

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, March 14, 2024

9:00 AM

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

Zoom Link: <https://us06web.zoom.us/j/88056389987>

Board of Directors

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

BOARD MEETING AGENDA

March 14, 2024

9:00 a.m.

A regular meeting of the Board of Directors will be held at 9:00 a.m. on Thursday, March 14, 2024, in the BART Board Room, 2150 Webster Street, 1st Floor, Oakland, California 94612.

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 880 5638 9987; logging in to Zoom.com and entering access code 880 5638 9987; or typing the following Zoom link into your web browser:

<https://us06web.zoom.us/j/88056389987>

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 March 13, 2024, 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 880 5638 9987, 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 880 5638 9987, and use the raise hand feature; or join the Board Meeting via the Zoom link (<https://us06web.zoom.us/j/88056389987>) 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; 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, 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.
 - i. Bryan Carmel, Co-Founder, Oakland Ballers.
 - ii. Paul Freedman, Co-Founder, Oakland Ballers.

2. REPORT OF THE BOARD PRESIDENT3. BOARD COMMITTEE REPORTS

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

4. CONSENT CALENDAR

- A. Approval of Minutes of the Meetings of November 16, 2023, December 7, 2023, and January 25, 2024. [24-106](#)
Board requested to authorize.
- B. Recruitment and Relocation Assistance for Assistant General Manager, Administration. [24-123](#)
Board requested to authorize.
- C. Change Orders to Contract No. 11IA-112, Civic Center Scissor Stairs Project, with Wickman Development and Construction. [24-110](#)
Board requested to authorize.
 - i. For Realignment of Full Height Barrier.
 - ii. For Painting and Repairs to Temporary Barriers.
 - iii. For Installation of Two Closure Rails on Existing Stairs.
 - iv. For Delays and Impacts Due to Delayed Site Access, Changes to Temporary Barriers, Hazardous Material Removal, and Changes to Terrazzo Flooring.
- D. Award of Contract No. 15QJ-121, Roof Replacement at Bayfair & Fremont Stations Platform Canopies. [24-111](#)

Board requested to authorize.

- E. Award of Contract No. 15QL-111, A-Line Site Improvement at Bayfair Station Parking Lot. [24-112](#)
Board requested to authorize.
- F. Award of Invitation for Bid No. 9132, High Rail Inspection Crew Truck. [24-113](#)
Board requested to authorize.
- G. Sole Source Agreement with CORYS for Hardware and Software Update to the D-Car Train Simulator to Reflect Communications Based Train Control Modifications. [24-078](#)
Board requested to authorize.
- H. Change Order to Contract No. 40FA-110, Procurement of Transit Vehicles, with Alstom (formerly Bombardier Transit Corporation), for Train to Wayside and Wi-Fi System. [24-120](#)
Board requested to authorize.
- I. Change Order to Contract No. 40FD-110, Procurement of Transit Vehicles, with Alstom (formerly Bombardier Transit Corporation), for Train to Wayside and Wi-Fi System. [24-121](#)
Board requested to authorize.
- J. Rescission of Prior Award and New Award of Invitation for Bid No. 9134, Taylor-Dunn Bigfoot Carts. [24-124](#)
Board requested to authorize.
- K. Amendment to the Pleasant Hill BART Station Leasing Authority Ground Lease to Allow Residential Use on Block D of the Pleasant Hill/Contra Costa Centre BART Station Transit Village. [24-087](#)
Board requested to authorize.
- L. Declaration of Property as Exempt Surplus Land at North Berkeley BART Station for Transit-Oriented Development Project. [24-126](#)
Board requested to adopt.

5. CLOSED SESSION

A. PUBLIC EMPLOYEE EMPLOYMENT/APPOINTMENT

Title: General Counsel

Government Code Section: 54957(b)(1)

B. CONFERENCE WITH LABOR NEGOTIATORS

Agency Negotiators: President Dufty, Vice President Foley, and Director Simon

Title: General Counsel

Government Code Section: 54957.6

6. OPEN SESSION

- A. Announcements from Closed Session, if any.
- B. Compensation and Benefits for General Counsel. For action.

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. PLANNING, PUBLIC AFFAIRS, ACCESS, AND LEGISLATION ITEMS

Robert Raburn, Chairperson

- A. BART Transit-Oriented Development Program Work Plan Update. [24-084](#)
For information.
- B. Update on 2024 Bay Area Regional Housing Bond. [24-086](#)
For information.

10. ADMINISTRATION ITEMS

Janice Li, Chairperson

- A. Fiscal Year 2024 Second Quarter Financial Report. [24-107](#)
For information.

11. ENGINEERING AND OPERATIONS ITEMS

Lateefah Simon, Chairperson

- A. Surveillance Impact Reports for Multiple Projects: BART Closed [24-108](#)

Circuit Television and Public Emergency Phone Towers.

Board requested to authorize.

B. BART Employee Safety Update.

[24-109](#)

For information.

12. 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 the 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.)

13. CLOSED SESSION

A. 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)

14. OPEN SESSION

A. Announcement from Closed Session, if any.

15. 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 1,944TH MEETING THURSDAY, NOVEMBER 16, 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 Regular Meeting of the Board of Directors was held on November 16, 2023, convening at 1:01 p.m. in the BART Board Room, 2150 Webster Street, 1st Floor, Oakland, California. President Li presided, April B. A. Quintanilla, District Secretary.

1. CALL TO ORDER

President Li called the Meeting to order at 1:01 p.m.

A. Roll Call.

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

Directors Present via Teleconference: Vice President Foley.

Absent: None.

Vice President Foley announced that he was attending the Meeting via teleconference under the Just Cause provision of Government Code Section 54953(f).

B. Pledge of Allegiance. Director McPartland led the Pledge of Allegiance.

C. Introduction of Special Guests. No Special Guests were introduced.

2. CLOSED SESSION

A. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Property: Property (including air rights) located at Ashby BART Station, 3100 Adeline Street, Berkeley 94703. APNs 53-1597-39-04 and 53-1703-009-00.

District Negotiators: Val Menotti, Chief Planning and Development Officer; Deb Castles, Principal Property Development Officer; Carli Paine, Group Manager of Transit-Oriented Development; and Darin Smith, Economic and Planning Systems.

Negotiating Parties: San Francisco Bay Area Rapid Transit District and City of Berkeley.

Under Negotiation: Price and Terms

Government Code Section: 54956.8

B. PUBLIC EMPLOYEE EMPLOYMENT

Title: General Counsel

Government Code Section: 54957(b)(1)

President Li brought the item before the Board.

Public Comment

Charles Gary and Aleta Dupree addressed the Board.

President Li indicated that the Board would enter into Closed Session under Items 2-A (Conference with Real Property Negotiators) and 2-B (Public Employee Employment) of the Regular Meeting agenda, and that the Board would reconvene in Open Session upon conclusion of the Closed Session.

The Board Meeting recessed at 1:08 p.m.

The Board reconvened in Closed Session at 1:10 p.m.

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

Directors Present via Teleconference: Vice President Foley.

Absent: None. Director McPartland entered the Meeting later.

Director McPartland entered the Meeting in Oakland.

The Board Meeting recessed at approximately 2:29 p.m.

3. OPEN SESSION

The Board reconvened in Open Session at 2:38 p.m.

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

Directors Present via Teleconference: Vice President Foley.

Absent: None.

A. Announcements from Closed Session, if any.

President Li announced that the Board had concluded its Closed Session under Items 2-A and 2-B and that there were no announcements to be made.

4. REPORT OF THE BOARD PRESIDENT

President Li brought the item before the Board and provided an update on the ongoing Holiday Toy Drive, noting that the recipients of the toy drive were the Community Youth Center and the Samoan Youth Development Center in San Francisco, which is involved in commendable work within the Asian

American/Pacific Islander and Bay View Hunters Point communities. President Li expressed excitement about the toy drive and encouraged Board Members to support the toy drive, emphasizing that the contributions would benefit families in need during the holiday season.

President Li also indicated that Board Members had received an email from staff regarding the details of the toy drive and highlighted Molly Burke, Principal Government and Community Relations Representative, as the contact person for any inquiries or assistance with the donation process.

Public Comment

No comments were received.

