

# **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 held in person in the BART Board Room, 2150 Webster Street, 1st Floor, Oakland, CA 94612 with an option for public participation via teleconference.**

**Thursday, September 14, 2023**

**1:00 PM**

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

**Zoom Link: <https://us06web.zoom.us/j/83644955288>**

### **Board of Directors**

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

BOARD MEETING AGENDA

September 14, 2023

1:00 p.m.

A regular meeting of the Board of Directors will be held at 1:00 p.m. on Thursday, September 14, 2023, in the BART Board Room, 2150 Webster Street, 1st Floor, Oakland, California 94612. Please note that regular business is not expected to begin before 2:00 p.m., following Closed Session.

Please note that this meeting will be held in person in the BART Board Room, 2150 Webster Street, 1st Floor, Oakland, California 94612 with an option for public participation via teleconference.

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 836 4495 5288; logging in to Zoom.com and entering access code 836 4495 5288; or typing the following Zoom link into your web browser:  
<https://us06web.zoom.us/j/83644955288>

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

If you wish to make a public comment:

- 1) Submit written comments via email to [board.meeting@bart.gov](mailto:board.meeting@bart.gov), using “public comment” as the subject line. Your comment will be provided to the Board and will become a permanent part of the file. Please submit your comments as far in advance as possible. Emailed comments must be received before 4:00 p.m. on September 13, 2023, in order to be included in the record.
- 2) Complete a “Request to Address the Board of Directors” form (available at the entrance to the Board Room) and give it to the District Secretary before the Item is considered by the Board.
- 3) Call 833-548-0282, enter access code 836 4495 5288, 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 836 4495 5288, and use the raise hand feature; or join the Board Meeting via the Zoom link (<https://us06web.zoom.us/j/83644955288>) 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 (<https://www.bart.gov/about/bod>).

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

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

Please submit your requests to the District Secretary via email to [BoardofDirectors@bart.gov](mailto:BoardofDirectors@bart.gov); in person or U.S. mail at 2150 Webster Street, 10th Floor, Oakland, California 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. CLOSED SESSION

- A. (CONTINUED from August 24, 2023 Board Meeting)

## CONFERENCE WITH LABOR NEGOTIATORS

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

Employee Organizations: Amalgamated Transit Union, Local 1555; American Federation of State, County and Municipal Employees, Local 3993; BART Police Officers' Association; BART Police Managers' Association; Service Employees International Union, Local 1021, BART Chapter; Service Employees International Union, Local 1021, BART Professional Chapter; and Unrepresented Employees (Positions: All)

Government Code Section: 54957.6



**B. CONFERENCE WITH REAL PROPERTY NEGOTIATORS**

(1) Property: 415 20th Street, Oakland, CA 94612

District Negotiators: Abigail Thorne-Lyman, Director of Real Estate and Property Development, and Val Menotti, Chief Planning and Development Officer

Negotiating Parties: 415 20th Street LLC (Hines) and San Francisco Bay Area Rapid Transit District/Jones Lang Lasalle.

Under Negotiation: Price and Terms

Government Code Section: 54956.8

(2) Property: 1919 Webster Street, Oakland, CA 94612

District Negotiators: Abigail Thorne-Lyman, Director of Real Estate and Property Development, and Val Menotti, Chief Planning and Development Officer

Negotiating Parties: 1919 Webster Owner LLC (Ellis Partners) and San Francisco Bay Area Rapid Transit District/Jones Lang Lasalle.

Under Negotiation: Price and Terms

Government Code Section: 54956.8

(3) Property: 2000 Broadway, Oakland, CA 94612

District Negotiators: Abigail Thorne-Lyman, Director of Real Estate and Property Development, and Val Menotti, Chief Planning and Development Officer

Negotiating Parties: Kaiser Foundation Health Plan Inc. and San Francisco Bay Area Rapid Transit District/Jones Lang Lasalle.

Under Negotiation: Price and Terms

Government Code Section: 54956.8

**C. CONFERENCE WITH LEGAL COUNSEL- EXISTING LITIGATION**

(1) Name of Case: Gabriel Chavez, et al v. BART

Case No.: 22-cv-06119

Government Code Section: 54956.9(a)

(2) Name of Case: Jeremiah Cooper, et al v. BART

Case No.: 22-cv-09193

Government Code Section: 54956.9(a)

(3) Name of Case: Bradford Mitchell v. BART

Case No.: 22-cv-07720

Government Code Section: 54956.9(a)

(4) Name of Case: Jeanette Lovan v. BART

Case No.: 23CV036534

Government Code Section: 54956.9(a)

**D. PUBLIC EMPLOYEE EMPLOYMENT/APPOINTMENT**

Title: Interim General Counsel

Government Code Section: 54957(b)(1)

**E. CONFERENCE WITH LABOR NEGOTIATORS**

Designated Representatives: President Janice Li, Director Rebecca Saltzman, and Vice President Mark Foley

Title: Interim General Counsel

Government Code Section 54957.6

**3. OPEN SESSION**

A. Announcements from Closed Session, if any.

B. Compensation and Benefits for Interim General Counsel.  
Board requested to authorize.

**4. REPORT OF THE BOARD PRESIDENT****5. 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.)

## 6. CONSENT CALENDAR

- A. Approval of Minutes of the Meeting of March 27, 2023 (Special).  
*Board requested to authorize.*

**Attachments:** [Approval of Minutes of the Meeting of March 27, 2023 \(Special\)](#)

- B. Authorization to Award the Order to Purchase for Resale of HO Scale Electric Model BART Train Cars to Rapido Trains, Inc.  
*Board requested to authorize.*

**Attachments:** [Authorization to Award the Order to Purchase for Resale of HO Scale Electric Model BART Train Cars to Rapido Trains, Inc. - EDD](#)

- C. Review of Directors' Use of District Property for Fiscal Year 2023.  
*Board requested to accept.*

**Attachments:** [Review of Directors' Use of District Property for Fiscal Year 2023 - Memo](#)  
[Review of Directors' Use of District Property for Fiscal Year 2023 - Report](#)

- D. Award of Agreement No. 6M3659A with San Francisco Elevators, LLC, for Emergency Elevator Repair Services.  
*Board requested to authorize.*

**Attachments:** [Award of Agreement No. 6M3659A - EDD](#)

- E. Procurement with W.W. Grainger, Inc., as the official National Association of State Procurement Officials (NASPO) Provider, for Light Fixtures for the North Berkeley Access Improvements Project.  
*Board requested to authorize.*

**Attachments:** [Procurement with W.W. Grainger, Inc. - EDD](#)

## 7. GENERAL MANAGER'S REPORT

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

## 8. 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.)

9. ADMINISTRATION ITEMS

Director Dufty, Chairperson

NO ITEMS.

10. ENGINEERING AND OPERATIONS ITEMS

Director Foley, Chairperson

- A. Next Generation Fare Gates Update.  
*For information.*

**Attachments:** [Next Generation Fare Gates Update - Memo](#)  
[Next Generation Fare Gates Update - Presentation](#)

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

Director Saltzman, Chairperson

- A. System Development Policy Update.  
*For information.*

**Attachments:** [System Development Policy Update - Memo](#)  
[System Development Policy Update - Redlined Policy](#)  
[System Development Policy Update - Policy](#)  
[System Development Policy Update - Presentation](#)

12. BOARD MATTERS

- A. Vaccination Policy Update and Discussion.  
*For action.*

**Attachments:** [Vaccination Policy Update and Discussion - Memo](#)  
[Vaccination Policy Update and Discussion - Redlined Amended Policy](#)  
[Vaccination Policy Update and Discussion - Amended Policy](#)

- B. 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 the last Board Meeting.)

C. 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.)

D. In Memoriam.

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

13. ADJOURNMENT

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

2150 Webster Street, P. O. Box 12688, Oakland, CA 94612-2688



## **BOARD OF DIRECTORS DRAFT MINUTES OF THE 1,930<sup>TH</sup> MEETING MONDAY, MARCH 27, 2023**

Members of the Board of Directors

Janice Li, President (District 8)

Mark Foley, Vice President (District 2)

Debora Allen (District 1)

Rebecca Saltzman (District 3)

Robert Raburn (District 4)

John McPartland (District 5)

Elizabeth Ames (District 6)

Lateefah Simon (District 7)

Bevan Dufty (District 9)

## **MEETING DESCRIPTION**

A Special Meeting of the Board of Directors was held on March 27, 2023, convening at 9:00 a.m. via simultaneous teleconference in the BART Board Room, 2150 Webster Street, 1<sup>st</sup> Floor, Oakland, California and at 20047 Meadowlark Drive Castro Valley, California 94546. President Li presided; Mag Tatum, Senior Board Analyst.

### **1. CALL TO ORDER**

President Li called the Meeting to order at 9:00 a.m.

#### **A. Roll Call.**

Directors Present in Oakland:	Directors Allen, Dufty, Foley, Raburn, Saltzman, Simon, and Li.
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Directors Present via Teleconference:	None.
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Absent:	Directors Ames and McPartland.
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#### **B. Pledge of Allegiance. Vice President Foley led the Pledge of Allegiance.**

### **2. PUBLIC COMMENT ON ITEM 3 ONLY**

President Li called for Public Comment on Item 3 only. No comments were received.

### **3. CLOSED SESSION**

#### **A. PUBLIC EMPLOYMENT**

Title: Inspector General

Government Code Section: 54957

President Li brought the item before the Board and announced that the Board would enter into Closed Session under Item 3 (Public Employment) of the Special Meeting agenda, and that the Board would reconvene in Open Session upon conclusion of the Closed Session.

The Board Meeting recessed at 9:01 a.m.

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The Board reconvened in Closed Session at approximately 9:02 a.m.

Directors Present in Oakland:	Directors Allen, Dufty, Foley, Raburn, Saltzman, Simon, and Li.
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Directors Present via Teleconference:	None.
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Absent:	Directors Ames and McPartland.
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Director Simon exited the Meeting.

Director Simon entered the Meeting in Oakland.

The Board Meeting recessed at approximately 2:15 p.m.

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#### **4. OPEN SESSION**

The Board reconvened in Open Session at 2:16 p.m.

Directors Present in Oakland: Directors Allen, Dufty, Foley, Raburn, Saltzman, Simon, and Li.

Directors Present via Teleconference: None.

Absent: Directors Ames and McPartland.

##### **A. Announcement from Closed Session, if any.**

President Li announced that the Board had concluded its Closed Session under Item 3 and that there was no announcement to be made.

#### **ADJOURNMENT**

The Meeting adjourned at 2:16 p.m.

