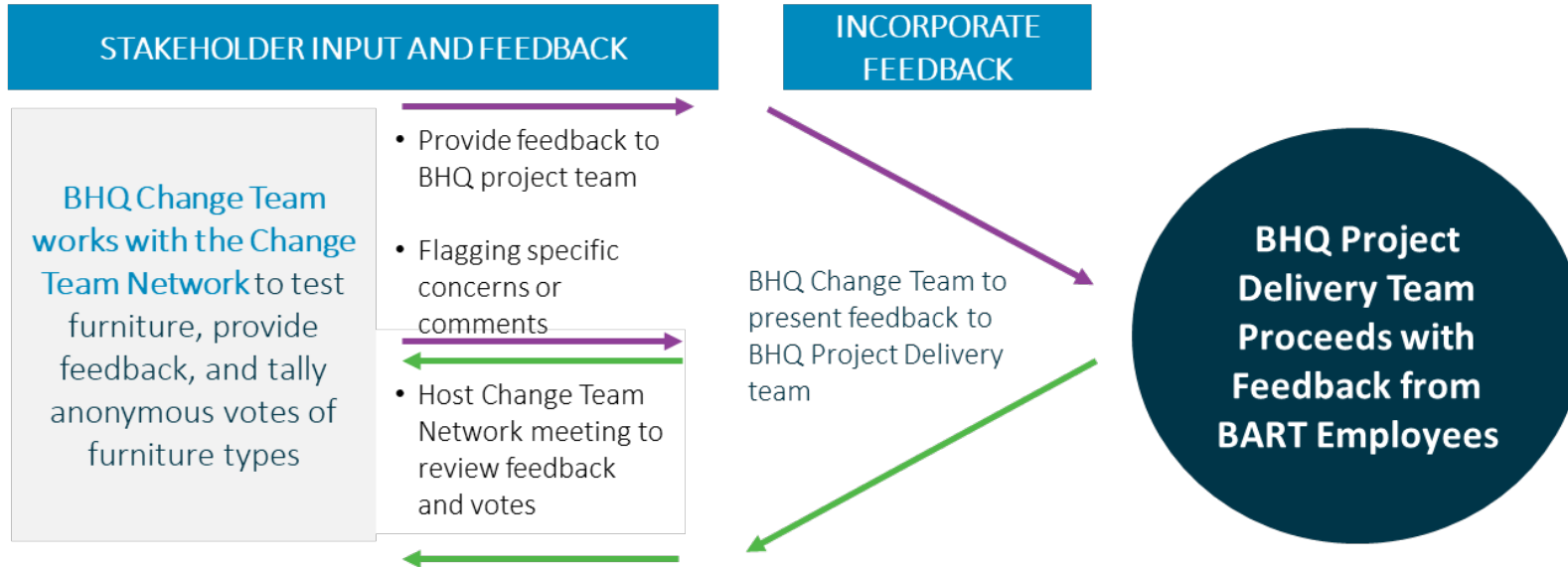
- ❖ Centralized copy/printing locations
- ❖ Water bottle Filling Stations

Communication

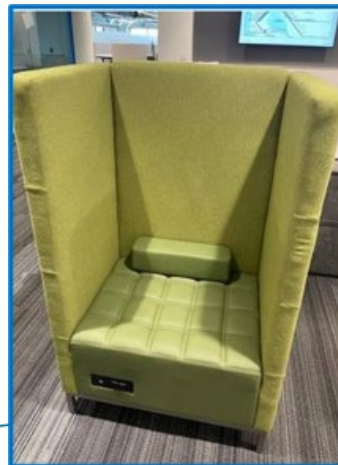
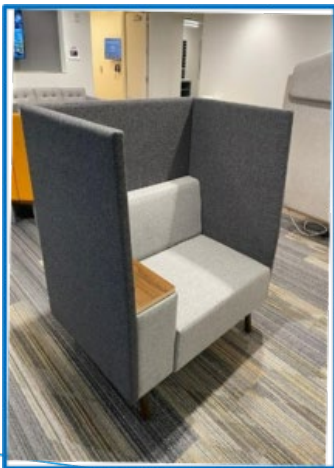
- ❖ Voice Over IP Telephone System
- ❖ Company Dashboards

Workspace Sound Management

Acoustic Chairs



Stakeholder Input and Feedback Survey through October: These chairs are located on multiple floors on BHQ. Employees can test the chairs and use a QR Code to send the BHQ their feedback and their preferred choice.



BART Headquarters Project Budget

	Base Contract Value	Current Contract Value
Construction	\$52M	\$58.106M
Design and Programming	\$0.6M	\$5.137M
Management Fees and Bond	\$5.86M	\$6.392M
Total Price	\$58.47M	\$69.635M*

Small Business Participation

	Value	SB Participation	SB %
<i>Contract Value At Time of Bid</i>	<i>\$58,467,851</i>	<i>\$18,709,712</i>	<i>32.0%</i>
<i>Revised Contract</i>	<i>\$69,635,003</i>	<i>\$22,283,201</i>	<i>32.0%</i>
Forecasted – <i>(Contractor)</i>	\$69,633,594	\$24,625,216	35.4%
Validated by Office of Civil Rights	\$68,039,012	\$24,938,135	36.7%
Payments to Date – <i>as of August 2021</i>	\$55,560,691	\$15,436,144	27.8%

**Inclusive of all Board Approved Change Orders*



Turner



BART HEADQUARTERS
COMMUNITY BENEFIT

OUTREACH EFFORTS

4 OUTREACH MEETINGS successfully held virtually

349 FIRMS in attendance at outreach meetings

141 SPECIALTY CONTRACTORS in attendance at outreach meetings

60+ MATCHMAKING one on one meetings

Turner
BART HEADQUARTERS
FINAL TRADE PARTNER OUTREACH MEETING
TUESDAY, SEPTEMBER 8TH 9AM-11AM VIA ZOOM

RSVP HERE

General Requirements | Steel / Misc. | Iron | Millwork | Doors, Frames and Hardware | Glazing | Flooring
Acoustical Ceilings | Ceramic Tiles | Painting | Signage | Specialties | Window Shades | Site Furnishings

BuildOUT CALIFORNIA
RAINBOW CHAMBER SILICON VALLEY
Sacramento
GGGA
Turner

BART TRADE PARTNER OUTREACH MEETING #4

Turner has been awarded the BART Headquarters Tenant Improvement Project in downtown Oakland. The Project includes the build-out of approximately 240,000 square feet of commercial office space. The work includes typical office space, ground floor lobby renovations, a large public meeting area and roof-top amenities.

Turner, BuildOUT California, Sacramento Rainbow Chamber of Commerce, Rainbow Chamber Silicon Valley and Golden Gate Business Association will be co-hosting the last virtual information session regarding the BART project on Tuesday, September 8th via zoom.

At the end of the presentation, subcontractors can meet the Core Trade Partners listed above in private breakout rooms.

REGISTER NOW

<https://tinyurl.com/turnerbartoutreach4>

Once you have registered for this event, you will be sent a confirmation email with a Zoom link to attend.

COMMUNITY PARTNERSHIP

SHARED GOAL: PROMOTE INCLUSIVE CONSTRUCTION
CONTRACTING ON BART HQ PROJECT

Turner

BART
ba

JLL

THE ALLEN GROUP, LLC

PCG
PENDERGAST
CONSULTING GROUP

DGS
GENERAL SERVICES

OAKLAND AFRICAN-AMERICAN
CHAMBER OF COMMERCE
OAACC

SFAACC

BuildOUT
CALIFORNIA

360
TotalConcept

BIG MOUTH
PRODUCTIONS

ASIAN, inc.

RAINBOW
CHAMBER
SILICON VALLEY

Sacramento
RAINBOW CHAMBER
OF COMMERCE

WRMSDC

LOWE CONSULTING, LLC
JOHN M. LOWE, JR., P.E.

GGBA
GOLDEN GATE BUSINESS ASSOCIATION

RIM

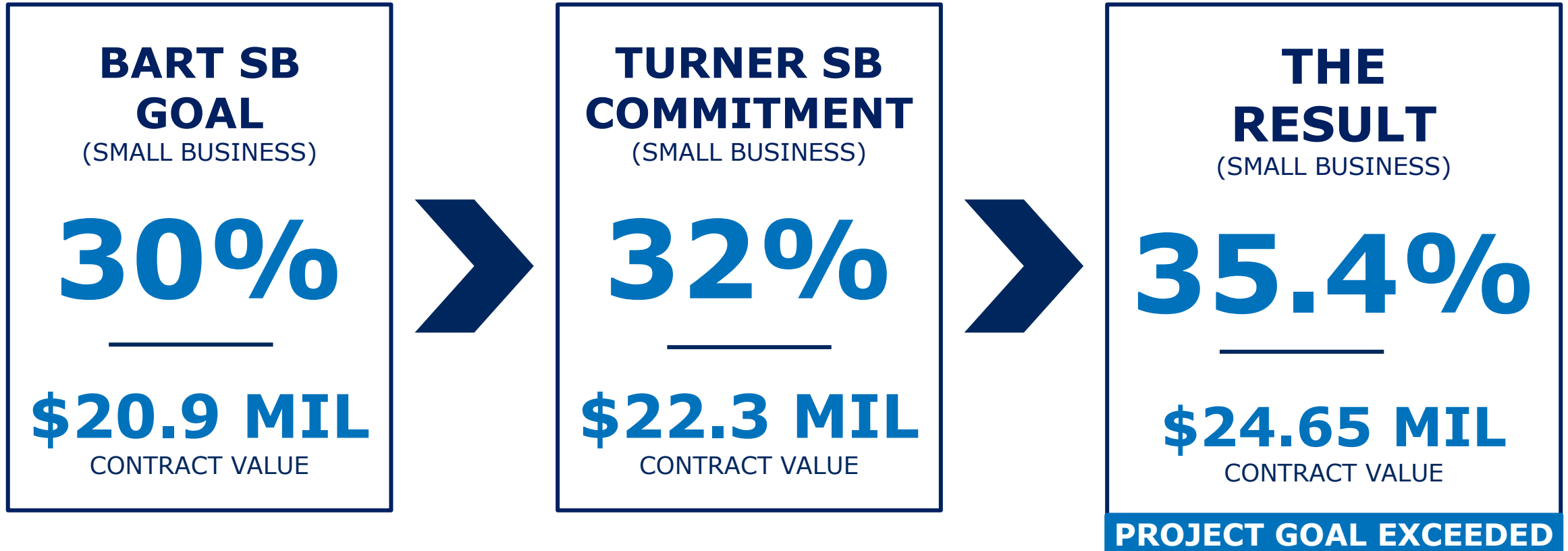
NAMC
NATIONAL ASSOCIATION OF
MINORITY CONTRACTORS

ROSENDIN

SBA
U.S. Small Business
Administration

BROADWAY MECHANICAL CONTRACTORS
BMC

SB GOAL & BENEFIT RESULT



ADDITIONAL BENEFIT RESULTS

10% AA
Commitment

13%

(\$8.9 MIL)

AA

African
American
Owned

17%

(\$11.4 MIL)

MBE

Minority
Business
Enterprise

2.8%

(\$1.8 MIL)

DVBE

Disabled
Veteran
Business
Enterprise

10%

(\$6.8 MIL)

WBE

Women
Business
Enterprise

35.6%

(\$24.4 MIL)

LOCAL

East Bay



Priority Architectural Graphics

**SB
SB-PW
LBE**
Certified Trade Partner



“ Priority Architectural Graphics is thrilled BART HQ this construction project that our provider using local goals the Construction engage wonderful and community allow our this summer



JULIANA SOLIS
PRESIDENT



Rubecon Builders Inc.

**SB
MBE
LBE**
Certified Trade Partner



“ The safe BART e keeping running excited services facilities standard We great opportunity one of the Bay Area



RUBEN SANTANA
PRESIDENT



Red Dipper

**DBE
MBE
LBE
SLEB
LIABE
SBE**
Certified Trade Partner



“ We are elated to be included on a project that will have an enormous impact in Oakland by bringing jobs and contracts. BART ensured com Turn colla Africa to in parti 17% impr welfa



DOUG



Beci Electric

**WBE
WBENC
DBE
SBE
SLEB
LBE
LIABE**
Certified Trade Partner



“ BART role in econo been on pro station Tube. const new h like bo step a culmin collab



REBECCA ANDERSON
PRESIDENT



Net Electric, Inc.

**SBE
MBE**
Certified Trade Partner



“ We are pleased to be part of the BART HQ TI, this gives us a chance to showcase our abilities while providing the client with a professional job on time and budget, while working safely. This will show that small minority contractors have the capacity to perform large scale projects like this. We want to set the standard of excellence in this field.