5. BOARD COMMITTEE REPORTS

President Li called for Board Committee Reports. Director Simon, Chairperson of the Financial Structure Ad Hoc Committee, provided an update on the Financial Structure Ad Hoc Committee Meeting on November 16th. Director Simon indicated that the Committee had a productive session, featuring a presentation from UpLift Consultants and recommendations regarding the Chief Financial Officer (CFO) position and financial structure change. Director Simon noted that the Committee unanimously approved the recommendations and that the full report and presentation were scheduled for the Board's approval on December 7th. Director Simon expressed gratitude to the consultants, staff, and committee members for their contributions to the process.

Public Comment

No comments were received.

6. CONSENT CALENDAR

President Li brought the following Consent Calendar items before the Board.

- A. Approval of Minutes of the Meeting of June 30, 2023 (Special).
- B. Appointment of BART Police Citizen Review Board Member - District 1.
- C. Agreement with Oracle America, Inc. for Exadata Hardware and Software Upgrade.
- D. Award of Agreement No. 6M3689 with Falcon Force, Inc., for Bird Abatement Services.
- E. Change Order to Contract No. 6M4706, Design-Build of BART Headquarters, with Turner Construction Company, for BART Headquarters Multipurpose Room and Other Improvements.
- F. Change Orders to Contract No. 15EK-102, TCCCP New Traction Power Facilities, West Bay, with C3M Clark Cupertino A Joint Venture, for Various Items.
 - i. Change Order for Abatement of Asbestos.
 - ii. Change Order for Anticipated Cost of Future Unplanned Design Modifications.
 - iii. Change Order for Delay to the Critical Path and Substantial Completion to Civic Center and Montgomery Stations.
 - iv. Change Order for Replenish Allowance for District Caused Delays.
 - v. Change Order for Replenish Allowance for Differing Site Conditions.

- vi. Change Order for Replenish Allowance for Partnering.
- vii. Change Order for Replenish Allowance for Uniformed Off-Duty Police Officers.

- G. Change Order to Contract No. 15EK-145, Traction Power Substation Replacement KTE Installation, with Rosendin Electric, Inc., for Construction Costs Associated with Design Modifications.
- H. Change Order to Contract No.47CJ-230A, Procurement of Fare Gates, with STraffic America, LLC, for the Fare Gate Central System/Monitoring Control System.

Director Allen requested that Item 6-B, Appointment of BART Police Citizen Review Board Member - District 1, be removed from the Consent Calendar.

Director Allen introduced Torin Fischer as her selected appointee for the District 1 seat on the BART Police Citizen Review Board and expressed her pleasure in introducing him, highlighting his extensive experience in governmental service, including his recent service on the Civil Grand Jury for Alameda County.

Public Comment

Torin Fischer addressed the Board.

Director Raburn moved that the Board of Directors ratifies the appointment of Torin Fischer as the District 1 representative on the BART Police Citizen Review Board for the current term of service, beginning on November 16, 2023, and expiring on June 30, 2024.

Director Ames seconded the motion.

Action

Upon motion by Director Raburn and second by Director Ames, the Board of Directors ratified the appointment of Torin Fischer as the District 1 representative on the BART Police Citizen Review Board for the current term of service, beginning on November 16, 2023, and expiring on June 30, 2024, by unanimous roll call vote.

Vote Summary:

Moved / Seconded: Director Raburn / Director Ames

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

No: 0.

Abstain: 0.

Result: 9-0, motion carried by unanimous roll call vote.

President Li brought the Consent Calendar Items 6-A and 6-C through 6-H before the Board.

Director Raburn moved to approve Consent Calendar Items 6-A and 6-C through 6-H by one motion.

Director Simon seconded the motion.

Public Comment

Aleta Dupree addressed the Board.

Discussion

The item was discussed, with the following highlight:

Director Saltzman expressed excitement about the agreement with Falcon Force for the use of falcons to address issues related to pigeons at BART stations.

Action

Upon motion by Director Raburn and second by Director Simon, the Board took the following actions by unanimous roll call vote.

Vote Summary:

Moved / Seconded: Director Raburn / Director Simon

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

No: 0.

Abstain: 0.

Absent: 0.

Result: 9-0, motion carried by unanimous roll call vote.

- A. The Minutes of the Meeting of June 30, 2023 (Special), were approved. *(Vote: 9-0)*
- C. The General Manager or his designee was authorized to execute a one (1) year Exadata upgrade agreement with Oracle America, Inc. in an amount not to exceed \$769,000.00. The General Manager was also authorized to exercise three (3) single year options to renew support services, in an amount not to exceed \$560,000.00 per option year. *(Vote: 9-0)*
- D. The General Manager was authorized to award Agreement No. 6M3689 to Falcon Force, Inc., of La Crescenta, California, to provide on-site bird abatement services in an amount not to exceed \$2,685,312.00 for a base term of three (3) years and up to two (2) one-year options for a maximum term of five (5) years. *(Vote: 9-0)*
- E. The General Manager or his designee was authorized to execute Change Order No. 518 to Contract No. 6M4706, for Design and Construction of the BART Headquarters (BHQ) Project in an amount not to exceed \$1,300,000.00. *(Vote: 9-0)*
- F. The General Manager was authorized to execute the Change Orders 31, 75, 76, 77, 78, 79, 80 identified above (in the Executive Decision Document) in an aggregate amount not to exceed \$4,383,369.00 to Contract No. 15EK-102, TCCCP New Traction Power Facilities, West Bay. (The referenced Executive Decision Document is attached and hereby made a part of these Minutes.) *(Vote: 9-0)*
- G. The General Manager was authorized to execute the Change Order identified above (in the Executive Decision Document) in an aggregate amount not to exceed \$1,460,241.69 to Contract No. 15EK-145, Traction Power Substation Replacement KTE Installation. (The referenced Executive Decision Document is attached and hereby made a part of these Minutes.) *(Vote: 9-0)*

- H. The General Manager was authorized to execute a Change Order with STraffic America, LLC for an amount not to exceed \$4,000,000.00 to Contract No. 47CJ-230A for Next Generation Fare Gates.
(Vote: 9-0)

7. **GENERAL MANAGER'S REPORT**

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

Robert Powers, General Manager, reported on the Metropolitan Transportation Commission's (MTC) approval of a funding distribution framework with BART securing \$58 million in Fiscal Year 2025 and \$294 million in Fiscal Year 2026; ridership; his listening tour; and the fare gates deployment, beginning at West Oakland Station.

General Manager Powers also highlighted the importance of recognizing November as "Salute to Service Month" and recognized Jonathan Piol, Senior Police Officer; Ace Lanta, Community Services Officer; and Kevin Franklin, Chief of Police, for introducing a patch on BART police uniforms to honor community members who have served in the military. General Manager Powers presented Director McPartland with one of the special patches in recognition of his military service.

Public Comment

Aleta Dupree addressed the Board.

Discussion

The item was discussed with the following highlights:

Director Saltzman thanked General Manager Powers and his team for securing the agreement from the MTC, acknowledging the significance of the achievement. Director Saltzman also expressed gratitude to Board Members who reached out to MTC Commissioners and emphasized the importance of maintaining communication with MTC for future collaborations.

President Li echoed Director Saltzman's sentiments, highlighting positive conversations with MTC Commissioners and recognizing the valuable contribution of labor partners in advocacy efforts.

Director McPartland expressed appreciation for the special patch he received from General Manager Powers.

Director Dufty acknowledged General Manager Powers, Chief Franklin, and the BART team for their efforts related to sidewalk vending issues in San Francisco. Director Dufty also highlighted the challenges faced by the City and County of San Francisco in banning sidewalk vending and commended BART's response, including the temporary suspension of vendors at specific BART stations.

Vice President Foley thanked General Manager Powers for co-authoring an article that appeared in "Newsweek" related to the transit "bailout."

8. **PUBLIC COMMENT**

President Li called for general 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.

The following individuals addressed the Board:

Barney Smits
Glenn Overton
Aleta Dupree

11. **PLANNING, PUBLIC AFFAIRS, ACCESS, AND LEGISLATION ITEMS** **Director Saltzman, Chairperson**

Item 11 was heard after Item 8, Public Comment.