Mag Tatum  
Senior Board Analyst





## EXECUTIVE DECISION DOCUMENT

<b>GENERAL MANAGER APPROVAL:</b> <div style="float: right; border: 1px solid black; padding: 2px;"> <small>DocuSigned by:</small>  <i>Michael Jones</i>  <small>47000790F2D7463...</small> </div>		<b>GENERAL MANAGER ACTION REQ'D:</b>		
<b>DATE:</b> 8/9/2023      9/6/2023		<b>BOARD INITIATED ITEM:</b> No		
<b>Originator/Prepared by:</b> Karen Basting <b>Dept:</b> Cust Service Administration <div style="border: 1px solid black; padding: 2px; margin-top: 10px;"> <small>DocuSigned by:</small>    <small>927FF3A9A2A04C6...</small> </div> <b>Signature/Date:</b> <div style="text-align: right;">9/6/2023</div>	<b>General Counsel</b> <div style="border: 1px solid black; padding: 2px; margin-top: 10px;"> <small>DocuSigned by:</small>  <i>Jana Belan</i>  <small>F8FD7B3A73E74E8...</small> </div> <b>Signature/Date:</b> <div style="text-align: right;">9/6/2023 [ ]</div>	<b>Controller/Treasurer</b> <div style="border: 1px solid black; padding: 2px; margin-top: 10px;"> <small>DocuSigned by:</small>  <i>Chris Gan</i>  <small>EE11C8CEEEA04FD...</small> </div> <b>Signature/Date:</b> <div style="text-align: right;">9/6/2023 [ ]</div>	<b>District Secretary</b> <div style="border: 1px solid black; padding: 2px; margin-top: 10px;"> <small>DocuSigned by:</small>  <i>Pamela Herhold</i>  <small>3BB24D65B8724F5...</small> </div> <b>Signature/Date:</b> <div style="text-align: right;">9/6/2023 [ ]</div>	<b>BARC</b> <div style="border: 1px solid black; padding: 2px; margin-top: 10px;"> <small>DocuSigned by:</small>  <i>Pamela Herhold</i>  <small>3BB24D65B8724F5...</small> </div> <b>Signature/Date:</b> <div style="text-align: right;">9/6/2023 [ ]</div>

### Order for the purchase of HO Scale Electric Model BART Train Cars

#### Award Order for the purchase of HO Scale Electric Model BART Train Cars to Rapido Trains, Inc.

#### PURPOSE:

To request Board authorization to purchase for resale HO Scale electric model BART train cars from toy train manufacturer Rapido Trains, Inc. (Rapido), including the below-referenced pre-orders, in a sum not to exceed \$149,000 for this first order.

#### DISCUSSION:

BART has not had HO scale model trains available through any vendor for over 30 years. There is significant interest in and demand for these new Rapido HO scale electric model BART trains as evidenced by the “pre-order” interest below:

#### PRE-ORDER REQUESTS - As of 8/21/23

<b>Orders:</b>	<b>645</b>
<b># of Train Cars:</b>	<b>1,236</b>
<b>Est. Total Sales:</b>	<b>\$208,267</b>

**Est. Cost:                               \$145,787**

**Estimated Profit:               \$62,480**

Estimated profit revenue to BART based on current preorder interest is dependent on approval of this EDD – as of this EDD date BART will gain an estimated \$62K profit for a short-term expenditure of \$145K. There is a possibility that there will not be a short-term expenditure of BART funds required at all since the pre-order sales revenue will be received prior to receipt of inventory and payment to vendor. The order due date for manufacturing is October 2023, merchandise delivery is Late Spring 2024. Reorders of lesser amounts may be processed in the future under regular Procurement limits and procedures.

In addition, BART will receive a licensing fee from Rapido of 3% of all global sales of the HO Scale electric model BART train cars (excluding direct BART sales).

#### Rapido Trains Selection:

The Customer Services Department contacted many possible manufacturers/vendors several times over the past several years. Most recently staff sent requests to nine vendors resulting in only two responses expressing interest. The highest quality, most detailed and least expensive option was Rapido.

BART does not pay any up-front costs associated with Rapido's HO scale electric model BART train cars. Rapido invested their own funds for up front design for these HO scale electric model BART train cars, expending considerable funds for design, marketing and manufacturing tooling, including traveling to the District for train car measurements, photos and sound recordings. Rapido also attended BART's 50th Anniversary celebration where they staffed a booth to generate pre-sales and interest, and Rapido pays all manufacturing and other production costs. The only other responsive vendor required that all tooling and other expenses, as well as an order of 1,000 cars, be prepaid prior to starting any design or other work.

It is staff's determination that Rapido provides excellent quality and highly detailed model trains that are to scale. The 30+ year old HO scale trains in the BART archives from previous manufacturers are not actually to scale and do not have the same level of BART specific detail as Rapido Trains'.

#### FISCAL IMPACT:

No net cost to the District. Revenue to the District as of this writing could be approximately

\$62,480.33. Any initial funding required will come from the Customer Services Department 0605377 account 680030 budget for store re-sale merchandise inventory purchase and not to exceed \$149,000. The costs will be reimbursed by the pre-sales/sales of the items as is the standard BART accounting and budgeting process for all store merchandise sales in 0605377 account 680031. This action is not anticipated to have any Fiscal Impact on unprogrammed District reserves in the current Fiscal Year.

ALTERNATIVES:

Not purchasing the HO scale electric model train cars for sale to customers and returning the pre-order deposits.

RECOMMENDATION:

It is the recommendation that the Board adopt the Motion.

MOTION:

The General Manager is authorized to award the order to purchase for resale of HO scale electric model BART train cars to Rapido Trains, Inc. of Markham, Ontario, Canada, including pre-orders, for a sum not to exceed \$149,000 (inclusive of sales tax), pursuant to notification to be issued by the General Manager.

## SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

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### Inter-Office Communication

**To:** Board of Directors


**Date:** September 8, 2023

**From:** General Manager

**Subject:** Consent Calendar Item: Review of Directors' Use of District Property

Attached is the Performance and Audit Department's final review report – *Review of Directors' Use of District Property for Fiscal Year 2022-23*. The report will appear on the September 14, 2023, Board Consent Calendar.

If you have any questions regarding the review, please contact Michael Wilkison, Manager of Internal Audit, at (510) 464-7570, or Dennis Markham Director of Performance & Audit, at (510) 464-6275.

DocuSigned by:  
  
47000790F2D7463...  
Robert Powers

Attachment

cc: Board Appointed Officers  
Deputy General Manager  
Executive Staff



# Review of Directors' Use of District Property


INTERNAL AUDIT REPORT—FISCAL YEAR 2022-23



# BART Performance & Audit Department Internal Audit Report

## Review of Directors' Use of District Property for Fiscal Year 2022-23

23PER001

<b>Issue Date:</b>	September 8, 2023
<b>Audit Work Performed by:</b>	Oscar J. Brown III, Principal Internal Auditor
<b>Audit Work Reviewed and Report Approved by:</b>	Michael Wilkison, Internal Audit Manager
<b>Approved to Issue:</b>	 Dennis Markham, Director of Performance and Audit

# 1. Background

Internal Audit has audited compliance with the requirements of the San Francisco Bay Area Rapid Transit District's (District) Rules of the Board of Directors, Board Rule 5-3.5, Use of District Property Other than Automobiles. Rule 5-3.5 requires that the Performance and Audit Department shall complete an annual review for the previous fiscal year for compliance with the requirements of the rule, and, at its discretion, may conduct an audit based on the results of the review. This review report, including a list of properties issued to each Director, will be submitted to the next Administration Committee after September 15 for review and forwarding to the full Board.

- Directors may have use and possession of specifically identified District property that is comparable in cost and function to equipment available to District employees;
- Directors shall request all District property through the District Secretary's Office;
- The District Secretary shall make and maintain a list of District property that is issued to each Director, and the list shall be available for periodic review and audit, as required;
- The property shall be returned when a Director leaves office.

## 2. Purpose

The purpose of our review was to determine whether the District complied with the requirements of Board Rule 5-3.5 for the fiscal year ending June 30, 2023.

## 3. Scope & Methodology

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

We provided April Quintanilla, District Secretary, with a draft copy of our audit report on August 21, 2023. We discussed the draft audit report with her on August 29, 2023, and she had no additional comments.

## 4. Summary of Results

We found that in fiscal year 2023, the District complied in all material respects with the requirements of Board Rule 5-3.5. A list of property issued to each Director as recorded in the District's records is shown in Exhibit A.

## Exhibit A - Schedule of District Property in Directors' Custody as of June 30, 2023

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





## EXECUTIVE DECISION DOCUMENT

<b>GENERAL MANAGER APPROVAL:</b> <div style="float: right; border: 1px solid black; padding: 2px;"> <small>DocuSigned by:</small>  <i>Michael Jones</i>  <small>47000790F2D7463...</small> </div>		<b>GENERAL MANAGER ACTION REQ'D:</b>		
<b>DATE:</b> 1/27/2023                      9/6/2023		<b>BOARD INITIATED ITEM:</b> Yes		
<b>Originator/Prepared by:</b> Myra Francisco <b>Dept:</b> M&E Acquisition Support <div style="border: 1px solid black; padding: 2px; margin-top: 10px;"> <small>DocuSigned by:</small>  <i>Myra Francisco</i>  <small>66959154E16A413...</small> </div> <b>Signature/Date:</b> <div style="text-align: right;">8/29/2023</div>	<b>General Counsel</b> <div style="border: 1px solid black; padding: 2px; margin-top: 10px;"> <small>DocuSigned by:</small>  <i>Jana Belan</i>  <small>F8FD7B3A73E74E8...</small> </div> <b>Signature/Date:</b> <div style="text-align: right;">8/29/2023 [ ]</div>	<b>Controller/Treasurer</b> <div style="border: 1px solid black; padding: 2px; margin-top: 10px;"> <small>DocuSigned by:</small>  <i>Chris Gan</i>  <small>EE11C8CEEEA04FD...</small> </div> <b>Signature/Date:</b> <div style="text-align: right;">8/29/2023 [ ]</div>	<b>District Secretary</b> <div style="border: 1px solid black; padding: 2px; margin-top: 10px;"> <small>DocuSigned by:</small>  <i>Shane Edwards</i>  <small>8128A2EB2F014F3...</small> </div> <b>Signature/Date:</b> <div style="text-align: right;">8/29/2023 [ ]</div>	<b>BARC</b> <div style="border: 1px solid black; padding: 2px; margin-top: 10px;"> <small>DocuSigned by:</small>  <i>Shane Edwards</i>  <small>8128A2EB2F014F3...</small> </div> <b>Signature/Date:</b> <div style="text-align: right;">8/29/2023 [ ]</div>

### Award of Agreement 6M3659A for Emergency Elevator Repair Services

#### PURPOSE:

To obtain Board authorization for the General Manager to award Agreement No. 6M3659A to San Francisco Elevator Services, LLC of San Francisco, California for Emergency Elevator Repair Services.

