

San Francisco Bay Area Rapid Transit District

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



BOARD MEETING AGENDA

The Board Meeting will be via teleconference with an option for in-person public participation. Please note that an attachment has been added under Item 10-A.

Thursday, January 12, 2023

9:00 AM

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

Zoom Link: <https://us06web.zoom.us/j/82473582661>

Board of Directors

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

BOARD MEETING AGENDA

January 12, 2023

9:00 a.m.

A regular meeting of the Board of Directors will be held at 9:00 a.m. on Thursday, January 12, 2023, via teleconference and in the BART Board Room, 2150 Webster Street, 1st Floor, Oakland, California 94612.

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

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

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

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

You may attend the Board Meeting in person or join the Board Meeting via Zoom by calling 833-548-0282 and entering access code 824 7358 2661; logging in to Zoom.com and entering access code 824 7358 2661; or typing the following Zoom link into your web browser:
<https://us06web.zoom.us/j/82473582661>

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

If you wish to make a public comment:

- 1) Submit written comments via email to board.meeting@bart.gov, 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 January 11, 2023, in order to be included in the record.
- 2) Complete a “Request to Address the Board” form (available at the entrance to the Board Room) and hand it to the District Secretary before the Item is considered by the Board.
- 3) Call 833-548-0282, enter access code 824 7358 2661, dial *9 to raise your hand when you wish to speak, and dial *6 to unmute when you are requested to speak; log in to Zoom.com, enter

access code 824 7358 2661, and use the raise hand feature; or join the Board Meeting via the Zoom link (<https://us06web.zoom.us/j/82473582661>) and use the raise hand feature.

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

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

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

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

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

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

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

Complete agenda packets (in PDF format) are generally available for review at bart.legistar.com 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 at 510-464-6083.

April B. A. Quintanilla
District Secretary

Regular Meeting of the
BOARD OF DIRECTORS

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

1. CALL TO ORDER

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

2. REPORT OF THE BOARD PRESIDENT

3. BOARD COMMITTEE REPORTS

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

4. BOARD MATTERS

- A. (CONTINUED from December 1, 2022 Board Meeting)
Resolution Commending Amy Worth, Former City Councilmember, City of Orinda.

Board requested to adopt.

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

- B. (CONTINUED from December 1, 2022 Board Meeting)
Resolution Commending Therese McMillan, Executive Director, Metropolitan Transportation Commission and Association of Bay Area Governments.

Board requested to adopt.

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

5. CONSENT CALENDAR

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

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

- B. 2023 Organization of Committees and Special Appointments.

Board requested to ratify.

Attachments: [2023 Organization of Committees and Special Appointments - Memo](#)

- C. Submission of Title VI Triennial Report to the Federal Transit Administration.

Board requested to authorize.

Attachments: [Submission of Title VI Triennial Report to the Federal Transit Administration - EDD](#)
[Submission of Title VI Triennial Report to the Federal Transit Administration - Report](#)

- D. Rescind Original Authorization to Award and Reject All Bids for Contract No. 15CQ-211, Procurement of Direct Fixation Fastener Assemblies.

Board requested to rescind and reject.

Attachments: [Rescind Original Authorization to Award and Reject All Bids for Contract No. 15CQ-211 - EDD](#)

- E. Award of Agreement No. 6M3619 with G.A. Higgins Inc. and Agreement No. 6M3620 with Elite Maintenance Inc., for Systemwide Parking Lot Sweeping Services.

Board requested to authorize.

Attachments: [Award of Agreement No. 6M3619 and Agreement No. 6M3620 - EDD](#)

- F. Authorization to Enter into a First Amendment to the Lease for 150 California Street in San Francisco, CA.

Board requested to authorize.

Attachments: [Authorization to Enter into a First Amendment to the Lease - EDD](#)

6. GENERAL MANAGER'S REPORT

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

7. PUBLIC COMMENT

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

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

Director Foley, Chairperson

- A. Metropolitan Transportation Commission Update on Regional Network Management.

For information.

Attachments: [Metropolitan Transportation Commission Update on Regional Network Management - Memo](#)
[Metropolitan Transportation Commission Update on Regional Network Management - Presentation](#)

9. ADMINISTRATION ITEMS

Director Simon, Chairperson

- A. Update on Racial Equity Initiatives.

For information.

Attachments: [Update on Racial Equity Initiatives - Memo](#)
[Update on Racial Equity Initiatives - Presentation](#)

10. ENGINEERING AND OPERATIONS ITEMS

Director Dufty, Chairperson

- A. Strategic Action Plan to Address Homelessness.

For information.

Attachments: [Strategic Action Plan to Address Homelessness - Memo](#)
[Strategic Action Plan to Address Homelessness - Presentation](#)
[Strategic Action Plan to Address Homelessness - Plan](#)

11. BOARD MATTERS

- A. Board Member Reports.

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

B. Roll Call for Introductions.

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

C. In Memoriam.

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

12. CLOSED SESSION

A. CONFERENCE WITH LEGAL COUNSEL— EXISTING LITIGATION

Name of Case: David Nelson v. Bay Area Rapid Transit District (BART);
Ryan Ventura
Case No.: CGC-21-592738
Government Code Section: 54956.9(a)

B. PUBLIC EMPLOYMENT

Title: Inspector General
Government Code Section: 54957

13. OPEN SESSION

A. Announcements from Closed Session, if any.

Before the Board of Directors of the
SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

RESOLUTION COMMENDING
AMY R. WORTH

WHEREAS, Amy Worth was first elected to the Orinda City Council in 1998 and has served six terms, including five years as Mayor;

WHEREAS, since 2007, Ms. Worth has served as the Contra Costa County representative on the Metropolitan Transportation Commission (MTC), the transportation planning, coordinating, and financing agency for the nine-county San Francisco Bay Area;

WHEREAS, Ms. Worth served as MTC Chair from 2013-2015, and from 2020-2021 served on the Blue Ribbon Transit Recovery Task Force focused on public transit's recovery and long-term improvement;

WHEREAS, as an MTC Commissioner and Chair, Ms. Worth led the Commission's original adoption of Plan Bay Area, championed the eBART extension to Antioch, and presided over the opening of the BART to Oakland Airport Connector;

WHEREAS, Ms. Worth has served as a board member and past chair of the Contra Costa Transportation Authority, the Central Contra Costa Solid Waste Authority, the Central Contra Costa Transit Authority (County Connection) and the Lamorinda School Bus Transportation Authority;

WHEREAS, Ms. Worth is committed to the principles of regional cooperation, and served as Chair of the Contra Costa Mayors Conference and President of the League of California Cities, East Bay Division. She continued to advocate in Sacramento on behalf of local government, having served as Chair of the League of California Cities Policy Committee for Administrative Services and as board member of the California Council of Governments (CalCOG);

WHEREAS, Ms. Worth was a leader in the development of Contra Costa's 25 year Transportation program and instrumental in the passage of Measure J in 2004. The measure was the result of a significant cooperative effort spanning two years, involving environmental, business and labor groups, community residents, transportation professionals and elected officials;

WHEREAS, prior to being elected to public office, her volunteer service included serving as Chair of the Contra Costa Library Commission, Vice President of the California Alumni Association, Board Member of the University of California, Berkeley, Library Advisory Board, President of the Friends of the Orinda Library and President of the Junior League of San Francisco.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the San Francisco Bay Area Rapid Transit District recognize the immeasurable contributions that Ms. Worth has made to the furtherance of the District's goals and wishes her a long and satisfying retirement from public service; and

BE IT FURTHER RESOLVED that an engrossed copy of this resolution be tendered to Ms. Worth as a token of our high esteem in which she is held by members of the San Francisco Bay Area Rapid Transit District Board of Directors.

Adopted by the Board of Directors
of the San Francisco Bay Area Rapid Transit District

Before the Board of Directors of the
SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

RESOLUTION COMMENDING
THERESE McMILLAN

WHEREAS, Therese McMillan is retiring as the Executive Director of the Metropolitan Transportation Commission (MTC) and the Association of Bay Area Governments (ABAG) after a long and distinguished career in public service and the transportation sector, and

WHEREAS, Ms. McMillan returned to MTC to begin her service as Executive Director in 2019 after having served in several other roles between 1984 and 2009, concluding that term of service as the Deputy Executive Director of Policy, and

WHEREAS, during her tenure at MTC, Ms. McMillan spearheaded numerous groundbreaking initiatives, including the Resolution 3434 Regional Transportation Expansion Program that established a nexus between transit capital investments and housing by making regional support for transit expansion projects dependent on a minimum housing density near transit stations, and

WHEREAS, Ms. McMillan shepherded the development of MTC's Equity Platform, which strives to advance investments that support historically underserved communities and other marginalized groups in the Bay Area, and

WHEREAS, Ms. McMillan guided MTC and ABAG, as well as their transit agency and local government partners, through the upheaval and uncertainty of the COVID-19 pandemic, with the formation of the Blue Ribbon Transit Recovery Task Force and its subsequent development of a 27-point action plan to restore and augment transit ridership through improvements in the rider experience, and

WHEREAS, in 2009, Ms. McMillan was appointed by President Barack Obama as Deputy Administrator of the Federal Transit Administration (FTA) and served as acting FTA Administrator from March 2014 to March 2016, and

WHEREAS, after her service at the FTA, Ms. McMillan became the Chief Planning Officer at the Los Angeles County Metropolitan Transportation Authority in April 2016, and

WHEREAS, Ms. McMillan has placed a high priority on educating the next generation of transportation officials, by the teaching a graduate-level course on transportation finance at the Norman Y. Mineta Transportation Institute at San Jose State University and serving on the Advisory Board for the Lewis Center for Regional Policy Studies at the University of California, Los Angeles (UCLA), and

WHEREAS, Ms. McMillan has actively supported women in the transportation sector, exemplified by her service to the Women's Transportation Seminar (WTS), including a term as President of the San Francisco Chapter. Ms. McMillan has also earned various Woman of the Year accolades from WTS chapters including those in the San Francisco Bay Area,

Los Angeles, and Washington, D.C., as well as recognition as National Woman of the Year in 2016.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the San Francisco Bay Area Rapid Transit District recognize the immeasurable contributions that Ms. McMillan has made to the Metropolitan Transportation Commission, transit riders across the country, and the furtherance of the District's goals, and

BE IT FURTHER RESOLVED that an engrossed copy of this resolution be tendered to Ms. McMillan as a token of our high esteem in which she is held by members of the San Francisco Bay Area Rapid Transit District Board of Directors.

Adopted by the Board of Directors
of the San Francisco Bay Area Rapid Transit District

In the Matter of Re-Authorizing
the District's legislative and subordinate
legislative bodies to utilize the provisions
enacted by AB 361 to meet remotely
with teleconferenced meetings
during a re-proclaimed emergency as
authorized by law in accordance with
Government Code Section 54953(e)
and other applicable provisions of the
Ralph M. Brown Act for an additional
period of thirty (30) days from the adoption
of this Resolution. _____ /

Resolution No. _____

WHEREAS, the San Francisco Bay Area Rapid Transit District is committed to preserving and nurturing public access and participation in meetings of the Board of Directors; and

WHEREAS, all meetings of the San Francisco Bay Area Rapid Transit District's legislative and subordinate legislative bodies are open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code 54950 – 54963), so that any member of the public may attend, participate, and watch the District's legislative bodies conduct their business; and

WHEREAS, the Brown Act, Government Code section 54953(e), makes provision for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions; and

WHEREAS, a required condition is that a state of emergency is declared by the Governor pursuant to Government Code section 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by conditions as described in Government Code section 8558; and

WHEREAS, a proclamation is made when there is an actual incident, threat of disaster, or extreme peril to the safety of persons and property within the jurisdictions that are within the District's boundaries, caused by natural, technological or human-caused disasters; and

WHEREAS, it is further required that state or local officials have imposed or recommended measures to promote social distancing, or, the legislative body meeting in person would present imminent risks to the health and safety of attendees; and

WHEREAS, the Board of Directors previously adopted a Resolution, Number 5548 on December 15, 2022, finding that the requisite conditions exist for the legislative and subordinate legislative bodies of the San Francisco Bay Area Rapid Transit District to conduct remote teleconference meetings without compliance with paragraph (3) of subdivision (b) of section 54953; and

WHEREAS, as a condition of extending the use of the provisions found in section 54953(e), the Board of Directors must reconsider the circumstances of the state of emergency that exists in the District, and the Board of Directors has done so; and

WHEREAS, emergency conditions persist in the District, specifically; and

WHEREAS, social distancing best practices are still necessary and appropriate to prevent an imminent risk to the health and safety of public meeting; and

WHEREAS, the Board of Directors does hereby find that the continuing State of Emergency and conditions causing imminent risk to attendees has caused, and will continue to cause, conditions of peril to the safety of persons within the District that are likely to be beyond the control of services, personnel, equipment, and facilities of the District, and desires to affirm a local emergency exists and re-ratify the proclamation of state of emergency by the Governor of the State of California; and

WHEREAS, as a consequence of the local emergency persisting, the Board of Directors does hereby find that the legislative and subordinate legislative bodies of the San Francisco Bay Area Rapid Transit District may continue to conduct their meetings without compliance with paragraph (3) of subdivision (b) of Government Code section 54953, as authorized by subdivision (e) of section 54953, and that such legislative bodies shall continue to comply with the requirements to provide the public with access to the meetings as prescribed in paragraph (2) of subdivision (e) of section 54953; and

WHEREAS, all best practices to ensure access of the public to the District's remote meetings have been, and will continue to be faithfully observed during this extension period of this local emergency.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

Section 2. Affirmation that Local Emergency Persists. The Board of Directors hereby considers the conditions of the state of emergency in the District and proclaims that a local emergency persists throughout the District, and social distancing measures recommended by the Center for Disease Control and modifications to public meeting laws that advance best practices still appear to be necessary and appropriate to safeguard the public's health and safety, and are therefore continued and maintained.

Section 3. Re-ratification of Governor's Proclamation of a State of Emergency. The Board hereby ratifies the Governor of the State of California's Proclamation of State of Emergency, effective as of its issuance date of March 4, 2020.

Section 4. Remote Teleconference Meetings. The General Manager, District Secretary, legislative and subordinate legislative bodies of the San Francisco Bay Area Rapid Transit District are hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution including, continuing to conduct open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act.

Section 5. Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of (i) thirty (30) days from the adoption of this resolution, or (ii) such time the Board of Directors adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the legislative bodies of the San Francisco Bay Area Rapid Transit District may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.

PASSED AND ADOPTED by the Board of Directors of the San Francisco Bay Area Rapid Transit District, this _____ day of _____, 20____, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Board of Directors

DATE: January 6, 2023

FROM: District Secretary

SUBJECT: 2023 Organization of Committees and Special Appointments

Board Rule 3-3.3 requires the ratification by a majority vote of all members of the Board any appointment of any Committee member by the Board President. The Rule includes a provision that such appointments shall be submitted directly to the Board.

In accordance with Board Rule 3-3.3, President Li is bringing the 2023 Organization of Committees and Special Appointments before the Board of Directors for ratification at the Regular Board Meeting on January 12, 2023.

Should you have any questions about the recommended appointments, please contact President Li or me at your convenience.

DocuSigned by:
April B. A. Quintanilla
72F0DC7F642E43B...
April B. A. Quintanilla

Attachment

cc: Board Appointed Officers
Deputy General Manager
Executive Staff

DRAFT MOTION:

That the Board of Directors ratifies the proposed Organization of Committees and Special Appointments for 2023 (attached).