- A. Purchase of Office Building at 2000 Broadway, Oakland, CA for BART Police Department Administrative Headquarters.

Director Saltzman, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, brought the item before the Board.

Val Menotti, Chief Planning and Development Officer; Gina Galetti, Deputy Chief of Police; and Alesia Strauch, Principal Right of Way Officer, presented the item.

Public Comment

The following individuals addressed the Board:

Skyler Parker
Glenn Overton
James Perez
Aleta Dupree

Discussion

The item was discussed, with the following highlights:

Director Raburn emphasized the aging condition of the current BART Police Department facility, requiring costly seismic upgrades and replacement of outdated systems, thus, hindering operations. Director Raburn also underscored the relocation of the police headquarters as a rare win-win opportunity for riders' safety and affordable housing, noting that it paves the way for Transit-Oriented Development (TOD) at the current Lake Merritt Station, providing over 500 much-needed housing units, with over 40% designated as affordable.

Director Raburn moved that the General Manager or his designee be authorized to execute a Purchase and Sale Agreement with Kaiser Foundation Health Plan Inc. to purchase an office building at 2000 Broadway, Oakland CA 94612 for BART's Police Administrative Headquarters at a price not to exceed \$26,265,000.00 (inclusive of deposit and estimated closing costs); and that the General Manager or his

designee be authorized to execute any and all agreements and other documents in order to effectuate the preceding motion.

Director Dufty seconded the motion.

Director Ames inquired about using BART Safety, Reliability and Traffic Relief Program (Measure RR) interest funds for the new Police Department facility and emphasized the need for transparency in land agreements and financing mechanisms. Director Ames proposed exploring the MET Building as a potential relocation site for the Police Department, highlighting its temporary vacancy and perceived safety.

Director Saltzman clarified that the decision not to include a Police Department facility in the Lake Merritt development agreement was made by the Board in a previous vote and emphasized the need to focus on moving forward rather than looking back at past decisions.

Director Dufty expressed confidence in the proposal and highlighted the challenges of finding a suitable location for a public safety facility, emphasizing the aging condition of the current building, and the enhanced potential for recruiting and retaining personnel.

Director Allen inquired about the use of \$26 million from Measure RR earnings for the purchase of new real estate, especially when an existing building of similar age is being transferred to housing developers as part of the TOD project. Director Allen also expressed hesitation about supporting the proposed project at this time due to the financial situation of BART, emphasizing the significant deficit in the capital budget.

President Li expressed support for the proposed project and addressed the financial implications of retrofitting and renovating the existing MET Building, noting that the costs would be similar to those of purchasing and renovating the proposed new building at 2000 Broadway.

Director McPartland highlighted the importance of having a Police Department capable of responding efficiently to emergencies.

Vice President Foley expressed support for staff's recommendation, noting that investing in the new building makes sense for BART, allowing for modernization, potential revenue and ridership growth, and aligning with the TOD commitment.

Director Simon expressed support for the proposed facility for processing victims of crime and highlighted the significance of BART having its own facilities rather than relying on rented properties, indicating that the purchase would be a wise fiscal decision.

Director Saltzman emphasized the need for a permanent facility for the Police Department; highlighted the challenges of the current temporary location, such as lack of locker rooms, showers, and cubicles; and cited the potential loss of TOD opportunities if the current facility is not upgraded.

Action

Upon motion by Director Raburn and second by Director Dufty, the General Manager or his designee was authorized to execute a Purchase and Sale Agreement with Kaiser Foundation Health Plan Inc. to purchase an office building at 2000 Broadway, Oakland CA 94612 for BART's Police Administrative

Headquarters at a price not to exceed \$26,265,000.00 (inclusive of deposit and estimated closing costs); and the General Manager or his designee was authorized to execute any and all agreements and other documents in order to effectuate the preceding motion by roll call vote.

Vote Summary:

Moved/Seconded: Director Raburn / Director Dufty

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

No: Directors Allen and Ames.

Abstain: 0.

Result: 7-2, motion carried by roll call vote.

B. Ashby BART Station Transit-Oriented Development Update.

Director Saltzman brought the item before the Board.

Chief Planning and Development Officer Menotti; Carli Paine, Group Manager, Transit-Oriented Development; and Deb Castles, Manager of Property Development Projects, presented the item.

Public Comment

The following individuals addressed the Board:

Jerry Grace
Glenn Overton
Jack Kurzweil
Aleta Dupree
Moni Law
Kitt Saginor

Discussion

The item was discussed, with the following highlights:

Director Saltzman shared a message from Councilmember Ben Bartlett of the Berkeley City Council, who expressed support for moving forward with housing at Ashby Station.

Director Simon expressed appreciation for the compromise made regarding the traction power substation and highlighted the importance of providing housing for families, veterans, and low-income individuals. Director Simon also expressed gratitude to the Berkeley City Council, BART staff, and the community for their dedication to the project and their decade-long effort to create a positive outcome for Ashby Station.

Director Ames expressed appreciation for the Ashby Station TOD project and acknowledged the efforts made by staff and the community to include the Flea Market into the plan.

Director Raburn expressed gratitude for the housing solution for the Ashby Station TOD project, allowing for a substantial increase in housing from 35% to 50%.

Director Saltzman expressed appreciation for staff and Director Simon's leadership in navigating the complexities of the Ashby Station TOD project, acknowledging the significant effort and time involved in such negotiations.

Action

No Board action was taken, as the item was presented for information only.

10. ENGINEERING AND OPERATIONS ITEMS

Director Foley, Chairperson

Item 10 was heard after Item 11-B, Ashby BART Station Transit-Oriented Development Update.

A. Quarterly Service Performance Review – First Quarter Fiscal Year 2024.

Vice President Foley, Chairperson of the Engineering and Operations Committee, brought the item before the Board.

Shane Edwards, Assistant General Manager, Operations, and Chief Franklin presented the item.

Public Comment

Glenn Overton and Aleta Dupree addressed the Board.

Discussion

The item was discussed, with the following highlights:

Director Saltzman commended the positive aspects of the Quarterly Performance Report (QPR), highlighting improvements in reliability and the increased visibility of police department personnel. Director Saltzman also expressed ongoing concern about poor on-time performance at MacArthur Station, citing personal experiences of delays and disruptions during the daily BART commute.

Director Raburn commended the QPR and expressed anticipation for reviewing the data in the next quarter to assess the impact of recent changes.

Director Allen expressed encouragement at the improvement in the QPR and hope for sustained progress, especially regarding police department personnel presence. Director Allen also emphasized the importance of hiring and filling vacant positions.

President Li expressed positivity about the progress shown in the presentation and suggested sharing the information with elected officials, including Supervisors, Assemblymembers, and MTC Commissioners to highlight the positive changes.

Action

No Board action was taken, as the item was presented for information only.

B. Revitalizing BART Operations Control Center.

Vice President Foley brought the item before the Board.

Assistant General Manager Edwards; Tera Stokes-Hankins, Chief Transportation Officer; Alaric Degrafinried, Assistant General Manager, Administration; and Asiann Chan-Velasco, Assistant Chief Transportation Officer, presented the item.

Public Comment

Aleta Dupree and Sal Cruz addressed the Board.

Discussion

The item was discussed, with the following highlight:

President Li expressed gratitude for the update; acknowledged the Operations Control Center's challenges; and expressed appreciation for the efforts to address hiring and retention issues, particularly the overhaul to directly tackle longstanding problems.

Action

No Board action was taken, as the item was presented for information only.

C. BART Silicon Valley Phase II Extension Update.

Vice President Foley brought the item before the Board.

Assistant General Manager Edwards; Gary Griggs, Chief BART Silicon Valley Program Officer, Santa Clara Valley Transportation Authority (VTA); and Tom Maguire, Chief BART Silicon Valley Program Officer (VTA), presented the item.

Public Comment

The following individuals addressed the Board:

Barney Smits
Jerry Grace
Aleta Dupree
Glenn Overton

Discussion

The item was discussed with the following highlights:

Director McPartland commended the professional presentation and inquired about the transition from construction to operation. Director McPartland also expressed sensitivity to ventilation issues, especially in relation to changes in design.

Director Simon exited the Meeting.