#### DISCUSSION:

This Agreement is for emergency expert assistance to repair and service District elevators when in house personnel are not available or out of District technicians' scope. It ensures that the District can stay in compliance with State and Americans with Disabilities Acts (ADA) requirements which will prevent possible fines and mandatory shutdowns by State Department of Industrial Relations (DIR) Inspectors. The Agreement is proposed for a base term of three (3) years, with two (2) one-year options exercisable at the District's discretion, for a maximum contract term of five (5) years.

An electronic copy of the Request for Proposal ("RFP") was posted to the District's Procurement Portal on June 6, 2023 and distributed to all known potential proposers (inclusive of 54 certified Small Businesses). The RFP was also advertised in ten (10) newspaper publications. The RFP was electronically downloaded by six (6) interested firms. A pre-proposal meeting was held on June 12, 2023 with two (2) prospective firms in attendance. On July 11, 2023 the District received one (1) proposal.

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 proposal. The Technical Proposal was reviewed for compliances with the Minimum Technical Requirements of the Agreement. The Technical Proposal submitted by San Francisco Elevator Services, LLC was evaluated and

deemed technically acceptable, in accordance with the four (4) minimum technical requirements. Pricing was then opened and found to be fair and reasonable.

Pursuant to the District's Non-Federal Small Business Program, the Office of Civil Rights set a 5% Small Business Prime Preference for this Agreement for Small Businesses certified by the California Department of General Services (DGS). It was determined that there were no certified Small Businesses certified by the DGS among the responsive Proposers, and therefore, the Small Business Prime Preference is not applicable.

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

FY24 (August 1, 2023 - June 30, 2024)	\$369,000.00
FY25 (July 1, 2024 - June 30, 2025)	\$384,750.00
FY26 (July 1, 2025 - June 30, 2026)	\$400,500.00
FY27 (July 1, 2026 - June 30, 2027)	\$416,600.00
FY28 (July 1, 2027 - June 30, 2028)	\$439,000.00

The current cost for this service is approximately \$100,000.00 annually. The new agreement is for an amount not-to-exceed \$1,154,250.00 over three years, or \$2,009,850.00 including the two option years. The FY24 not-to-exceed amount is \$369,000.00. The change in cost is driven by an increase in needed repairs and labor costs. The Agreements will be funded by the Facilities Maintenance Operating Budget (Department 0802850 – Elevator/Escalators, account 680230 – Maintenance, Repair and Other). 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 response time to critical emergency repairs that are beyond the ability of the District's elevator repair services technicians to timely address. Failure to accomplish the emergency repair services in a timely manner would subject the District to ADA fines and State regulatory shutdowns. 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.

**RECOMMENDATION:**

It is recommended that the Board adopt the following motion.

**MOTION:**

That the General Manager is authorized to award Agreement No. 6M3659A to San Francisco Elevator Services, LLC to provide Emergency Elevator Repair Services in an amount not to exceed \$1,154,250.00 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. 6M3659A for \$416,600.00 and \$439,000.00, for a maximum term of five (5) years per Agreement.



## EXECUTIVE DECISION DOCUMENT

<b>GENERAL MANAGER APPROVAL:</b> <div style="float: right; border: 1px solid black; padding: 2px;">             DocuSigned by:  <i>Michael Jones</i>  <small>47000790F2D7463...</small> </div>		<b>GENERAL MANAGER ACTION REQ'D:</b>		
<b>DATE:</b> 8/25/2023      9/6/2023		<b>BOARD INITIATED ITEM:</b> No		
<b>Originator/Prepared by:</b> Mariana <b>Parreiras</b> <b>Dept:</b> Station Area Planning <div style="border: 1px solid black; padding: 2px; float: right;">             DocuSigned by:  <i>Mariana Parreiras</i>  <small>5CC5547E14FB49A...</small> </div> <b>Signature/Date:</b> 9/5/2023	<b>General Counsel</b> <div style="border: 1px solid black; padding: 2px; float: right;">             DocuSigned by:  <i>Jeana Belan</i>  <small>F8FD7B3A73E74E8...</small> </div> <b>Signature/Date:</b> 9/5/2023 <div style="text-align: right;">[   ]</div>	<b>Controller/Treasurer</b> <div style="border: 1px solid black; padding: 2px; float: right;">             DocuSigned by:  <i>Chris Gan</i>  <small>EE11C8CEEEA04FD...</small> </div> <b>Signature/Date:</b> 9/5/2023 <div style="text-align: right;">[   ]</div>	<b>District Secretary</b> <div style="border: 1px solid black; padding: 2px; float: right;">             DocuSigned by:  <i>Shane Edwards</i>  <small>8128A2EB2F014F3...</small> </div> <b>Signature/Date:</b> 9/5/2023 <div style="text-align: right;">[   ]</div>	<b>BARC</b> <div style="border: 1px solid black; padding: 2px; float: right;">             DocuSigned by:  <i>Shane Edwards</i>  <small>8128A2EB2F014F3...</small> </div> <b>Signature/Date:</b> 9/5/2023 <div style="text-align: right;">[   ]</div>

### Procurement with W.W. Grainger Inc as the official National Association of State Procurement Officials (NASPO) Provider, for Light Fixtures for the North Berkeley Access Improvements Project, \$459K

**PURPOSE:** To request that the Board authorize the General Manager to enter into a contract with W.W. Grainger Inc (Grainger) for the procurement of pedestrian-scale and other light fixtures for installation as part of the North Berkeley Access Improvements (NBAI) Project.

**DISCUSSION:** Installation of pedestrian-scale lighting at North Berkeley BART Station is one of several scope items in the NBAI, which is intended to support safety and increase bicycle and pedestrian access trips, consistent with the goals of BART's 2016 Station Access Policy. The NBAI project will also:

- Construct separated two-way cycle-tracks, raised crosswalks, a speed table, a bulbout, and a new ADA ramp to the platform elevator;
- Widen the Ohlone Greenway between Acton/Virginia and Virginia Gardens;
- Install additional secure bicycle parking, new wayfinding, landscaping, storm water management, and art.

This is a contract for the procurement of light fixtures (posts, luminaires, side arms and related accessories) required to complete the NBAI Project. Installation of pedestrian-scale lights is a specific commitment BART has made in a grant application under the Affordable Housing & Sustainable Communities (AHSC) Program.

This purchase is being made through the National Association of State Procurement

Officials (NASPO) ValuePoint which is a cooperative purchasing program aggregating the demand of all 50 states, the District of Columbia and the organized US territories, their political subdivisions and other eligible entities. Grainger is a NASPO approved vendor for these items as follows.

**NASPO ValuePoint Master Agreement #: 8496**

**Description:** Facilities Maintenance and Repair & Operations (MRO) and Industrial Supplies

**Lead State:** Oregon

**Contractor (Vendor):** W.W. GRAINGER, INC

**California Participating Addendum (CA PA) #: 7-18-51-02**

**CA PA Amendment #: 4** (extending agreement term to June 30, 2024)

**Product Category:** Lamps, Lighting, Ballasts

The current Board authorization to utilize the NASPO procurement process applies to the procurement of computer supplies, computer software and related installation services. This request seeks additional authorization to utilize NASPO for the purchase of light fixtures.

Because the State of California participates in the NASPO program, its local agencies and districts, including BART, are authorized by California Public Contract Code section 10298 to purchase items from the suppliers awarded contracts by NASPO without further competitive bidding, pursuant to a Master Agreement, a California Participating Addendum, and compliance with BART requirements.

Pursuant to the District's Non-Federal Small Business Program, the District conducted an analysis and determined that there are no Small Businesses (SB) certified by the California Department of General Services and there are no verified Local Small Businesses (LSB) capable of providing the goods and services in this scope of work. Therefore, the Small Business Program does not apply to this NASPO agreement.

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

**CAPITAL FISCAL IMPACT:** Funding of \$458,828 (which includes 10% contingency) for the procurement of pedestrian-scale and other light fixtures from Grainger is included in the

total Project Budget for FMS # 57RR204 – North Berkeley Station Access Improvement.

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

<b>Fund Description</b>	<b>Amount</b>
F/G 535V- Proposition 1B PTMISEA	\$91,892
F/G 5912/5916 DHCD - Affordable Housing & Sustainable Communities	\$3,416,132
F/G 802A/B/C/D - Measure RR GOB	\$8,168,153
F/G 8528 - Operating to Capital Allocation	\$18,123
<b>TOTAL</b>	<b>\$11,694,300</b>

As of 07/31/2023, \$11,694,300 is the total budget for this project. BART has expended \$4,511,232, committed \$1,974,018, and reserved \$5,516 to date. This action will commit \$458,828 leaving an available fund balance of \$4,744,706 in the fund sources for this project.

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

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

**ALTERNATIVES:** Decline to authorize the Agreement through the NASPO program and seek alternative independent proposals by the District, which would delay procurement of necessary light fixtures and negatively impact the project. Staff does not expect alternative proposals to result in better pricing.

**RECOMMENDATION:** Staff recommends that the Board adopt the following motion.

**MOTION:** The General Manager is authorized to utilize the National Association of State Procurement Official's (NASPO) ValuePoint Cooperative Purchasing Organization to purchase light fixtures for the North Berkeley Access Improvements project from Grainger for an amount not to exceed \$458,828.

## SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

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### MEMORANDUM

**TO:** Board of Directors **DATE:** September 8, 2023  
**FROM:** General Manager  
**SUBJECT:** Next Generation Fare Gates Update

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Attached is the “**Next Generation Fare Gates Update**” presentation that will be presented at the September 14, 2023, meeting as an information item.

If you have any questions about the document, please contact Sylvia Lamb, Assistant General Manager, Infrastructure Delivery at (510) 464-6081.