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT ORGANIZATION OF COMMITTEES AND SPECIAL APPOINTMENTS

STANDING COMMITTEES

ADMINISTRATION**	
Bevan Dufty	Chairperson
Robert Raburn	Vice Chairperson
Debora Allen	

ENGINEERING & OPERATIONS**	
Mark Foley	Chairperson
Lateefah Simon	Vice Chairperson
Robert Raburn	

PLANNING, PUBLIC AFFAIRS, ACCESS & LEGISLATION**	
Rebecca Saltzman	Chairperson
John McPartland	Vice Chairperson
Elizabeth Ames	

AUDIT**	
Bevan Dufty	Chairperson
Mark Foley	Vice Chairperson
Debora Allen	

SPECIAL COMMITTEES

LABOR NEGOTIATIONS REVIEW**	
Lateefah Simon	Chairperson
Mark Foley	Vice Chairperson
Janice Li	

PERSONNEL REVIEW**	
Janice Li	Chairperson
Rebecca Saltzman	Vice Chairperson
Mark Foley	

SANTA CLARA VALLEY TRANSPORTATION AUTHORITY PARTNERSHIP**	
Elizabeth Ames	
Robert Raburn	
Janice Li	
Bevan Dufty	
John McPartland	Alternate

AD HOC COMMITTEE

FINANCIAL STRUCTURE**	
Lateefah Simon	Chairperson
Rebecca Saltzman	Vice Chairperson
Debora Allen	
Bevan Dufty	

**Brown Act Committee, subject to public meeting requirements

***Brown Act Board, subject to public meeting requirements

NOTE: BART Directors discharging liaison function do not serve as members of either a committee of BART or the other organization, nor as members of a joint committee. Any action on behalf of BART must be taken by the full Board.

Proposed 01/12/2023

SPECIAL APPOINTMENTS - LIAISON

CONTRA COSTA TRANSPORTATION AUTHORITY**	
Mark Foley	Primary
Debora Allen	Alternate

PARATRANSIT SERVICE REVIEW ADVISORY COMMITTEE	
Lateefah Simon	
Robert Raburn	

SAN FRANCISCO TRANSPORTATION AUTHORITY**	
Janice Li	Primary
Bevan Dufty	Alternate

SPECIAL APPOINTMENTS - EXTERNAL

ALAMEDA COUNTY TRANSPORTATION COMMISSION**	
Rebecca Saltzman	Primary
John McPartland	Alternate

ALTERNATE REPRESENTATIVE TO THE AMERICAN PUBLIC TRANSPORTATION ASSOCIATION BOARD OF DIRECTORS	
Lateefah Simon	

BART AND AC TRANSIT COORDINATION COMMITTEE**	
Robert Raburn	Co-Chairperson
Rebecca Saltzman	
John McPartland	

CAPITOL CORRIDOR JOINT POWERS BOARD***	
John McPartland	Alameda
Robert Raburn	Alameda
Debora Allen	Contra Costa
Rebecca Saltzman	Contra Costa
Bevan Dufty	San Francisco
Janice Li	San Francisco

DIRIDON STATION AREA JOINT POLICY ADVISORY BOARD***	
Robert Raburn	

INNOVATE 680 POLICY ADVISORY COMMITTEE**	
Debora Allen	

THE OFFICE OF COMMUNITY INVESTMENT AND INFRASTRUCTURE OVERSIGHT BOARD ***	
Janice Li	

PLEASANT HILL BART STATION LEASING AUTHORITY BOARD OF DIRECTORS***	
Debora Allen	
Mark Foley	

TRI-VALLEY – SAN JOAQUIN REGIONAL RAIL AUTHORITY***	
John McPartland	

WEST CONTRA COSTA TRANSPORTATION ADVISORY COMMITTEE**	
Rebecca Saltzman	Primary
Mark Foley	Alternate

**Brown Act Committee, subject to public meeting requirements

***Brown Act Board, subject to public meeting requirements

NOTE: BART Directors discharging liaison function do not serve as members of either a committee of BART or the other organization, nor as members of a joint committee. Any action on behalf of BART must be taken by the full Board.

Proposed 01/12/2023



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:		DocuSigned by: <i>Michael Jones</i> 47000790F2D7463...		GENERAL MANAGER ACTION REQ'D:	
DATE: 1/3/2023		1/6/2023		BOARD INITIATED ITEM: No	
Originator/Prepared by: Javierree PruittHill Dept: Office of Civil Rights DocuSigned by: <i>Javierree PruittHill</i> A209A947572F420... Signature/Date: 1/5/2023		General Counsel DocuSigned by: <i>Jana Belan</i> F8FD7B3A73E74E8... 1/5/2023 []		Controller/Treasurer DocuSigned by: <i>Chris Gan</i> EE11C8CEEEA04FD... 1/5/2023 []	
				District Secretary DocuSigned by: <i>Pamela Herhold</i> 3BB24D65B8724F5... 1/5/2023 []	

Title VI Triennial Report to the Federal Transit Administration

PURPOSE:

To request Board approval of the District's Title VI Civil Rights Program 2022 Triennial Update.

DISCUSSION:

BART, as a recipient of federal funding, is required by the Federal Transit Administration (FTA) to conform to Title VI of the Civil Rights Act of 1964 and its related regulations. Pursuant to FTA Title VI Circular 4702.1B Title VI Requirements and Guidelines for Federal Transit Administration Recipients, effective October 2012 (Circular), BART is required to submit a Title VI Civil Rights Program (Title VI Program) to the FTA once every three years. The Title VI Program must be approved by the Board prior to submission to the FTA.

I. Requirements and Guidelines

BART's Title VI Program consists of the following general requirements and guidelines:

- Notification to Beneficiaries of Protection under Title VI
- Title VI Complaint Procedures and Complaint Form
- Recording and Reporting of Title VI Investigations, Complaints, and Lawsuits
- Promoting Inclusive Public Participation
- Providing Meaningful Access to LEP Persons
- Minority Representation on Planning and Advisory Bodies

- Assisting and Monitoring Subrecipients
- Determination of Site or Location of Facilities
- Board approval of Title VI Program prior to submission to FTA

The Circular also requires that all fixed route transit providers, such as BART, comply with the following requirements:

- System-Wide Service Standards and Policies
- Transit Service Monitoring
- Collection and Reporting of Demographic Data
- Major Service Change Policy
- Disparate Impact and Disproportionate Burden Policy
- Equity Analysis of Service and Fare Changes

II. Title VI Compliance Efforts

In addition to the requirements and guidelines listed above, the Circular requires that the Board approve the District's Title VI related policies, service and fare equity analyses, and transit service monitoring. These documents demonstrate BART's Title VI compliance during the Program's reporting period.

Title VI Service and Fare Equity Analysis:

BART must conduct an equity analysis for any Fare Change or Major Service Change to determine if the proposed change will have a disparate impact on minority populations or a disproportionate burden on low-income populations. The list below summarizes the Fare and

Service equity analyses conducted during this reporting period.

- Discontinuance of Sales of Magnetic-Stripe Tickets. Approved by the Board on January 23, 2020.
- 2022 Productivity-Adjusted Inflation Based Fare Increase. Approved by the Board on June 9, 2022.

The results of the following equity analyses found either a disparate impact or disproportionate burden on minority or low-income populations. Mitigation measures were identified in the analysis and implemented to address adverse impacts.

- Discontinuance of Sales of Magnetic-Stripe Tickets
- Approved by the Board on January 23, 2020

III. Monitoring Transit Service

Staff seeks Board approval of the Service Monitoring results, included in the Title VI Program. As a fixed route transit provider, BART is required to monitor the performance of its transit system relative to its adopted system-wide Service Standards and Policies every three years. BART's transit service in the 2022 Title VI Program was monitored based on the standards adopted by the Board in BART's 2019 Title VI Program (valid from 1/1/2020 – 12/31/2022).

The Service Standards Monitoring Results are divided into four sections: Vehicle Load, Vehicle Headway, On-time Performance, and Service Availability. The Service Policies Monitoring Results are divided into two sections: Distribution of Transit Amenities and Vehicle Assignment. For all categories except Transit Amenities, BART's Disparate Impact/Disproportionate Burden (DI/DB) Policy threshold is used as guidance in applying a 5% threshold for assessment of these System-wide Standards and Policies. Transit Amenities are to be distributed equitably, generally in proportion to station ridership and as a function of location (urban/suburban) and station design. Applying this methodology and threshold to an assessment of BART's system-wide Service Standards and Policies, there is no disparate impact in the levels of service BART provides to minority communities.

IV. Current and Upcoming Title VI Policies

The 2022 Title VI Program sets standards and policies for BART to incorporate and comply with for its future Title VI efforts. There are no changes to the below three policies.

- Major Service Change Policy: Establishes a threshold to determine when a service change is considered "major." The Board adopted an amended version of this Policy on October 13, 2016.
- Disparate Impact and Disproportionate Burden Policy: Establishes a threshold to determine when adverse impacts are borne disproportionately by protected populations or riders. The current policy establishes a 5% threshold for assessing impacts on existing fares and service and a 10% threshold for evaluating new fares and service. The Board adopted this Policy on July 11, 2013.
- System-wide Service Standards and Policies: Establishes quantitative standards for the following indicators:
 - Vehicle Load: BART's vehicle load levels are measured at points on the system where trains are observed to carry the greatest number of passengers in a given direction during the three consecutive hours of highest throughput for each line.
 - Vehicle Headway: BART's base headway standard for each of its five lines is 15 minutes during the early morning, mid-day, and AM/PM peak period.
 - On-time Performance: BART measures on-time performance in two ways: Train On-Time and Customer On-Time. Train On-Time is a measure of train runs completed as scheduled.
 - Service Availability: BART's DI/DB Policy, BART applies a 5% threshold to the analysis of its Service Availability. A disparate impact on minority riders exists when minority

Census tracts have, on average, a 5% greater linear distance to their nearest BART station than non-minority Census tracts.

- Additionally, policies are developed for each of the following service indicators: i) Distribution of Transit Amenities and ii) Vehicle Assignment to address how service is distributed across the BART system.

FISCAL IMPACT:

Approving the Title VI Civil Rights Program 2022 Triennial Update would allow the District to maintain its eligibility for federal funding.

ALTERNATIVES:

Do not approve the Title VI Civil Rights Program 2022 Triennial Update, resulting in the District being non-complaint with Title VI of the Civil Rights Act of 1964 and its related regulations and loss of federal funding.

RECOMMENDATION:

Approval of the following motion.

MOTION:

The Board of Directors approves the District's Title VI Civil Rights Program 2022 Triennial Update.

Item 5-C: Submission of Title VI Triennial Report to the Federal Transit Administration

Title VI Program Update Report

<https://www.bart.gov/sites/default/files/docs/Title-VI-2022-Triennial-Update-2023-01-05-web3.pdf>

Click on the Link Above or Type the URL into Your Web Browser to Access the Report



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <div style="float: right; text-align: right;"> <small>DocuSigned by:</small> <small>47000790F2D7463...</small> </div>		GENERAL MANAGER ACTION REQ'D: Approve and Send to Board		
DATE: 12/23/2022 1/4/2023		BOARD INITIATED ITEM: No		
Originator/Prepared by: Rachel Russell Dept: Strategic Engineering <small>DocuSigned by:</small> <small>6916944E998244E...</small> Signature/Date: <div style="text-align: right;">12/30/2022</div>	General Counsel <small>DocuSigned by:</small> <small>F8FD7B3A73E74E8...</small> <div style="text-align: right;">12/30/2022 []</div>	Controller/Treasurer <small>DocuSigned by:</small> <small>EE11C8CEEEA04FD...</small> <div style="text-align: right;">12/30/2022 []</div>	District Secretary <div style="text-align: right;">[]</div>	BARC <small>DocuSigned by:</small> <small>8128A2EB2F014F3...</small> <div style="text-align: right;">1/3/2023 []</div>

Rescind Original Authorization to Award and Reject All Bids for Contract No. 15CQ-211, Procurement of Direct Fixation Fastener Assemblies

PURPOSE:

To obtain Board authorization to rescind the original authorization to award and reject all Bids for Contract No. 15CQ-211 for the procurement of Direct Fixation Fastener Assemblies and authorize the General Manager to re-advertise the Solicitation.

DISCUSSION:

On January 13, 2022, the Board authorized the General Manager to award Contract No. 15CQ-211 to Progress Rail Services (Progress Rail).

On August 2, 2022, BART's General Manager presented Proposed Decisions to the Board regarding protests filed by L.B. Foster Company ("L.B. Foster") and Voestalpine Railway Systems Nortrak Inc. ("Nortrak") against Award of Contract No. 15CQ-211 to Progress Rail. Per BART's Protest Procedures the Board had ten (10) days to discuss the Proposed Decision. The Board did not request a hearing, so the Proposed Decisions are final.

The first protest by L.B. Foster, received prior to the Bid award, stating that inaccuracies in their Disadvantaged Business Enterprise ("DBE") Bid form were immaterial, is denied. L.B. Foster submitted a direct appeal to the Federal Transit Administration ("FTA") on BART's denial, but FTA declined review of the appeal.

Nortrak's protest, received after the Bid award, is granted due to inaccuracies in Progress Rail's Designation of Sub-suppliers, DBE, and Small Business Enterprise ("SBE") form. However, after further evaluation of Nortrak's Bid, Staff also found it to be inaccurate due

Rescind Original Authorization to Award and Reject All Bids for Contract No. 15CQ-211, Procurement of Direct Fixation Fastener Assemblies

to irregularities in their DBE submittal.

This Contract was advertised pursuant to the District's Disadvantaged Business Enterprise ("DBE") Program requirements. The Office of Civil Rights reviewed the scope of work for this Contract and determined there were DBE subcontracting opportunities; therefore, a DBE participation goal of 3% was set for this Contract. After review of all bids, the Office of Civil Rights has determined that all bidders are found non-responsive.

Based on Staff analysis of the protest filed by L.B Foster it is clear the bid of L.B. Foster was non-responsive. Based on Staff analysis of the protest filed by Nortrak it is clear the Bid of Progress Rail was non-responsive. Based on further Staff analysis of Nortrak's Bid, Staff has found it to be non-responsive.

FISCAL IMPACT:

There is no fiscal impact.

ALTERNATIVES:

Due to all of the Bids received being non-responsive, there is no alternative to rescinding the original authorization to award, rejecting all Bids, and re-advertising the solicitation.

RECOMMENDATION:

It is recommended that the Board adopt the following motion.

MOTION:

The Board authorizes the General Manager to rescind the original authorization to award, reject all Bids for Contract No. 15CQ-211, Procurement of Direct Fixation Fastener Assemblies, and re-advertise the Solicitation.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <div style="float: right; border: 1px solid black; padding: 2px;"> DocuSigned by: <i>Michael Jones</i> <small>47000790F2D7463...</small> </div>		GENERAL MANAGER ACTION REQ'D:		
DATE: 12/8/2022 1/4/2023		BOARD INITIATED ITEM: Yes		
Originator/Prepared by: Celia Morales Flores Dept: M&E Acquisition Support <div style="float: right; border: 1px solid black; padding: 2px;"> DocuSigned by: <i>Myra Francisco</i> <small>C32B0A8A3A3D467...</small> </div> Signature/Date: 12/29/2022	General Counsel <div style="float: right; border: 1px solid black; padding: 2px;"> DocuSigned by: <i>Jana Belan</i> <small>F8FD7B3A73E74E8...</small> </div> Signature/Date: 12/29/2022 <div style="text-align: right;">[]</div>	Controller/Treasurer <div style="float: right; border: 1px solid black; padding: 2px;"> DocuSigned by: <i>Chris Gan</i> <small>EE11C8CEEEA04FD...</small> </div> Signature/Date: 12/29/2022 <div style="text-align: right;">[]</div>	District Secretary <div style="float: right; border: 1px solid black; padding: 2px;"> DocuSigned by: <i>Shane Edwards</i> <small>8128A2EB2F014F3...</small> </div> Signature/Date: 1/3/2023 <div style="text-align: right;">[]</div>	BARC <div style="float: right; border: 1px solid black; padding: 2px;"> DocuSigned by: <i>Shane Edwards</i> <small>8128A2EB2F014F3...</small> </div> Signature/Date: 1/3/2023 <div style="text-align: right;">[]</div>

6M3619 and 6M3620 Systemwide Parking Lot Sweeping Services

PURPOSE:

To obtain Board authorization for the General Manager to award Agreement No. 6M3619 and 6M3620, Systemwide Parking Lot Sweeping Services to G.A. Higgins Inc. from Pleasant Hill, California and Elite Maintenance Inc. from San Jose, California, respectively.

DISCUSSION:

These Agreements provide for sweeping and cleaning services via mechanical/manual wet and/or dry sweeping and vacuuming of all trash and debris from station parking lots, station plazas, yard and shop parking lots, and yard and shop patios and plazas for a base term of three (3) years, with two (2) one-year options exercisable at the District's discretion, for a maximum term of five (5) years. The District facilities maintained under this Agreement were divided into two zones for bidding allowing the District to evaluate proposals for each zone and award one agreement per zone to the Proposer with the lowest priced, technically acceptable proposal. Zone 1 includes the C and R lines, and Zone 2 includes the A, K, L, M and W lines.