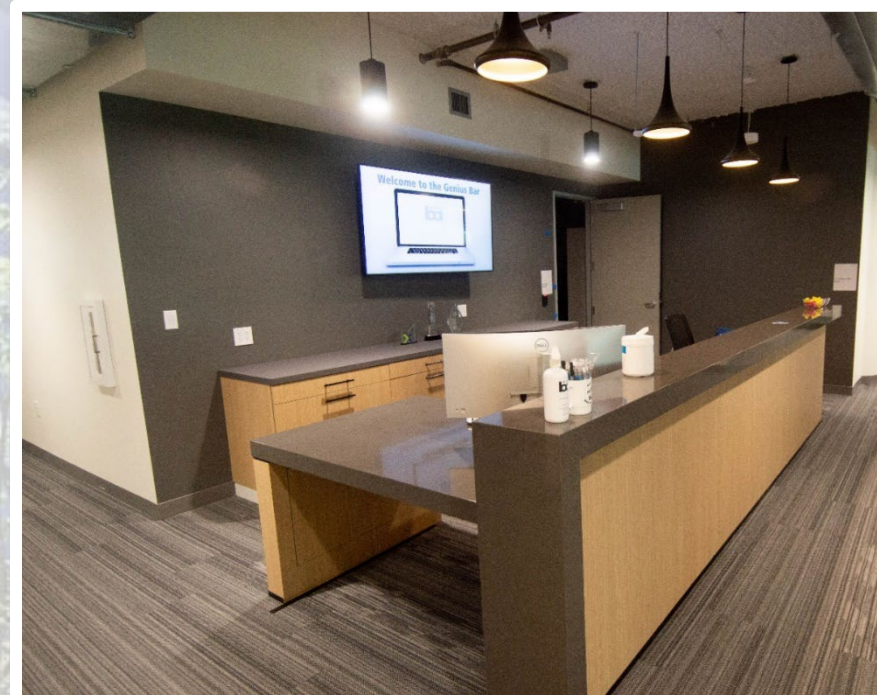
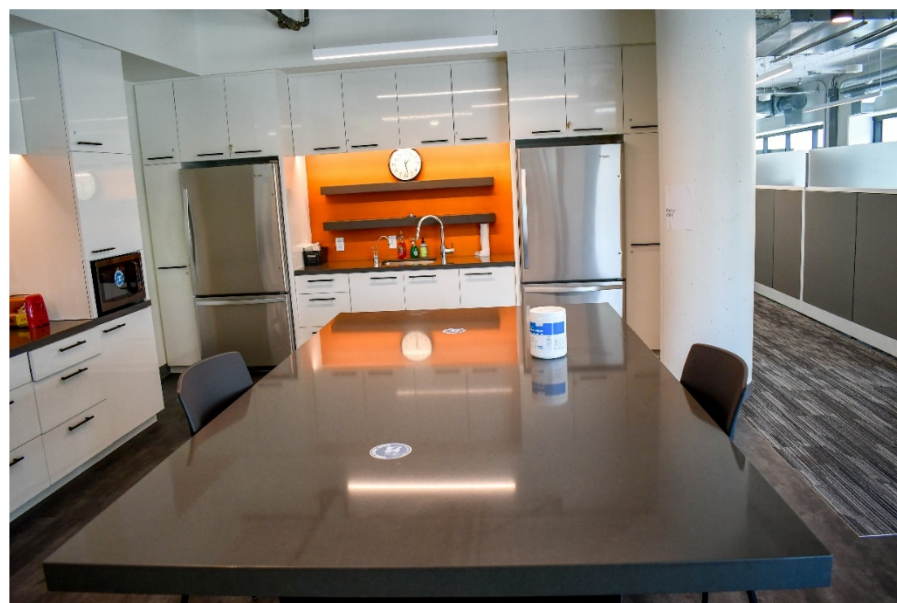
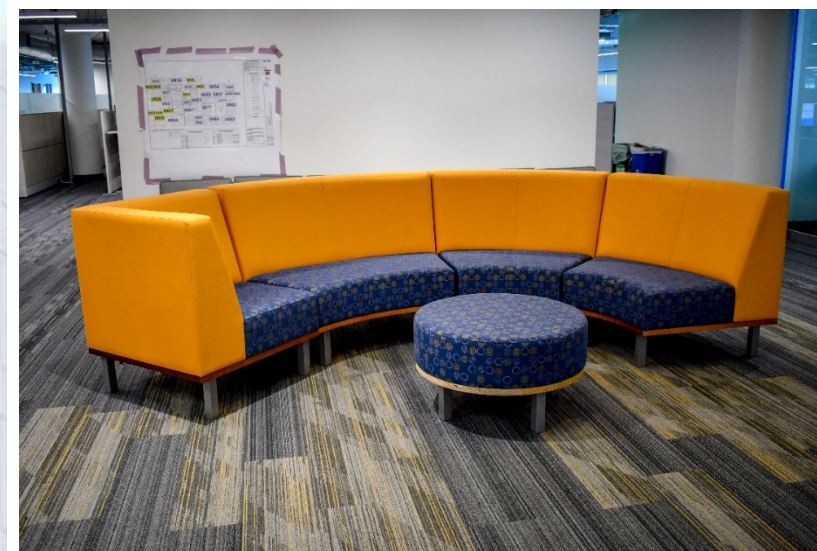
NATHAN TYLER
PRESIDENT

VOICE OF OUR TRADE PARTNERS

THANK YOU TO OUR TRADE PARTNERS







Next Steps

- Boardroom Commissioning
- City of Oakland – Final inspection
- Punchlist Completion
- Transition from Construction to Property management
 - Property manager on board
 - Building Engineering, Janitorial, Elevator, Fire/Life Safety & Security contracts (Approved 5/13/21)
 - Advancing building policies, procedures, trainings



Beci
Electric

WBE
WBENC

DBE

SBE

SLEB

LBE

LIABE

Certified
Trade
Partner



BART plays an essential role in this area's economy, and we have been fortunate to work on projects at passenger stations, maintenance stations and the Transbay Tube. Being part of the construction of their new headquarters feels like both a natural next step and an exciting culmination of years of collaboration."



REBECCA ANDERSON
PRESIDENT





Red
Dipper

DBE
MBE
LBE
SLEB
LIABE
SBE
Certified
Trade
Partner



“ We are elated to be included on a project that will have an enormous impact in Oakland by bringing jobs and contracts. BART ensured community engagement and Turner Construction worked collaboratively with the African American Chamber’s to increase minority participation from 10% to 17%, which will certainly improve the health and welfare of this community.”



DOUG PARRISH
CEO



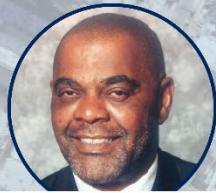


Baines
Group

SB
SBE
MBE
LBE
DBE
Certified
Trade
Partner



BGI is pleased
to once again
partner with
Turner & bring
success to
the Oakland
community
through the BART
Headquarters
project.”



MICHAEL BAINES
PRINCIPAL



ELIZABETH NORRIS
PRINCIPAL





Rubecon
Builders Inc

SB
MBE
LBE

Certified
Trade
Partner



The safety and comfort of BART employees is key to keeping the BART system running smoothly. We are excited to provide our services to ensure the BART facilities are up to the highest standards.

We greatly appreciate the opportunity of working for one of the iconic staples of the Bay Area.”



RUBEN SANTANA
PRESIDENT



Valdez
Painting

**SB/
MICRO**
Certified
Trade
Partner



At VPI we like to challenge ourselves with all different kinds of work. Because the BART HQ project is a fast paced project, we are excited to partner with Turner Construction and coordinate with other trades to deliver a successful project for BART.”



CAMERON BOURBOULIS
PROJECT MANAGER



All Bay
Area Glass

WBE
MSBE
DBE
SB
SLEB
SLBE
Certified
Trade
Partner



Turner is a leader in the construction industry. It is a great opportunity to partner up and show our craft, as well as gain invaluable knowledge from Turner on this project.”



SHAUNE GBANA
PRESIDENT



RCM Fire
Protection

SB
Certified
Trade
Partner



With RCM Fire Protection
originating in the Bay
Area, it is our privilege to
service BART, an iconic
symbol of our home!”



TAYLER MISFELDT
BUSINESS DEVELOPMENT



Priority
Architectural
Graphics

SB
SB-PW
LBE

Certified
Trade
Partner



Priority Architectural Graphics is thrilled to be a part of the BART HQ project because this construction shows that our regional transit provider finds strong value in using local businesses! The goals that BART and Turner Construction set together to engage companies like us are wonderful to see. Planning and commitment like this will allow our region to reawaken this summer in a big way!”



JULIANA SOMMER
PRESIDENT

metrocontract|group

Metro Contract Group

DBE

MBE

SBE

Certified
Trade
Partner

Turner **BART**
ba

“It’s our pleasure to work with BART and Turner Construction on this important and exciting project for our local region. We look forward to working with Turner and contributing to the future of our local transit district. We also appreciate Turner Construction and BART’s outreach and inclusion to small, diverse vendors - initiatives that Metro support.”



DWIGHT JACKSON
PRESIDENT/CEO



Big Pipe Mechanical

DBE
MBE
SBE
LBE

Certified
Trade
Partner



We're excited about working on the BART Headquarters project. It gives our firm the opportunity to work closely with Turner and Broadway Mechanical so we can learn and grow as a small business that's an asset to larger contractors."



CHARLES MATTHEWS
PRESIDENT/OWNER



Ascent
Inc.

SB-PW
Certified
Trade
Partner



BART is such an
important part of our
community.

We are proud to provide
equipment for the
headquarters project.”



CHAD MIARS
DIRECTOR OF BUSINESS OPS

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Board of Directors

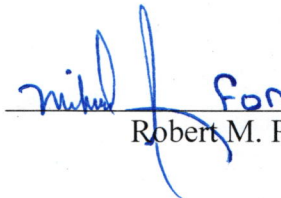
DATE: September 2, 2021

FROM: General Manager

SUBJECT: Update on Link21 Program

Attached is the "Link21 BART Board Update" presentation that will be presented at the September 9, 2021 board meeting as an information item.

If you have any questions, please contact Val Menotti, Chief Planning and Development, Planning & Development at (510) 287- 4794.



Robert M. Powers

cc: Board Appointed Officers
General Manager
Executive Staff
Sadie Graham – Acting Director



CONNECT NORTHERN CALIFORNIA

BART Board Update

Thursday, September 9, 2021



September 2021

DRAFT-DELIBERATIVE



Agenda

- Program Update
- Market Analysis
- Stage Gate Overview



September 2021

DRAFT-DELIBERATIVE

Link21 Program Update

- Onboarding new consultants/BART staff
- \$1.5M Federal RAISE planning grant submitted to expand and deepen co-creation work
- Evaluating potential federal and state funding opportunities
- Completed Round #1 Public and Equity Outreach
 - Another round of public and equity outreach to be held in fall 2021

Link21 Program Update

Public Workshops

- Five successful virtual workshops in various regions of the megaregion
- **300+** stakeholders participated
- Local partner agencies co-hosted the workshops
- Elected and agency officials provided opening remarks
- Partnered with Community-based Organizations to reach Priority Populations



Link21 Program Update

Public Workshops – Key Takeaways

- Groundwork laid for stronger partnerships with transportation and other agencies. These relationships will hopefully lead to **greater support of the program**
- Beginning the cultivation of Program champions that may turn into **support for funding needs**
- More outreach, more often to the general public to ensure **collaboration, transparency and equitable outreach**
- Meet people where they are by being in the **places and spaces** where potential and existing riders are
- Messaging to better help the Megaregion understand that **Link21 is just not a SF/Oakland program**

Program Concept Development

Four Building Blocks of Concepts – all include both BART and Regional Rail improvements

1. Potential Markets

- Initial Analysis based on geography of land uses/jobs/housing (e.g., Oakland, Vallejo, Sacramento)
- Type (e.g., core, commute, long-distance commute/intercity)