Director Ames expressed concern about the depth of the Silicon Valley Phase II project; inquired about the decision to proceed with a single-bore design; and highlighted potential issues with transparency and cost escalation, suggesting that the project cost has increased significantly in a short period. Director Ames also proposed the need for an ad hoc committee to analyze constructability issues and compare the twin-bore and single-bore designs at this stage of the project.

Director Raburn expressed the importance of safety and passenger convenience; inquired about safety and the design of station access on both sides of Santa Clara Street; and requested information about the Fire Life Safety Committee's reasoning for the design change.

Director Allen commented on the possibility of revisiting the decision between single and twin-bore tunnel construction and expressed concern about the substantial cost increases over the past three years and having three program chiefs in three years.

President Li expressed continued support for the BART project and acknowledged the challenging nature of its current state. President Li also expressed concern about the leadership changes in the project over the past three years and the impact on costs and underscored the importance of VTA-BART Board collaboration.

Action

No Board action was taken, as the item was presented for information only.

9. ADMINISTRATION ITEMS **Director Dufty, Chairperson**

- A. Fiscal Year 2023 Year-End Budget Revision.

Item 9-A was continued to a future Board Meeting.

President Li indicated that Item 9-A would be continued to a future Board Meeting.

12. BOARD MATTERS

- A. Board Member Reports.
- B. Roll Call for Introductions.
- C. In Memoriam.

President Li called for Items 12-A, Board Member Reports; 12-B, Roll Call for Introductions; and 12-C, In Memoriam.

Director Dufty requested that the Meeting be adjourned in honor of Michael Youens, a regular BART rider from San Francisco to Berkeley.

Director Ames reported that she had attended the Alameda County Mayors' Conference at California State University, East Bay and mentioned promoting the extension of the Clipper® Bay Pass pilot program to the university.

Director Saltzman acknowledged and praised the Safe and Clean presentations conducted by BART staff and commended their efforts to make these presentations successful. Director Saltzman also encouraged Board Members to participate in the Safe and Clean presentations to inform the public about BART's activities.

Director Raburn reported that he had attended the San Lorenzo Halloween Parade and Día de Los Muertos event in Fruitvale. Director Raburn also reported on giving a Safe and Clean presentation to the San Leandro Breakfast Club and that he had shared positive news with Alameda County mayors regarding MTC's support for sustaining BART.

Director Dufty exited the Meeting.

Vice President Foley reported that he had attended a conference in Pasadena and expressed disappointment about the Oakland A's official departure from the Bay Area.

President Li expressed dissatisfaction with certain individuals, particularly John Fisher, regarding the Oakland A's situation.

13. ADJOURNMENT

The Meeting adjourned at 7:06 p.m. in honor of Michael Youens.

April B. A. Quintanilla
District Secretary



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <div style="float: right; text-align: right;"> DocuSigned by: <small>47000790F2D7463...</small> </div>		GENERAL MANAGER ACTION REQ'D: Approve and Send to Board		
DATE: 10/26/2023 11/7/2023		BOARD INITIATED ITEM: No		
Originator/Prepared by: David Greenaway Dept: PM/CM - Right of Way <div style="text-align: right;"> DocuSigned by: <small>5E595C789A5A49A...</small> </div> Signature/Date: <div style="text-align: right;">11/7/2023</div>	General Counsel <div style="text-align: right;"> DocuSigned by: <small>18E837040587403...</small> </div> <div style="text-align: right;">11/7/2023 []</div>	Controller/Treasurer <div style="text-align: right;"> DocuSigned by: <small>EE11C8CEEEA04FD...</small> </div> <div style="text-align: right;">11/7/2023 []</div>	District Secretary <div style="text-align: right;">[]</div>	BARC <div style="text-align: right;"> DocuSigned by: <small>8128A2EB2F014F3...</small> </div> <div style="text-align: right;">11/7/2023 []</div>

Change Orders to Contract No. 15EK-102, Transbay Corridor Core Capacity Project (TCCCP) New Traction Power Facilities, West Bay

PURPOSE:

To obtain Board authorization for the General Manager to execute Change Orders to Contract No. 15EK-102 for TCCCP New Traction Power Facilities, West Bay, in an amount not to exceed \$4,383,369.00

DISCUSSION:

The award of Contract No. 15EK-102, TCCCP New Traction Power Facilities, West Bay, to C3M, Clark, Cupertino, A Joint Venture of San Francisco, CA was authorized by the Board on July 23, 2020, in the amount of \$54,959,114.

The Contract is for the procurement and installation of two new traction power substations ("TPSS") at Civic Center ("MCC") and Montgomery Street (MMS) stations. The contract calls for the final design and building of the substation equipment, installation and testing of the equipment, and installation of associated equipment at adjacent facilities. The project is jointly funded by Transbay Corridor Core Capacity Project ("TCCCP") FTA funds and by Measure RR.

To date, District has issued Change Orders to this Contract in the total amount of \$399,166 which is 0.73% of the original Contract amount. The Change Orders requested for approval under this Executive Decision Document ("EDD") would resolve costs associated with

design modifications, construction delays, and would replenish allowance amounts for future work.

Project Staff has identified Change Orders in the not to exceed amount ("NTE") of approximately \$4,383,369. This includes the time delay to the critical path and substantial completion. Project Staff expects a future EDD to account for additional delays and Change Orders to the project.

Summary	Amount	Percentage of Base Bid
Total Base Bid Amount	\$54,959,114	
Agreed/Executed Change Orders	\$399,166	0.73%
Potential Change Orders	\$4,383,369	7.97%
Revised Contract Amount	\$59,741,649	

1. Change Order ("CO") 31 Abatement of Asbestos containing fire-proofing material inside the new TPSS at MMS (\$568,705): This change order is to abate unforeseen Asbestos at Montgomery Street Substation.
2. CO 75 Anticipated cost of future unplanned design modifications (\$1,000,000): Construction costs associated with any future unplanned design modifications.
3. CO 76 Delay to the Critical Path and Substantial Completion to Civic Center ("MCC") and Montgomery ("MMS") Stations (\$664,664): Delays incurred due to design review and BART approval, scheduling and coordination of work in the Right of Way.
4. CO 77 Replenish Allowance for District Caused Delays (\$1,000,000): Anticipated District Caused Delays include setbacks during testing, substation commissioning support, and lack of key personnel due to operational needs.
5. CO 78 Replenish Allowance for Differing Site Condition (\$1,000,000): Anticipated differing site conditions include additional design, material, equipment, and labor to complete the contract work. Other impacts are still to be evaluated.
6. CO 79 Replenish Allowance for Partnering (\$50,000): More partnering sessions will be needed until the end of the project.
7. CO 80 Replenish Allowance for Uniformed Off-Duty Police Officers (\$100,000): Cost already incurred for street closure during crane setup and equipment delivery at MMS in Aug 2023. No further cost is anticipated.

Total Change Orders Amount Needed: \$4,383,369

FISCAL IMPACT:

Funding in the amount of \$4,383,369 for Change Orders to Contract No. 15EK-102 is included in the total project budget for FMS# 15EK600 – Substation for Core Capacity.

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 source:

Fund Group	Fund Description	Amount
Federal	F/G 354S - FTA CA-2020-047 TBCCCP FFGA	48,087,947
Federal	F/G 354T - FTA CA-2020-047 SC90	12,300,300
Federal	F/G 354U - FTA CA-2021-223-00 ARP	7,457,572
Measure RR	F/G 802A/B/C/D - Measure RR GOB	18,154,181
	TOTAL	86,000,000

As of October 10, 2023, \$86,000,000 is the total budget for this project. BART has expended \$64,461,527, committed \$13,836,530, and reserved \$0 to date. This action will commit \$4,383,369, leaving an available fund balance of \$3,318,574 in these 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:

The alternative is to pay only for the work performed so far (CO 31) and the construction delays (CO 76) and to not authorize any allowances until such Change Orders are needed.

This could cause further delays to the project.

RECOMMENDATION:

It is recommended that the Board adopt the following motion.