An electronic copy of the Request for Proposals ("RFP") was posted to the District's Procurement Portal on October 5, 2022 and distributed to all registered vendors and all known potential proposers. The RFP was also advertised in ten (10) local publications on October 8, 2022. The RFP was eventually downloaded by six (6) interested firms. A pre-

proposal meeting was held on October 20, 2022, with one (1) prospective firm in attendance. On November 8, 2022, the District received four (4) proposals.

A Selection Committee, consisting of representatives from Contract Administration, Maintenance and Engineering, and the Office of Civil Rights (OCR) conducted a technical evaluation and price analysis of the submitted proposals. Technical proposals were reviewed for compliance with the Minimum Technical Requirements of the Agreement, including experience, qualifications, and performance capacity.

The Technical Proposal submitted by Puma Power Wash was evaluated and deemed unacceptable due to failure to meet the minimum technical requirements of the RFP. The other three (3) Technical Proposals submitted by Elite Maintenance Inc., Bernardini Enterprises Inc., and G.A. Higgins Inc. were evaluated and deemed technically acceptable, in accordance with the RFP requirements.

Table 1-Zone 1 Proposal Price Summary

Zone 1			
Proposal Price Summary	Proposal Prices	Proposal Prices	Proposal Prices
Agreement Term/Duration	G.A. Higgins Inc.	Elite Maintenance Inc.	Bernardini Enterprises Inc.
Base Agreement (Years 1-3)	\$1,024,425.24	\$1,050,282.00	\$2,706,750.00
Option Year 1 (Year 4)	\$357,107.18	\$385,100.60	\$902,250.00
Option Year 2 (Year 5)	\$357,107.18	\$385,100.60	\$902,250.00
Total Proposal Price	\$1,738,639.60	\$1,820,483.20	\$4,511,250.00
Total Proposal Price with 5% Small Business Preference, if applicable	Not Applicable	Not Applicable	\$4,424,318.00

Total Proposal Price	\$1,738,639.60	\$1,820,483.20	\$4,424,318.00
for Evaluation for Zone 1			

Table 2 - Zone 2 Proposal Price Summary

Zone 2			
Proposal Price Summary	Proposal Prices G.A. Higgins Inc.	Proposal Prices Elite Maintenance Inc.	Proposal Prices Bernardini Enterprise Inc.
Agreement Term/Duration			
Base Agreement	\$1,966,957.14	\$1,539,008.94	\$4,754,250.00
(Years 1-3)			
Option Year 1 (Year 4)	\$640,401.68	\$564,297.54	\$1,584,750.00
Option Year 2 (Year 5)	\$640,401.68	\$564,297.54	\$1,584,750.00
Total Proposal Price	\$3,247,760.50	\$2,667,604.02	\$7,923,750.00

Total Proposal Price with 5% Small Business Preference, if applicable	Not Applicable	Not Applicable	\$7,790,370.00
Total Proposal Price for Evaluation for Zone 2	\$3,247,760.50	\$2,667,604.02	\$7,790,370.00

Based upon the Selection Committee's evaluation of the Price Proposals, G.A. Higgins Inc. had the lowest priced proposal for Zone 1 and Elite Maintenance Inc. for Zone 2. The sum of their proposed prices for both zones is not to exceed \$4,406,243.62, for the maximum term of five years.

Pursuant to the District's Non-Federal Small Business Program, the Office of Civil Rights set a 5% Small Business Preference for this Agreement for Small Businesses certified by the California Department General Services.

The lowest responsive Proposer for Zone 1, G.A. Higgins Inc., is not a certified Small Business and, therefore, is not eligible for the 5% Small Business Prime Preference. The apparent third low Proposer, Bernardini Enterprises, is a certified Small Business, making it eligible for the 5% Small Business Prime Preference for this Agreement for evaluation purposes. After review by the Office of Civil Rights, and application of the 5% Small Business Prime Preference, G.A. Higgins Inc. remains the lowest responsive Proposer for Zone 1.

The lowest responsive Proposer for Zone 2, Elite Maintenance Inc., is not a certified Small Business and, therefore, is not eligible for the 5% Small Business Prime Preference. The apparent third low Proposer, Bernardini Enterprises, is a certified Small Business, making it eligible for the 5% Small Business Prime Preference for this Agreement for evaluation purposes. After review by the Office of Civil Rights, and application of the 5% Small Business Prime Preference, Elite Maintenance Inc. remains the lowest responsive Proposer for Zone 2.

Pursuant to the District's Non-Discrimination Program for Subcontracting, the Availability Percentages for this Agreement are 5.5% for Minority Business Enterprises (MBEs) and 2.8% for Women Business Enterprises (WBEs).

The Proposer for Zone 1, G.A. Higgins Inc., committed to 0% MBE and 0% WBE participation. G.A. Higgins Inc. did not meet either the MBE or WBE Availability Percentages; therefore, G.A. Higgins Inc. was requested to provide the Office of Civil Rights with supporting documentation to determine if it had discriminated on the basis of race, national origin, color, gender or ethnicity. Based on the review of the information submitted by G.A. Higgins Inc., the Office of Civil Rights found no evidence of discrimination.

The Proposer for Zone 2, Elite Maintenance Inc., will not be subcontracting any portion of the Work and therefore, the provisions of the District's Non-Discrimination Program for Subcontracting do not apply.

FISCAL IMPACT:

Funding for this Agreement will include the following estimated expenditures:

	Zone 1	Zone 2	Grand Total
FY23 (January 1, 2023 – June 30, 2023)	\$170,737.54	\$256,501.49	\$427,239.03
FY24 (July 1, 2023 – June 30, 2024)	\$341,475.08	\$513,002.98	\$854,478.06
FY25 (July 1, 2024 – June 30, 2025)	\$341,475.08	\$513,002.98	\$854,478.06
FY26 (July 1, 2025 – June 30, 2026)	\$349,291.13	\$538,650.26	\$887,941.39
FY27 (July 1, 2026 – June 30, 2027)	\$357,107.18	\$564,297.54	\$921,404.72
FY28 (July 1, 2027 – December 31, 2027)	\$178,553.59	\$282,148.77	\$460,702.36
	\$1,738,639.60	\$2,667,604.02	\$4,406,243.62

The Agreements will be funded by the Facilities Maintenance Operating Budget (Department 0802836 – Facilities/Buildings, account 680210 – Buildings and Grounds Maintenance) in the not-to-exceed amount of \$4,406,243.62.

Funding for fiscal year 2023 in the amount of \$427,239.03 is included in the operating budget of Facilities and Buildings Department - 0802836. The budget for subsequent years will be included in the proposed annual operating budget, which is subject to Board approval. This action is not anticipated to have any fiscal impact on unprogrammed District reserves in the current Fiscal Year.

ALTERNATIVES:

Reject the Proposal and re-advertise the RFP. Failure to award this Agreement would disrupt the continuity of the parking lot sweeping program. Failure to sweep the parking lots on a regular schedule would create unacceptable conditions for our patrons and surrounding neighbors. Station appearance and general safety would be degraded.

Based on the evaluation by Staff and certification by the Controller/Treasurer that the funds are available for this purpose, it is recommended that the Board adopt the following Motion.

MOTION:

That the General Manager is authorized to award Agreement No. 6M3619 to G.A. Higgins Inc. to provide Systemwide Parking Lot Sweeping Services Zone 1 in an amount not to exceed \$1,024,425.24 and Agreement No. 6M3620 to Elite Maintenance Inc. to provide Systemwide Parking Lot Sweeping Services Zone 2 in an amount not to exceed \$1,539,008.94, each for a base term of three (3) years, pursuant to notification to be issued by the General Manager and subject to compliance with the District's Protest Procedures. The General Manager is also authorized to exercise up to two (2) one-year options for Agreement No. 6M3619 for \$357,107.18 and \$357,107.18, and up to two (2) one-year options for Agreement No. 6M3620 for \$564,297.54 and \$564,297.54 for a maximum term of five (5) years per Agreement.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <div style="float: right; border: 1px solid black; padding: 2px;"> <small>DocuSigned by:</small> <i>Michael Jones</i> <small>47000790F2D7463...</small> </div>		GENERAL MANAGER ACTION REQ'D:		
DATE: 12/13/2022 1/4/2023		BOARD INITIATED ITEM: No		
Originator/Prepared by: Joseph Basuino Dept: Real Estate & Prop Development <div style="border: 1px solid black; padding: 2px; margin-top: 10px;"> <small>DocuSigned by:</small> <i>Joseph Basuino</i> <small>1C6C2911CC1E414...</small> </div> Signature/Date: <div style="text-align: right;">1/3/2023</div>	General Counsel <div style="border: 1px solid black; padding: 2px; margin-top: 10px;"> <small>DocuSigned by:</small> <i>Jana Belan</i> <small>F8FD7B3A73E74E8...</small> </div> Signature/Date: <div style="text-align: right;">1/3/2023 []</div>	Controller/Treasurer <div style="border: 1px solid black; padding: 2px; margin-top: 10px;"> <small>DocuSigned by:</small> <i>Chris Gan</i> <small>EE11C8CEEEA04FD...</small> </div> Signature/Date: <div style="text-align: right;">1/3/2023 []</div>	District Secretary <div style="border: 1px solid black; padding: 2px; margin-top: 10px;"> <small>DocuSigned by:</small> <i>Val Menotti</i> <small>AA8F1409A8F748E...</small> </div> Signature/Date: <div style="text-align: right;">[] []</div>	BARC <div style="border: 1px solid black; padding: 2px; margin-top: 10px;"> <small>DocuSigned by:</small> <i>Val Menotti</i> <small>AA8F1409A8F748E...</small> </div> Signature/Date: <div style="text-align: right;">1/3/2023 []</div>

Authorization to Enter into a First Amendment to Lease for 150 California St, San Francisco

PURPOSE:

To authorize the General Manager, or his designee, to enter into a First Amendment to Lease with PPF OFF 150 California Street, LP, a Delaware Limited Partnership for approximately 2,921 square feet of office space at 150 California Street, San Francisco, for a three-year term with a two-year option commencing February 1, 2023.

DISCUSSION:

On July 29th, 2015, ("Effective Date") the District entered into a lease for office space at 150 California Street in San Francisco, Suite 275, for approximately 2,921 square feet (the "Lease") with PPF OFF 150 California Street, LP ("Landlord"). The Lease had an initial term of seven-years and three months, commencing October 19, 2015 ("Commencement Date") and expiring January 31, 2023. The current annual lease payment, plus operating expenses paid to the Landlord pursuant to the terms of the Lease, is \$176,868.

BART utilizes this space to support operations of the M-Line. A total of 15 BART staff are based there to provide greater proximity to the M Line, including the Assistant Chief Transportation Officer, M-Line Manager, Senior Operations Supervisors, Operations Supervisors, System Service and Line Foreworkers. The office is utilized 24/7 for 3 shifts of employees.

BART Real Estate staff evaluated the fair market rate for 14 different office locations in the financial district of San Francisco, where the M-Line offices must be located for efficient operations. Eleven locations were eliminated due to their distance from the BART stations

and/or because they were too large for BART's needs.

After a detailed evaluation of the remaining 3 most competitive locations, staff found that the current location is the most financially beneficial to the District because it has the lowest price per square foot and the proposed deal would provide BART 4 free months of rent. Remaining at the current location is also expected to avoid an expenditure of approximately \$30,000 in relocation expenses. If authorized by the Board, staff would enter into a first amendment to the Lease (the "Amendment") that would take effect on February 1, 2023, and provide for a Lease termination date of January 31, 2026, with one option to extend the Lease for an additional two years.

The new annual base rent for the first year of the term, running from February 1, 2023 through January 31, 2024, will be \$80 per square foot (excluding operating expenses), less the four months' free rent negotiated by staff, with the rate increasing by 3% in each year. Operating expenses billed by the landlord are anticipated to average around \$1,900 per month. The annual base rent for the first option years, if the option were exercised, would be determined based on the prevailing market rent per new, renewal and amended leases for this market area.

The Office of the General Counsel will approve the Amendment as to form.

FISCAL IMPACT:

Funding for the rent payments and operating expenses during the first year are included in the FY23 and FY24 Adopted Budget for the Real Estate Department. Department # 1011275; Account # 680330.

The first-year rent, excluding operating expenses, will be \$156,000.00 (inclusive of four months rent free). The rent for the remaining two years and for the two option years will be as follows:

Second year: \$241,000.00

Third year: \$248,000.00

Option year 1: Prevailing Market Rent estimated to be \$260,000.00

Option year 2: Prevailing Market Rent estimated to be \$265,000.00

Total: \$1,170,000.00

Funding for subsequent years will be included in the proposed annual operating budget, which is subject to Board approval.

This action is not anticipated to have any Fiscal impact on unprogrammed District reserves in the current Fiscal Year.

ALTERNATIVES:

Do not enter into the Amendment. Staff would instead extend on a month-to-month basis at the current location and search for another space.

RECOMMENDATION:

Adopt the following motion:

MOTION:

The General Manager or his designee is authorized to: 1) execute a First Amendment to Lease with PPF OFF 150 California Street, LP for 2,921 square feet of office space at 150 California Street, San Francisco for a three-year term, with a two-year option, and 2) to exercise said option if he or his designee determines it is in the District's best interest to do so.

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Board of Directors

DATE: January 6, 2023

FROM: General Manager


SUBJECT: Metropolitan Transportation Commission (MTC) Update on Regional Network Management (RNM)

At the November 17, 2022 BART Board Meeting, BART staff presented an update on regional transit coordination activities, with a specific focus on the MTC-led effort to improve the transit customer experience with establishment of Regional Network Management (RNM).

As follow-up, at the January 12, 2023 BART Board meeting, the Board will receive a presentation from MTC Executive Director Therese McMillan and Deputy Executive Director for Policy Alix Bockelman on a recommended RNM short/near-term framework. This recommendation is the outcome of the RNM Business Case process, one of the actions outlined in the Transit Transformation Action Plan approved by the MTC Commission in 2021.

This item is an information item for the BART Board, and the MTC Commission is expected to take action on the recommendation in February 2023.

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

DocuSigned by:

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Robert M. Powers

cc: Board Appointed Officers
Deputy General Manager
Executive Staff

An aerial photograph of a modern urban transit hub. A light rail train is stopped at a station platform on the right. A bus is visible in the center. Pedestrians are walking on the sidewalks, and a cyclist is on a dedicated bike lane. The scene is set in a city with modern buildings and greenery.

Regional Network Management (RNM)

RECOMMENDED REGIONAL NETWORK MANAGEMENT (RNM) SHORT/NEAR-TERM FRAMEWORK

Transit Agency Board Meetings

January 2023

Background

BLUE RIBBON



TRANSIT RECOVERY TASK FORCE

In May 2020, MTC created a 32-member **Blue Ribbon Transit Recovery Task Force** (“Task Force”) to support MTC in the development of a regional response to address the adverse impacts of the COVID-19 pandemic on transit systems in the Bay Area



In July 2021, the Task Force approved 27 specific near-term actions to re-shape the region’s transit system into a more connected, more efficient, and more user-focused mobility network across the entire Bay Area which formed the **Bay Area Transit Transformation Action Plan**

Network Management Evaluation

The Task Force requested that an independent assessment of network management alternatives be completed prior to the sunset of the Task Force to serve as the foundation for a more in-depth business case evaluation of these alternatives.