2. Service Planning

- Travel time, peak frequency, extended hours

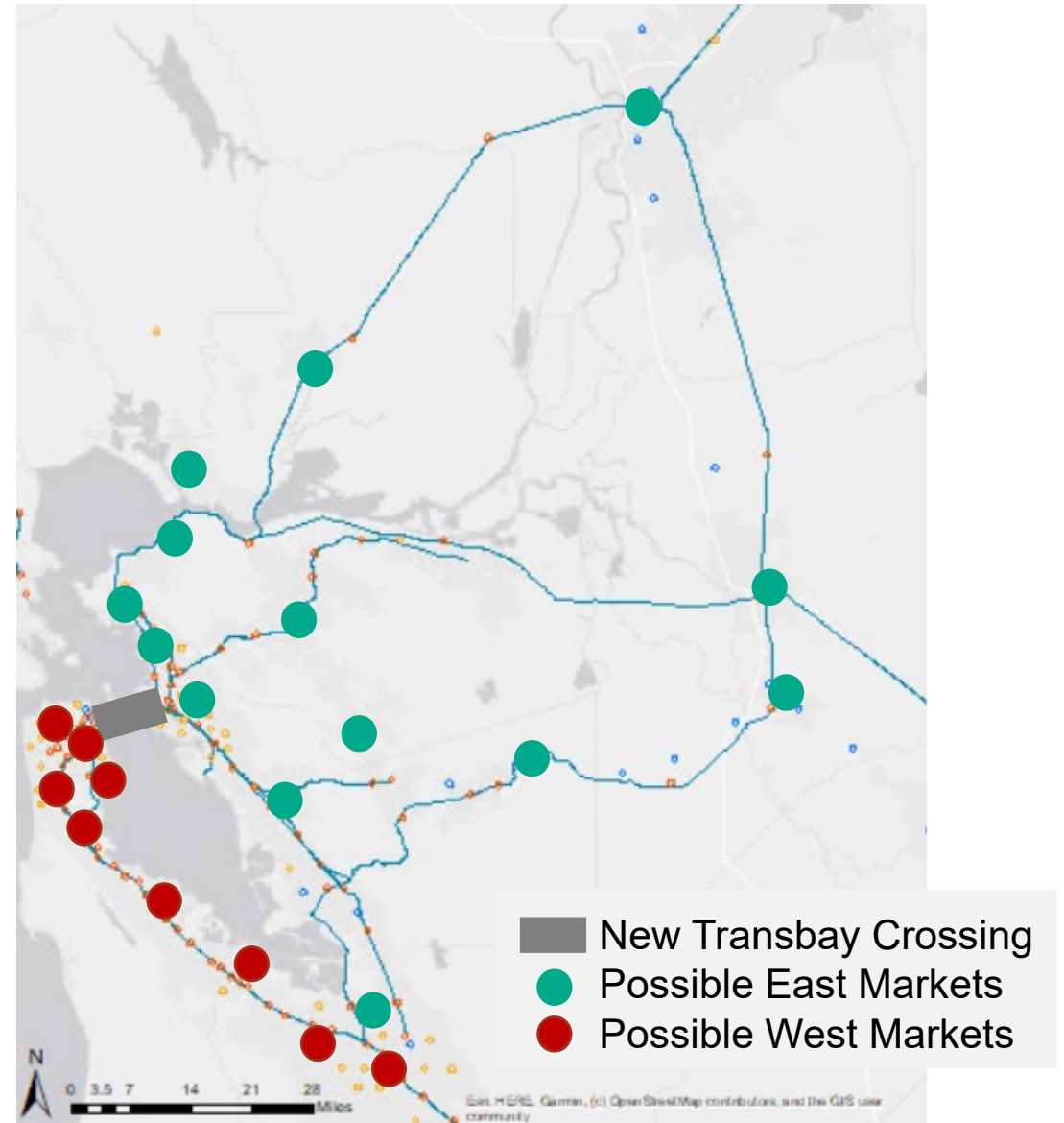
3. Rail Technology

4. Physical Features

- Driven by existing rail network constraints
- Land use opportunities / constraints

Connecting Markets Throughout the Megaregion

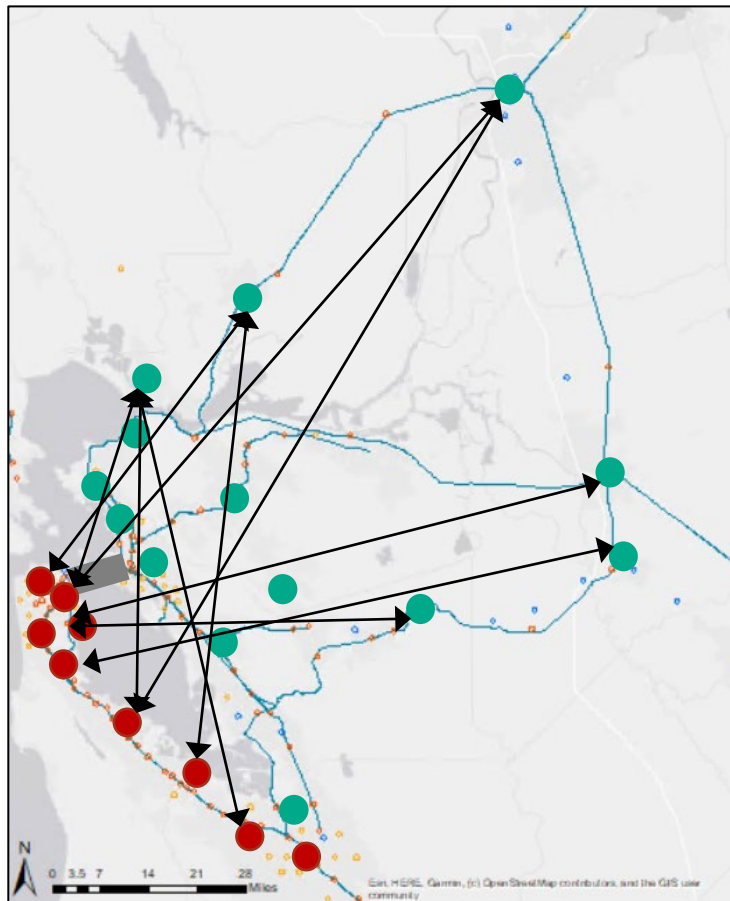
- **Purpose of the Market Analysis:** Identify the origin-destination pairs with the greatest ridership potential for Link21



Market Analysis Versus Demand Forecasting

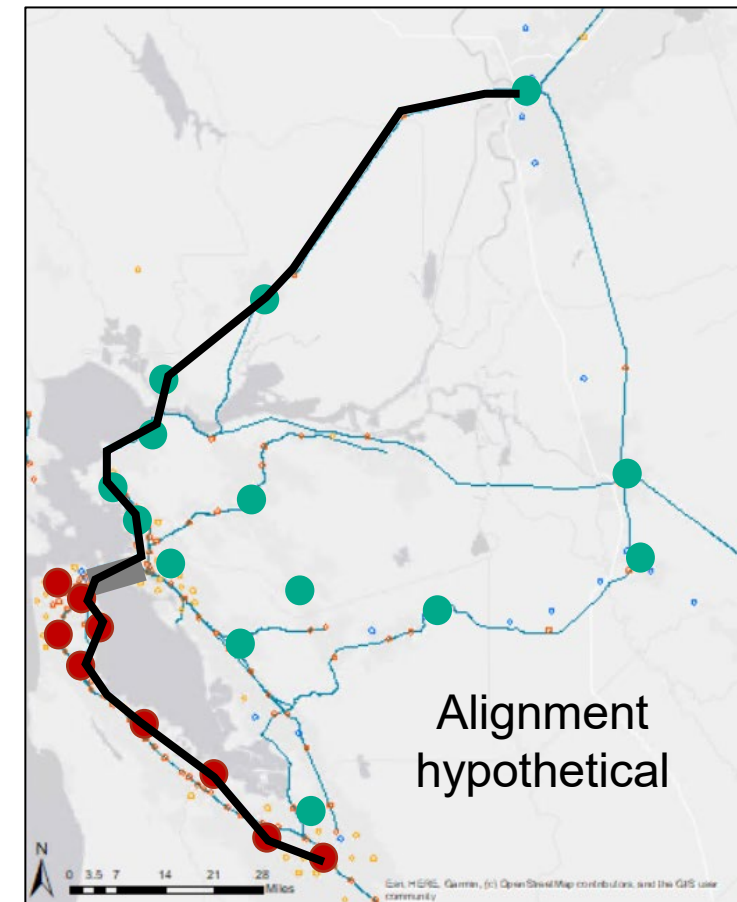
MARKET ANALYSIS

Find origin-destination pairs with large number of potential rail riders



DEMAND FORECASTING

Estimate ridership for a specific rail service



Key Considerations and Assumptions

- Considerations

- Include induced trips but not land use feedback
- Estimates rail potential – could be served by other transit modes
- Priority Populations* weighted to prioritize these communities

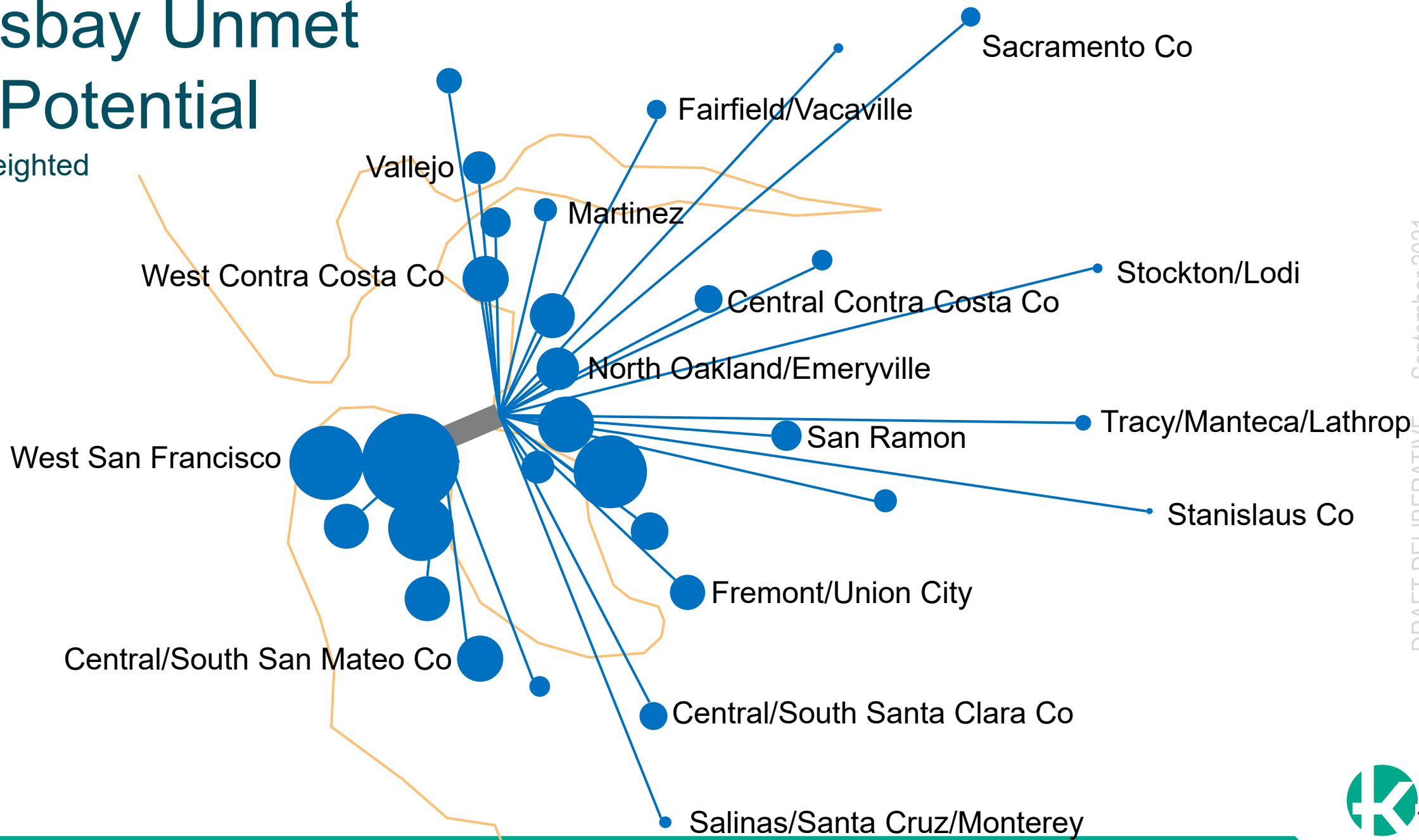
- Assumptions

- Travel Patterns Pre-Covid
- Land Use and projects from Adopted Metropolitan Planning Organizations plans
- Scenarios analyzed to test robustness under uncertainties
 - Overall market analysis results unchanged with minor adjustments