MOTION:

The General Manager is authorized to execute the Change Orders 31, 75, 76, 77, 78, 79, 80 identified above in an aggregate amount not to exceed \$4,383,369 to Contract No. 15EK-102, TCCCP New Traction Power Facilities, West Bay.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <div style="float: right; border: 1px solid black; padding: 2px; margin-top: 5px;"> DocuSigned by: <i>Michael Jones</i> <small>47000790F2D7463...</small> </div>		GENERAL MANAGER ACTION REQ'D: Approve and Send to Board		
DATE: 10/26/2023 11/7/2023		BOARD INITIATED ITEM: No		
Originator/Prepared by: David Greenaway Dept: PM/CM - Right of Way Signature/Date: <div style="float: right; border: 1px solid black; padding: 2px; margin-top: 5px;"> DocuSigned by: <i>David Greenaway</i> <small>5E595C789A5A49A...</small> </div> <div style="text-align: right;">11/7/2023</div>	General Counsel Signature/Date: <div style="float: right; border: 1px solid black; padding: 2px; margin-top: 5px;"> DocuSigned by: <i>Crystal Matson</i> <small>18E837040587403...</small> </div> <div style="text-align: right;">11/7/2023 []</div>	Controller/Treasurer Signature/Date: <div style="float: right; border: 1px solid black; padding: 2px; margin-top: 5px;"> DocuSigned by: <i>Chris Gan</i> <small>EE11C8CEEEA04FD...</small> </div> <div style="text-align: right;">11/7/2023 []</div>	District Secretary <div style="text-align: right;">[]</div>	BARC Signature/Date: <div style="float: right; border: 1px solid black; padding: 2px; margin-top: 5px;"> DocuSigned by: <i>Shane Edwards</i> <small>8128A2EB2F014F3...</small> </div> <div style="text-align: right;">11/7/2023 []</div>

Change Order to Contract No. 15EK-145, Traction Power Substation Replacement KTE Installation

PURPOSE:

To obtain Board authorization for the General Manager to execute Change Order No. 12 to Contract No. 15EK-145 for Traction Power Substation Replacement KTE ("Transbay Tube East") Installation, in an amount not to exceed \$1,460,241.69

DISCUSSION:

The award of Contract No. 15EK-145, Traction Power Substation Replacement KTE Installation, to Rosendin Electric, Inc of San Jose, CA ("Rosendin") was authorized by the Board on April 9, 2020, in the amount of \$12,552,540.97.

This Contract provides for the replacement of aging traction power equipment to provide safer, more reliable service. The location of the work is at the Oakland KTE Traction Power Substation ("TPSS") located at the District's Transition Trans-Bay Transition Structure Traction Power Substation KTE within the Port of Oakland. The Contract also includes installation of related equipment at three adjacent gap breaker stations. Most of the equipment to be installed by the Contractor is provided by Powell Electrical Systems, Inc. ("Powell"), under a separate procurement contract, 15EK-210, Procurement of Traction Power Substations, Phase 1. Furthermore, Rosendin will procure, install, and test new 34.5kV electrical equipment and AC equipment housing. This project is jointly funded by

FTA and by Measure RR.

To date, the District has issued Change Orders to this Contract in the total amount of \$430,000 which is 3.42% of the original Contract amount. Project Staff have proposed this Change Order No. 12 to increase the Contract for an amount not to exceed \$1,460,241.69.

Summary	Amount	Percentage of Base Bid
Total Base Bid Amount	\$12,552,540.97	
Agreed/Executed Change Orders	\$430,000	3.42%
Potential Change Orders	\$1,460,241.69	11.63%
Revised Contract Amount	\$14,442,782.66	

This Change Order would resolve construction costs associated with design modifications necessary to replace the ageing conduits to enable new cables to be pulled through the conduits. However, it is not the final Change Order as it does not include costs resulting from the associated time delay. Project Staff expects a future EDD to account for delays and further Change Orders (if any) to the project.

FISCAL IMPACT:

Funding in the amount of \$1,460,242 for Change Order to Contract No. 15EK-145 is included in the total project budget for FMS# 15EK350 – Substation Replacement Installation Group II.

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

Fund Group	Fund Description	Amount
Federal	F/G	9,680,520

	3005/3025/3401/347Z/353G/353K/353M/3602/3603/3607/3609/3614 - FTA SGR Funding	
Local	F/G 6018/6213/6302/6303 - MTC and other Measures	1,776,000
Bart	F/G 8202/851W/8523/8525/8529/8535/8536/8538 - Operating to Capital Allocations	1,264,463
Measure RR	F/G 802A/B/C/D - Measure RR GOB	34,631,240
	TOTAL	47,352,223

As of October 5, 2023, \$47,352,223 is the total budget for this project. BART has expended \$42,224,111, committed \$2,973,153, and reserved \$0 to date. This action will commit \$1,460,242, leaving an available fund balance of \$694,717 in these 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:

The alternative is to use a smaller size cables. However, this would not provide sufficient capacity to power the 3rd rail system. In addition, any new cable will have a significant lead time which would further cause construction delays and delay the testing and commissioning of the substation.

RECOMMENDATION:

It is recommended that the Board adopt the following motion.

MOTION:

The General Manager is authorized to execute the Change Order identified above in an aggregate amount not to exceed \$1,460,241.69 to Contract No. 15EK-145, Traction Power

Substation Replacement KTE Installation.

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 1,946TH MEETING THURSDAY, DECEMBER 7, 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 Regular Meeting of the Board of Directors was held on December 7, 2023, convening at 9:13 a.m. in the BART Board Room, 2150 Webster Street, 1st Floor, Oakland, California. President Li presided, April B. A. Quintanilla, District Secretary.

1. CALL TO ORDER

President Li called the Meeting to order at 9:13 a.m.

A. Roll Call.

Directors Present in Oakland: Directors Ames, Foley, Raburn, Simon, and Li.

Directors Present via Teleconference: Director Saltzman.

Absent: None. Directors Allen, Dufty, and McPartland entered the Meeting later.

Director Saltzman announced that she was attending the Meeting via teleconference under the Just Cause provision of Government Code Section 54953(f).

B. Pledge of Allegiance. Vice President Foley led the Pledge of Allegiance.

C. Introduction of Special Guests. No Special Guests were introduced.

2. REPORT OF THE BOARD PRESIDENT

President Li brought the item before the Board. President Li requested that Board Members communicate with the District Secretary if there is something affecting their attendance to Board Meetings. President Li noted that BART is in its Holiday Toy Drive season and encouraged donations to the toy drive. President Li announced that the next regular meeting would be the last meeting of the year and that Board leadership would change.

3. BOARD COMMITTEE REPORTS

President Li called for Board Committee Reports. Vice President Foley, Vice Chairperson of the Audit Committee, reported on the Audit Committee meeting on November 21st, noting that the Committee received a presentation of the Independent Auditor's Report for the Fiscal Year ending on June 30, 2023, and a presentation about reconciliation of operations, operating results between audited financial statements, and the operating budget. Vice President Foley also indicated that the Audit Committee reviewed four applications for the vacant Audit Committee public member seat.

4. BOARD MATTERS – PART I

A. Financial Structure Recommendations and Implementation Plan.

President Li brought the item before the Board.

Dennis Markham, Director of Performance and Audit; Alexander Burnett, Principal, Bell Burnett & Associates; and Kristin Centanni, Uplift Collaborative, presented the item.

Director McPartland entered the meeting in Oakland.

Public Comment

Glenn Overton addressed the Board.

Discussion

The item was discussed, with the following highlight:

Director Simon encouraged the Board to unanimously adopt the recommendations and thanked staff for planning for the implementation of change.

Director Allen entered the Meeting in Oakland.

Discussion

Discussion continued, with the following highlights:

Director Ames indicated that system improvement would result from the recommendations; inquired about how the changes would affect the public; and expressed support for efficiency.

Director Allen indicated that this project has roots in her advocacy for this subject to be examined in 2017. Director Allen also noted that this change would impact the way businesses work with BART by reducing the bureaucratic process.

Director Allen moved that Resolution No. 5018 be rescinded and that the financial structure roadmap, including: (1) move the Controller-Treasurer position and all functions, departments, and staff subordinate to the Controller-Treasurer under the span of control of the General Manager; (2) create a Chief Financial Officer (CFO) position and fill it on an interim basis until the District Act is amended, and on a permanent basis after the District Act is amended; and (3) implement a people-focused Organizational Change Management (OCM) strategy that builds involvement and engages staff before, during, and after implementation of the roadmap, be adopted.