As a part of this plan, the Task Force requested that a study be completed to select a preferred alternative structure(s) for **Regional Network Management (RNM)** and recommend next steps to achieve implementation

Network Management Business Case Evaluation Project

Accordingly, MTC established a **Network Management Business Case Evaluation project** to assess and recommend a preferred regional network management framework to achieve near-term and longer-range transit mobility goals

Network Management Business Case Advisory Group

Purpose

- Established in September 2021 to guide and review the Business Case analysis and recommendations
- Business Case Evaluation: Assess and recommend a preferred regional network management framework to achieve near-term and longer-range transit mobility goals

Convenings

- 14 Advisory Group Members
- January – December 2022
- Met 8 times

Composition

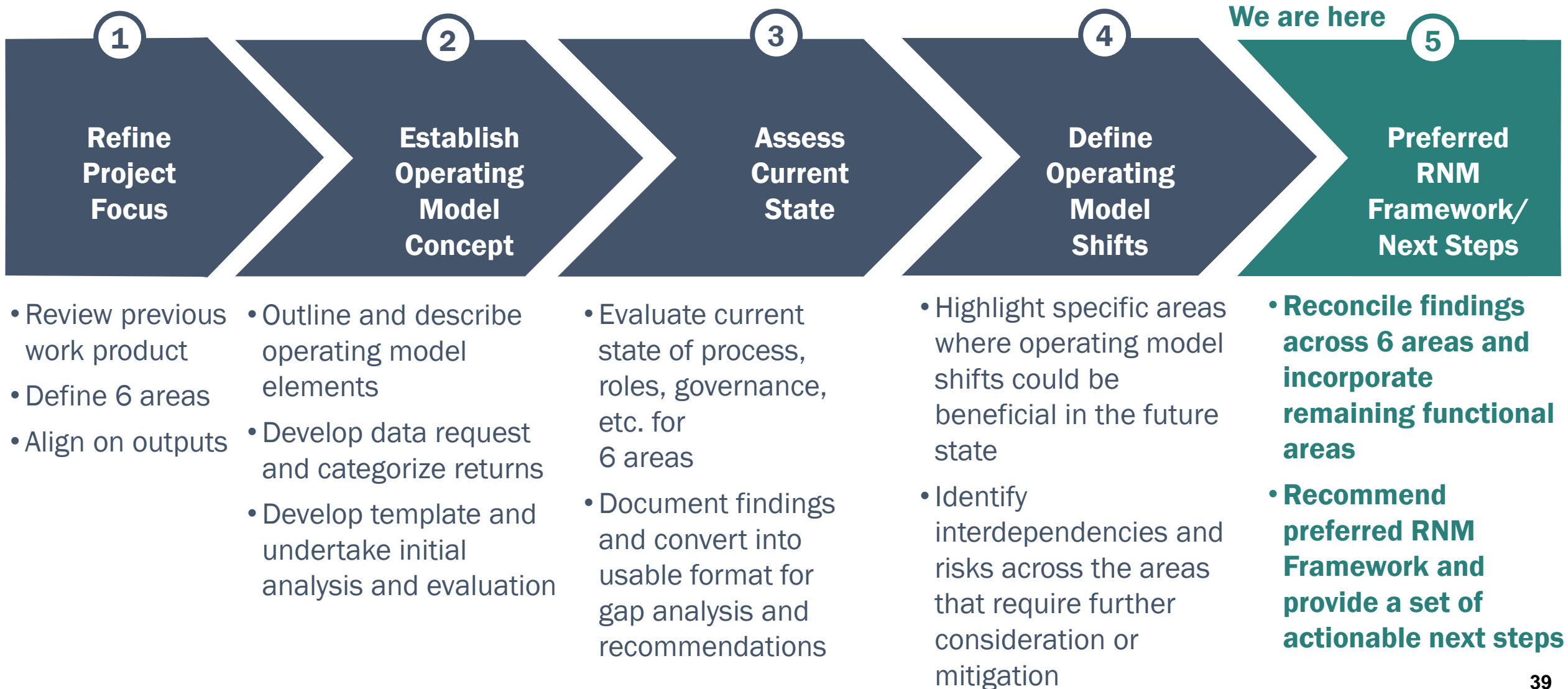
7 Transit Agency Representatives

Denis Mulligan (Chair), GGBHTD
Michelle Bouchard, Caltrain
Bill Churchill, County Connection
Carolyn Gonot, VTA
Michael Hursh, AC Transit
Bob Powers, BART
Jeff Tumlin, SFMTA

7 Stakeholder Representatives

Alicia John-Baptiste (Vice-Chair), SPUR
Christine Fitzgerald, SVILC
Adina Levin, MTC Policy Advisory Council
James Lindsay, ATU
Therese McMillan, MTC
Suzanne Smith, SCTA
Jim Wunderman, Bay Area Council

Business Case Evaluation Approach



Proposed Regional Network Management (RNM) Statements

Proposed Mission Statement

(“Core Purpose”)

To drive transformative improvements in the customer experience for regional Bay Area transit

Proposed Vision Statement

(“Why”)

To advance regional goals in equity, livability, climate, and resiliency through a unified regional transit system that serves all Bay Area populations

The Business Case Explored What Benefits Could Come from a Regional Approach

Across an array of transit operator roles and activities, the business case asked, will regionalizing these activities improve customer experience and/or unlock efficiencies and be feasible?

1 Improve the customer experience

Such as:

- Reduce travel times
- Improve equity
- Simplify the user interface
- Enhance accessibility
- Increase affordability

and
/ or

2 Unlock efficiencies

Such as:

- Enable sharing of costs
- Generate economies of scale
- Reduce time spent on coordination activities
- Reduce duplicative efforts / activities
- Enable / attract funding

and

3 Be feasible

Such as:

- Is not cost prohibitive
- Within achievable legal / regulatory limitations
- Agency has path to authority, where required
- Is operationally possible

The proposed RNM structure will need three key elements

Regional Visioning Element

MTC RNM Committee: Leverage existing regional purview and planning capabilities to help set the regional vision for transit in the Bay Area and drive the direction of the RNM

“Voice of the Customer” Advisory Committee: Group of stakeholders who represent the customer and can help inform decision-making with the customer in mind

Steering Element

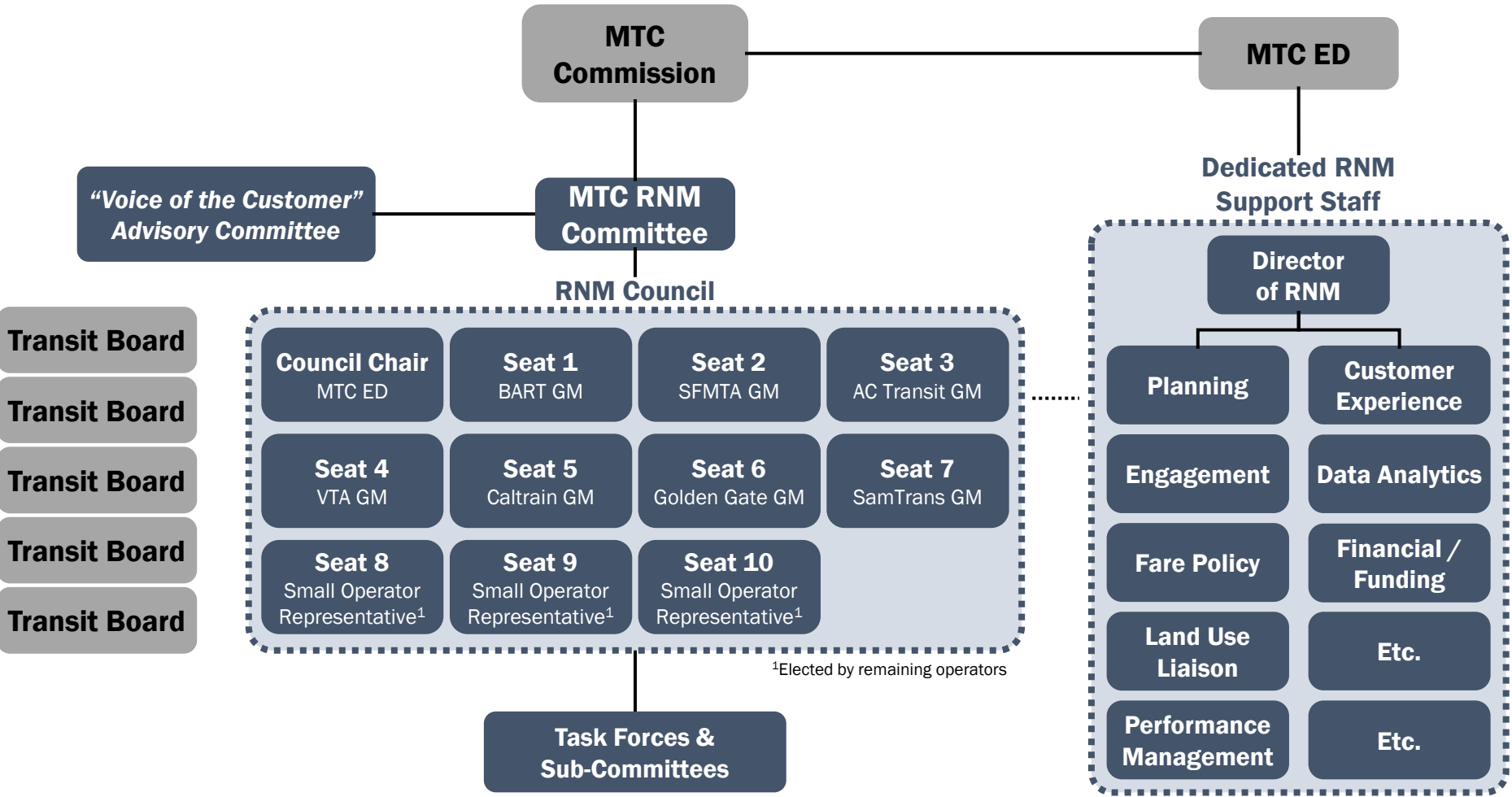
RNM Council: Council comprised GM-level Operator and MTC representatives who understand transit operations and can represent the interests of their stakeholders, make critical decisions on regional policies, and provide leadership

Administrative / Operational Element

Dedicated RNM Support Staff: Group of dedicated staff (potential opportunity for seconded staff as well) with a broad range of capabilities and expertise to support the operations and analysis of the RNM

Task Forces & Sub-Committees: Temporary (Task Forces) or longer-term (Sub-Committees) groups comprised a broad range of representatives, including Operators, stakeholders, and subject matter experts, that will help complete analysis and develop policy recommendations / options for topics

Recommended Short / Near-Term RNM



✓ Customer Focused:

- Enables highly inclusive decision making to bring a broad range of perspectives
- Multiple engagement points for the “Voice of the Customer” to prioritize customers in decision making

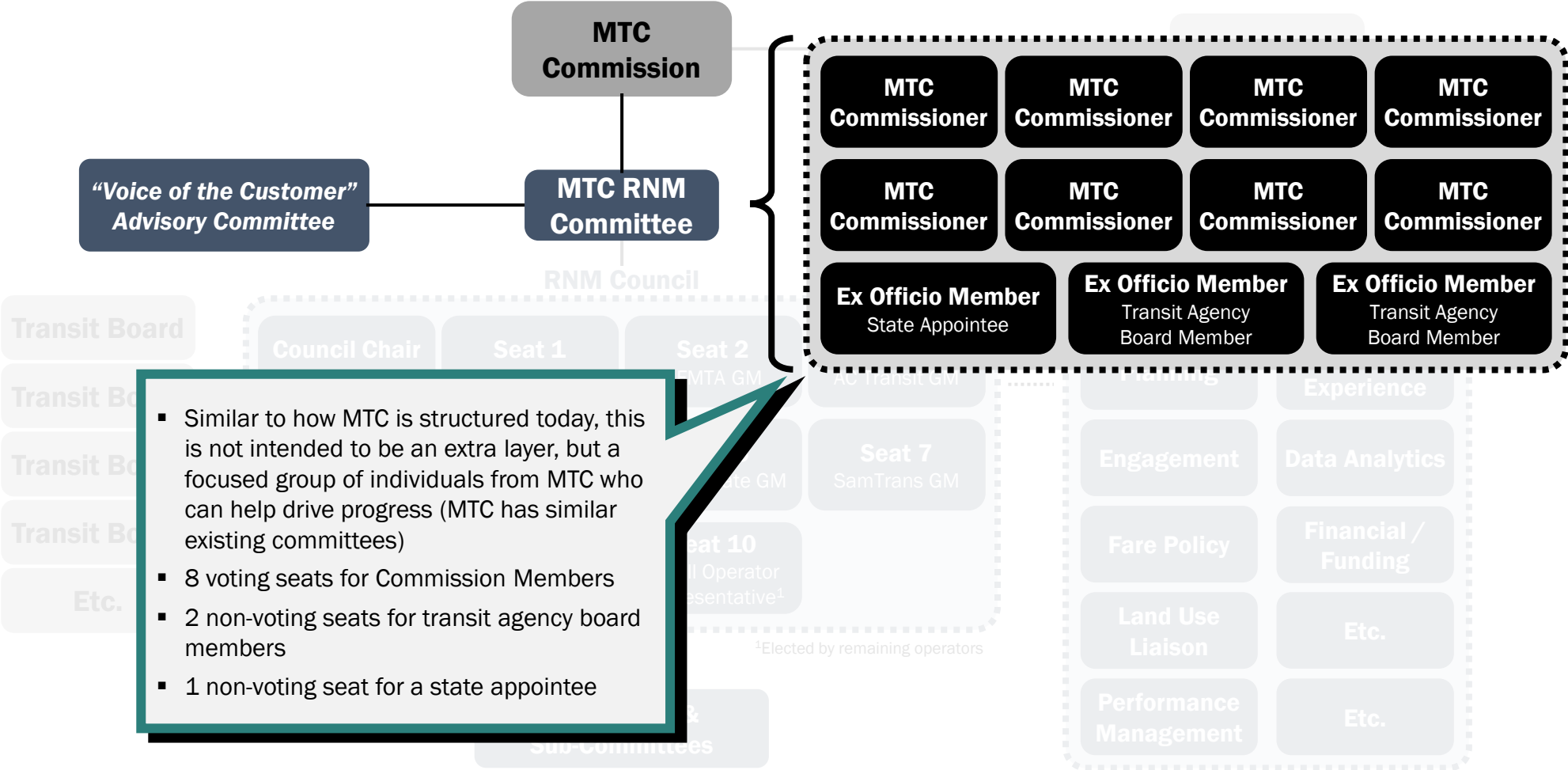
✓ Structured for Scale:

- Team of Dedicated Support Staff can grow over time to provide needed capacity to Operators
- Joint teams, with potential opportunities for seconded staff, enable high quality proposals to reach the Council, driving effective use of GM time
- Task Forces and Sub-Committees can be added or subtracted as regional priorities shift

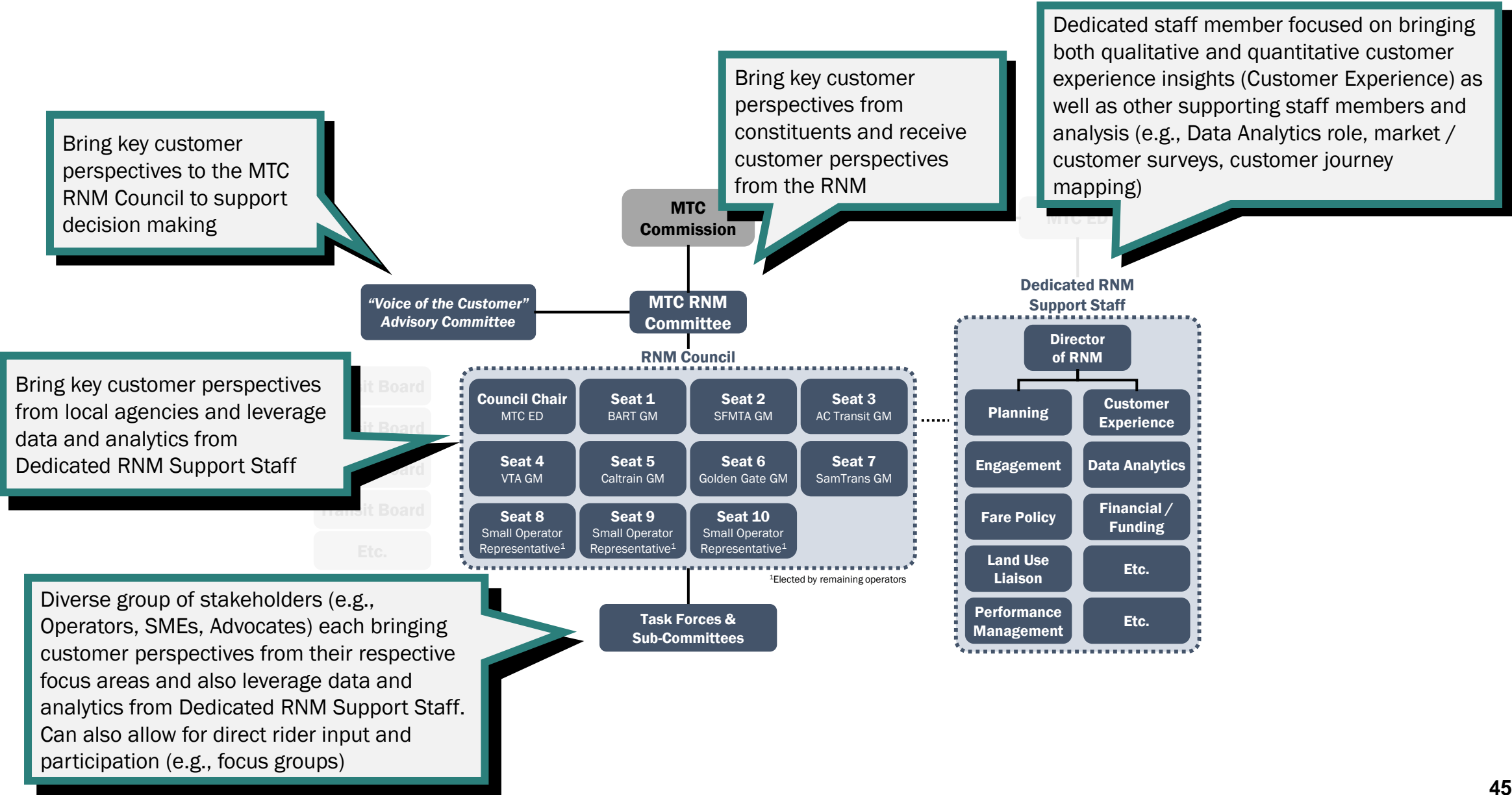
✓ Balances Short-Term Momentum with Long-Term Transformation:

- Allows RNM to be stood up quickly to begin working on priority items, but also allows continuous evolution
- Seeks to drive cost and time effectiveness
- Feasible within current legislative constraints

MTC RNM Committee



Engagement Points for the Voice of the Customer



Page 10 of 10

Performance: To support continuous improvement, KPIs will be established at creation to track RNM performance.