** Priority Population designations are aimed at reinforcing equity and will be refined with co-creation inputs*

Transbay Unmet Rail Potential

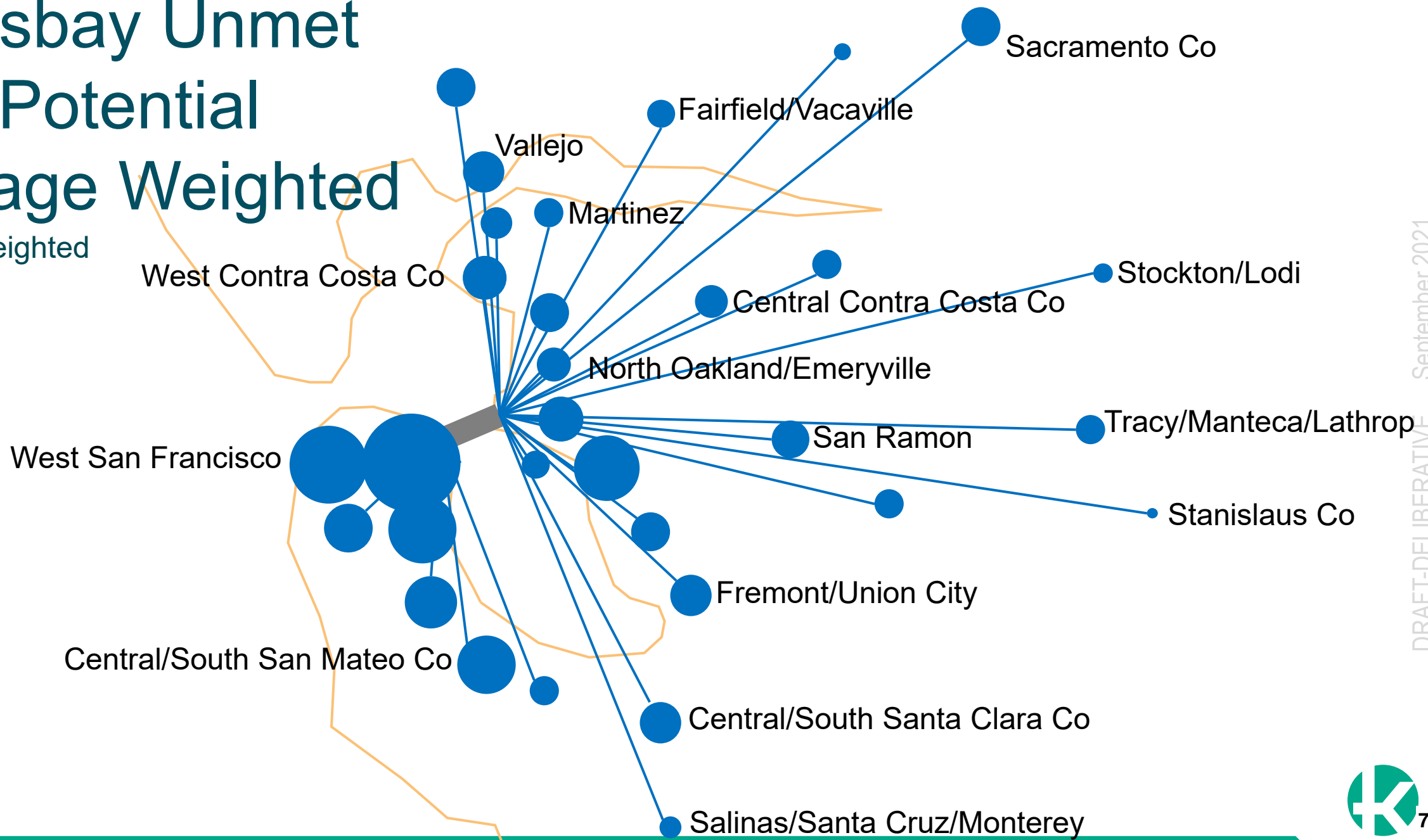
Equity Weighted



DRAFT-DELIBERATIVE September 2021

Transbay Unmet Rail Potential Mileage Weighted

Equity Weighted



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There is significant unmet potential for rail throughout the megaregion

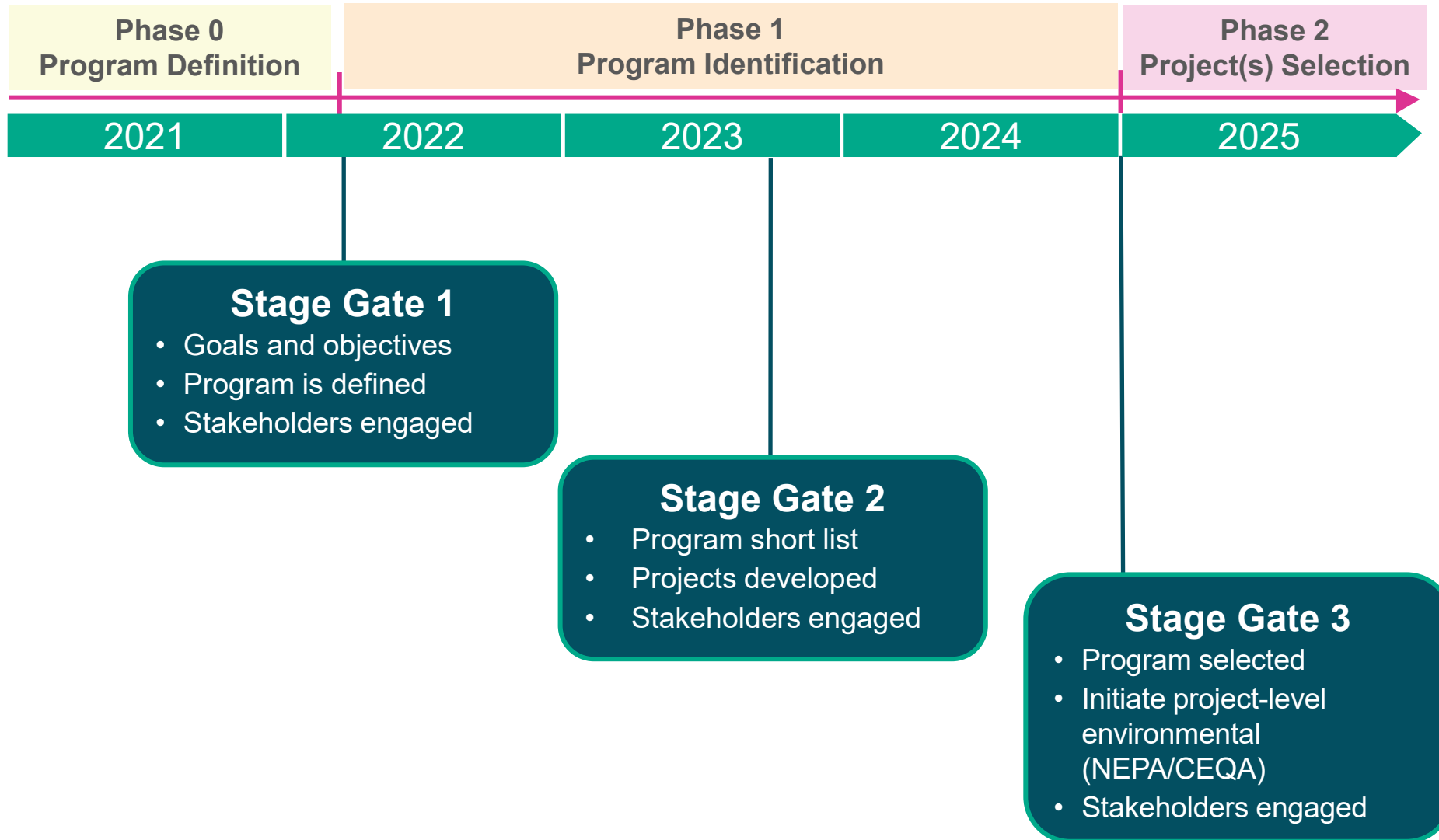
- ~45% of unmet rail potential uses the transbay corridor*
 - Highest unmet transbay potential in areas closest to the crossing
 - Throughout San Francisco and in the East Bay between Richmond and Bay Fair
 - Medium unmet transbay potential in several medium-length markets
 - Hercules, Vallejo, Fairfield, Fremont, San Ramon, Millbrae, and Palo Alto
 - Corridor to Sacramento shows potential to reduce vehicle miles traveled (VMT)
- Unmet potential increases with faster travel times, higher frequency, lower fares
- Infrastructure in the core benefits travelers throughout the megaregion
- Market analysis provides a foundation for understanding how Link21 can best attract new riders
 - Will be combined with other information to develop the Link21 program (e.g., stakeholder and public input, detailed demand forecasting, etc.)

* Of trips greater than 3 miles

Stage Gate Approach

- Global best practice for project delivery
- Formal Board Action at key program milestones
 - Confirm readiness to advance
 - Memorializes decision
- Disciplined and rigorous evaluation
 - **Confirm** appropriate work completed
 - **Clarify** future work to be completed
 - **Document** risks and mitigations

Upcoming Stage Gates

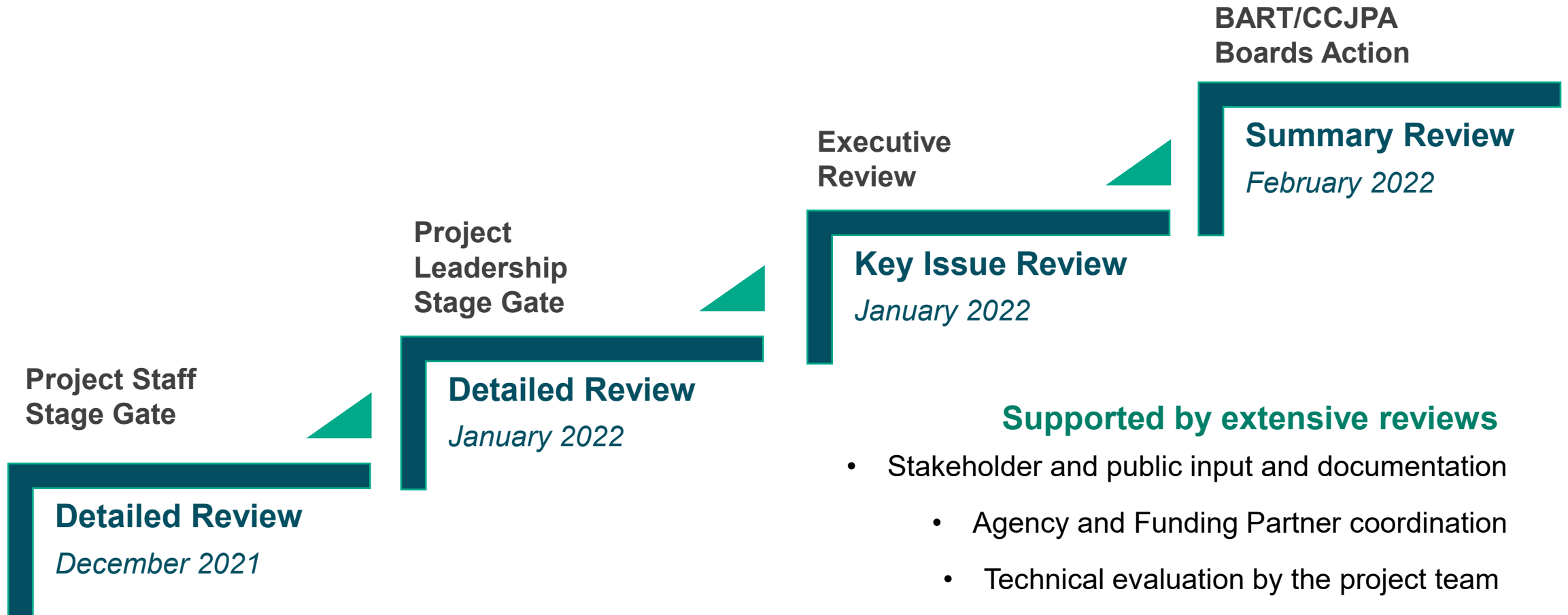


Stage Gate 1: Board Action

By taking action, the Board(s) will confirm Link21 is ready to advance from Phase 0 (Program Definition) to Phase 1 (Program Identification) based on sufficient documentation, review, and evidence that:

- Goals and Objectives are appropriate, clear and measurable
- Key elements are in place to define the program and develop program / project alternatives in Phase 1
- The path forward in Phase 1 is clearly defined and roles and responsibilities are identified
- Stakeholder and public engagement has informed the process and supports the advancement to Phase 1

Stage Gate Decision Hierarchy

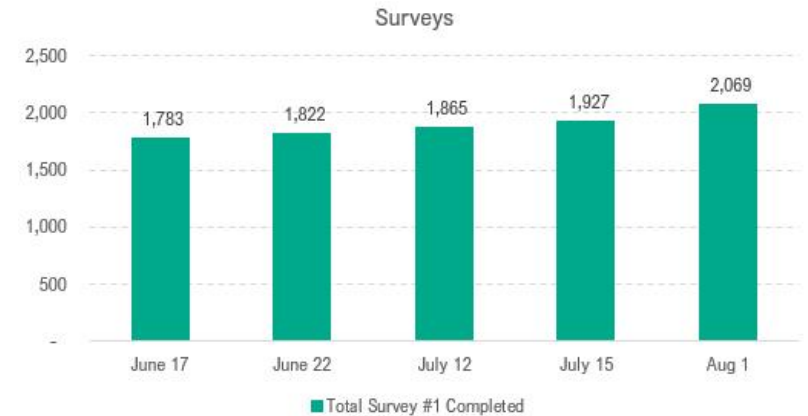


Supported by extensive reviews

- Stakeholder and public input and documentation
 - Agency and Funding Partner coordination
 - Technical evaluation by the project team
- Peer reviews by industry subject matter experts
- Agency executive confirmation & recommendation

Example of Questions Asked at Stage Gate

- Have general stakeholders been sufficiently engaged by the Program regarding understanding of Link21's goals and objectives?
- Evidence:
 - Creation of Website, digital and traditional, elected and public official briefings, public workshops, presentations to key agencies
 - Goals and Objectives survey - **2,600+** surveys received
 - Co-creation workshops and Priority Population engagement



5
virtual public
workshops

20+
presentations to
transportation and
agency partners

Co-creation
partnered with over 20
Community Based
organizations
24 co-creation events

103k+
website visits

335
media
mentions

*as of 9/2021

September 2021

DRAFT-DELIBERATIVE

Link21: Board Next Steps

- Value Capture Briefing – Fall 2021
- System Expansion Policy Update – Fall 2021
- Round 2 Community Outreach – October/November 2021
- Stage Gate 1 : For Board Action – early 2022



Thank you

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Board of Directors

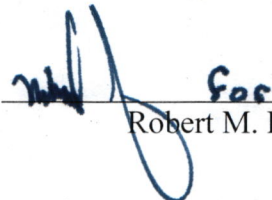
DATE: September 2, 2021

FROM: General Manager

SUBJECT: BART 2020 Annual Report: Sustainability

At the September 9, 2021 BART Board meeting, staff will present an information item on the [BART 2020 Annual Report: Sustainability](#), which is available to the public on the BART web site. The Annual Report contains a collection of case studies that highlight BART's achievements in sustainability for calendar year 2020 and a summary of BART's sustainability performance metrics. Staff will summarize these findings.