Director Simon seconded the motion.

Vice President Foley noted how difficult structural changes can be for any organization, especially a public agency, and thanked the members of the Financial Structure Ad Hoc Committee who explored this change.

President Li thanked Robert Powers, General Manager, and the consultants and noted that BART is committed to financial accountability, budget efficiency, and continuing to improve BART. President Li also expressed intent to vote in favor of the recommended changes and indicated that this change is the first step to reap the benefits of the structural changes.

Action

Upon motion by Director Allen and second by Director Simon, Resolution No. 5018 was rescinded and the financial structure roadmap, including: (1) move the Controller-Treasurer position and all functions, departments, and staff subordinate to the Controller-Treasurer under the span of control of the General Manager; (2) create a Chief Financial Officer (CFO) position and fill it on an interim basis until the District Act is amended, and on a permanent basis after the District Act is amended; and (3) implement a people-focused Organizational Change Management (OCM) strategy that builds involvement and engages staff before, during, and after implementation of the roadmap was adopted by unanimous roll call vote.

Vote Summary:

Moved / Seconded: Director Allen / Director Simon

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

No: 0.

Abstain: 0.

Absent: Director Dufty.

Result: 8-0, motion carried by unanimous roll call vote.

5. INSPECTOR GENERAL'S REPORT

A. Office of the Inspector General Update.

President Li brought the item before the Board.

Claudette Biemeret, Inspector General, presented the item.

Public Comment

Glenn Overton and Aleta Dupree addressed the Board.

Discussion

The item was discussed, with the following highlights:

Director Simon congratulated the Inspector General for building her office and well utilizing the resources that were secured for her.

Director Saltzman expressed appreciation for the Inspector General's updates to the full Board and the collaboration between her office and the General Manager's Office.

Director Ames commended the collaboration between the Inspector General's Office and others and her efforts to address community concerns through her work.

Director Allen commented on the independence of the Inspector General's Office.

Action

No Board action was taken, as the item was presented for information only.

6. **CONSENT CALENDAR**

President Li brought the following Consent Calendar action and information items before the Board.

- A. Approval of Minutes of the Meetings of June 8, 2023 and July 27, 2023.
- B. (CONTINUED from November 16, 2023 Board Meeting) Fiscal Year 2023 Year-End Budget Revision.
- C. Amendment of District Contractor Code of Conduct.
- D. Change Order to Agreement with SHI International Corporation for a Software Subscription from Auth0, Inc. for Cloud-Based Identity Management Software.
- E. Award of Agreements for On-Call Performance Audit and/or Fraud Examination Services.
 - i. Award of Agreement No. 6M2091 with BCA Watson Rice – Western Region, LLP.
 - ii. Award of Agreement No. 6M2092 with GPP Analytics, Inc.
 - iii. Award of Agreement No. 6M2093 with Moss Adams, LLP.
 - iv. Award of Agreement No. 6M2094 with Tap International, Inc.
- F. Recruitment and Relocation Expenses for Chief Financial Officer.
- G. Amendment of Purchase Order with UPLift Collaborative for Financial Structure Organizational Change Management Services.
- H. Approval of Side Letter Agreements with Amalgamated Transit Union (ATU); Service Employees International Union (SEIU); American Federation of State, County and Municipal Employees (AFSCME); BART Police Officers' Association (BPOA); and BART Police Managers' Association (BPMA).
- I. Non-California Public Employees' Retirement System (CalPERS) Medical Plan Structure and Rates for Calendar Year 2024.
- J. Results of Independent Audit for the Fiscal Year Ended June 30, 2023.
- K. Fiscal Year 2024 First Quarter Financial Report.
- L. Procurement with Converge Technology Solutions, as the Official National Association of State Procurement Officials (NASPO) Provider, for A New Flash Storage Array System.
- M. Procurement with Grainger, as the Official National Association of State Procurement Officials (NASPO) Provider, for Electrical Transformers and Miscellaneous Materials.
- N. Appointment of BART Accessibility Task Force Members.
- O. Amendment to Agreements with Urban Alchemy and District Works for Expanded Attendant Services at Embarcadero, Civic Center/UN Plaza, Powell St., and Montgomery St. BART Stations.

Director Simon moved to approve all Consent Calendar action items by one motion.

Director McPartland seconded the motion.

Directors Raburn and Allen requested that Item 6-K, Fiscal Year 2024 First Quarter Financial Report, be removed from the Consent Calendar.

Public Comment

The following individuals addressed the Board:

Hillary Brown
Wendy Aragón
Aleta Dupree

Director Allen requested that Item 6-B, Fiscal Year 2023 Year-End Budget Revision, be removed from the Consent Calendar.

Directors Simon and McPartland indicated acceptance of removing Item 6-B from Director Simon's motion to approve the Consent Calendar action items.

Action

Upon motion by Director Simon and second by Director McPartland, the Board took the following actions by unanimous roll call vote.

Vote Summary:

Moved / Seconded: Director Simon / Director McPartland

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

No: 0.

Abstain: 0.

Absent: Director Duffy.

Result: 8-0, motion carried by unanimous roll call vote.

- A. The Minutes of the Meeting of June 8, 2023 and July 27, 2023, were approved. *(Vote: 8-0)*
- C. The attached amended District Contractor Code of Conduct was adopted. (The amended District Contractor Code of Conduct is attached and hereby made a part of these Minutes.) *(Vote: 8-0)*
- D. The General Manager was authorized to execute a change order with SHI International Corporation, to obtain a software subscription from Auth0, Inc., in an amount not to exceed \$293,599.96 over two years, for cloud-based identity management software *(Vote: 8-0)*

- E. The General Manager was authorized to execute the following agreements to provide on-call performance audit and/or fraud examination services, for the amount not to exceed \$1,000,000.00 per agreement pursuant to notification to be issued by the General Manager and subject to the District's Protest Procedures:
- a. BCA Watson Rice - Western Region, LLP
 - b. GPP Analytics, Inc.
 - c. Moss Adams, LLP
 - d. Tap International, Inc.

Vote: (8-0)

- F. The General Manager or his designee was authorized to execute a national recruitment and relocation assistance agreement, if necessary to assist the District in the identification of qualified candidates both inside and outside of California for the position of Chief Financial Officer or equivalent, should this position be created, in conformance with established District procedures. *(Vote: 8-0)*
- G. Purchase order 0000055511 with Uplift Collaborative was amended to increase the not-to-exceed amount to \$1,400,000.00 and to extend the provision of Organizational Change Management (OCM) services, including developing a detailed OCM roadmap, communications strategy, cultural shift program, change champion network, and providing engagement support and education and training of staff. *(Vote: 8-0)*
- H. The Board approved and authorized the General Manager to execute Side Letters of Agreement SL GEN 2-01 with ATU and SEIU, SL 23-01 with AFSCME, 23-03 with BART Police Officers' Association (BPOA), and SL 23-01 with BART Police Managers' Association (BPMA), modifying the dental and vision plan coverage in the Collective Bargaining Agreements. *(Vote: 8-0)*
- I. Resolution No. 5577, In the Matter of the Non-CalPERS Medical Plan Structure and Rates For Calendar Year 2024, was adopted. *(Vote: 8-0)*
- J. *Item 6-J, Results of Independent Audit for the Fiscal Year Ended June 30, 2023, was presented for information only.*
- K. *Item 6-K, Fiscal Year 2024 First Quarter Financial Report, was presented for information only.*
- L. The General Manager was authorized to enter into a NASPO Value Point Contract with Converge Technology Solutions, located Lincoln, Rhode Island, for the procurement of new state of the art Flash Storage Array System for an amount not to exceed \$180,000.00. *(Vote: 8-0)*
- M. The Board authorized the General Manager to enter into a purchasing agreement with Grainger for electrical transformers and miscellaneous materials for the District-wide deployment of Next Generation fare gates in an amount not to exceed \$1,700,000.00. *(Vote: 8-0)*
- N. The BART Board of Directors appointed the nominated candidates, Hillary Brown and Alex Tiphayachan, for membership to the BART Accessibility Task Force (BATF) beginning December 13, 2023 for a one year term, or until the Board makes new appointments and/or reappointments for a new term, whichever occurs later. *(Vote: 8-0)*

- O. The Board authorized the General Manager to execute a second amendment to the existing agreements with Urban Alchemy and District Works to add funding for expanded attendant services at Embarcadero, Civic Center, Powell, and Montgomery Stations, in an amount not to exceed \$3,000,000.00 (\$1,500,000.00 per consultant). *(Vote: 8-0)*

President Li brought Items 6-B, Fiscal Year 2023 Year-End Budget Revision, and 6-K, Fiscal Year 2024 First Quarter Financial Report, before the Board.