DocuSigned by:  
*Michael Jones*  
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Robert M. Powers

cc: Board Appointed Officers  
Deputy General Manager  
Executive Staff





# Next Generation Fare Gates Update

September 14, 2023 | BART Board of Directors Meeting



# Highlights

- ❖ The District's #1 Project
- ❖ Accomplishments to Date
- ❖ Next Steps
- ❖ Timeline
- ❖ Questions



# The District's #1 Project

## Next Generation Fare Gates Project

- Gate replacements for 50 stations + 5 future stations
  - West Oakland prototypes in December 2023
- Contract Award: April 2023
- Notice to Proceed: May 2023
- Day One:
  - Developed Strategies for Success
  - On-Site Vendor Workspace
  - Alerted Stakeholders



# Accomplishments to Date



Preliminary Design  
Review of Gate



Procurement of  
Materials & Services



Design Evolution

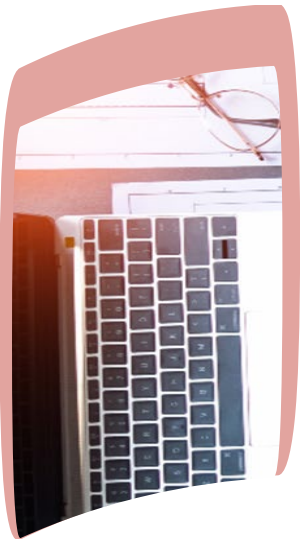


Prototype Station  
Implementation Plan

# Preliminary Design Review of Gate



- ✓ Accelerated schedule  
5-day review cycle versus 30 days for submittals



- ✓ 54 submittals
- ✓ 16 requests for information
- ✓ Interdisciplinary review team
- ✓ More than 50 reviewers



# Design Evolution



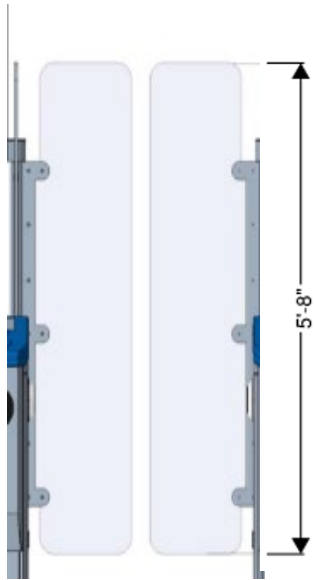
✓ Improved Door Criteria

✓ Prototype Door Options

## Different Barrier Material

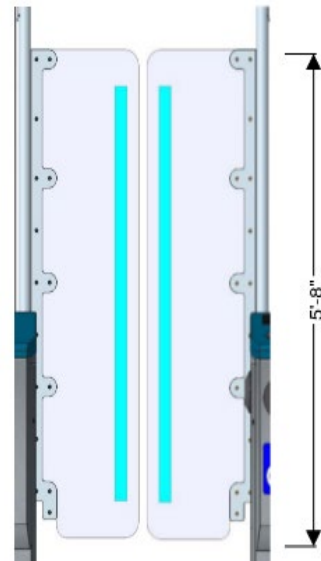
### Vendor Proposed:

Accessible Door  
Frameless Laminated Glass Panel



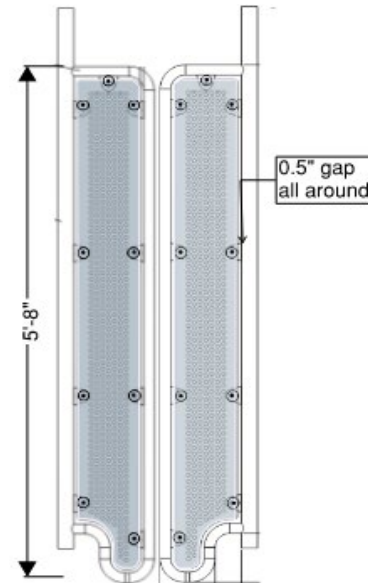
### Option 1:

Accessible Door  
Polycarbonate Panel



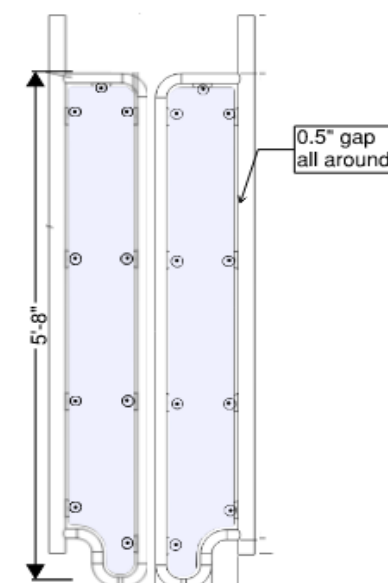
### Option 2:

Stainless Steel Frame with  
Perforated Metal Panel



### Option 3:

Stainless Steel Frame with  
Polycarbonate Panel



## Door Criteria Improvements

Barrier Gap

Constant Pressure

# Climb-Over Deterrents



# Procurement of Materials and Services



## Critical Equipment & Components

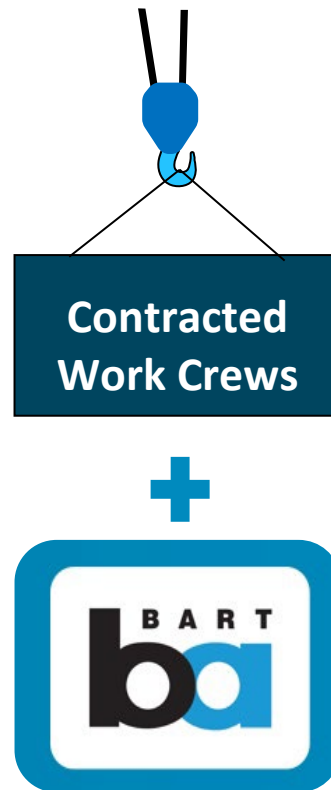


Communications Switch



Gate Power Transformer

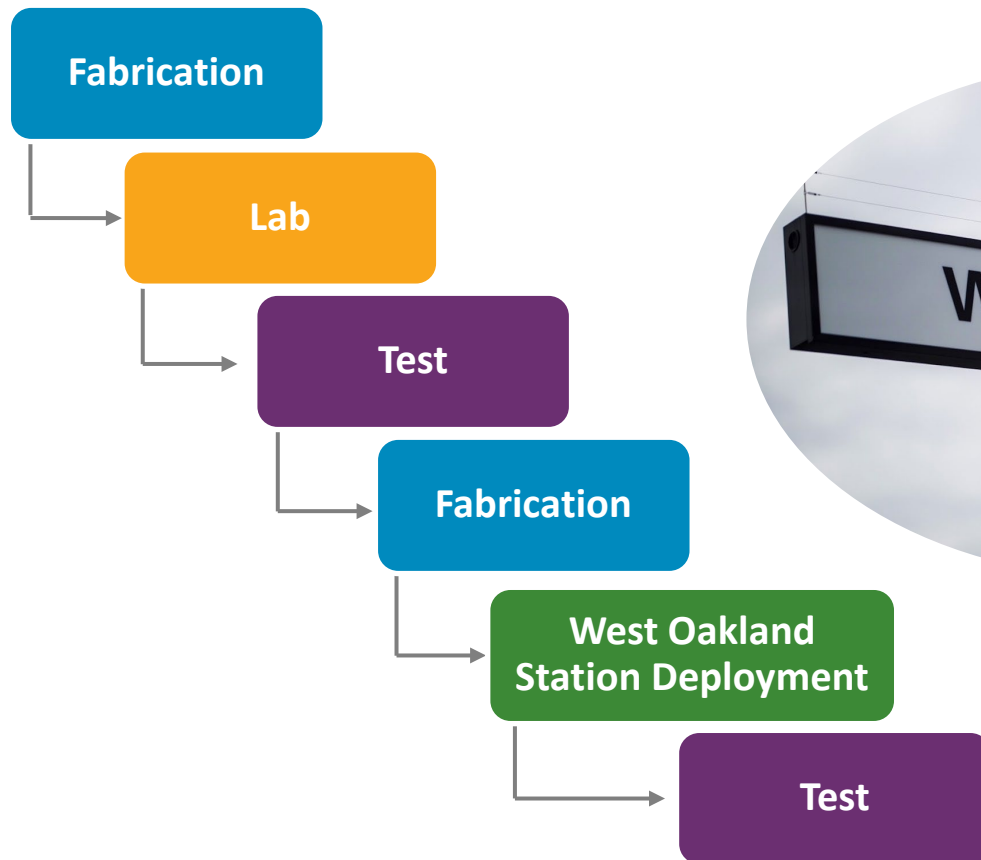
## Electrical & Comms Construction



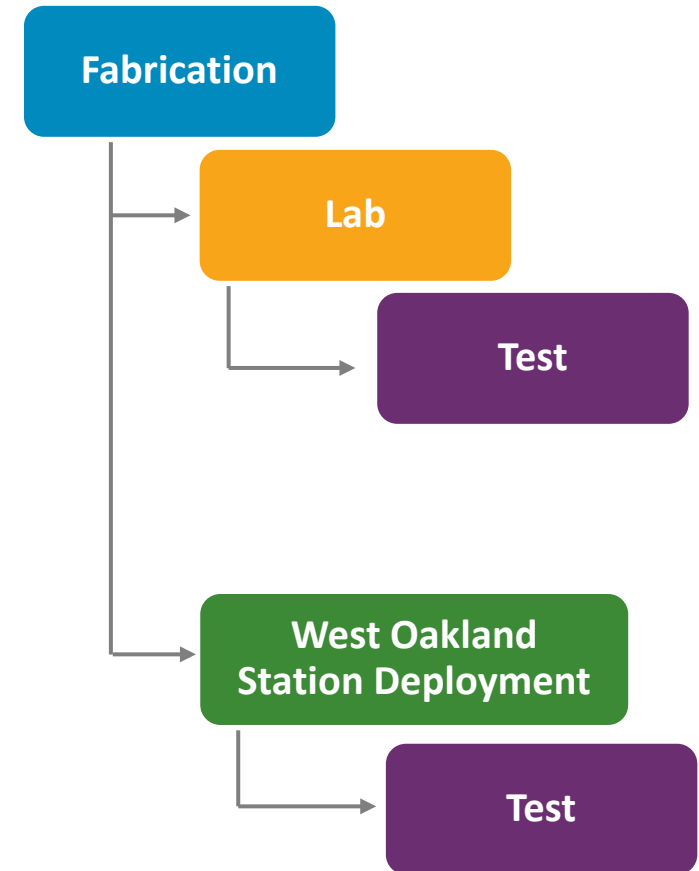
- ✓ Accelerated Schedule
- ✓ Dedicated District Staff
- ✓ Long Lead Time on Materials Ordered
- ✓ Commissioning Support

# West Oakland Deployment – Testing

## Standard Delivery Process



## Accelerated Delivery Process





# West Oakland – Implementation



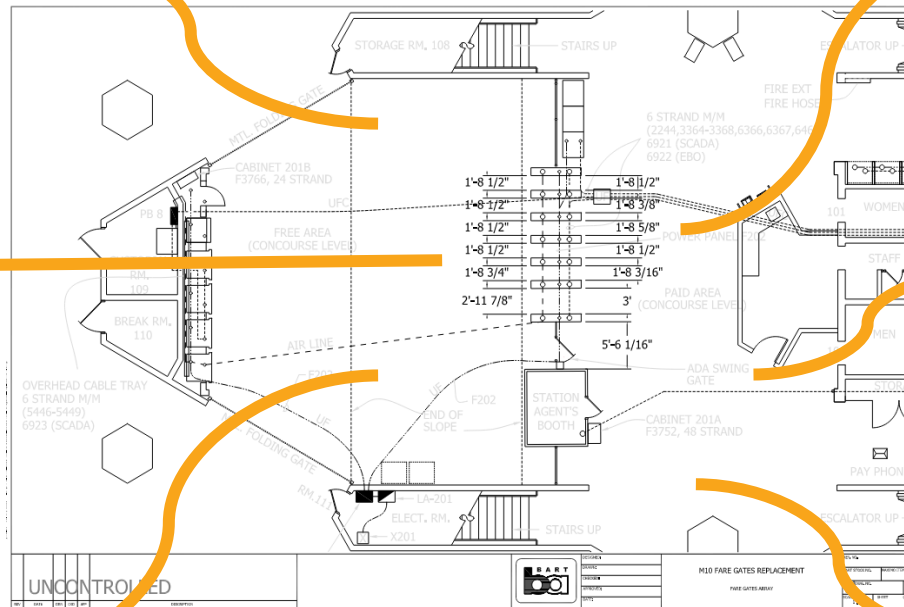
**Built-in Conduits  
& Steel Bars**



**Communication  
Equipment**



**Conduit Access**



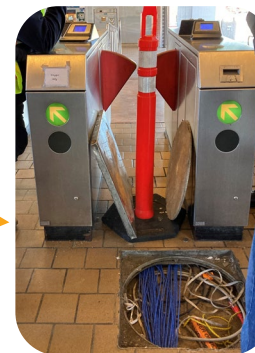
**West Oakland Engineering Records**



**Anchorage**



**Electrical Panels**



**Communication  
& Power Cables**

- ✓ Minimize impact to riders
- ✓ 15+ combined field and site visits to West Oakland alone
- ✓ Multiple alternatives and contingency plans
- ✓ More than 12 BART departments directly involved