If you have any questions, please contact Val Menotti, Chief Planning and Development Officer, at (510) 287-4794.



Robert M. Powers

cc: Board Appointed Officers
Deputy General Manager
Executive Staff



2020 Annual Report – Sustainability

September 2021

Agenda

- Sustainability at BART
- Overview of Sustainability Action Plan
- 2020 Highlights & Case Studies
- Performance Metrics & Targets
- Action Status Update
- Priorities & Opportunities
- Appendix

Sustainability at BART

- Transportation accounts for 40% of greenhouse gas (GHG) emissions in CA, and of those, 70% are produced by passenger vehicles¹.
- By providing over 409,000 passenger trips per weekday², BART supports a shift from driving alone to transit and thereby contributes significantly to the reduction of GHG emissions from Transportation in the Bay Area.
- In addition, BART is committed to integrating sustainability into its daily operations and future transit investments.
- BART published a [Sustainability Action Plan \(SAP\)](#) (Dec 2017) which includes specific types of projects that BART has/is/will implement to pursue and achieve the American Public Transportation Association (APTA) sustainability categories goals and BART specific targets.
- BART publishes annual reports documenting our progress on the SAP
 - [2018](#), [2019](#), [2020](#)

¹2020 CA Air Resources Board (CARB) *California Emissions Trends Report: 2000 – 2018*

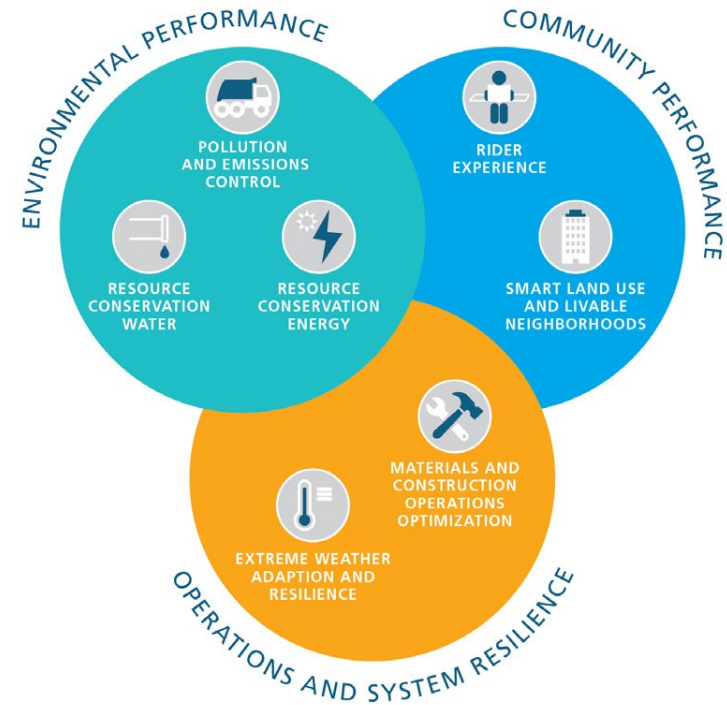
Sustainability Action Plan Overview

TARGETS

- Time Horizon: 2015 (baseline year) to 2025
- Types of targets:
 - Commitment – based on commitment to high scoring actions, implementation is constrained by potential funding limitations
 - Aspiration – assumes full plan implementation and fewer budget constraints

ACTIONS

- The Plan contains **55** Actions (**118** sub-actions) covering the seven Sustainability Categories that align with American Public Transportation Association (APTA) Sustainability Indicators
- **20** Priority Actions are highlighted as near-term focus areas
- See the 2020 report for current status on all Actions



Different BART departments lead in the implementation of Actions in their area of control

BART 2020 Sustainability Highlights



\$700 million

issued in green bonds to invest in climate-friendly mass transportation



\$3.54 million

awarded to improve station access as part of the Safe Routes program



65.9 mpg

fuel efficiency equivalent in a BART car as compared to average single-occupancy car



280

Fleet of the Future Cars in operation



26 lbs

of CO2e emissions avoided per average round trip, which is equivalent to about 30 miles driven in a passenger car



100%

of BART's contracted electric supply was GHG-free



Completed two transit-oriented development (TOD) projects

which added 602 new residential units, of which 56 are affordable



2 tons
(estimated)

of oily rags diverted from waste



92

secure on-demand electronic BikeLink locker spaces purchased and installed



Free masks and hand sanitizer

offered at stations systemwide

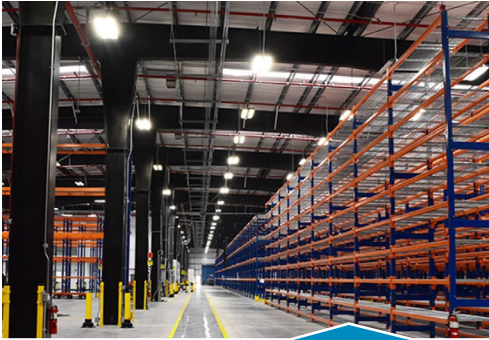


Berryessa and Milpitas stations

opened with sustainability features

Case Studies

See 2020 Report for detailed writeups



**Hayward Maintenance Complex
Central Warehouse achieved
LEED Silver Certification**



Implemented Clipper-only fares



**MacArthur Transit Village
completed**



**Used goats to help mitigate
wildfire risks**






**Released first Power Content
Label, which profiles BART's
electric supply portfolio**



**\$191 million from the Affordable
Housing and Sustainable
Communities grant program**


Performance Metrics and Targets

From 2020 Report

	Units	2015 Baseline	2016	2017	2018	2019	2020	Target 2025	
<div> RESOURCE CONSERVATION: ENERGY & GHG EMISSIONS</div>									
Total energy use	Megajoules (MJ) / vehicle revenue mile (VRM)	21.19	19.93	20.52	20.89	21.18	23.70	Committed 19.52	Aspirational 19.19
Total greenhouse gas (GHG) emissions	Metric tons of carbon dioxide equivalent (MT CO2e) / thousand VRM	1.92	1.65	0.23	0.25	0.26	0.11	Committed 0.31	Aspirational 0.24
<div> RESOURCE CONSERVATION: WATER</div>									
Total potable water use	Gallons / VRM	0.64	0.65	0.86	0.95	0.85	1.00	Committed 0.43	Aspirational 0.38
<div> SMART LAND USE AND LIVABLE NEIGHBORHOODS</div>									
Residential units	# of units built (cumulative since 1993)	1,416	1,506	1,975	1,975	2,649	3,251	7,000	
Affordable residential units	# of affordable units built (cumulative since 1993)	256	346	613	613	845	901	2,400	
Office/commercial square footage	Square feet built (cumulative since 1993)	188,590	188,590	194,590	194,590	637,590	643,690	1,000,000	

Performance Metrics and Targets

From 2020 Report




	Units	2015 Baseline	2016	2017	2018	2019	2020	Target 2025
<div> SMART LAND USE AND LIVABLE NEIGHBORHOODS</div>								
Mode share: active (walking and bicycling)	%	44%	Pending Station Profile Survey planned for 2022					52%
Mode share: shared mobility	%	29%	Pending Station Profile Survey planned for 2022					32%
Mode share: drive & park	%	27%	Pending Station Profile Survey planned for 2022					16%
GHG emissions associated with passenger access to the station	%	TBD	Pending Station Profile Survey planned for 2022					-24% reduction from 2015 baseline
<div> RIDER EXPERIENCE</div>								
Quarterly reporting of safety and performance indicators		Complete ¹						Complete
Has BART met all adopted Performance Standards for Safety and Patron Comfort?		No ²						Yes

¹ Quarterly reports on safety and performance indicators can be found at: [Reports | bart.gov](https://www.bart.gov/reports)

² Performance Standards for Safety and Patron Comfort can be found at: [Safety | bart.gov](https://www.bart.gov/safety) and [Experience | bart.gov](https://www.bart.gov/experience)

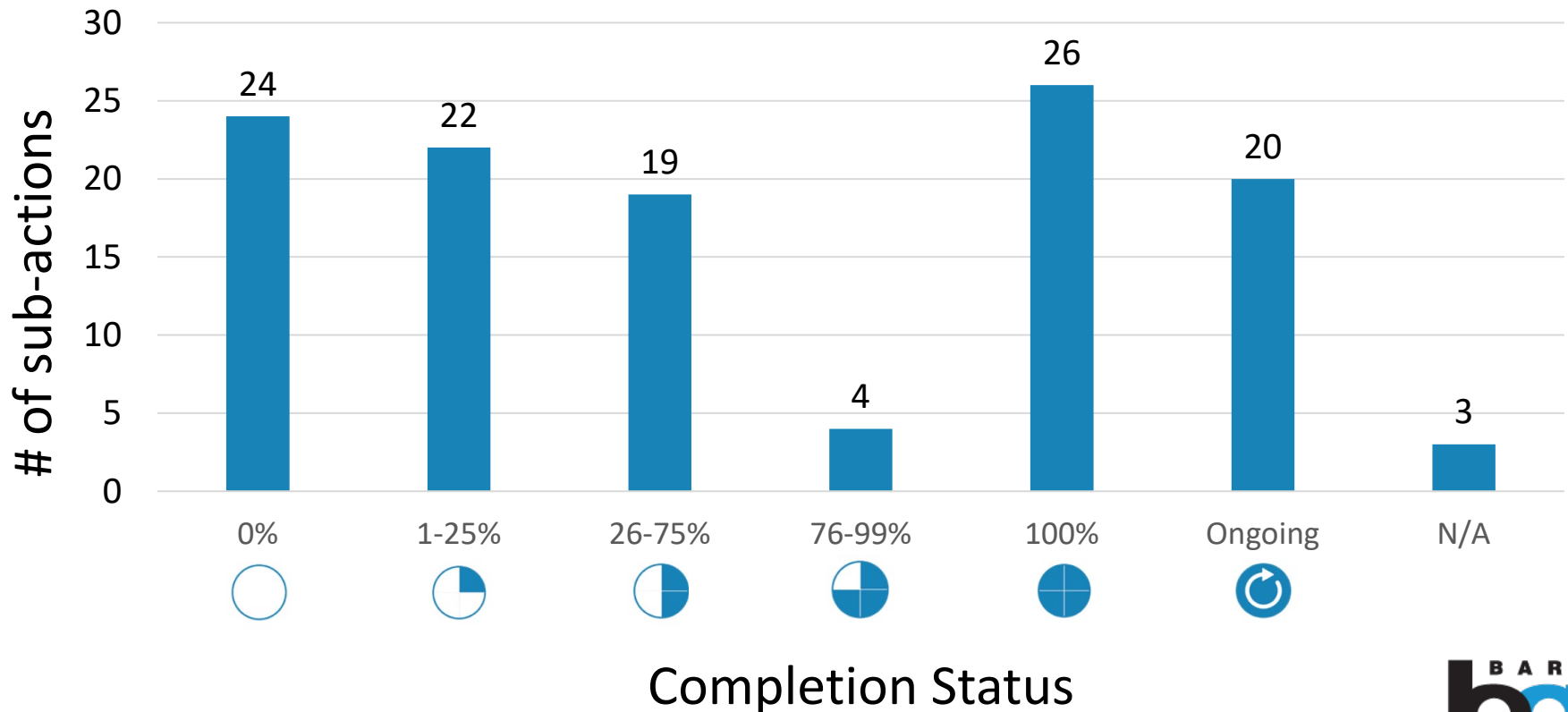
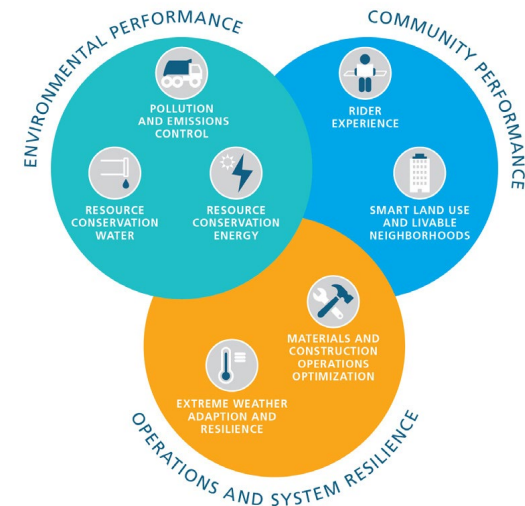
Performance Metrics and Targets