The diagram illustrates a Business Process Model (BPM) structure. It is organized into three main components:

- Value of the Customer's Business Proposition:** A large box on the left representing the core value proposition.
- BPM Executive Board:** A central 3x3 grid of boxes representing the executive board. The boxes are:
 - Top Row: CEO Chair (100% 2017), Board 1 (100% 2017), Board 2 (100% 2017), Board 3 (100% 2017)
 - Middle Row: Board 4 (100% 2017), Board 5 (100% 2017), Board 6 (100% 2017), Board 7 (100% 2017)
 - Bottom Row: Board 8 (100% 2017), Board 9 (100% 2017), Board 10 (100% 2017), **President/CEO Chair**
- Business Unit Support Board:** A vertical column of boxes on the right representing support units. The boxes are:
 - President of BPM Support Board
 - Planning
 - Engineering
 - Financial / Trading
 - Portfolio Management
 - Legal / Tax / Compliance

Below the BPM Executive Board, there are two rows of boxes representing business units:

- Row 1: Task Group 1, Task Group 2, Sub-Component 1, Sub-Component 2
- Row 2: Task Group 3, Etc., Sub-Component 3, Etc.

Establish foundational leadership roles while scaling support elements to meet

Develop tools and technology to drive standardization and improve efficiency

Update processes to meet changing needs / goals and enhance incentives to support process implementation

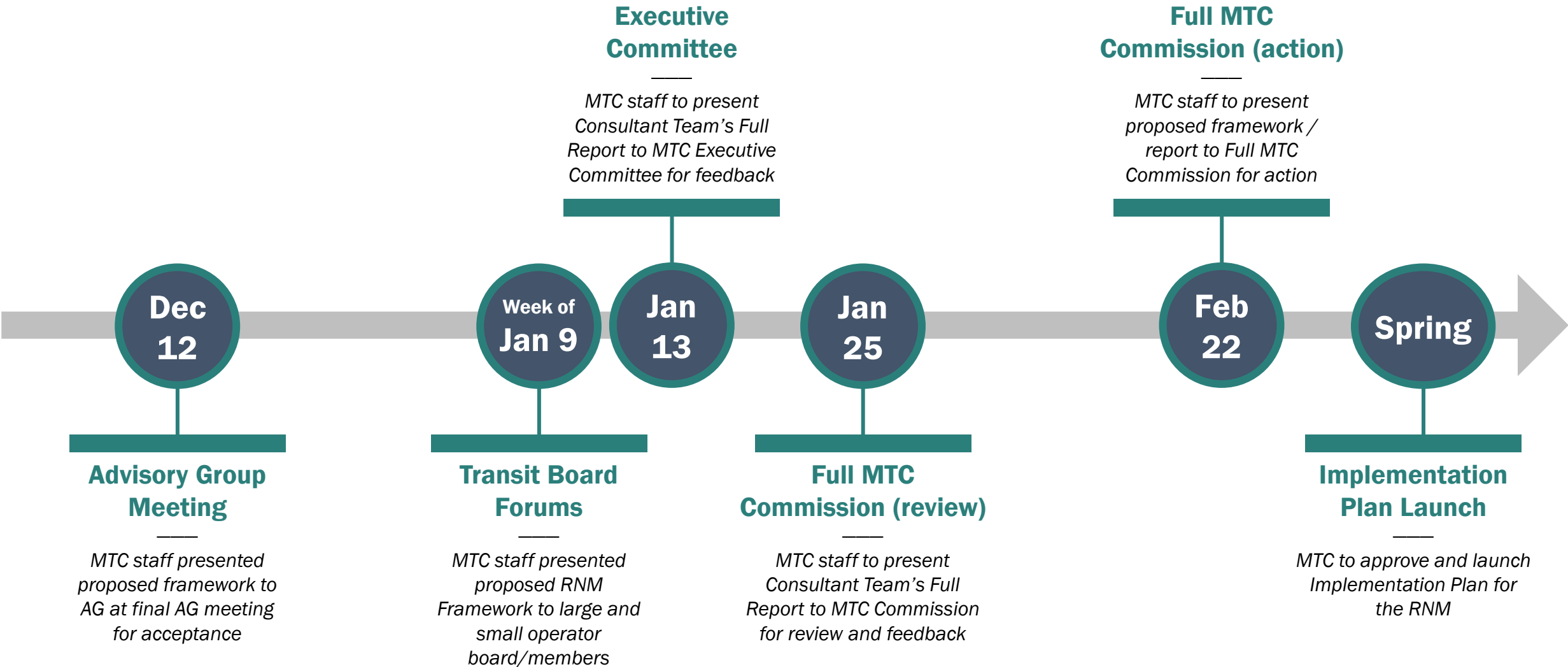
Enhance agency authorities to align decision-making capabilities with regional goals



4

Note: Illustrative

Key Milestones & Next Steps



MTC CONTACT:

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Executive Director

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SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

Memorandum

TO: Board of Directors

DATE: January 4, 2023

FROM: General Manager

SUBJECT: Update on Racial Equity Initiatives

Accompanying this memo is a presentation on the District's racial equity initiatives. At the January 12, 2023, BART Board meeting, staff will provide an update on our progress, focusing on the accomplishments to date and key next steps such as the development and distribution of the Racial Equity Climate Survey and the formation of Affinity Groups.

If you have any questions, please contact Maceo Wiggins, Director, Office of Civil Rights, at (510) 464-7194.

DocuSigned by:

Michael Jones

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Robert Powers

Update on the District's Racial Equity Initiative

January 12, 2023 – Office of Civil Rights

Where We Have Been

Office of Independent Police Auditor & Office of Civil Rights – GARE Cohort

- BART is a member and continues to be a member
- Partnership between OCR and OIPA
- Strategic Framework created to drive change associated with structural and systemic issues on equity, beginning with Race.

What does our framework emphasize?

- It emphasizes and rewards action, not planning. It measures success so we can pivot initiatives quickly and respond to current needs.

Big Step – Task force to find success by building on incremental wins

- Upcoming: Climate Survey – Learn what we think as a group, learn from it and engage in storytelling to understand the nuance from the workforce.

Framework

Transportation Equity Leadership Strategies

Institutional Culture

- Emphasize and elevate contributions to equity
- Challenge norms while embracing cultural change
- Equitable access to this work for our stakeholders

Data-Driven Decisions

- Leverage existing and develop new systems to advance equity at BART
- Identify root causes of inequity using modern analytical methods

Continuous Learning

- Adopt a learning posture
- Increase our knowledge of diversity, equity inclusion and belonging
- Emphasize our equity and social justice work at BART, while also contributing to the body of knowledge of equity practice

What tactics do we apply at this phase?

Culture

How do we accomplish these goals?

Many Leaders

Independent leadership within each EO using a council structure.

Elevate contributions to equity

Build a standard way to communicate using a common language

Emphasize non-traditional celebrations besides cultural/racial but also social

Current Timeline



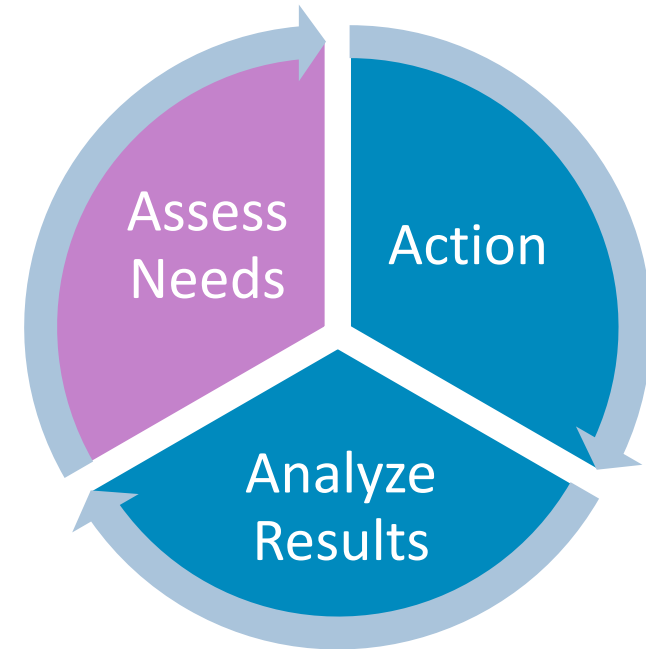
Racial Equity Climate Survey

District-wide Survey

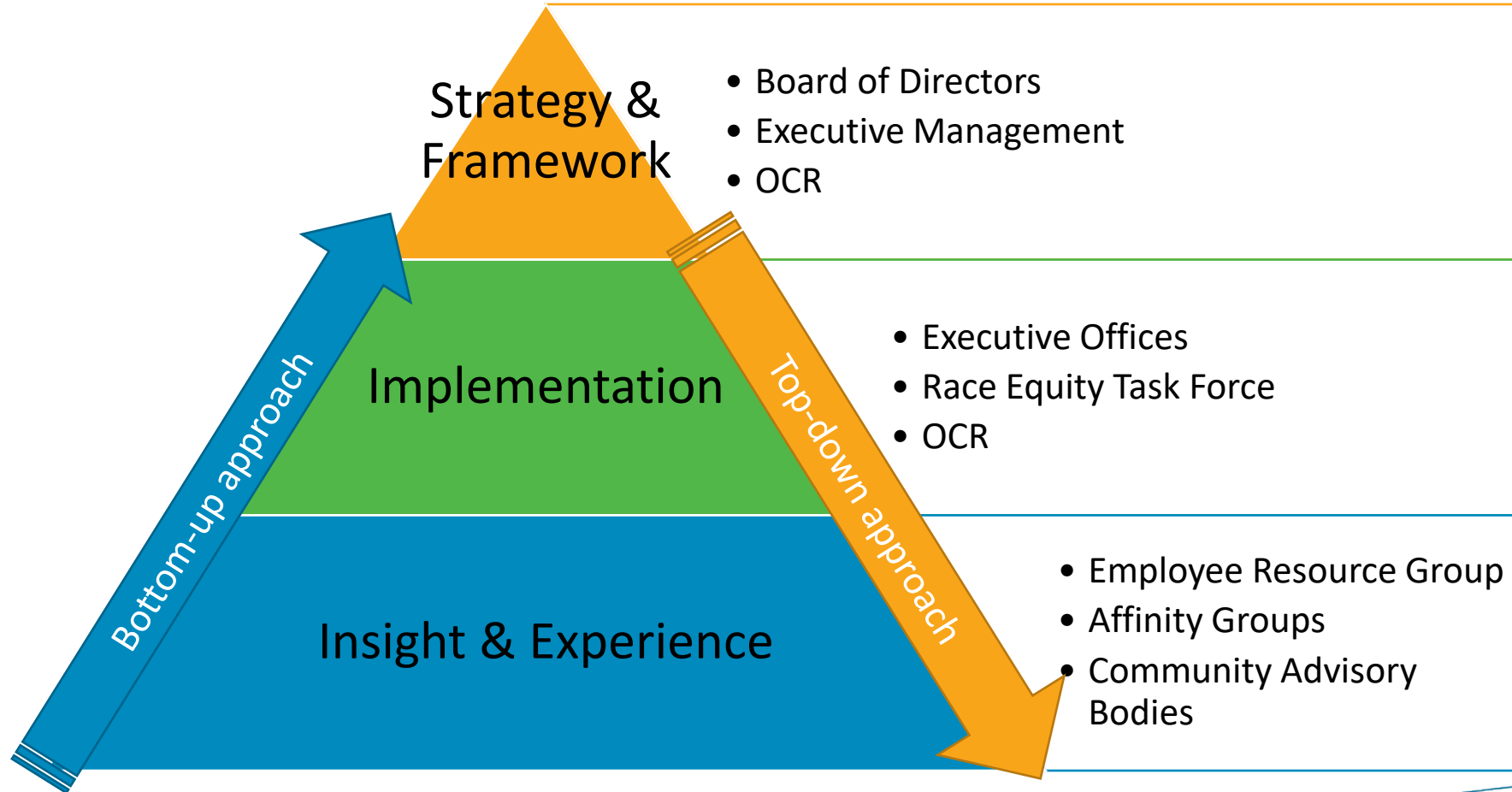
- **Goal:** Provide District with initial baseline and guidance on staff equity perceptions and experience (personal/dept/BART)
- **Development:** Incorporates feedback from key stakeholders
- **Distribution:** Via email and post card mailed to all employees
- **Next Steps:**
 - Distribute results
 - Offices submit action plans
 - Actions assess based on survey results



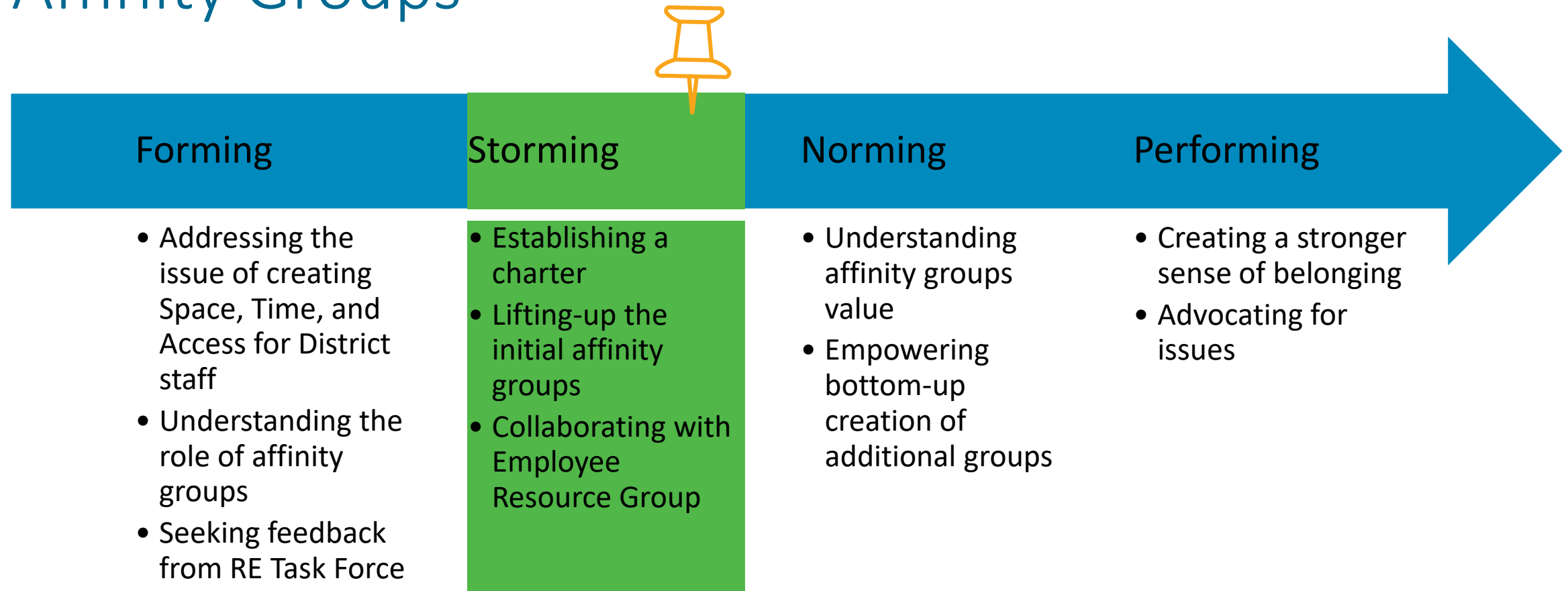
Race Equity Action Plan Cycle



Top-down & Bottom-up Approaches



Affinity Groups



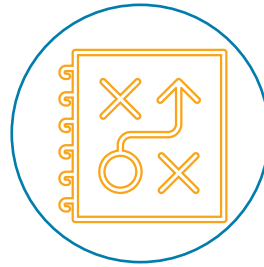
How We Will “Build”

“Build” improves upon our prior work, institutionalizes these processes in critical areas of power traditionally closed to the historically marginalized, begins to scale this work so that it can be experienced throughout the organization.