# West Oakland – Deployment Site Logistics

## Accelerated Schedule

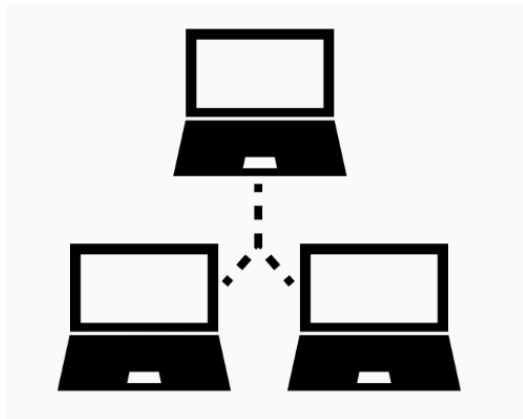


Existing gates which will be  
out of service

Temporary accessible entrance/exit  
gates during construction

# Integration Challenges

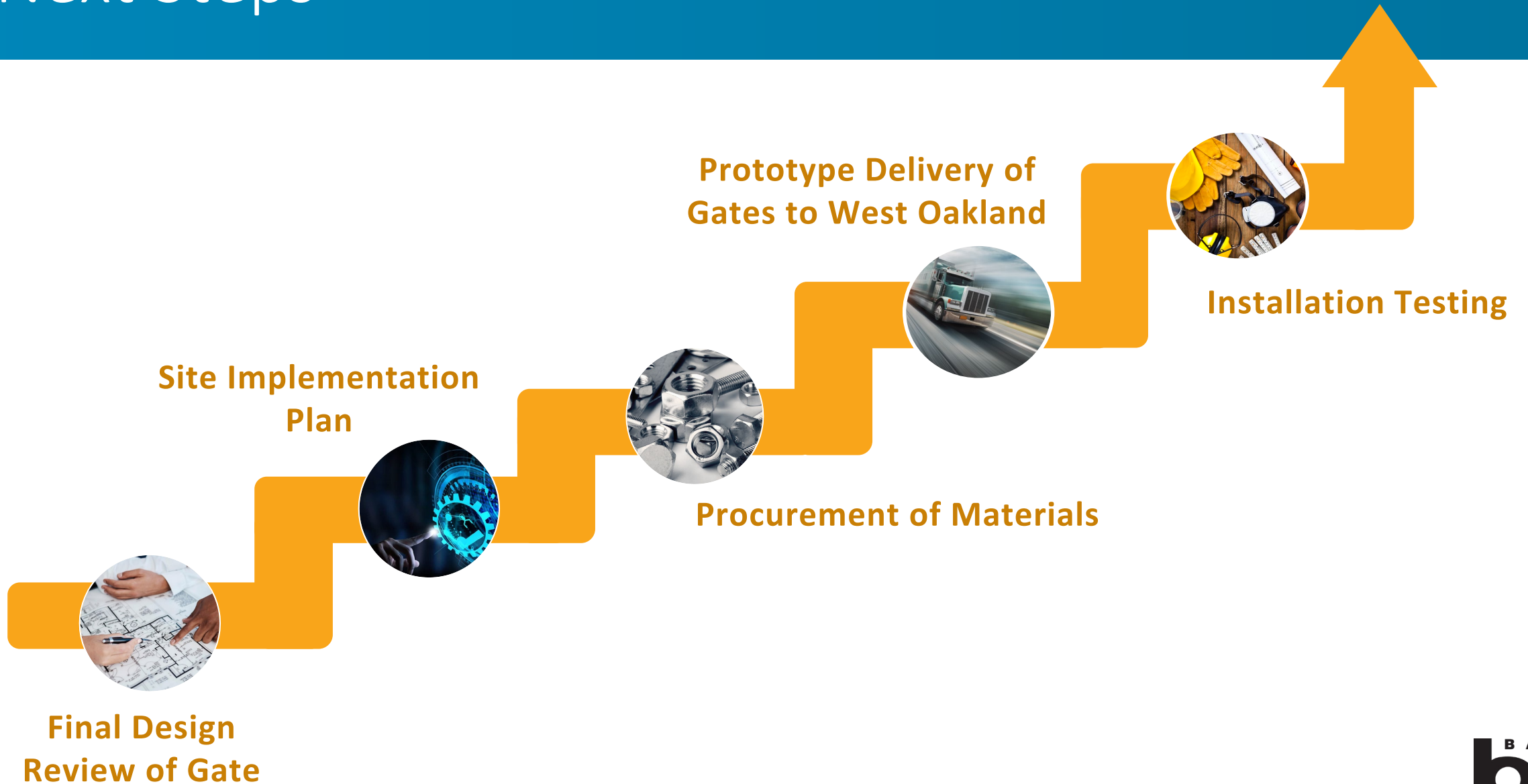
Monitoring Tools/Dashboards



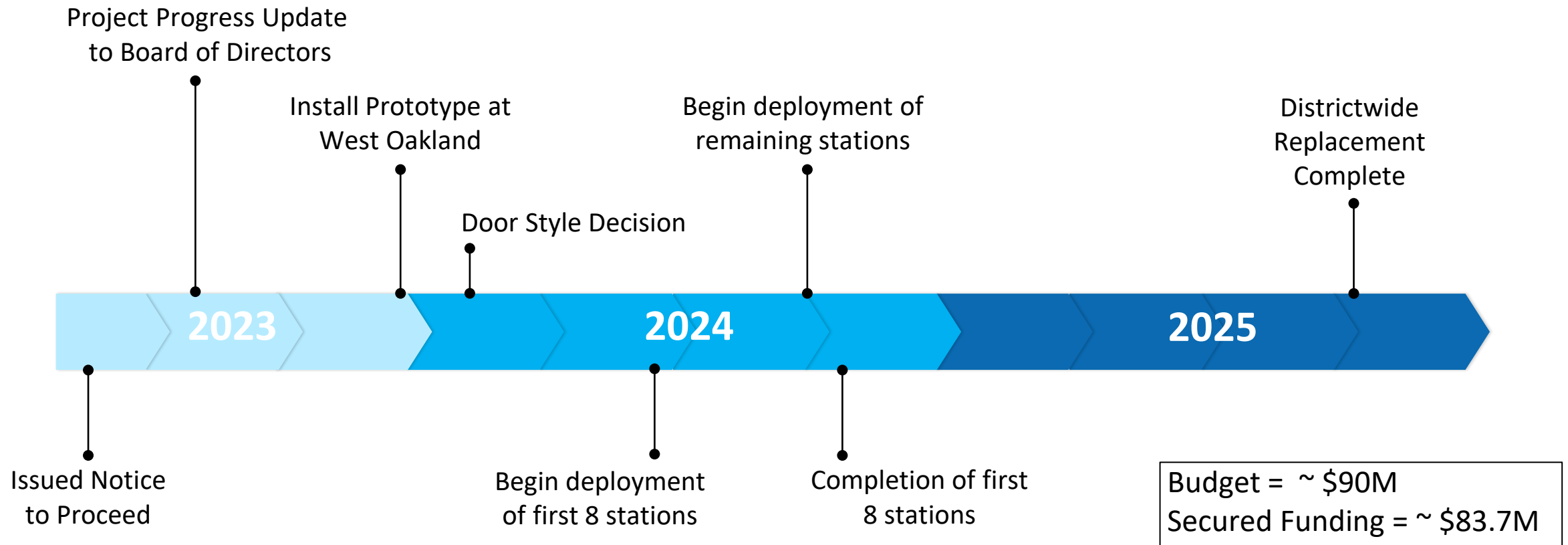
- Monitoring
- Controls
- Complex Systems Integration



# Next Steps



# Timeline



Abeni Allen	Barney Louie	Dave Taylor	Ho-Shing Chau	Kimberly Alameda	Phaethon Brown	STraffic Team
Adam Flynn	Bill Kepthart	David Garcia	Huandong Guo	Lacy Vong	Priya Mathur	Sunni Gunawardena
Ahmed Abduljabar	Bradley Harris	David Pultz	Irene Ho	Maansii Chirag Sheth	Qing Liu	Suresh Devarajan
Aileen Hernandez	Bradley Matthews	David Wen	James Pyne II	Man Hong Lam	Randall Purvis	Tera Stokes-Hankins
Aisha Hampton	Brandi Taylor	Daysia Washington-Cobb	Jason Hekker	Markus Ngo	Randall Radford	Thomas Wong
Akiri Johnson	Brian Tinsley	Denise McDonald	Javieree PruittHill	Marshalette Ramsey	Ray Painter	Timothy Lohrentz
Albert Louie	Bruce King	Denise Williams	Jeffrey Martz	Martina Zuchetti Frignani	Raymond Pascual	Tony Zielonka
Albert Schmitt	Calvin Yee	Dennis Markham	Jeffrey Yan	Matthew Richmond	Richard Fuentes	Tuan Hoang
Alex Caburnay	Candace Fong-Chan	Derry Moten	Jefre Riser	Michael Forte	Robert Ballard	Vanessa Choy
Alex Walker	Carlbert Fuertes	Donna Lee	John Mazza	Michael Hill	Robert Day	Viet Nguyen
Alma Basurto	Carlina Leong	Emily Chou	John Wallace	Michael McCormick	Robert Franklin	Wahid Amiri
Amanda Cruz	Carlos Munoz	Eugene Planta	John Yen	Michael Wilkinson	Robert Jaques	Weldon Chen
Amanda Palmquist	Celestine Do	Eric Cho	Jonathan Castaneda	Michael Wong	Roman Garcia	Wendy Wheeler
Anaïs Mailinge	Celia Morales Flores	Evan Brown	Jorge Saavedra	Michelle Robertson	Ryan Huang	William McKay
Anh Doan	Celine Schafer	Fernando Flores	Joseph Austria	Mitra Moheb	Saied Moshtagh	Zecharias Amare
Anoulom Chaiyasith	Charlie Greer	Francisca Mbugua	Joseph Lipkos	Mohammed Khan	Salvatore Bruno III	Zhihui Huang
Antoin Vo	Chien-Po Wang	Greg Lombardi	Josh Teo	Molly Golson	Sam Hui	And many many more!
April Quintanilla	Christian Reif	Gus Baldauf	Jovita Shackelford	Myat San	Shannon Dodge	
Arash Shamohamadi	Christian St Denis	Harmanjot Singh	Katherine Ogburn	Ni Lee	Shelehia Meisner	
Aung Htut	Christopher Filippi	Herbert Diamant	Kenneth Tolbert	Paul Korczak	Shihua Nie	
Balvir Thind	Chuanqi Li	Hoa Sin	Khan Kabir	Patrick Emmons	Steven Dietrich	

# Thank you!

# SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

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## MEMORANDUM

**TO:** Board of Directors

**DATE:** September 8, 2023

**FROM:** General Manager

**SUBJECT:** BART System Development Policy Update

At the BART Board meeting of September 14, 2023, BART staff will present an information item as an update on the BART System Development Policy. This item was last presented to the BART Board on September 22, 2022. Staff will present updated policy materials based on prior Board feedback and provide an overview of the proposed policy language and process.