From 2020 Report

	Units	2015 Baseline	2016	2017	2018	2019	2020	Target 2025
 EMISSION AND POLLUTION CONTROL								
Total solid waste and landfill diversion rate		BART's Sustainability Team is developing a Master Waste Management Plan to address and improve landfill, recycling and composting across BART's facilities. As part of this Master Waste Management Plan, BART will collect data in order to establish a baseline and set realistic targets.						
 MATERIALS AND CONSTRUCTION OPERATIONS OPTIMIZATION								
Percentage of BART Project Delivery Staff trained in BART Facilities Standards (BFS) Sustainability Controls	%	Training will commence in 2022.						100%
 EXTREME WEATHER ADAPTATION AND RESILIENCE								
Percentage of High Priority Actions in the BART Local Hazard Mitigation Plan (LHMP) Actions underway or complete	%	Will be measured in 2022 when LHMP is updated.						100%

Sustainability Action Plan – Action Statuses

Sustainability Action Plan contains 118 sub-
actions to be completed by 2025



Upcoming Sustainability Group Priorities in 2021 & 2022

Energy Use & Greenhouse Gas (GHG) Emissions

- Bring two new renewable power purchase agreements (PPAs) online in 2021
- Engage Board on electric vehicle (EV) charging policy; initiate implementation plan for EV charging
- Continue retrofitting parking garages with LED lighting
- Complete station LED lighting study; develop implementation plan
- Develop pilot for electrification of non-revenue vehicle fleet (pending funding)
- Explore reducing/eliminating GHG emissions from eBART

Water

- Collect data to inform our water reduction strategies in shops & yards
- Streamline data processing to assist management of irrigation practices

Emission and Pollution Control

- Engage employees on sustainability features at BART Headquarters (BHQ) and sustainability controls in BFS
- Conduct pilot at BHQ to estimate dumpster fill rate for waste calculations

Materials & Construction Operations Optimization

- Provide support to finalize LEED Gold certification for BHQ

Opportunities

- Funding opportunities
 - CalSTA's Climate Action Plan for Transportation Infrastructure (CAPTI)¹
 - Federal infrastructure package (INVEST Act², bipartisan infrastructure deal³) and executive order calling for 50% of new car sales to be zero-emission vehicles by 2030⁴
 - State funding for resiliency projects⁵
- Communication to internal and external audiences
 - Greater awareness/urgency of climate change
 - Collaboration with partners on the Silicon Valley BART Extension, electric vehicle (EV) charging for buses, and others
- Technology enhancements
 - New water-efficient fixtures used for station modernization, new buildings
 - EV technology improvements make EVs viable for BART operations

¹ [Climate Action Plan for Transportation Infrastructure \(CAPTI\) | California State Transit Authority \(CalSTA\)](#)

² [2021 INVEST in America Act Fact Sheet | The House Committee on Transportation & Infrastructure](#)

³ [FACT SHEET: Historic Bipartisan Infrastructure Deal | The White House](#)

⁴ [FACT SHEET: President Biden Announces Steps to Drive American Leadership Forward on Clean Cars and Trucks | The White House](#)

⁵ [2021-22 State Budget | California Senate](#)

Appendix

Priority Actions

From Sustainability Action Plan, Accepted 2017

ENVIRONMENTAL PERFORMANCE PRIORITY ACTIONS

Resource Conservation – Energy and Greenhouse Gas Emissions

RCE 1	Increase Capacity to Support Regional Greenhouse Gas Goals
RCE 2	Adopt a Strategic Energy Plan
RCE 3	Make Renewable Energy Purchases
RCE 4	Invest in On-site Energy Generation
RCE 7	Invest in District Lighting Retrofits
RCE 8	Onboard new Energy Efficient Train Cars

Resource Conservation – Water

RCW 1	Regularly Audit Water Use and Correct Issues
RCW 3	Upgrade Water Fixtures

Emissions and Pollution Control

EP 1	Support Solid Waste Reduction
EP 4	Improve Recycling at All District Shops and Yards
EP 9	Clean and Reuse Water

OPERATIONS & SYSTEM RESILIENCE PRIORITY ACTIONS

Materials and Construction Operations Optimization

MC 2	Update the BART Facilities Standards (BFS) for Construction Activities
MC 6	Develop Sustainability Design Guidance

Extreme Weather Adaptation and Resilience

EWA 1	Coordinate with Regional Agencies in Climate Adaptation Planning and Implementation
EWA 2	Conduct Hazard Mitigation Planning

Smart Land Use and Livable Neighborhoods

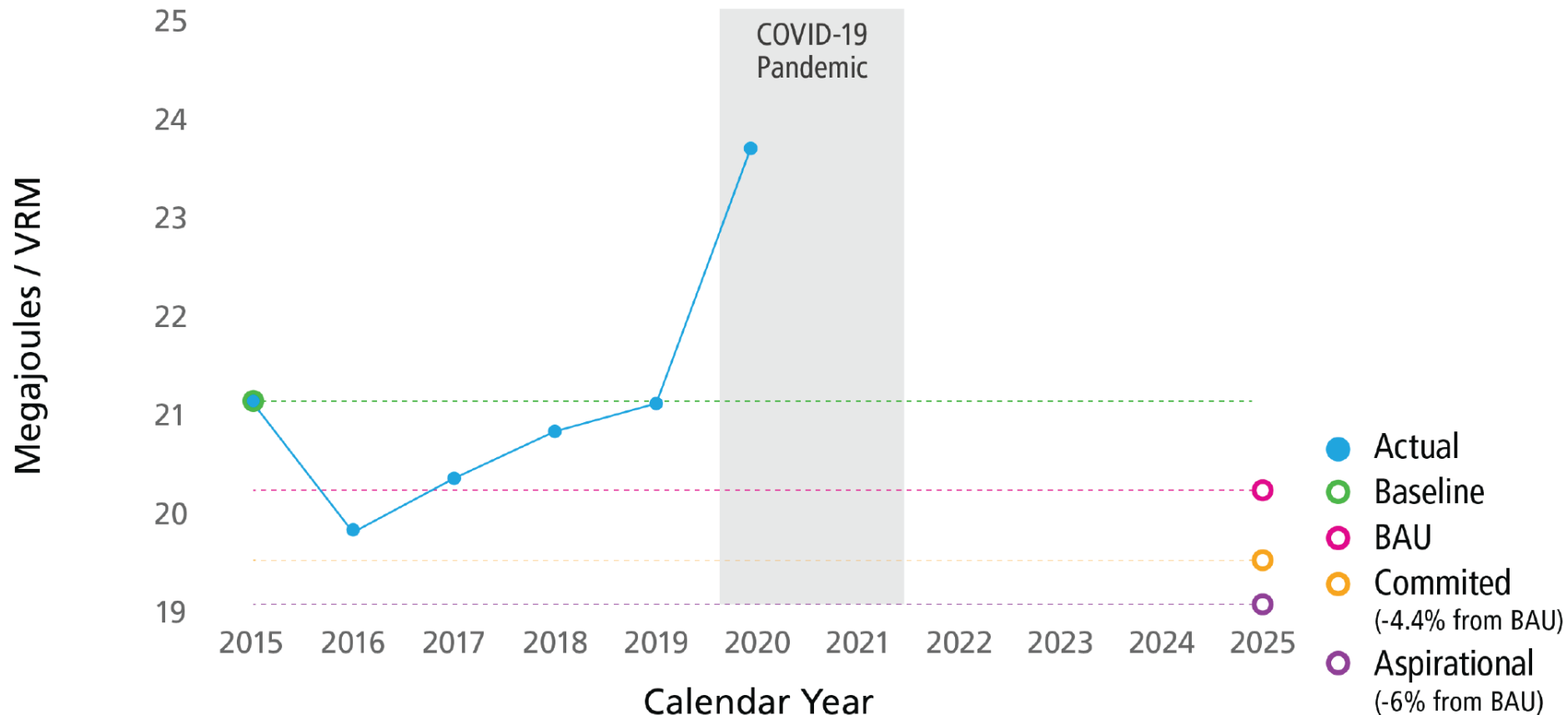
SLU 1	Improve Station Character and Community Fit
SLU 2	Continue to Lead the Region in Transit-Oriented Development
SLU 3	Connect to Community – Station Access

Rider Experience

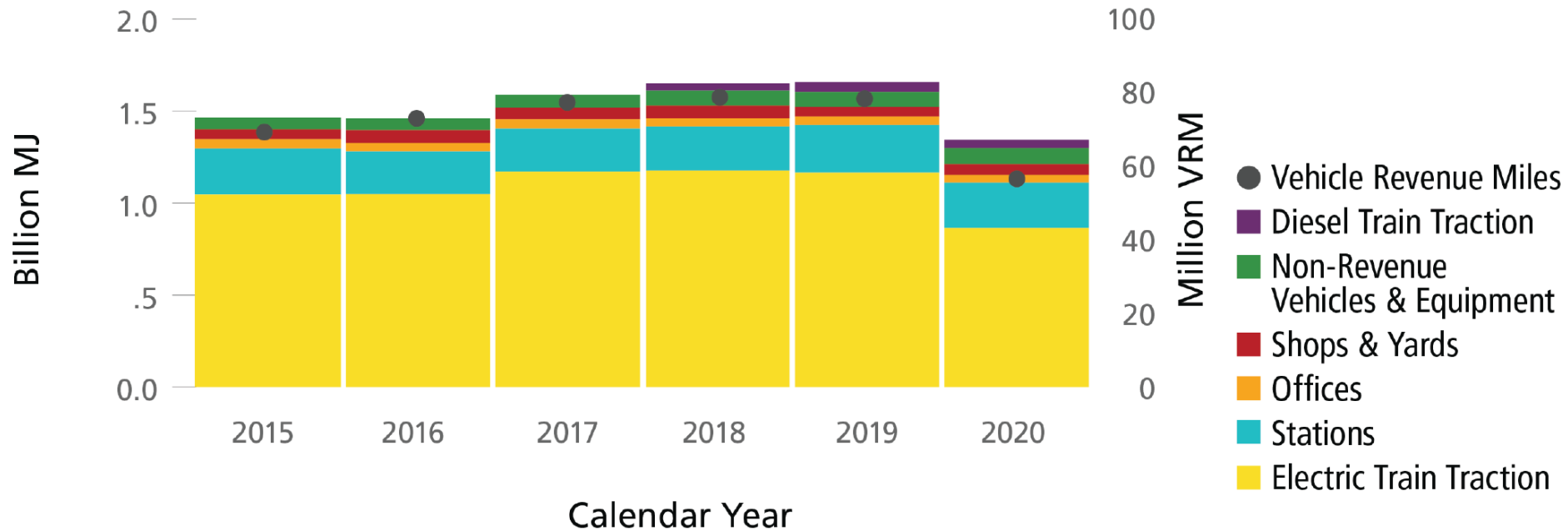
RE 1	Create Cleaner Station Environments
RE 2	Create Safer Station Environments