Risk-based metrics to measure success

- Metrics to measure success
- Enhancing our risk profile to dedicate resources to critical areas
- Measuring against other activities such as capital projects



Race Equity Action Plans for each Executive Office

- Addressing each EO's need
- Focus on teaching to advance
- Scale this work so that each business unit can then replicate this process



Deeper connections with groups' processes connected to equity:

- Sustainability & Planning + Env. Justice
- Hiring and Compensation (HR/Admin)
- Info and Teaching (EA & Comms)

End

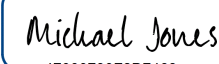
SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Board of Directors **DATE:** January 6, 2023
FROM: General Manager
SUBJECT: Strategic Homeless Action Plan

Attached is the “**Strategic Homeless Action Plan**” presentation that will be presented at the January 12, 2023 meeting as an information item.

If you have any questions about the document, please contact Shane Edwards, Assistant General Manager, Operations at (510) 874-7393.

DocuSigned by:

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Robert M. Powers

cc: Board Appointed Officers
Deputy General Manager
Executive Staff



Strategic Homeless Action Plan 2023 – 2026





Agenda

- Strategic Plan Background
- Defining the Crisis
- Guiding Principles
- Current Response
- Initial Progress
- Ongoing Challenges
- Strategy

Strategic Plan Background

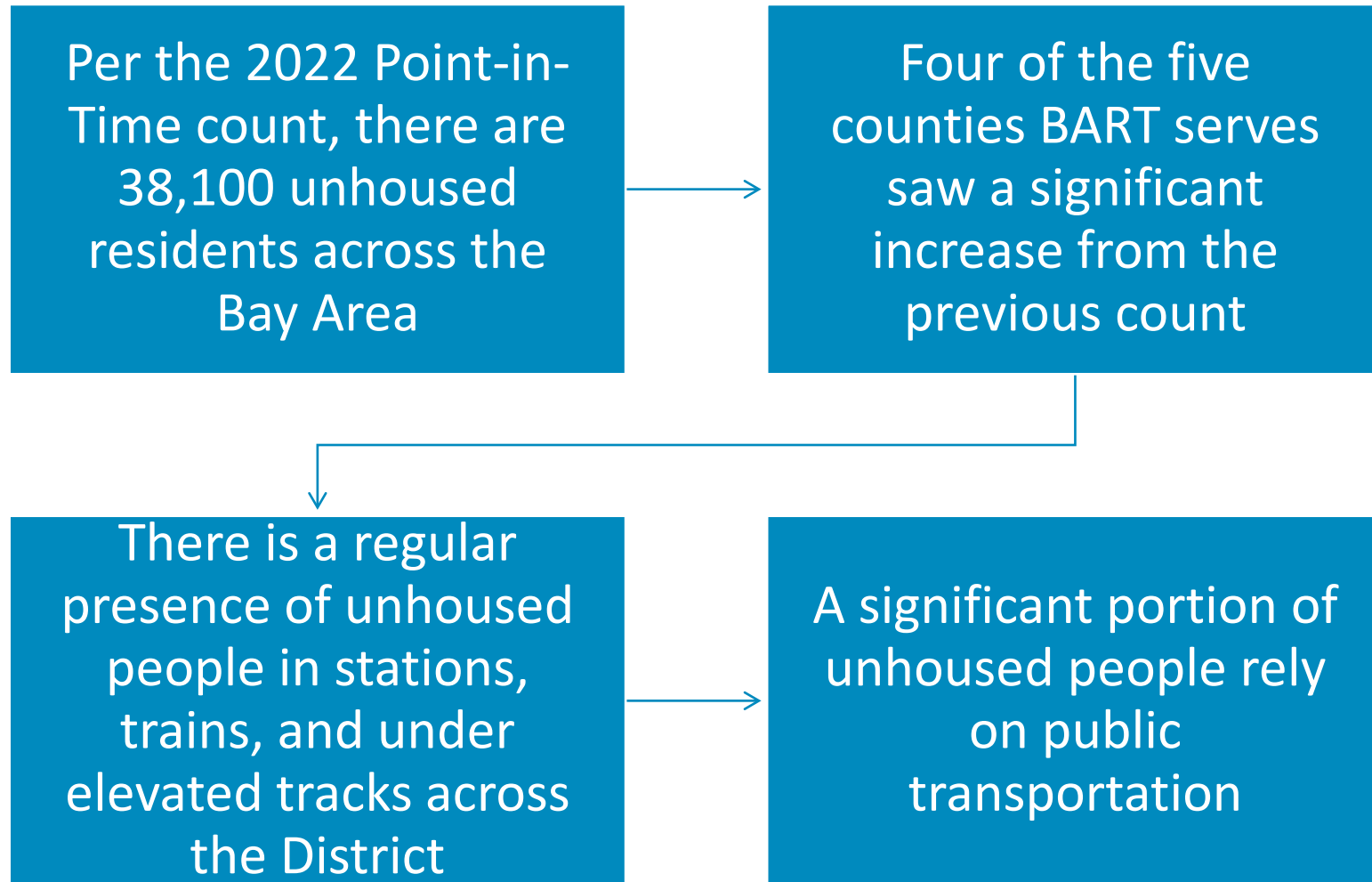
In June of 2020, the BART Board of Directors directed staff to conduct a stakeholder engagement process

The process helped guide the District in creating the Progressive Policing Bureau, which implemented a co-responder model

The Senior Manager of Social Service Partnerships role was identified through this process

The Strategic Homeless Action Plan will be the road map for how BART moves forward in dealing with societal issues

Defining the Crisis



Guiding Principles of the Action Plan

Equity Driven

- A homeless response system centered on the needs of those most vulnerable and overrepresented populations

System Level

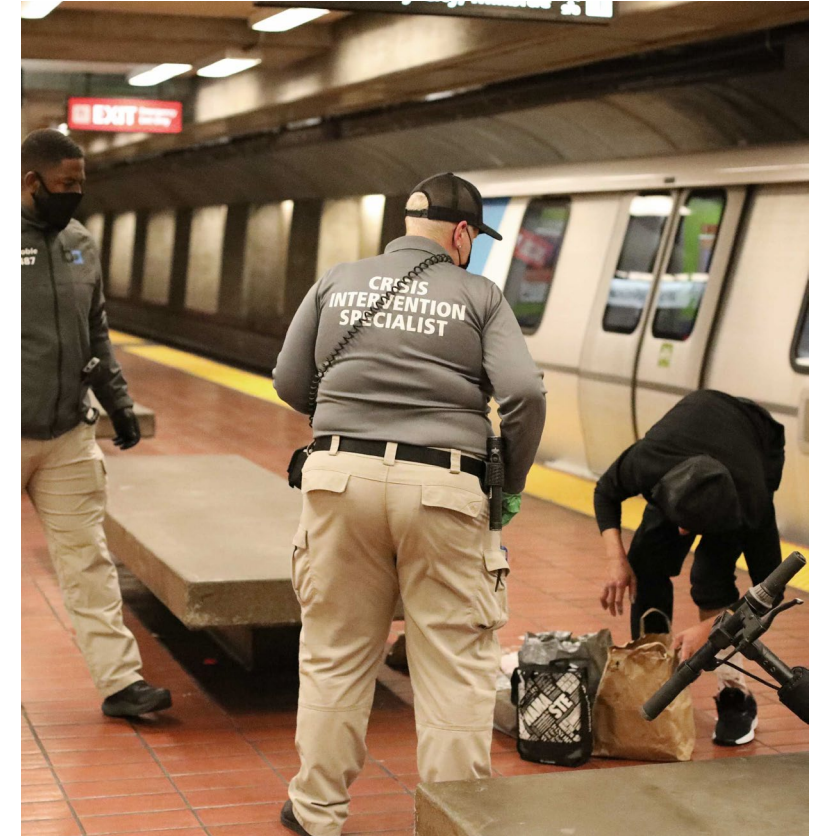
- Recognizing that an effective homeless response prioritizes multi-system, cross-sector regional coordination

Customer Focused

- Responsive to the needs of all riders regardless of their housed status while ensuring a safe and comfortable trip

Current Response to Homelessness in the District

- Launch of the Progressive Policing Bureau
- Partnerships with service providers in Alameda, Contra Costa, San Francisco, and San Mateo counties
- Attendant Programs (restrooms, elevators, and unpaid areas)
- On-going coordination with multiple county and city departments to bring in ad-hoc resources across the District
- BART currently participates in a national workgroup on transit homelessness that focuses on best practices to address this societal issue



Initial Progress

- BART's current level of investments have made positive improvements to the system
- Increased outreach has led to meaningful engagements
- Progressing towards the appropriate balance between engagements and enforcement

Collaborative Partnerships:



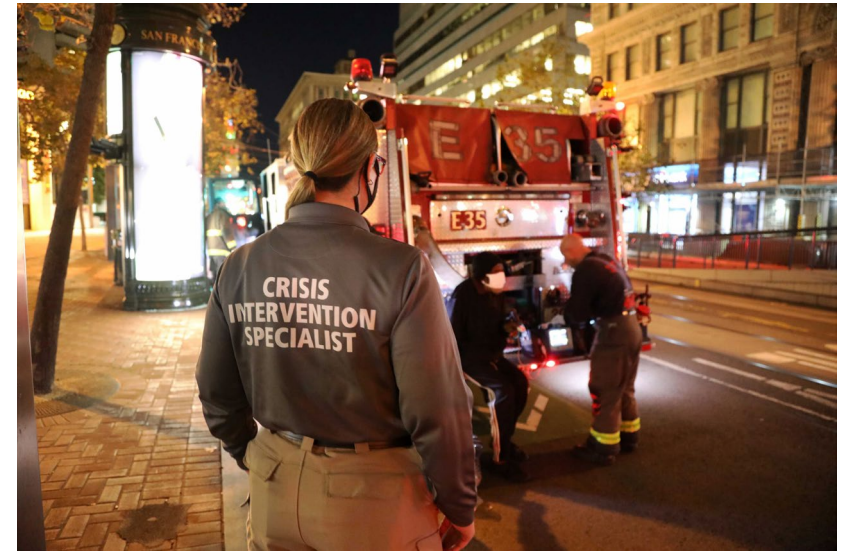
Ongoing Challenges

Bay Area homeless population increasing faster than people are getting help

Lack of investment and eligibility for state/county funding to address concerns

Fragmented outreach approach across city and county lines

Unique challenges of the transit environment



Strategies to Address Homelessness

Expand BART's Resources

Refine the role of CIS and Ambassadors

Develop short- and long-term resources BART controls

Leverage Data

Focus on Root Causes

Support low-income riders

Increase housing opportunities

Continue efforts to address racial equity

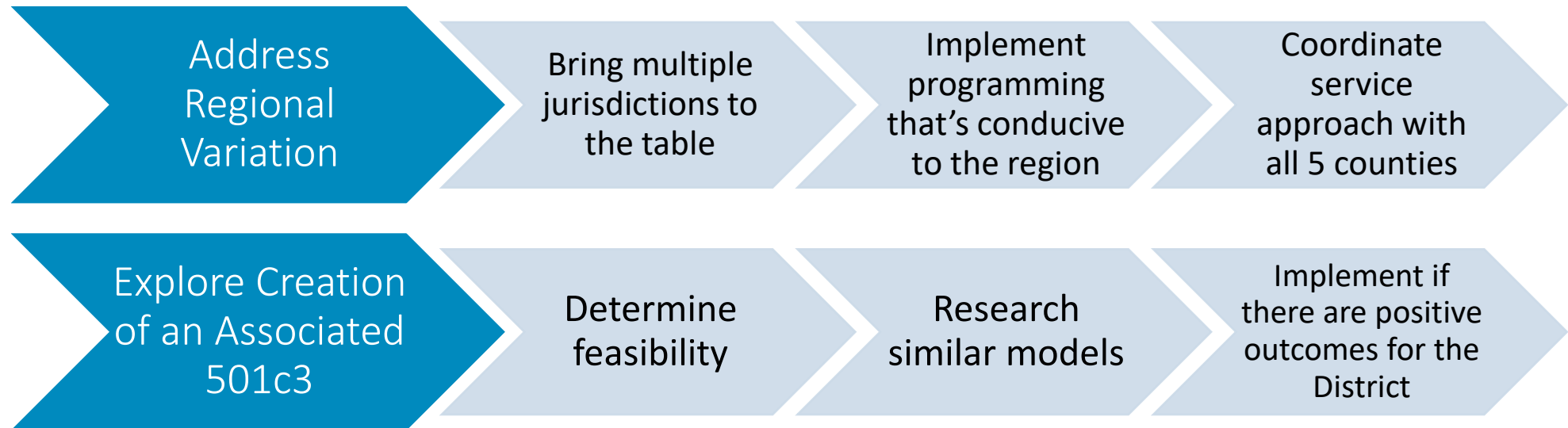
Center BART as Regional Partner

Facilitate formal multijurisdictional networks and partnerships

Get at the table of regional coordination efforts

Advocate for funding to address the issue

Strategies to Address Homelessness



Current Activities/Next Steps

- Media outreach campaign to promote awareness and community engagement on BART's Homeless Action Plan
- Coordinate with BART Directors to leverage their political connections with local governments/leaders
- Meet with potential partners including non-profits, public agencies, and other community stakeholders

Current Activities/Next Steps

- Partner with fellow transit agencies in California to explore state funding possibilities
- Increase partnership with other transit agencies statewide and nationally on best practices
- Measure success by monitoring data for contacts, connections to support services, and reductions in encampment sites
- Initial benchmark is to boost service connections/referrals by 5% and then update goals based on incremental progress

Thank you!



Bay Area Rapid Transit (BART)



Homeless Action Plan

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Executive Summary

The San Francisco Bay Area region is facing a growing homelessness crisis, driven by socioeconomic challenges and a housing shortage. There are currently 38,100 residents who are experiencing homelessness, living outdoors, or places not meant for human habitation across the Bay Area. This has a significant impact on the San Francisco Bay Area Rapid Transit District (BART), with members of the unhoused population utilizing BART trains and stations for shelter. The effects of homelessness directly impact BART's mission to provide high quality transit services.

BART's current response is focused on building regional partnerships and developing internal capacity within the BART Police Department through the creation of a Progressive Policing and Community Engagement Bureau, and the hiring of Crisis Intervention Specialists and Transit Ambassadors.