The Draft Policy is included as an attachment (both a Clean version and Red-Line version). Staff intent is to bring this item back to the Board for consideration of adoption in Fall 2023.

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

DocuSigned by:  
*Michael Jones*  
47000790F2D7463...

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Robert M. Powers

cc: Board Appointed Officers  
General Manager  
Executive Staff

# System Development Policy

Draft Updated September ~~2022~~2023

## 1. Purpose

Future development of the San Francisco Bay Area Rapid Transit District (BART) system must consider the continued growth and change of the region, and the role of the BART system in meeting the needs of the region and megaregion. This Policy is intended as a framework for BART to evaluate proposed new line extensions and stations as well as infill stations. Any major new system development project must provide clear, measurable benefits to the system and its riders, as well as demonstrate the ability to address the region's goals to grow transit ridership, address the climate emergency, improve mobility, and ensure equitable outcomes.

## 2. Goals and Objectives

- a) Support regional livability and a sustainable, equitable, and prosperous Bay Area.
  - i. Increase ridership and transit mode share via greater accessibility, connectivity, and service that complements changing travel patterns and serves transit dependent riders.
  - ii. Ensure transit-oriented communities bolster BART extensions and infill stations, help address the housing crisis, and improve the region's jobs/housing balance.
  - iii. Advance BART, state, and regional environmental goals by improving transit access to regional destinations, reducing vehicle miles traveled, and ensuring climate resiliency.
- b) Better serve communities and improve the rider experience.
  - i. Ensure equity by prioritizing the needs of transit-dependent riders, with special emphasis placed on communities who are or who have been systemically disenfranchised, traditionally marginalized, and harmed by past infrastructure projects.
  - ii. Improve multimodal connectivity with a focus on improved transit connectivity and active access modes.
  - iii. Improve rider experience by enhancing service reliability and connectivity, reducing crowding, and providing a safe and healthy environment.
- c) Support stewardship of the BART District and taxpayer investment.
  - i. Ensure the District's long-term financial sustainability by considering the benefits of system development through a comprehensive cost assessment that considers operational and maintenance cost and complexity, as well as core system operational and capital impacts.
  - ii. Deliver cost-effective improvements that meet riders' needs, employing technology and mode appropriate transit service, and leveraging other capital investments in transportation.
  - iii. Improve system performance without detracting from existing service or overburdening existing assets, providing systemwide benefits where feasible.

## 3. Implementation

### a) Strategies

The following Strategies support extensions and infill station project development consistent with the Goals and Objectives.

- i. Partnership with local jurisdictions: Partner with jurisdictions to achieve policy goals by ensuring transit-supportive land use policies, zoning and practices, anti-displacement policies and practices, climate adaptation planning, safe multimodal access to stations, and funding support.
- ii. Community involvement: Ensure that a unified process for co-creation and community engagement is central to the development of any system expansion and that this process begins at this early stage of the planning process, is inclusive of priority populations and emphasizes equitable outcomes. Engagement with local communities and businesses must recognize that historically disenfranchised communities have been underserved and negatively impacted by transit.



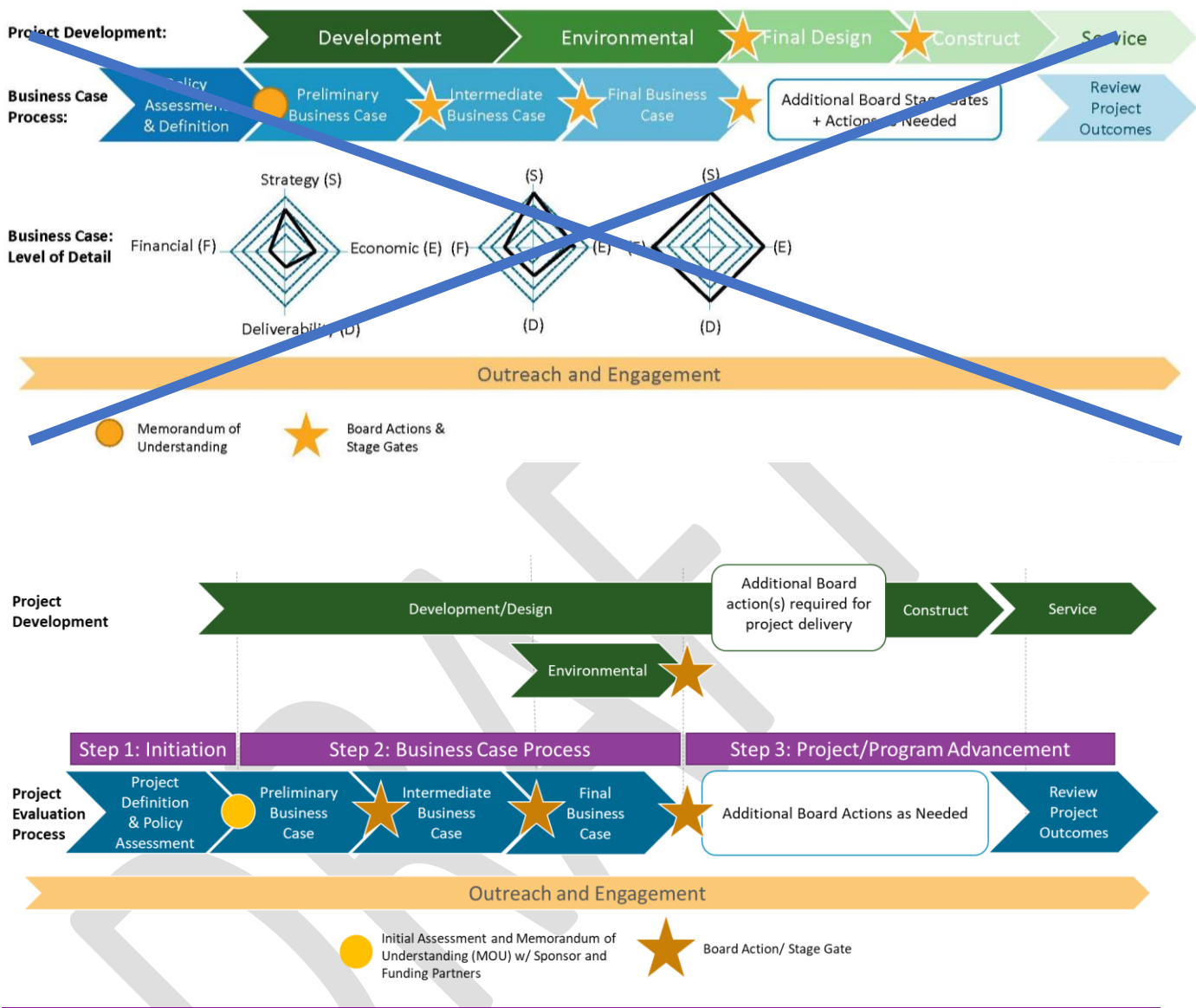
- iii. Iterative and comprehensive benefits evaluation: Project sponsors of new extensions and/or infill stations will coordinate with BART staff to develop a business case that evaluates cost-benefit and demonstrates comprehensive, equitable, and transparent measurable project benefits to the region and transit riders.
- iv. Funding: Projects will be consistent with applicable local, state, and federal funding programs' requirements to maximize the ability to receive funding. All projects must develop a funding plan as a part of the business case process.
- v. Innovation and efficiency: Projects should seek to reduce delivery time and cost via innovative approaches and should incorporate lessons learned from previous major projects.

#### b) Project Evaluation Process

Projects are to be led or supported by a Project Sponsor (e.g., BART, local jurisdictions, Metropolitan Planning Organizations, County Transportation Authorities). Figure 1 shows the steps in the process to advance a Project Evaluation are described in greater detail below, and consist of the following:

- i. Policy assessment and Project Initiation: Project initiation includes the project definition: The policy assessment, and definition include an initial evaluation of the strategic opportunity by assessing a project's consistency with relevant BART, regional, and federal policy and guidance (e.g., BART's Transit-Oriented Development Guidelines, Metropolitan Transportation Commission's Transit-Oriented Communities Policy, and Federal Transit Administration's Capital Investment Grant Program).
- ii. Memorandum of understanding (MOU); among others). For projects that are consistent with the initial policy assessment, the Project Sponsor shall enter into an MOU with BART and relevant regional funding body to fund and complete a business case assessment on the proposed project.
- iii. Business case assessment Case Process: Each business case assessment will be an iterative analysis that consists of four cases, two of which (Strategic and Economic Cases) relate to the rationale for pursuing a project, and two of which (Financial and Deliverability and Operations Cases) relate to project implementation. The level of detail increases over time in relationship to the project development (see Figure 1). At each decision point, the BART Board must approve the continuation of the project to the next stage. Projects that don't demonstrate sufficient comprehensive benefits will not advance.
- iii. -Project/Program Advancement: After a project has been approved for advancement under the Final Business Case, additional board actions may be required to continue advancement, such as where project cost and/or scope have changed substantively. After the project is operational, there may also be a review of the actual project outcomes (e.g., costs and performance to provide lessons learned).

Figure 1. System Development Project Evaluation Process



# System Development Policy

Draft Updated September 2023

## 1. Purpose

Future development of the San Francisco Bay Area Rapid Transit District (BART) system must consider the continued growth and change of the region, and the role of the BART system in meeting the needs of the region and megaregion. This Policy is intended as a framework for BART to evaluate proposed new line extensions and stations as well as infill stations. Any major new system development project must provide clear, measurable benefits to the system and its riders, as well as demonstrate the ability to address the region's goals to grow transit ridership, address the climate emergency, improve mobility, and ensure equitable outcomes.