COMMUNITY EXPERIENCE PRIORITY ACTIONS

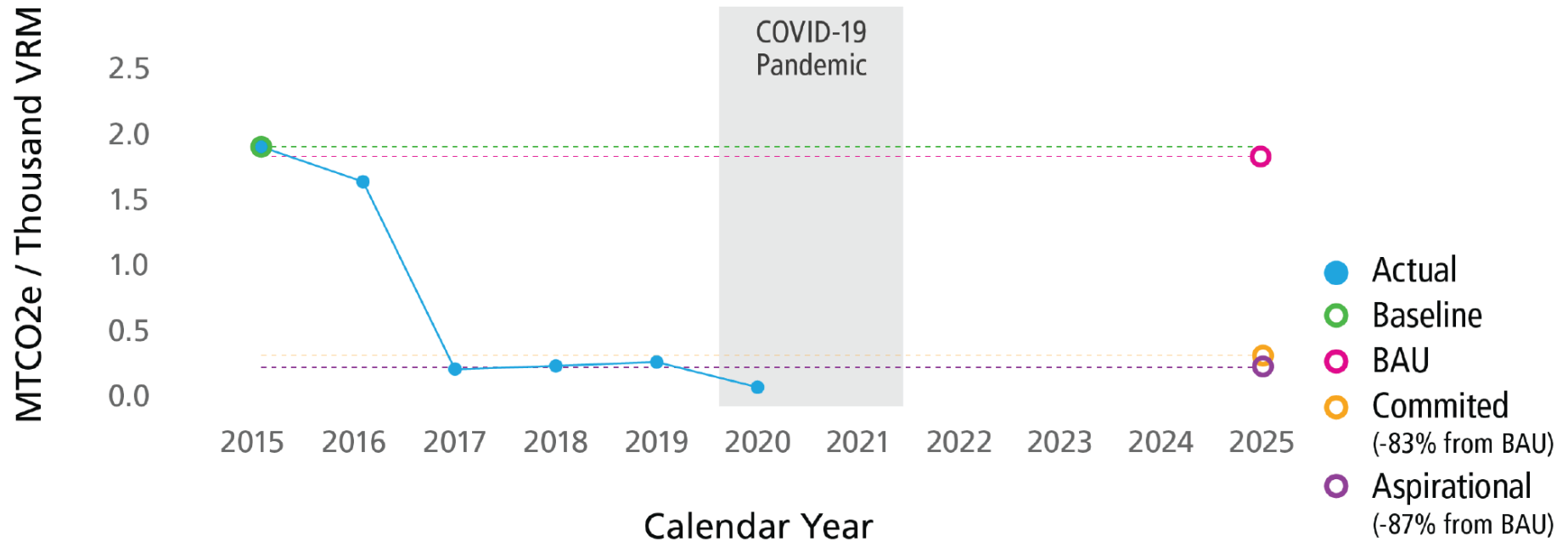
Energy Use per Vehicle Revenue Mile (VRM)



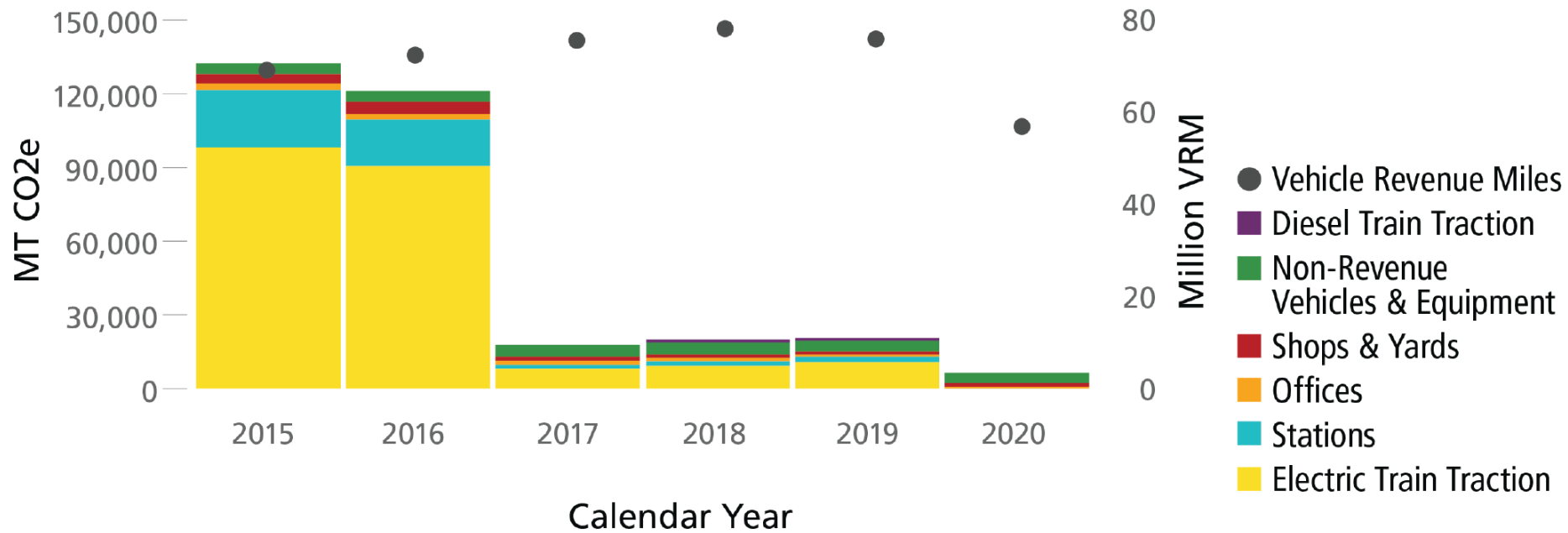
Energy Use by Category



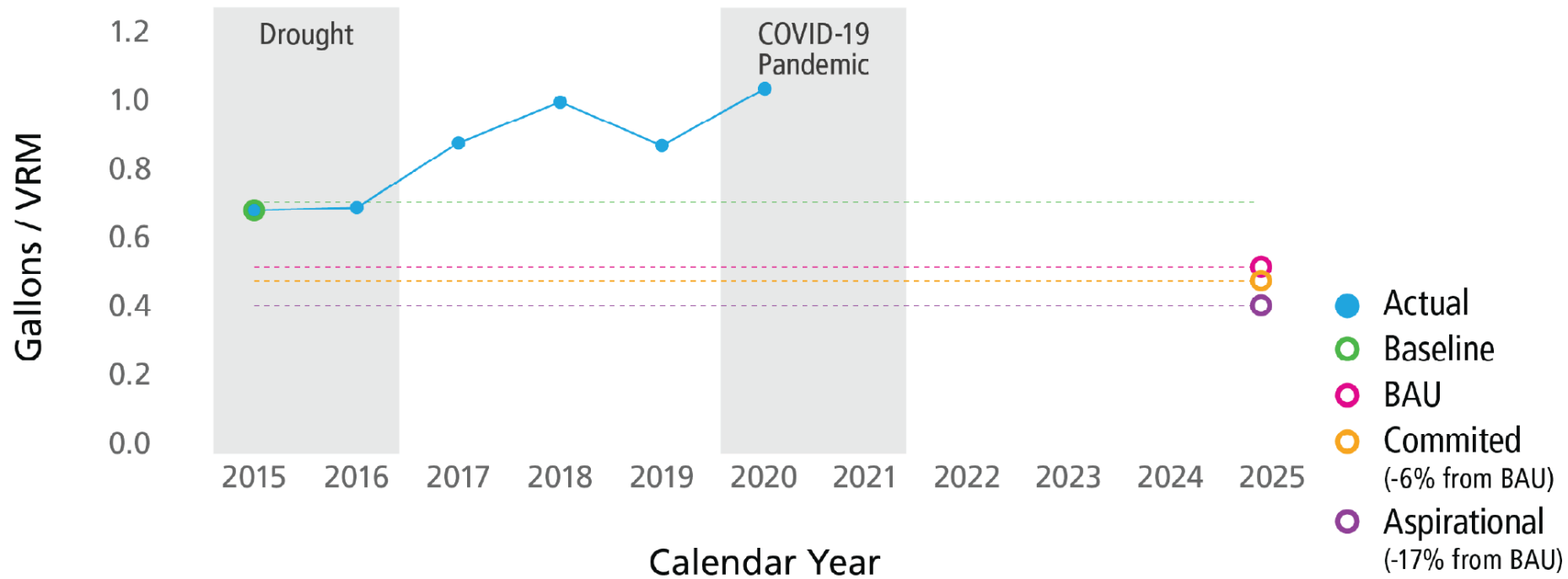
GHG Emissions per Vehicle Revenue Mile (VRM)



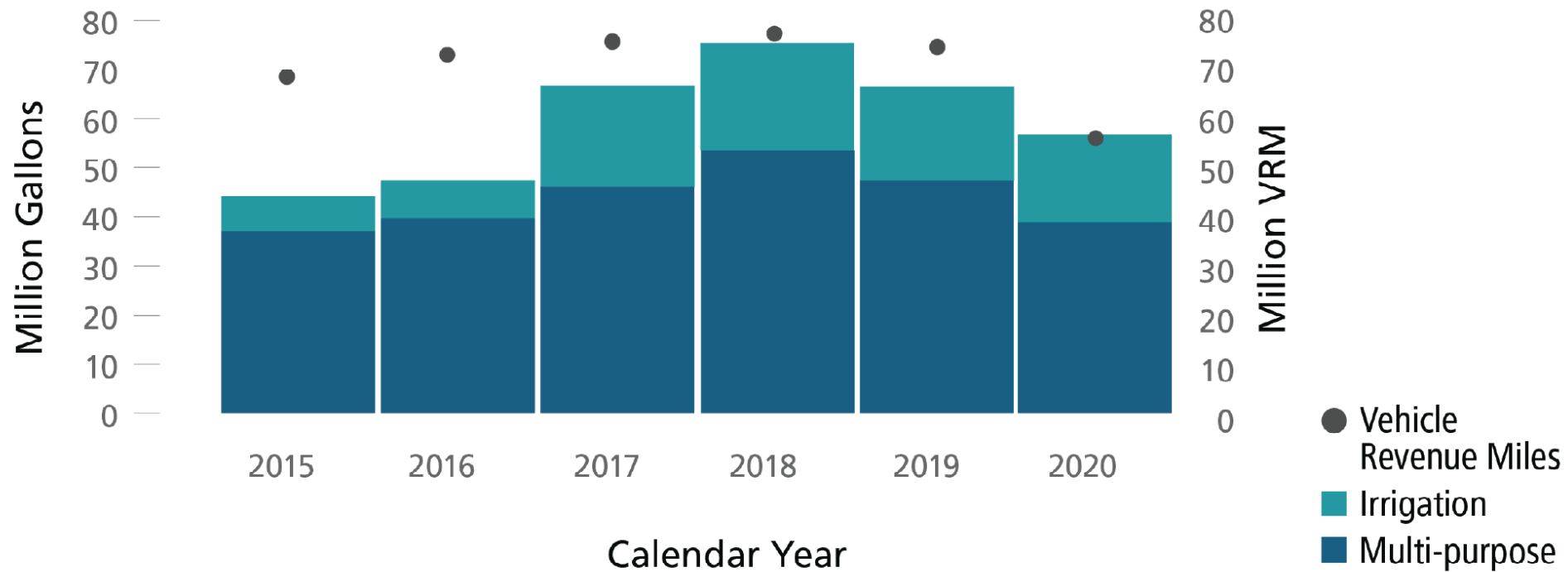
GHG Emissions by Category



Water Use per Vehicle Revenue Mile (VRM)



Water Use by Type



Master Waste Management Plan - Data

Total District Waste = Weight of Recycling, Compost, and Landfill

Landfill Diversion Rate =
$$\frac{\text{Weight of Recycling} + \text{Compost}}{\text{Total District Waste}} \times 100\%$$

Weight est. = Dumpster volume x annual pickups x fill rate x material density

Fill rate est. = estimated based on audits and/or technology

Next Steps

Audits to confirm waste volumes and fill rate

Increase accuracy with BHQ data pilot

Master Waste Management Plan - Data

What: Determine a defensible fill rate.

How: calculate or observe fill rates that can be applied districtwide. This will be done by people or technology. To determine which to use, we will estimate costs of BART staff/consultant auditing dumpsters vs technology solution. Before doing so, we need to answer the following questions:

- How many stations needed to be audited? What is enough to be representative?
- How often should dumpsters be audited?

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Board of Directors

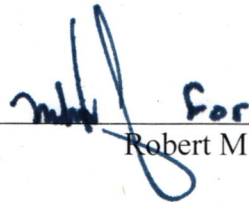
DATE: September 2, 2021

FROM: General Manager

SUBJECT: Electric Vehicle Charging Policy Update

At the September 9, 2021 BART Board meeting, staff will present an information item on a proposed Electric Vehicle Charging policy. Also included for review and discussion is the draft "Electric Vehicle Charging Policy." Staff intends to incorporate feedback, and return later this Fall with a revised policy for consideration of approval by the Board.

If you have any questions, please contact Val Menotti, Chief Planning and Development Officer, at (510) 287-4794.



For

Robert M. Powers

cc: Board Appointed Officers
Deputy General Manager
Executive Staff



▶ Electric Vehicle (EV) Charging Policy

Sustainability Group

September 2021

EV Charging Policy Aligns with Federal, State, and BART Board-Adopted Policies

Support Federal policy:

*50% of new cars zero-emission by 2030.
Install 500k EV charging stations.*

Support Station Access Policy Performance Measures:

*Reduce greenhouse gas emissions per
passenger home-based station access trip.*

Encourage Transit-Oriented Development (TOD) Policy:

Priority given to TOD projects.