Discussion

Item 6-K was discussed, with the following highlights:

Director Raburn commented on Item 6-K; acknowledged staff for the accuracy of their projections; and inquired about the cause of the negative capital labor reimbursement expenditure.

Director Allen expressed desire for Item 6-K to be presented on the main agenda with a staff presentation and for the report to be more robust. Director Allen also sought clarification on overbudgeted items.

Public Comment

Aleta Dupree addressed the Board.

Action

No Board action was taken, as the item was presented for information only.

Discussion

Item 6-B was discussed, with the following highlights:

Director Allen indicated that Item 6-B should have been presented on the regular agenda and requested that staff provide additional information about the item.

Director Ames inquired about the timing of a resolution to address over expenditures.

Director Allen inquired about reconciliation of overtime budget allocations.

President Li moved that Resolution No. 5576, In the matter of amending Resolution No. 5520 regarding Fiscal Year 2023 Annual Budget, be adopted.

Director Raburn seconded the motion.

Action

Upon motion by President Li and second by Director Raburn, Resolution No. 5576, In the matter of amending Resolution No. 5520 regarding Fiscal Year 2023 Annual Budget, was adopted by unanimous roll call vote.

Vote Summary:

Moved / Seconded: President Li / Director Raburn

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

No: 0.

Abstain: 0.

Absent: Director Dufty.

Result: 8-0, motion carried by unanimous roll call vote.

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

9. **PLANNING, PUBLIC AFFAIRS, ACCESS, AND LEGISLATION ITEMS**
Director Saltzman, Chairperson

Item 9-A was heard after Item 6, Consent Calendar.

A. BART's 2024 Federal and State Legislative Advocacy Program.

On behalf of Director Saltzman, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, President Li brought the item before the Board.

Rodderick Lee, Assistant General Manager, External Affairs; Amanda Cruz, Director of Government and Community Relations; Alex Walker, Manager of Government Relations and Legislative Affairs; Emily Bacque Da Silva, Partner, The Picard Group; Jim Lites, Vice Chair, California Strategies; and Claire Van Zuiden, Partner, California Strategies, presented the item.

Public Comment

The following individuals addressed the Board:

Glenn Overton
Adina Levin
Brandi

Discussion

The item was discussed, with the following highlights:

Director Ames requested that staff monitor Senate Bill 1121 so that BART may benefit from any potential funding resulting from this legislation.

Vice President Foley expressed appreciation for everyone's work and assistance. Vice President Foley also requested that staff evaluate how to address the first mile/last mile issue for public transit as that is an important component and often an obstacle for people to overcome when taking public transportation.

Director Raburn echoed gratitude to staff and encouraged them to research housing bonds to allow communities to be transit friendly. Director Raburn also noted that there is some overlap with Caltrain and BART services, such as Human Resources departments, that could lead to cost savings and encouraged everyone to follow the Transportation Task Force recommendations.

Director Allen expressed satisfaction with the work of the Legislative Affairs team that contributed to the Governor vetoing a bill that would have decriminalized fare evasion in transit systems. Director Allen also expressed concern about the addition of non-sworn Police Department personnel and indicated that efforts should not be focused on the Link21 program when there is unmet need within BART's capital projects.

President Li commented on prioritizing early and frequent engagement with new Assembly and Senate leadership and indicated that 2024 will be a year to focus on BART's messaging about the state of Bay Area transit and the new changes that BART is actively delivering.

Director Raburn moved that the Board approves the 2024 Federal and State Legislative Advocacy Program as presented by staff.

Vice President Foley seconded the motion.

Action

Upon motion by Director Raburn and second by Vice President Foley, the Board approved the 2024 Federal and State Legislative Advocacy Program as presented by staff.

Vote Summary:

Moved / Seconded: Director Raburn / Vice President Foley

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

No: 0.

Abstain: 0.

Absent: Director Dufty.

Result: 8-0, motion carried by unanimous roll call vote.

10. ADMINISTRATION ITEMS

Director Dufty, Chairperson

Item 10-A was heard after Item 9-A, BART's 2024 Federal and State Legislative Advocacy Program.

A. Next Generation Clipper® and Clipper® START Update.

On behalf of Director Dufty, Chairperson of the Administration Committee, President Li brought the item before the Board.

Pamela Herhold, Assistant General Manager, Performance and Budget; Jason Weinstein, Interim Clipper® Program Director, Metropolitan Transportation Commission (MTC); and Lysa Hale, Clipper® Principal Program Representative, MTC presented the item.

Public Comment

The following individuals addressed the Board:

Clarence Fisher
Glenn Overton
Aleta Dupree

Director Dufty entered the Meeting in Oakland.

Public Comment

Adina Levin addressed the Board.

Discussion

The item was discussed, with the following highlights:

Director McPartland requested clarification on the available discounts to riders and how the discounts would be secured.

Director Saltzman noted the rise of Clipper® mobile cards and inquired about the timing of Clipper® 2.0 and Clipper® START.

Director Allen indicated that Clipper® 2.0 is a critical component of customer service and that the new system should be maintained.

Director Ames commended the Clipper® team for providing open payment options as well as Clipper® payment options and encouraged Clipper® to expand their program to different income levels and consider more definitions of “low income.”

Director Raburn commented on the progress leading to Clipper® 2.0. Director Raburn also inquired about the process for lost or stolen cards, the application process for various discounts, smart cards, accessibility issues for people with disabilities, and discounted Clipper® cards for students.

Vice President Foley inquired about how Clipper® will support unbanked riders and if fare reversals/credit would be possible if the need arises.

President Li commended Clipper’s® significant changes since the launch of the program, the work on the Clipper® Bay Pass, and the positive changes arriving with Clipper® 2.0. President Li also requested that Clipper® staff be mindful of how to implement new fare policies proposed by different transit agencies.

Action

No Board action was taken, as the item was presented for information only.

13. CLOSED SESSION

Item 13 was heard after Item 10-A, Next Generation Clipper® and Clipper® START Update.

A. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Property: Property (including air rights) located at Ashby BART Station, 3100 Adeline Street, Berkeley 94703. APNs 53-1597-39-04 and 53-1703-009-00.

District Negotiators: Val Menotti, Chief Planning and Development Officer; Deb Castles, Principal Property Development Officer; Carli Paine, Group Manager of Transit-Oriented Development; and Darin Smith, Economic and Planning Systems.

Negotiating Parties: San Francisco Bay Area Rapid Transit District and City of Berkeley.

Under Negotiation: Price and Terms
Government Code Section: 54956.8

B. CONFERENCE WITH LABOR NEGOTIATORS

Agency Negotiators: President Li, Vice President Foley, and Director Saltzman

Titles: General Manager, Controller-Treasurer, District Secretary, Independent Police Auditor, and Inspector General

Government Code Section: 54957.6

President Li brought the item before the Board and indicated that the Board would enter into Closed Session under Items 13-A (Conference with Real Property Negotiators) and 13-B (Conference with Labor Negotiators) of the Regular Meeting agenda.

The Board Meeting recessed at 1:12 p.m.

The Board reconvened in Closed Session at 1:16 p.m.

Directors Present in Oakland: Directors Allen, Ames, McPartland, Raburn, Simon, and Li.

Directors Present via Teleconference: Director Saltzman.

Absent: None. Directors Dufty and Foley entered the Meeting later.

Director Dufty entered the Meeting in Oakland.

Vice President Foley entered the Meeting in Oakland.

The Board Meeting recessed at approximately 1:49 p.m.

14. OPEN SESSION

The Board reconvened in Open Session at 1:49 p.m.