As BART continues to build up external funding and partnerships, BART will simultaneously focus on developing internal resources and capacity to refine outreach and engagement, increase resources within BART's control, and leverage data to make better decisions. To better achieve the BART mission to "provide safe, reliable, clean and quality transit service for riders," BART will need to expand on its unique role as a key regional stakeholder that aspires to be integral within the region's fragmented patchwork of homelessness responses.

BART recognizes the structural causes of homelessness fundamentally impact downstream systems like transit, requiring BART to understand the root causes of homelessness.

BART will look to integrate itself in regional conversations and attempt to leverage multi-jurisdictional networks and partnerships to fill gaps in data, prevention, outreach, navigation, shelter, and housing. BART will also lead homelessness efforts around a transit coalition to provide needed advocacy at the federal, state, and regional level to address funding for transit homelessness.

A significant component of the Homeless Action Plan recognizes the intense regional variation across the five counties served by the BART system. End-of-the-line stations, transit hubs, and connection points pose unique challenges related to shelter availability, and connection to services.

In measuring success, BART recognizes it cannot solve this challenge independently from the Bay Area's efforts to end homelessness. BART will focus on the reduction of quality-of-life issues and the increase of homelessness service connections and temporary housing outcomes. To make sure these are achievable, BART will measure benchmarks and update goals for incremental progress.

Introduction

Homelessness continues to be an issue in cities and transit systems throughout the state and nation, with many transit agencies, including BART looking to uphold their social responsibility to serve all riders, while still addressing the impacts of this crisis.

The Bay Area's homelessness crisis is visible in every city BART travels through as unhoused people use the system for shelter and transportation. Increasing rates of homelessness and related quality-of-life issues on BART present unique challenges to the transit system and highlight a pressing need for action.

Process/Methodology

As part of BART's process to proactively address homelessness, BART engaged LeSar Development Consultants (LDC) to provide consulting services to develop a Homeless Action Plan for BART. LDC conducted a mixed method analysis utilizing both quantitative and qualitative methods to identify strengths, gaps, and opportunities. For the quantitative analysis LDC assessed internal BART data related to ridership, critical incidents, and other reports. As part of the qualitative component, LDC assessed program documentation, job descriptions, contracts, and other reports. LDC also conducted interviews with key regional stakeholders to better understand different perspectives of regional challenges associated with transit homelessness and solicited feedback on strategies to include in the upcoming Homeless Action Plan. Stakeholders included representatives from Alameda County, San Francisco County, Contra Costa County, San Francisco International Airport (SFO), Community Advocates (Coalition on Homelessness), All Home, BART Police Department leadership, and BART staff (Senior Manager of Social Services Partnerships, Supervisor of Crisis Intervention).

Overview of Homelessness Across the Bay Area and BART

There are currently 38,100 residents who are experiencing homelessness across the nine counties of the Bay Area¹, representing a steady increase over the years. BART currently serves five counties, Alameda, Contra Costa, San Francisco, San Mateo, and Santa Clara, with 131 miles of track and 50 stations, carrying approximately 410,000 trips on an average weekday pre-pandemic. Data shows a significant amount of quality-of-life related calls and increases of misuse of property, highlighting a significant unhoused population utilizing the trains and stations for transportation or shelter.

Homelessness in the Bay Area can be understood in the context of the overall lack of affordable housing. The Bay Area has a severe shortage of affordable homes, with only 35 affordable and available homes per 100 renter households², or an overall shortage of more than 160,000 units according to the Association of Bay Area Government's (ABAG) Regional Housing Needs Assessment (RHNA). As a sign of vulnerability, more than 50%

¹ Public Policy Institute of California: <https://www.pplic.org/blog/early-evidence-of-shifts-in-local-homeless-populations-during-the-pandemic/>

² National Low Income Housing Coalition: <https://reports.nlihc.org/gap>

of Bay Area renters spent more than a third on their income on rent, with more than 25% of Bay Area renters spending more than half their income on rent. Rent burdened residents are often being pushed farther and farther away from the Bay Area in search of more affordable rents. The Bay Area has a rental vacancy rate of 5.5%.

In addition to the overall numbers of people experiencing homelessness, Black, Indigenous, and People of Color (BIPOC) communities are significantly overrepresented in the homeless population. For example, in Santa Clara County, Black/ African Americans make up 2.5% of the general population, while making up 16.9% of the homeless population. Similarly, Hispanic/ Latinx make up 27% of the general population, while making up 43.7% of the homeless population. Homelessness in the Bay Area should also be viewed in relation to poverty, economic inequality, and overall social vulnerability. 17% of Bay Area residents have income below the federal poverty level³. One in four Black/ African American and one in five Latinx live in poverty compared to one in seven White and Asian Bay Area residents. The minimum wage in the Bay Area is \$16.32. A person would need to work 4.9 full time jobs a week to afford market rate housing. For reference, a person would have to make at least \$68.33/ hour to afford a fair market two-bedroom apartment in San Francisco. These elements force many to have to choose between paying rent, medical bills, and other necessities of daily living. Nearly 50% of Bay Area residents could not pay their bills over the course of one year, while 40% of households do not have savings for emergencies⁴. Almost 60% of low wage workers live in Alameda and Contra Costa counties⁵. The following graphic⁶ shows some of the economic and housing needs for the five counties for Extremely Low income (ELI) households. These socioeconomic data points are reflected in BART ridership numbers as well, A BART survey in 2021 (Customer Satisfaction survey was fielded in 2020) found that 75% of riders identify as non-white and 51% of survey respondents reported household income under \$50,000.

San Francisco

Number of ELI Renter Households: 66k	Monthly ELI Household Threshold Income: <\$2.8k
Available Units for ELI Households: 20k	Monthly ELI Household Threshold Income: \$3.7k

³ Tipping Point: <https://tippingpoint.org/wp-content/uploads/2020/07/Taking-Count-2020-A-Study-on-Poverty-in-the-Bay-Area.pdf>

⁴ Tipping Point: <https://tippingpoint.org/wp-content/uploads/2020/07/Taking-Count-2020-A-Study-on-Poverty-in-the-Bay-Area.pdf>

⁵ Freddie Mac: http://www.freddiemac.com/fmac-resources/research/pdf/april_insight_04_04_17.pdf

⁶ All Home California: <https://www.allhomeca.org/>

Shortfall of ELI Rental Units: 46k	Median Rent as % of ELI HH Threshold Income: 131%
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San Mateo

Number of ELI Renter Households: 18k	Monthly ELI Household Threshold Income: <\$3.1k
Available Units for ELI Households: 4k	Monthly ELI Household Threshold Income: \$3.1k
Shortfall of ELI Rental Units: 14k	Median Rent as % of ELI HH Threshold Income: 99%

Alameda

Number of ELI Renter Households: 64k	Monthly ELI Household Threshold Income: <\$2.6k
Available Units for ELI Households: 18k	Monthly ELI Household Threshold Income: \$2.6k
Shortfall of ELI Rental Units: 46k	Median Rent as % of ELI HH Threshold Income: 101%

Contra Costa

Number of ELI Renter Households: 30k	Monthly ELI Household Threshold Income: <\$2.5k
Available Units for ELI Households: 8k	Monthly ELI Household Threshold Income: \$2.4k
Shortfall of ELI Rental Units: 22k	Median Rent as % of ELI HH Threshold Income: 94%

Santa Clara

Number of ELI Renter Households: 65k	Monthly ELI Household Threshold Income: <\$3.2k
Available Units for ELI Households: 20k	Monthly ELI Household Threshold Income: \$2.8k
Shortfall of ELI Rental Units: 45k	Median Rent as % of ELI HH Threshold Income: 90%

BART's Current Response to Homelessness

As an acknowledgment of the regional scale of homelessness, on May 27, 2021, the BART Board took an action in support of the Regional Impact Council's (RIC) Statement of Emergency and Regional Action Plan.

BART's current outreach response can be grouped into two strategies. Through regional partnerships, BART has provided outreach efforts on BART properties in specific counties. To build upon these efforts and increase internal capacity, BART launched the Progressive Policing Bureau within BART PD specifically focused on helping address transit homelessness. BART's partnership outreach teams service San Francisco, Alameda, San Mateo, and Contra Costa counties. These outreach programs focus on connecting people experiencing homelessness to services and resources. The success of San Francisco Homelessness Outreach Team (HOT) and Contra Costa Coordinated Outreach, Referral, & Engagement (CORE) programs have prompted BART to seek new partnerships and develop greater internal capacity within BART PD.

In San Francisco County, BART funded a partnership with San Francisco Municipal Transportation Agency (SFMTA), and the City of San Francisco's Department of Homelessness and Supportive Housing (HSH) to provide two full-time Homelessness Outreach Team (HOT) employees focusing on specific stations. HOT workers helped connect unhoused individuals in BART stations to temporary and permanent resources, including shelter and treatment. This program had been successful in making contacts and referrals to services but was ended in November 2020 due to financial reasons.

Contra Costa County's outreach program, Coordinated Outreach, Referral, & Engagement (CORE) involved two full-time CORE staff focused on connecting individuals sheltering overnight in the BART trains, stations, and property with services and resources for shelter.

In Alameda County, BART launched its first outreach program in 2022, with funding from a local philanthropic foundation BART partnered with La Familia Inc for these services. This program is currently in a pilot phase. In San Mateo County, BART works with Lifemoves, an outreach program funded by the City of Millbrae and the County of San Mateo that implemented an end-of-the-line outreach model that focuses services in and around the Millbrae Station.

Internally, BART PD has implemented a Progressive Policing and Community Engagement Bureau (PPCEB), that includes Transit Ambassadors and Crisis Intervention Specialists (CIS) as a part of BART PD's efforts to address homelessness and mental health crisis in the BART system. The Crisis Intervention Specialists serve as a liaison in the system between BART Police and public and private community-based organizations that provide mental health, crisis intervention, homeless, and supportive housing services. Additionally, CIS interact and engage with BART personnel, the public, and other stakeholders to establish an official presence and prevent disruptive behavior. The CIS deter and diffuse acts of violence and vandalism through the use of conflict-resolution and de-escalation skills. The Transit Ambassadors' role is intended to provide a highly visible uniformed presence to assist BART patrons as needed, monitor activities in stations and trains during revenue service, provide assistance to riders, and act as a liaison between the District and the community.

In addition to these outreach efforts, BART has funded other strategies like elevator attendants, restroom attendants, fare evasion prevention programs, architectural design features, and additional partnerships to address homelessness in the system.

To provide coordination of these efforts, BART created a Senior Manager of Social Services Partnerships position that is focused on designing, implementing, and overseeing programs and increasing resources to address homelessness within the BART system. BART's Senior Manager of Social Services Partnerships works directly with BART's Supervisors of Crisis Intervention, who is responsible for providing outreach and links to services to the unsheltered population in the BART system and ensuring all programs are in alignment with Progressive Policing Bureau policies.

As discussed in this section, BART has added or redirected significant financial resources to these efforts. In FY23, approximately \$5.1 million of directly allocated funds support programs such as HOT teams, elevator attendants, and the Senior Manager position. These direct funds are also used to leverage additional external grant funds to support various programs. BART's Progressive Policing & Community Engagement Bureau is budgeted at \$5.9M in FY23. Beyond this, BART incurs indirect costs when existing services and resources are redirected to tasks such as cleaning up encampments on BART property or additional station cleaning. Due to limited financial and staff resources and BART's upcoming fiscal cliff, the District must find the balance between addressing homelessness and providing service.

Strengths

In conversations, stakeholders highlighted the following strengths in BART's response to homelessness:

- BART's investments and efforts in homelessness have made positive improvements to the system.
- Value in the bifurcation of roles between sworn officers and the Crisis Intervention Specialist (CIS).
- Collaborative partnerships have improved the situation.
- Programs are effectively melding engagement and enforcement approaches.

Gaps

In conversations with stakeholders, the following gaps in BART's response to homelessness were identified:

- The nature of the county-based service model brings into question the portability of homelessness through transit.
- Lack of cross-county data sharing.
- Counties and cities have some common interests but there are different priorities depending on location on the line.
- Fragmented outreach approach of counties and cities.
- Lack of external funding and resources to support multijurisdictional outreach and data sharing.
- BART doesn't yet have the ability to track individual outcomes, so measuring success is an issue. This is due to lack of data access from surrounding counties as well as the nature of homelessness within a large transit system.
- Balancing customer concerns with humane actions.

Approaches to Addressing Homelessness on Public Transit

While the specific responses to homelessness on public transit vary from one transit agency to the next, many large systems integrate aspects of services, outreach, and engagement with enforcement approaches. Most agencies maintain a balance between outreach and enforcement actions through established partnerships with both law enforcement and social service organizations. The combined approach to addressing transit homelessness is still relatively new, with innovative services, outreach, and engagement pilots and programs emerging across the country that aim to reduce homelessness by connecting unhoused riders with social services and opportunities for shelter and housing.

Enforcement Approaches

Many transit systems have law enforcement procedures to facilitate the removal of unhoused individuals from transit settings. Common enforcement approaches include requiring riders to exit transit vehicles at the last stop and pay a re-board fare, installing structural elements to discourage sleeping at stops, stations, or vehicles, enforcing anti-loitering laws, clearing encampments from transit settings, and having law enforcement

sweep areas where people experiencing homelessness congregate. Many of these measures are related to the enforcement of municipal anti-loitering laws. More successful enforcement policies target actions or behavior rather than groups or individuals.

Services, Outreach, and Engagement Approaches

As best practices around ending homelessness have solidified around housing first and have shifted from an enforcement approach to a more service-oriented engagement approach, there has been a corresponding shift in the approaches to addressing transit homelessness. Most large transit agencies now partner with homeless service, mental health, behavioral health, and social service agencies or develop their own internal outreach team using similar models. Due to limited funding and partnership opportunities, the scale of the response often does not match the need. However, the increase in services and outreach reflects a clear shift for the transit sector in their approach. These engagement approaches are often focused on connecting individuals experiencing homelessness to services, like shelter or hygiene, with the ultimate outcome of moving individuals from transit settings into stable housing. Homeless and social service agencies typically have more robust training around harm reduction, trauma informed care, and other person-centered approaches, making them well-suited for this type of engagement. Transit agencies highlight these partnerships result in enhanced customer security and safety perceptions and provide meaningful help to those who need it. Across the different systems, there is variation in approaches based on the composition of the team, integration with law enforcement, and access to connecting supportive services like mental health, behavioral health, or housing supports.

Guiding Principles

System Level: Homelessness is caused by the breakdown of multiple systems and sectors. BART recognizes that an effective homeless response prioritizes multi-system, cross-sector, regional collaboration to address the inflows, service delivery, and outflows relevant to ending homelessness. Doing this requires that key regional entities develop capacity and infrastructure around cross-jurisdictional collaboration, strategic planning, and systems change.

Equity Driven: Centering a homeless response system on the needs of those most vulnerable and overrepresented within the homeless population builds the capacity of the system to better respond to the needs of all people experiencing homelessness. BIPOC are significantly overrepresented in the homeless population, a legacy of historical and contemporary structural racism.

Person-Centered: BART believes that all people deserve to be treated with respect regardless of their housed status. The Homeless Action Plan uses terminology like “people experiencing homelessness” or “unhoused”. Demeaning language like “the homeless” or “homeless people”, attaches an individual, family, or community to their situational housed status, without acknowledging their ability to change or their

humanity. BART hopes to position people experiencing homelessness as individuals with agency, decision-making, and dignity within a system that provide services to them. BART believes in the strengths of people experiencing homelessness and will adopt person-centered approaches that account for past trauma, personal strengths, client confidentiality, and individual choice.

Customer Focused: BART is a public transit agency, with a mission to provide safe, reliable, clean, and quality transit service for all riders, regardless of a person's housed status. BART seeks to be responsive to the customer needs of all riders, ensuring that people feel safe and comfortable on BART trains, stations, and properties. BART will balance the customer focused needs of ridership, with trauma-informed practices to support unhoused riders. BART recognizes that while it is not designed to provide services, nor is part of the social safety system, it must respond to the on-going crisis prevalent throughout the Bay Area.

Future State

As BART continues to move towards the goals outlined in the Homeless Action Plan, it recognizes that it plays a critical role in the homelessness response system both now and in the future. BART aims to support regional efforts to ensure that homelessness in the Bay Area is truly rare, brief, and nonrecurring.