Support CA policy:

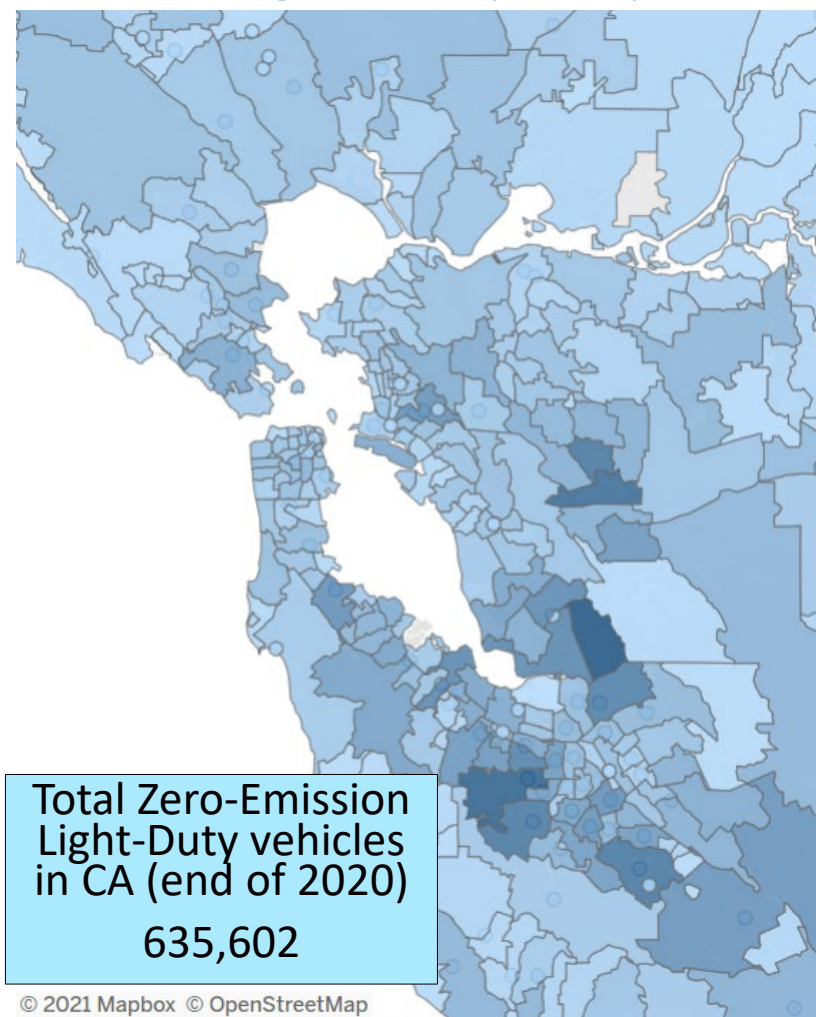
*All new passenger cars and trucks zero-emission vehicles (ZEV) by 2035.
Proposed CA Air Resources Board (CARB)
Advanced Clean Fleets Regulation
requires ZEV for 50% of fleet purchase
starting in 2024 and 100% in 2027.*

Support Sustainability Policy:

*Implement programs for BART employees
to decrease their environmental impact.
Reduce ... consumption of other resources
... in non-revenue vehicles through
resource-efficient equipment, systems,
and practices.*

EV Adoption Trends in California

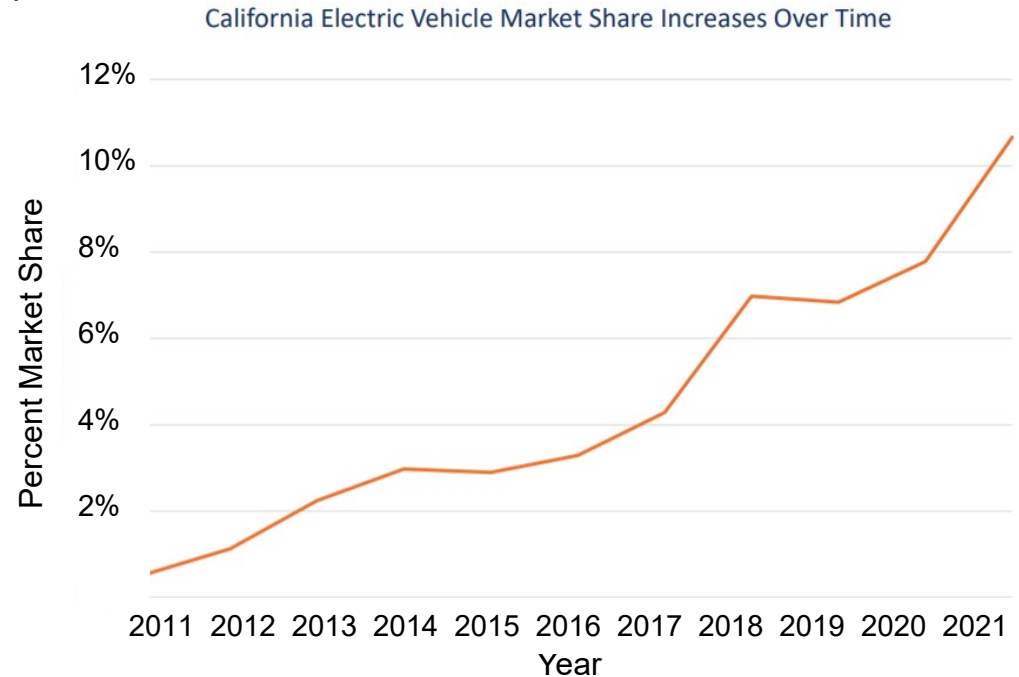
Increasing in CA, especially in the Bay Area



Number of Zero-Emission Vehicles



2



California Programs to Support EV Adoption

- Clean Cars 4 All
- Clean Vehicle Assistance Program
- CA Clean Fuel Reward
- Clean Vehicle Rebate Program
- PG&E Clean Fuel Rebate
- Community Choice Aggregation (CCA) Rebates

Barriers to EV Adoption

EV Charging at BART Supports Low- or Moderate-Income EV Adoption

Barriers to EV Adoption	Issue	Solution
Cost	EVs are too expensive for low- or moderate-income households	Rebates and grants from CARB, utilities; increasing second-hand EV market
Range Anxiety (Real and perceived)	There is limited range for a single charge.	Battery technology improvements; additional public charging stations, like at BART parking.
Access to Charging Infrastructure	Low- or moderate-income households are less likely to have access to home charging	Public or workplace charging, like at BART parking.

Stakeholder Conversations

Many groups across BART were engaged in policy development

Planning and Development

- Customer Access
- Energy Division
- Real Estate
- Station Planning

Design and Construction

Safety

BART Police Department

Labor Relations

Office of Civil Rights

Maintenance and Engineering

- Buildings
- Electrical Eng
- Integration Eng
- Non-Revenue Vehicle Fleet
- Power Maint
- Systems Eng
- Systems Maint

Other Agencies

- LA Metro
- SFMTA
- WMATA
- EBMUD
- SFO
- Oakland Airport
- PG&E
- Community Choice Aggregation (CCAs) Programs
- Bay Area Air Quality Management District (BAAQMD)
- Contra Costa & San Mateo Counties
- City of Lancaster
- City of Oakland

Proposed EV Charging Policy Summary

Vision

- BART leads in environmentally friendly transportation
- BART manages a lot of vehicle parking
- Policy supports equitable EV adoption and encourages ridership

Goals

- **Greener and Healthier Communities:** Advance state, regional, and local greenhouse gas (GHG) and pollution-reduction goals.
- **Equitable Access:** Deploy and structure EV charging access options to equitably.
- **Intelligent and Scalable Operations:** Invest in EV charging operations that cost-effectively support access for EV drivers and can scale to support future growth.

Strategies

- **Provide Access for All at Passenger Parking Locations**
- **Define Technical Requirements**
- **Form Partnerships**

Impact of Proposed EV Charging Policy

In concert with BART's Transit-Oriented Development Program, provide electric vehicle charging stations at BART locations to support EV adoption and fleet electrification, when feasible and as funding and the physical layout allow.

Passenger Parking Facilities

- Coordinates with TOD stations within the next 10 years
- Focuses on Balanced Intermodal, Intermodal, and Auto Dependent stations based on Station Access typology
- Makes use of large amount of parking at stations and BART-owned park and ride facilities

Employee Locations

- Includes 6 shops and yards
- Excludes BHQ (2150 Webster)

Non-Revenue Vehicle Fleet Locations

- Includes 6 shops and yards
- Other fleet locations include the MET building, parking lots near BHQ, and various stations for BART Police fleet

Implementation Plan for Passenger Vehicle Charging

Final specifics based on RFP responses

Issue RFP Level 2 EV charging stations at BART stations and employee locations. Require new utility connection.

BART Station Prioritization Criteria:

- Equity
- TOD alignment
- Station Access typology
- Project opportunity (modernization, parking facility)
- External funding availability

Capital and Operating Costs

BART costs minimized by third party ownership

Internal Soft Costs to Coordinate

- Potentially funded by BART
- Typically not covered by external funding for EV infrastructure

Design and Construction Costs

- Small **grants** available (BAAQMD Charge!, CA EV Infrastructure Project, CCA Programs)
- Large-scale **funding opportunities** (PG&E EV Charge Network, Electrify America, Federal Infrastructure Plan)

Ongoing Operational Costs

- Offset by customer payments
- Eligible for Low Carbon Fuel Standard credits generated by EV charger use

**Covered
by third
party
owner/
operator**

Parking Operations Considerations

No changes to parking fees and enforcement

- EV Charging Fees
 - Set and established by third party operator
- Parking Fees and Reservations
 - Managed the same as other parking spaces
 - Parking paid through BART app
 - Specific EV reservations can be added to the BART app
- Enforcement
 - Requires cars are plugged in when parked

Implementation Plan for Non-Revenue Vehicle Charging

Final specifics based on pilot outcome

- Determine fleet priority and feasibility for pilot (underway)
 - Cost/benefit to electrify switchers, logistics trucks, or police fleet
 - Total cost of ownership for new internal combustion vehicle versus new EV (including charging infrastructure and possible rebates or grants)
- Identify and secure grant
- Use pilot to develop entire fleet electrification plan
 - Define necessary charging infrastructure
 - Align with vehicle replacement timeline and CARB regulation
 - Specialized equipment may benefit from repower (engine replacement)



BART Electric Vehicle Charging Policy

Vision:

The San Francisco Bay Area Rapid Transit District (BART) plays a critical role in reducing the environmental footprint of the Bay Area's transportation sector by providing an alternative to driving that is affordable, accessible, convenient, and environmentally friendly. BART owns and manages more vehicle parking than any other rail operator in California, which creates an opportunity to support electric vehicles (EVs) through charging infrastructure at BART locations. This BART Electric Vehicle Charging Policy is designed to guide BART's EV charging activities to advance environmental goals, support equitable EV adoption, encourage BART ridership, and maintain BART's role as a transit leader.

Goals:

1. **Greener and Healthier Communities:** Advance federal, state, regional, and local greenhouse gas (GHG) and pollution-reduction goals.
 - a. Advance BART's Board adopted policies, including the Sustainability Policy and the Station Access Policy Performance Measures, by supporting the public adoption of electric vehicles, which have fewer GHG emissions and pollutants than standard internal combustion engine vehicles.
 - b. Support federal and state goals for zero emission vehicle (ZEV) adoption and charging infrastructure installation.
 - c. In concert with BART's Transit-Oriented Development Program, provide electric vehicle charging stations at BART locations to support EV adoption and fleet electrification, when feasible and as funding and the physical layout allow.
2. **Equitable Access:** Deploy and structure EV charging access options equitably.
 - a. Ensure EV charging stations are deployed equitably.
 - b. Design program to consider and address restrictions unique to populations with lower usage and access to EV charging.
 - c. Develop metrics with aim to measure equitable EV charger use.
3. **Intelligent and Scalable Operations:** Invest in EV charging operations that cost-effectively support access for EV drivers and can scale to support future growth.
 - a. Pursue external funding to reduce direct cost to the District for installation, operations, and maintenance.
 - b. Make site EV ready when installing EV service equipment or remodeling parking facilities to support future expansion. EV service equipment will be added as EV adoption increases.

Strategies

1. Provide Access for All at Passenger Parking Locations

- a. Manage EV service equipment in locations that ensure EV spaces are prioritized for those actively charging. Specific strategies will be station dependent.
- b. Implement delivery model that strives for affordable pricing to end-users comparable to residential EV charging rates.
- c. Explore payment options that do not require users to have a credit card or bank account.
- d. Allow charging at all times, including overnight and on weekends.
- e. Include EV service equipment as a transit amenity under Title VI.

2. Define Technical Requirements

- a. Develop and add EV service equipment design requirements to BART Facility Standards, including for new construction.
- b. Include accessibility requirements based on Federal and California Building Code requirements, which account for best practices.

3. Form Partnerships

- a. Work with partners to encourage EV service equipment installations and maintenance contracts that include workforce development and/or job training.
- b. Work with other agencies to advertise affordable, accessible EV charging at BART station parking facilities.
- c. Consistent with the BART Station Access Policy Investment framework, leverage third-party partnerships where possible to minimize District contributions.