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- c) Support stewardship of the BART District and taxpayer investment.
  - i. Ensure the District's long-term financial sustainability by considering the benefits of system development through a comprehensive cost assessment that considers operational and maintenance cost and complexity, as well as core system operational and capital impacts.
  - ii. Deliver cost-effective improvements that meet riders' needs, employing technology and mode appropriate transit service, and leveraging other capital investments in transportation.
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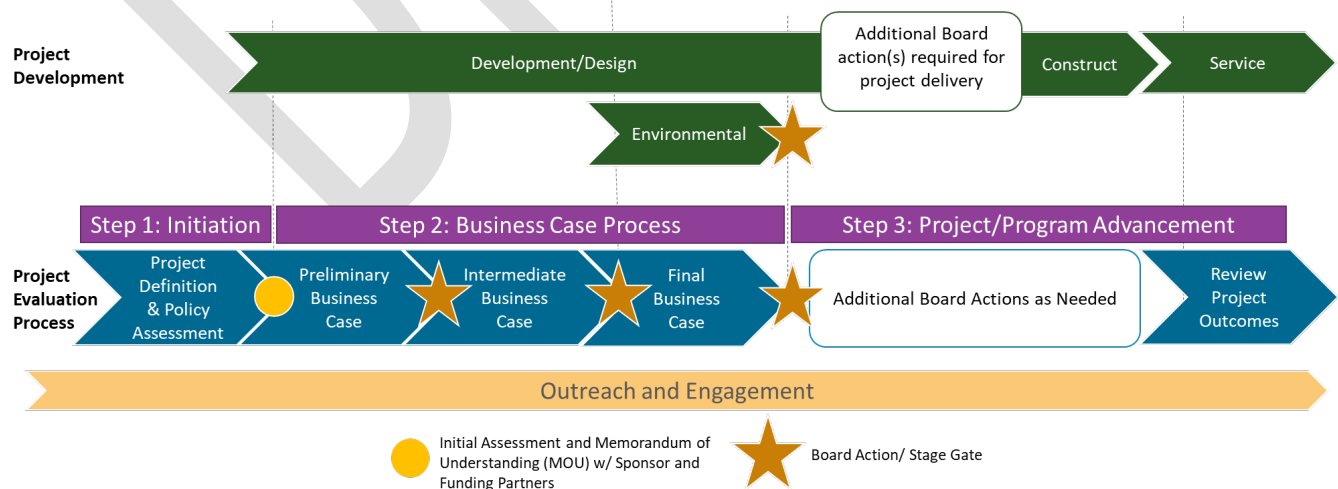
- iii. Iterative and comprehensive benefits evaluation: Project sponsors of new extensions and/or infill stations will coordinate with BART staff to develop a business case that evaluates cost-benefit and demonstrates comprehensive, equitable, and transparent measurable project benefits to the region and transit riders.
- iv. Funding: Projects will be consistent with applicable local, state, and federal funding programs' requirements to maximize the ability to receive funding. All projects must develop a funding plan as a part of the business case process.
- v. Innovation and efficiency: Projects should seek to reduce delivery time and cost via innovative approaches and should incorporate lessons learned from previous major projects.

#### b) Project Evaluation Process

Projects are to be led or supported by a Project Sponsor (e.g., BART, local jurisdictions, Metropolitan Planning Organizations, County Transportation Authorities). Figure 1 shows the steps in the process to advance Project Evaluation are described in greater detail below, and consist of the following:

- i. Project Initiation: Project initiation includes the project definition, policy assessment, and an initial evaluation of the strategic opportunity by assessing a project's consistency with relevant BART, regional, and federal policy and guidance (e.g., BART's Transit-Oriented Development Guidelines, Metropolitan Transportation Commission's Transit-Oriented Communities Policy, and Federal Transit Administration's Capital Investment Grant Program, among others). For projects that are consistent with the initial policy assessment, the Project Sponsor shall enter into an MOU with BART and relevant regional funding body to fund and complete a business case assessment on the proposed project.
- ii. Business Case Process: Each business case assessment will be an iterative analysis that consists of four cases, two of which (Strategic and Economic Cases) relate to the rationale for pursuing a project, and two of which (Financial and Deliverability and Operations Cases) relate to project implementation. The level of detail increases over time in relationship to the project development. At each decision point, the BART Board must approve the continuation of the project to the next stage. Projects that don't demonstrate sufficient comprehensive benefits will not advance.
- iii. Project/Program Advancement: After a project has been approved for advancement under the Final Business Case, additional board actions may be required to continue advancement, such as where project cost and/or scope have changed substantively. . After the project is operational, there may also be a review of the actual project outcomes (e.g., costs and performance to provide lessons learned).

Figure 1. System Development Project Evaluation Process







# BART System Development Policy Update

September 14, 2023

# Update Overview

- Existing Policy is over 20 years old: policy adopted in 1999, attachments adopted in 2002
- Policy update process to date
  - Outreach to public survey & agency engagement
  - Draft Policy presented in Fall 2022
  - Board feedback
    - Interest in understanding how projects originate
    - Concerns about fully addressing equity in a business case process
    - Support for comprehensive and transparent analysis
- Key Revisions
  - Minor text edits and updated process diagram
  - Staff developed Business Case procedures to further define implementation

# Proposed Policy Framework Overview

1. Purpose: evaluation framework for proposed new line extensions and stations (including infill)
2. Goals and Objectives
  - a) Support regional livability and a sustainable, equitable, and prosperous Bay Area
  - b) Better serve communities and improve the rider experience
  - c) Support stewardship of the BART District & taxpayer investment
3. Implementation Process: project evaluation with business case framework
  - a) Business Case: Reasoning and justification for initiating a project
  - b) Not solely 'business' - how project supports BART's vision and mission

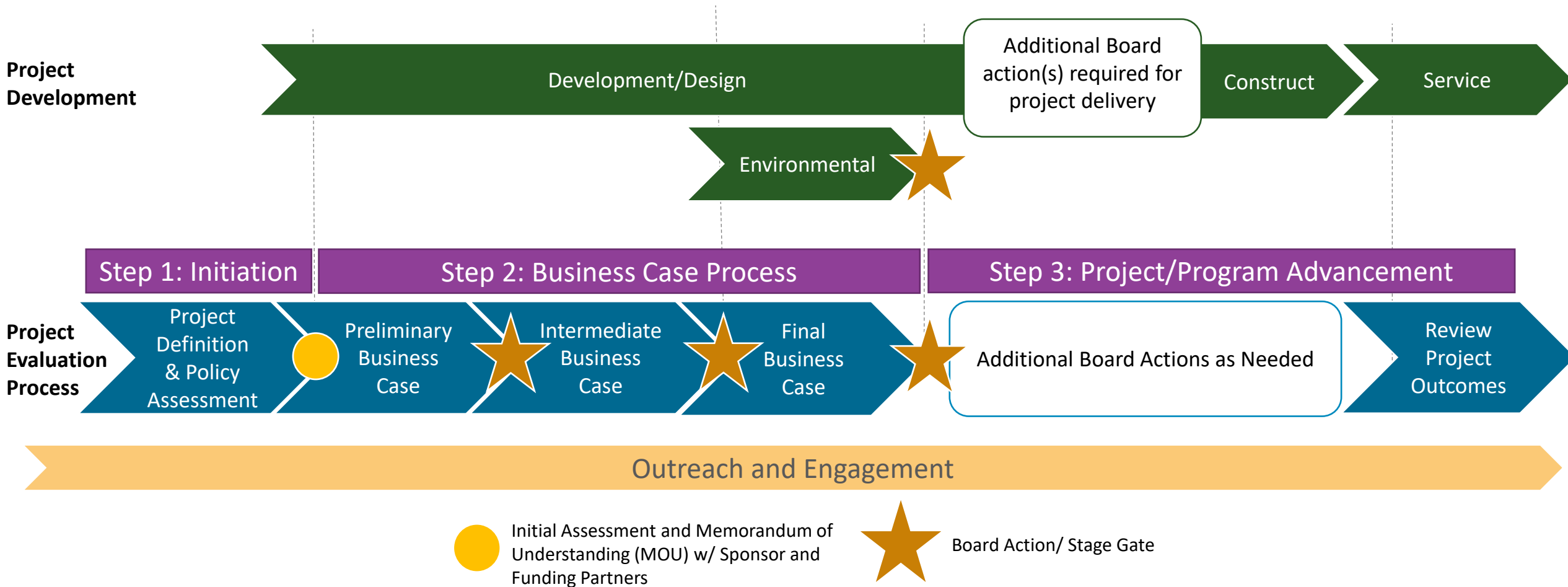
# Proposed Goals and Objectives

Proposed Policy Goals	Proposed Policy Objectives*
Support regional livability and a sustainable, equitable, and prosperous Bay Area	<ul style="list-style-type: none"><li>• Increase ridership and transit mode share</li><li>• Ensure transit-oriented communities bolster BART extensions and infill stations</li><li>• Advance BART, state, and regional environmental goals</li></ul>
Better serve communities and improve the rider experience	<ul style="list-style-type: none"><li>• Ensure equity by prioritizing the needs of transit-dependent riders</li><li>• Improve multimodal connectivity</li><li>• Improve rider experience by enhancing service reliability and connectivity, reducing crowding, and providing a safe and healthy environment</li></ul>
Support stewardship of the BART District & taxpayer investment	<ul style="list-style-type: none"><li>• Ensure the District's long-term financial sustainability</li><li>• Deliver cost-effective improvements that meet riders' needs</li><li>• Improve system performance and resiliency without detracting from existing service or overburdening existing assets</li></ul>

\* See Policy Document for Full Language on Objectives



# Proposed Implementation Process\*



# Step 1: Project Initiation

- Project Proposed by:
  - BART to address a strategic need; or
  - State or regional entity; or
  - Local jurisdictions, funding or planning agencies, and other entities.
- Project Definition to Begin the Business Case Process:
  - Problem statement defining opportunity and key issues
  - Vision statement, project goals and objectives and conceptual scope
  - Set of proposed options (including non-BART)
  - Be a named project in MTC's Plan Bay Area transportation project list (or working towards inclusion)
- Policy consistency with Federal, State, local, and BART guidelines/programs
  - Examples: this policy, BART TOD Guidelines, MTC policies, FTA New Starts
- If determined to be consistent and funding for the Initial Business Case identified, BART and partners enter into an MOU