Expanding BART's resources, focusing on convening multi-jurisdictional partnerships, and addressing regional gaps in services and infrastructure, will strengthen the system as a whole and build the capacity to better serve unhoused and housed individuals on BART trains and in stations. Services, resources, and infrastructure will be administered and distributed equitably across the region so that each station and line have the capacity to address homelessness.

An expansion of BART's internal resources will open new opportunities to serve unhoused riders more quickly and effectively. BART stations, properties, and trains will be accessible to people experiencing homelessness with convenient and trauma-informed navigation centers and trained mobile outreach teams. Once connected with services, people experiencing homelessness can expect increased BART resources like interim housing beds, flexible funds, or permanent housing solutions. Long term goals include BART being able to integrate into each county's robust data system. BART will then be able to triangulate a person's service history regardless of where they are within the system, with the result being more effective referrals and immediate or appropriate solutions that are available in adjacent continuums of care.

As a public service, BART will uphold its social purpose and contribute to the welfare and mobility of unhoused riders by addressing some of the root causes of homelessness, with targeted measures around service connection, housing development, and racial equity. With future advances in data integration and multijurisdictional coordination across the Bay Area, a new cross-sector data system anchored around a unique identifier will unlock new opportunities for BART around equity analysis, client choice, service utilization, automated connections, and preventative supports.

Through partnerships and strategic advocacy, BART will be better positioned to pursue new funding opportunities to meet data, prevention, outreach, navigation, shelter, and housing needs to address transit homelessness.

Focusing on these strategies will serve to strengthen the capacity of the system to respond to the housing and shelter needs of the people experiencing homelessness on BART trains, stations, and properties. These advancements are intended to lead to an overall reduction in quality-of-life issues, encampments on BART property, and ultimately the reduction of the number of people experiencing homelessness on BART.

Homeless Strategies

To address the region's growing homelessness crisis, BART proposes the following strategies.

- Strategy 1: Expand BART's Resources
- Strategy 2: Focus on Root Causes of Homelessness
- Strategy 3: Center BART as a Regional Partner
- Strategy 4: Address Regional Variation

Strategy 1: Expand BART's Resources

The effects of homelessness directly impact BART's mission to provide high quality transit service. Given BART's financial challenges over the past several years, BART intends to seek and pursue every opportunity to build up external funding and partnerships. BART will simultaneously focus on building up internal resources and capacity to meet the needs of the crisis. BART will focus on refining outreach and engagement, increasing resources within BART's control, and leveraging data to make better decisions. BART will also need to consider expanding its business model from that of purely a transit provider, to one that embraces the District's unique role as a key regional stakeholder that connects the region's fragmented patchwork of responses to homelessness.

1. Strengthen outreach and engagement

- a. **Refine the role of Crisis Intervention Specialists (CIS) and Transit Ambassadors.** The Crisis Intervention Specialists (CIS) and Transit Ambassadors are a part of BART's Progressive Policing and Community Engagement Bureau which seeks to help address homelessness on BART's system. Crisis Intervention Specialists (CIS) serve as a liaison in the system between BART PD, other departments in the service area, and community-based organizations that provide mental health, crisis intervention, homeless and supportive housing services. These staff work throughout the transit system to connect unhoused riders with services. The role of Transit Ambassadors is to provide a highly visible uniformed presence on BART trains, stations, and property.

BART will continue to expand and refine the role of these two positions and ensure they are incorporating training around best practices within homeless outreach like motivational interviewing, trauma informed care, and other practices. BART will continue to explore how it can expand clinical and mental health capacity in outreach efforts. BART will continue to ensure there is a balanced approach to outreach and engagement, with these two new positions spearheading BART's engagement. BART will do its best to ensure that programs and services are fully staffed with sufficient resources.

2. Develop resources that BART controls

- a. Develop flexible, low-cost resources to support outreach.** A dialogue with someone experiencing homelessness can begin with simple conversations about a person's immediate needs. Some of these needs might include food, water, or clothing. Through conversations with CIS, Transit Ambassadors, and outreach staff, BART will identify no-cost resources that BART can provide to compliment outreach efforts. These might include meals, gift cards, socks, etc. The goal is to be able to offer something immediate to a person experiencing homelessness to meet their current needs. This could build up a level of rapport to then explore other longer-term solutions like shelter or housing.
- b. Explore long-term resources like regional outreach, flexible funds, navigation, shelter, and housing.** BART will explore the feasibility of developing long-term resources to support the needs of people experiencing homelessness on BART. This could include the creation of an associated 501 (c)(3) that would allow the newly created non-profit to apply directly for county and state resources to address homelessness, as public transit agencies are generally not able to apply for such resources.

This option would allow for the creation of a flexible fund program to further support outreach efforts to unhoused riders. Flexible fund programs could support costs like transportation fees, motel costs, and family/ friend reunification.

To address shelter needs, BART could explore the use of motel/ hotel vouchers or act in partnerships with each locality. This option could be especially useful near major transit hubs and end-of-the-line stations. As discussed in Strategy 2: Focus on Root Causes of Homelessness, BART is already committed to building affordable housing as part of its Transit-Oriented Development plan. BART and its partners will look to expand these efforts by continuing to develop homeless dedicated housing like

permanent supportive housing to address the needs of unhoused riders in partnership with regional homeless systems.

3. Leverage data to make better decisions

- a. Expand current data efforts, including potentially the implementation of the Homeless Management Information System (HMIS).** BART currently conducts vehicle counts as part of its quarterly Passenger Environment Survey, station counts at 16 stations, critical incident reports, customer satisfaction reports, and gathers some program specific data, like reports for the elevator attendant program. BART is currently in the process of evaluating implementing an internal Homeless Management Information System (HMIS), Clarity by Bitfocus. Integrating HMIS into service functions will allow BART to better track data and could give BART the capacity to integrate with other HMIS systems used by homeless services providers and county governments in the region. BART will continue to expand its use of longitudinal data through continuous sampling and point-in-time counts and to collect data on the number of people unhoused in stations and on transit vehicles to better inform data-driven policymaking. BART will look to build public facing dashboards to show current efforts and successes.
 - b. Develop performance measures to track progress.** With a more advanced data management capability, BART will be able to track significant performance measures over time to track gaps, needs, and successes. Specific measures are described later in this plan.
 - c. Integrate data regionally.** As BART builds out its internal data capacity, it will also begin to map out ways in which to integrate data regionally among the various continuums of care, counties, and HMIS systems. By integrating data systems, BART will be able to track housing outcomes that are currently difficult to track without access to these systems. With more detailed data collection, BART will be able to better leverage partnerships and assist in devising responses. BART will continue to make data available to the public, homeless service agencies, and government agencies. By turning data into action, BART will be able to use data to alter and inform funding allocations and program design for unhoused riders.
- 4. Evaluate BART's role as a key regional stakeholder in homeless response.** In order to be an effective transit provider, BART needs to support the region's efforts to address homelessness. BART will educate key stakeholders, including BART staff, riders, and partners about efforts to address quality-of-life issues and the value of doing so, while underlining the fact that BART's primary role is still to provide transit to all people, regardless of their housed status. An important part of BART's homeless response will be obtaining the necessary buy-in from the public around the efforts that BART is taking to address homelessness. Due to the

visibility of homelessness on transit vehicles and stations, it is important to proactively engage the public around the challenges, activities, and implementation of homeless programs and resources. Many positions like front-line personnel could benefit from additional specified training related to appropriately handling interactions with people experiencing homelessness in a trauma-informed way.

Strategy 2: Focus on Root Causes of Homelessness

Homelessness ultimately signifies the breakdown of multiple systems and sectors in society. In alignment with regional strategies and initiatives, BART recognizes its place in the homeless response system as a public transit agency that seeks to connect people and opportunities across the Bay Area for everyone, including unhoused riders.

Historically BART and other transit agencies across the United States might have understood its role as restricted to providing fast, reliable transportation. However, the structural causes of homelessness fundamentally impact downstream systems like transit, requiring BART to now look upstream and begin to address the root causes of homelessness. Systemic and structural factors like economic mobility, affordable housing, and discrimination contribute to the growing homelessness crisis. BART will attempt to fulfill its social purpose by increasing housing opportunities on BART property and continuing to address racial equity in its policies and procedures. These strategies will require significant capital and staffing investments.

1. **Strengthen the local economy and equitable mobility by supporting low-income riders**
 - a. **Continue means-based fare pilot program.** BART is participating in the Metropolitan Transportation Commission's new means-based fare program by offering a 20% discount per trip to adult riders aged 19-64 whose household incomes are no more than twice the federal poverty level.
 - b. **Refine compensation plan for Quality-of-Life contractors.** With many Bay Area residents severely rent-burdened, many are one crisis away from homelessness. This compensation plan will continue BART's efforts around prevailing wages with contractors, subcontractors, and professional services firms. As part of BART's commitment towards living wages, BART will support efforts to increase minimum wages to a living wage in the Bay Area. BART's commitment towards living wages and health benefits will set an example to other public serving agencies in the region, addressing the linkage between wages and housing stability.
2. **Increase housing opportunities on BART property, including affordable and permanent supportive.** BART is committed to Transit Oriented Development (TOD), with mixed use, higher density development adjacent to transit. Investing in affordable housing near transit helps communities and transit agencies increase sustainable transit ridership, revitalize neighborhoods, improve regional quality of life, and strengthen economic mobility.

As part of implementing the BART TOD Policy for affordable housing, BART will continue to consider developing long-term homeless dedicated housing like Permanent Supportive Housing including housing for formerly homeless individuals in partnership with regional and community stakeholders. BART already offers a discount on its expected financial returns that is tiered based on depth of affordability. With our partners, BART will encourage the homeless continuum of care by identifying interim or transitional housing opportunities to address the shelter needs of people experiencing homelessness near BART property. Outside of homeless dedicated housing, BART will also advocate for the development of housing for extremely low-income individuals and families making 30% of the Area Median Income or less

3. **Continue efforts to address racial equity across BART.** As the data demonstrates, BIPOC are significantly overrepresented in the homeless population, a legacy of historical and contemporary structural racism. There have been numerous policy updates, reforms, expanded training, and new initiatives to bolster oversight and increase the number of unarmed civilian employees in the BART systems. As part of its current efforts, BART has participated in the Government Alliance on Race and Equity (GARE) training series. Additionally, BART's Office of Civil Rights oversees a host of equity programs that cover workforce, contract, and economic opportunity policies. BART will continue this focus on race equity in its homelessness work by implementing equity-based prioritization plans, service provisions, and programs that target the most vulnerable communities. BART will also explore establishing a racial equity impact assessment that helps to forecast and assess the impacts of new programs and funding decisions with an equity lens. BART will continue to adapt program guidelines, policies, and procedures to be focused on racial equity, and institute standardized cultural humility, and trauma-informed care. Lastly, BART will align its racial equity work with other initiatives in the Bay Area like All Home⁷.

Strategy 3: Center BART as a Regional Convenor of Homelessness on Public Transit

As part of BART's recognition of its role as a stakeholder in the region's response to homelessness, BART will look to establish itself as a regional convenor across historically siloed jurisdictions. BART is unique in that its services span across five counties (Alameda, Contra Costa, San Francisco, San Mateo, and Santa Clara), with each presenting a unique set of challenges with different systems in place. To fill its data, prevention, outreach, navigation, shelter, and housing needs, BART will seek to form multijurisdictional networks and partnerships. BART will also lead homelessness efforts around a national transit coalition which will provide needed advocacy at the federal,

⁷ All Home California: <https://www.allhomeca.org/>

state, and regional level to address funding for homelessness on transit. In developing itself as a regional partner and expanding the internal resources as described in Strategy 1: Expand BART's Resources, BART will look to leverage resources for service partnerships.

1. **Facilitate formal multijurisdictional networks and partnerships.** BART recognizes that transit agencies alone cannot effectively respond to homelessness on transit. There is a significant need to continue to develop formal partnerships to address data, prevention, outreach, navigation, shelter, and housing needs. BART will target partnerships with regional entities, county governments, city governments, law enforcement agencies, private businesses/partners, nonprofits, homeless service providers, and other transit agencies. These external partnerships will fill crucial knowledge and skill gaps, bring in additional resources for transit agencies, and support community outreach efforts. BART will explore partnerships to fill the gaps in regional variation, particularly in hot spots like end-of-the-line stations and major hubs. As research has shown, there are significant benefits to being a part of existing solutions or networks, rather than designing new programs from inception.
2. **Get at the table of regional coordination efforts.** As part of building out BART's networks and partnerships, BART will look to expand its regional influence by getting a seat at the table around regional coordination efforts as it's related to homelessness and housing. BART's Senior Manager of Social Services Partnerships will lead these efforts.
3. **Advocate for funding on federal, state, regional, private, and philanthropic levels to address transit homelessness.** Currently, there are little federal, state, regional, private, and philanthropic resources available to support the growing need to address homelessness on public transit. BART will look to work with partners, stakeholders, and the transit coalition to advocate for funding on a federal, state, regional, private, and philanthropic level. BART will work to align funding and strategies and ensure that funding supports filling identified gaps and creates the most impact. BART will develop the infrastructure for public and private sectors to come together regularly and discuss funding needs, strategies, and partnerships related to transit homelessness.

Strategy 4: Address Regional Variation

A significant component of the Homeless Action Plan recognizes the intense regional variation that is dependent on where a station falls within the line or a specific county. BART has seven end-of-the-line stations, six system connections, and 50 stations. End-of-the-line stations pose significant challenges related to enforcement, shelter, and connection to services, as trains are cleared when they reach these stations.

The table below highlights some of the call data related to quality-of-life disturbances for end-of-the-line stations.

Station	5150(s)	Welfare Checks	Lodging/ Unauthorized Dwelling	Trespassing
Antioch	53	419	24	47
Berryessa/N. San Jose	43	909	6	26
Daly City	77	1399	33	31
Dublin/Pleasanton	51	859	13	15
Millbrae	52	747	32	35
SFO	44	925	0	2

End-of-the-line stations like Antioch, Daly City, and Dublin/Pleasanton all face significant challenges related to fare evasion, welfare checks, and unauthorized dwelling that will require additional resources, partnerships, and advocacy.

Stations like MacArthur, Bay Fair, Antioch, Concord, Embarcadero, Powell St., Civic Center, Richmond, Lake Merritt, and Fruitvale had high numbers of incidents related to 5150(s), welfare checks, and unauthorized dwelling.

To address this regional variation, BART will develop a customized approach to addressing the regional distinctions of end of line, major hubs, and small stations. Additionally, BART will continue to take stock of resources and services to address regional variation and gaps in services.

1. **Develop a tailored approach to addressing the regional differences of end of line, major hubs, and small stations.** When building out Strategy 1: Expand BART's Resources and Strategy 4: Address Regional Variation, BART will look to focus certain solutions and services on highly frequented lines and stations. For example, end-of-the-line stations will need more resources dedicated to shelter services, major hubs will need more services associated with system navigation, and highly trafficked stations will need more ambassadors
2. **Continue to take stock of resources to address regional variation and gaps in services.** As part of implementing components of BART's Homeless Action Plan, like Strategy 1: Expand BART's Resources, Strategy 3: Evaluate BART's role as a Regional Convenor, and Strategy 4: Address Regional Variation, BART staff will make sure that a review and assessment of data and corresponding services will take place on a semiannual basis. The nature of homelessness on transit is changing, so the system will need to be responsive to this dynamic reallocating, expanding, or altering resources and services when necessary.

Measuring Success

BART recognizes that it cannot end homelessness in the system independent from the Bay Area's efforts to end homelessness. Some of the measurements of success are not focused on reducing the numbers of people experiencing homelessness, but instead reducing some of the corresponding quality-of-life issues and increasing the service connections and housing outcomes. To make sure that these are attainable, BART will look to set benchmarks and then update goals for incremental progress.

	Metrics	Goals
1	Number of new internal BART resources developed (regional outreach, navigation, shelter, and housing.)	Increase in new internal BART resources developed annually
2	Number of connections to services/referrals	5% increase in connections to services/referrals annually
3	Percentage of successful outreach contacts	5% increase in the percentage of successful outreach contacts annually by CIS and contractors
4	Number of encampments, fires, etc.	5% reduction in the number of encampments, fires, etc. annually
5	Development of transit coalition	Transit coalition developed
6	Number of formal multijurisdictional partnerships	Increase in the number of formal multijurisdictional partnerships annually