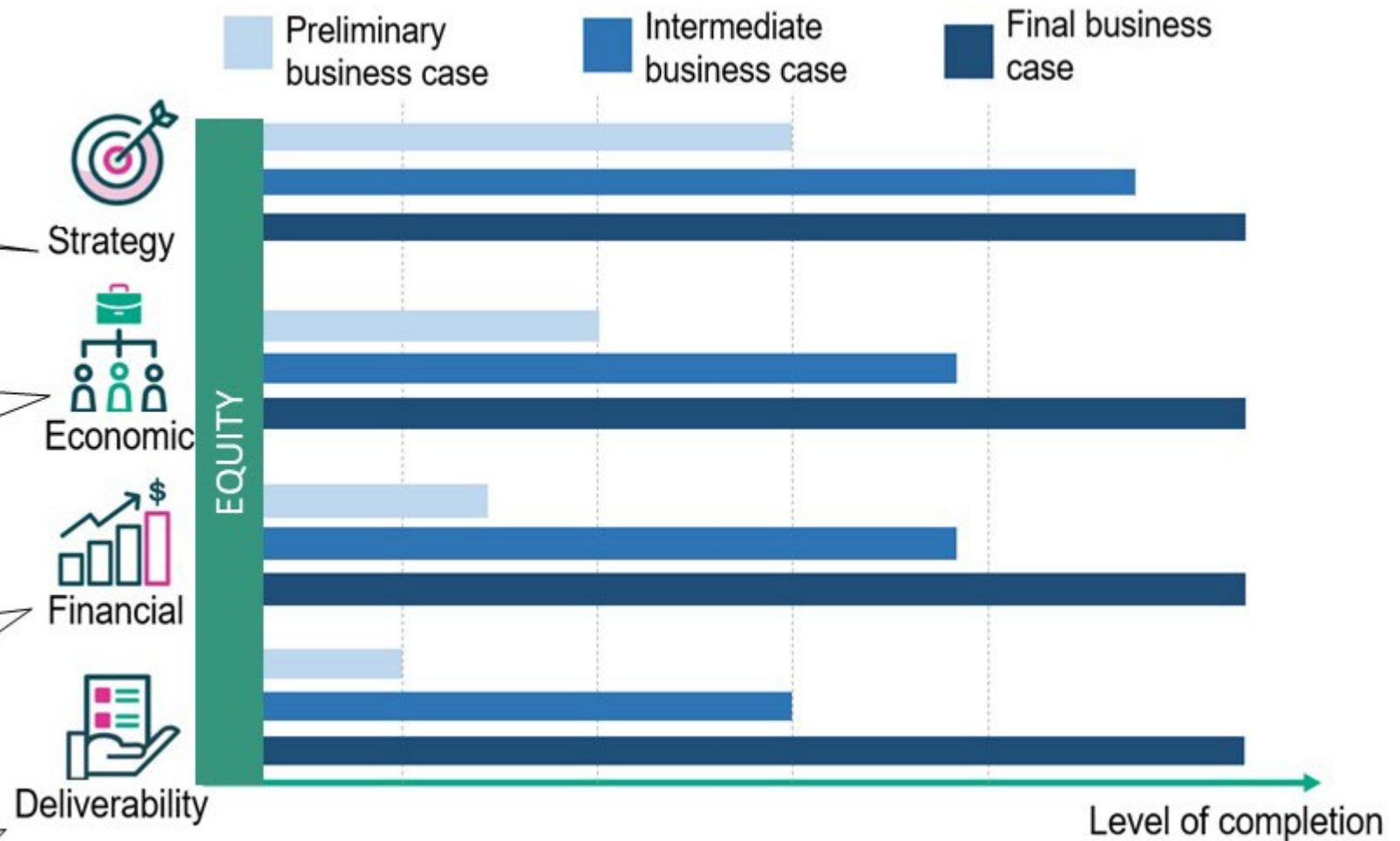
## Step 2: Business Case Evaluation of 4 Elements

Defines the strategic need, alignment with BART's goals and objectives, and consistency with the Federal, state, regional, and local policies

Costs and benefits to the region and individual riders and core impacts on system service levels

Financial impact (capital, operating, and revenue) of implementation; develop funding and management plans

Risks and requirements in delivery and operations; develop procurement, operating, and maintenance plans



## Step 3: Project/Program Advancement

- As a project proceeds beyond the final business case and environmental review, additional Board actions may be required
  - Project may warrant regular updates and/or additional stage gates
  - New action may be required if there are substantive changes to the project, conditions, and/or cost
  - Projects may include in-service evaluation
- In all cases project delivery will require further board action(s) in parallel to policy advancement (i.e. contract award, etc)

# Next Steps

- Discussion and Final Revisions
- Seek BART Board approval Fall 2023

# Discussion



## SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

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### MEMORANDUM

**TO:** Board of Directors **DATE:** September 8, 2023

**FROM:** President Li  
Vice President Foley

**SUBJECT:** Vaccination Policy Update

Dear Fellow BART Directors:

The San Francisco Bay Area Rapid Transit District ("BART") adopted a COVID-19 vaccination requirement for all employees, Board members, contractors, and consultants effective December 13, 2021, with exceptions for those employees who qualified for a Reasonable Accommodation or Religious Exemption. The COVID-19 vaccination requirement was reasonable and necessary at the time to keep BART's employees and riders safe during an unprecedented public health emergency.

As public health emergencies at the local, state, and federal level have expired or have been lifted, it is our recommendation that the Board amend the COVID-19 vaccine mandate at BART. This recommendation is based on an extensive review of multiple factors, including public health considerations, operational feasibility, and the evolving nature of the pandemic. The following points outline the rationale for recommending the policy amendment:

- 1. Evolving Public Health Landscape:** The COVID-19 pandemic has been characterized by rapidly changing circumstances, including the emergence of new variants and shifts in public health recommendations. The removal of the vaccine mandate allows BART to adapt its approach to the evolving situation and align its policies with the most current scientific evidence.
- 2. Operational Efficiency:** The implementation and enforcement of the vaccine mandate posed logistical challenges, including vaccine verification, exemptions, and compliance tracking. By removing the mandate, BART will refocus its resources on providing safe and efficient transit service.
- 3. Employee Morale and Trust:** The decision to remove the mandate fosters an environment of trust and mutual respect between BART and its employees. Acknowledging personal choices contributes to higher morale, job satisfaction, and a stronger sense of collaboration.

4. **Ongoing Monitoring:** BART will continue to closely monitor the COVID-19 situation in collaboration with State and Local health authorities. This proactive approach ensures that the organization can swiftly respond to changing circumstances and implement appropriate measures as needed.

We realize that implementation of the COVID vaccine mandate was necessary to protect our employees and our riders in an unprecedented situation the pandemic presented. We also are cognizant that this decision impacted our employees, their families, and our riders. However, adoption of this amendment is necessary to adapt to the current environment in a way that will respect the rights and choices of all stakeholders.

Should you have any further questions or require additional information, please do not hesitate to reach out.



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Janice Li  
President



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Mark Foley  
Vice President



### Amended Statement of Policy:

~~The Coronavirus Pandemic of 2019 ("COVID-19") has brought tremendous challenges to the San Francisco Bay Area Rapid Transit District ("BART"). Since the national emergency shutdown in March 2020, when ridership dropped below 5%, BART has lost over 20,960 days of productivity and had 2,377 employees use pandemic related leave demonstrating the breathtaking toll the pandemic has had on our staff and service. Those effects continue as we face challenges with the Delta variant increasing the transmissibility of the disease. In response to the pandemic and its variants, numerous federal, state, and local entities, including three of the four largest counties in the Bay Area, have implemented vaccination requirements to protect workers and the public.~~

~~Whereas in winter 2020 BART saw between a three and nine fold increase in cases, and the current prevalence of the Delta variant causing positive cases at a 54% higher rate for unvaccinated employees, BART must take responsible action to protect our ability to function. BART has a duty to provide a safe and healthy workplace, consistent with COVID-19 public health guidance and legal requirements, to protect its employees and the public as services reopen and more employees return to workplaces.~~

~~According to the federal Centers for Disease Control and Prevention ("CDC"), the California Department of Public Health ("CDPH"), and County Health Officers, COVID-19 continues to pose a risk, especially to individuals who are not fully vaccinated, and certain safety measures remain necessary to protect against COVID-19 cases and deaths. Vaccination is the most effective way to prevent transmission and limit COVID-19 hospitalizations and deaths. Unvaccinated employees are at greater risk of contracting and spreading COVID-19 within the workplace and BART facilities, as well as to the public that depends on our services.~~

~~Therefore, all BART employees and Board members shall be fully vaccinated against COVID-19 by December 13, 2021, with exceptions made only for those who qualify for a Reasonable Accommodation or a Religious Exemption. The Board also directs the General Manager to bargain over the policy and impacts of this decision prior to the requested implementation of the policy on December 13, 2021. During this time the Board directs BART to prioritize culturally competent outreach and conduct an education campaign for the remaining unvaccinated population. Finally, the Board directs the General Manager to implement vaccination requirements for consultants and contractors who perform work on BART property.~~

The San Francisco Bay Area Rapid Transit District ("BART") adopted a COVID-19 vaccination requirement for all employees, Board members, contractors, and consultants effective December 13, 2021, with exceptions for those employees who qualified for a Reasonable Accommodation or Religious Exemption. The COVID-19 vaccination requirement was reasonable and necessary at the time to keep BART's employees and riders safe during an unprecedented public health emergency. Since then, the State of California's declared state of emergency has ended, effective February 28, 2023, and the federal public health emergency has ended, effective May 11, 2023. Additionally, there has been a decline in the severity of COVID-19, widespread adoption of vaccination in the Bay Area, and an increase in the availability of rapid testing and effective treatments for COVID-19.

As a result of these developments, COVID-19 vaccination is no longer a necessary condition of employment at BART to keep employees and riders safe. Effective September 14, 2023, COVID-19 vaccination will no longer be required for BART employees, Board members, contractors, and consultants.

Employees are strongly encouraged to stay up to date with COVID-19 vaccination and to follow all current Centers for Disease Control ("CDC") recommendations with respect to COVID-19 vaccination, prevention, testing, and treatment. COVID-19 vaccines are free and widely available. For more information, employees may consult with the BART Safety Department, or access public health guidance from the CDC or the California Department of Public Health.

## **Coronavirus Pandemic – (COVID-19)**

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### **Amended Statement of Policy:**

The San Francisco Bay Area Rapid Transit District ("BART") adopted a COVID-19 vaccination requirement for all employees, Board members, contractors, and consultants effective December 13, 2021, with exceptions for those employees who qualified for a Reasonable Accommodation or Religious Exemption. The COVID-19 vaccination requirement was reasonable and necessary at the time to keep BART's employees and riders safe during an unprecedented public health emergency. Since then, the State of California's declared state of emergency has ended, effective February 28, 2023, and the federal public health emergency has ended, effective May 11, 2023. Additionally, there has been a decline in the severity of COVID-19, widespread adoption of vaccination in the Bay Area, and an increase in the availability of rapid testing and effective treatments for COVID-19.

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