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

Directors Present via Teleconference: None.

Absent: Director Saltzman.

A. Announcements from Closed Session, if any.

President Li announced that the Board had concluded its Closed Session under Items 13-A and 13-B and indicated that the Board would proceed to Item 14-B.

B. Compensation and Benefits for General Manager, Controller-Treasurer, District Secretary, Independent Police Auditor, and Inspector General.

President Li moved that the base salaries of the General Manager, Interim Controller-Treasurer, District Secretary, Inspector General, and Independent Police Auditor be increased by three percent retroactive to July 1, 2023, when other non-represented employees received the same wage increase, and that the Board President be authorized to execute any necessary changes to the Board Appointees' employment agreements to incorporate the change.

Director Dufty seconded the motion.

Public Comment

No comments were received.

Action

Upon motion by President Li and second by Director Dufty, the base salaries of the General Manager, Interim Controller-Treasurer, District Secretary, Inspector General, and Independent Police Auditor were increased by three percent retroactive to July 1, 2023, when other non-represented employees received the same wage increase, and the Board President was authorized to execute any necessary changes to the Board Appointees' employment agreements to incorporate the change.

Vote Summary:

Moved / Seconded: President Li / Director Dufty

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

No: 0.

Abstain: 0.

Absent: Director Saltzman.

Result: 8-0, motion carried by unanimous roll call vote.

9. **PLANNING, PUBLIC AFFAIRS, ACCESS, AND LEGISLATION ITEMS**
Director Saltzman, Chairperson

Item 9-B was heard after Item 14-B, Compensation and Benefits for General Manager, Controller-Treasurer, District Secretary, Independent Police Auditor, and Inspector General.

B. Update on Link21 Program.

On behalf of Director Saltzman, President Li brought the item before the Board.

Val Menotti, Chief Planning and Development Officer; Sadie Graham, Director of Link21; and Camille Tsao, Manager of Special Projects for Capitol Corridor, presented the item.

Public Comment

Aleta Dupree addressed the Board.

Discussion

The item was discussed, with the following highlights:

Vice President Foley inquired about running e-BART trains through the proposed rail construction.

Director Ames requested that staff check the proposed crossing at Martinez for freight and passenger rail and requested that a new ridership analysis be considered to validate the proposed maps.

Director Raburn inquired where governance would be considered during the proposed stages of the Link21 program.

Director Allen requested that staff notify Board Members of new updates on the Link21 website so that the Board can be informed and inquired about the total dollars spent on the project to date. Director Allen suggested that the Link21 project should be paused until BART's financial situation is more stable.

Director Dufty indicated that it is important to continue to advance the Link21 project and that he has received positive feedback from public officials regarding the project.

President Li indicated that there should be a forum for deeper discussion of the funding and contracting related to the Link21 project.

Action

No Board action was taken, as the item was presented for information only.

7. GENERAL MANAGER'S REPORT

Item 7 was heard after Item 9-B, Update on Link21 Program.

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

Robert Powers, General Manager, reported on updates from the listening tours that staff has been engaging in; the upcoming SweaterFest event; the implementation of the new bikes on BART rules and related signage; his attendance at a Senate hearing on Bay Area Transit; future disclosure of the first two employer participants in the Clipper® Bay Pass pilot program; BART's receipt of grant funding to update BART's early warning system; the progress of the Holiday Toy Drive; ridership; and recruitment efforts for the BART Police Department and the release of a new recruitment video.

Public Comment

Aleta Dupree and Glenn Overton addressed the Board.

Discussion

The item was discussed, with the following highlight:

Director Dufty noted that stations and cars were clean and commended staff for their work. Director Dufty also thanked General Manager Powers for inviting Bay Area Council representatives to observe the new fare gates and briefing them on the Chief Financial Officer initiative.

8. PUBLIC COMMENT

President Li called for general 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.

The following individuals addressed the Board:

Glenn Overton
Barney Smits
Aleta Dupree

11. ENGINEERING AND OPERATIONS ITEMS **Director Foley, Chairperson**

Vice President Foley, Chairperson of the Engineering and Operations Committee, had no report and no items were presented.

12. BOARD MATTERS – PART II

- A. Board Member Reports.
- B. Roll Call for Introductions.
- C. In Memoriam.

President Li called for Items 12-A, Board Member Reports; 12-B, Roll Call for Introductions; and 12-C, In Memoriam.

Director Raburn reported that he had attended the Oakland Structures Breakfast event featuring Mayor Sheng Thao and the 20th Annual Scholarship & Industry Awards event hosted by the Conference of Minority Transportation Officials. Director Raburn also reported on attending a workforce development tour at the Hayward Maintenance Complex Component Repair Shop and thanked Prem Bajaj, Manager of Workforce Development, and team members for following-up on his request to organize a tour with Eden Regional Occupational Program high school students.

Director McPartland reported that he had attended a safety drill in the Berkley Hills tunnel and recognized Thomas Maloney's, Director of Fire Life Safety, work on the event. Director McPartland also requested that

the Meeting be adjourned in honor of the military service members who died in the attack at Pearl Harbor 82 years ago.

Vice President Foley reported that he had attended the California Transit Association's Annual Conference.

Director Ames reported that Union City held a Station District Open House event for Union City Station and that corporations have purchased land next to Quarry Lakes Parkway with the intent to use the land to access Interstate 880.

Director Allen reported on a scholarship fundraiser event held by the BART Police Officers' Association in honor of fallen BART Police Officer, Tommy Smith. Director Allen also reported on the San Ramon Chamber of Commerce WOW awards event and recognized the volunteer work performed by retired engineers in the Bay Area.

15. ADJOURNMENT

The Meeting adjourned at 3:11 p.m. in honor of the military service members who died in the attack at Pearl Harbor 82 years ago.

April B. A. Quintanilla
District Secretary

District Contractor Code of Conduct

I. Definitions

The following definitions shall apply to this Contractor Code of Conduct:

- A. District Official. The term "District Official" shall mean any Board member, officer, or employee of the District or any other person who is serving on a District selection committee for the review of bids or proposals.
- B. Contractor. The term "Contractor" shall mean any contractor, supplier, real property developer, or consultant of the District.
- C. Solicitation. The term "Solicitation" shall mean a Request for Proposals (RFP), Request for Qualifications (RFQ), Invitation For Bid (IFB), Statement Of Qualifications (SOQ), or other District procurement solicitation.
- D. Gift. The term "Gift" shall mean the provision of anything of value, whether tangible or intangible, that provides a personal benefit, when full consideration is not provided for the value of the benefit received. Examples of Gifts include, but are not limited to, tangible items, discounts, event tickets, travel, accommodations, meals, entertainment, and cash.
- E. Close Personal Relationship. The term "Close Personal Relationship" shall mean any relationship other than kinship, spousal or spousal equivalent that establishes a significant personal or financial bond between an individual and such other individual that could impair an individual's ability to act fairly and independently. Examples include, but are not limited to, a household co-habitant or a personal friend.
- F. Immediate Family. The term "Immediate Family" shall mean a father, mother, spouse, child, parent, brother, sister, grandfather, grandmother, father-in-law, mother-in-law, sister-in-law, brother-in-law, step relatives in the same relationship and domestic partner and civil unions recognized under State law.

II. Application of the Contractor Code of Conduct

This Contractor Code of Conduct ("Code") shall govern the conduct of all Contractors of

the District. The Code supersedes all prior written ethics policies adopted by the District which conflict with the Code. The Code is to be read in conjunction with applicable provisions of the District's Procurement Manual and other applicable Board Rules, policies, and procedures. The Code is informed by state and federal laws but may be stricter or impose greater limitations than such laws. All Contractors shall ensure that their subcontractors comply with this Code.

III. Conflict with Contract Terms

The terms of this Contractor Code of Conduct are not intended to limit or otherwise modify other terms contained in a contract between the District and any Contractor. In the event there is a conflict between this Contractor Code of Conduct and the terms of a contract between the District and a Contractor, the terms of the contract shall govern.

IV. Purpose

The purpose of this Code is to protect the integrity of the procurement process and to provide a comprehensive statement of pertinent regulations and obligations governing the conduct of Contractors doing business with the District so they will be able to compete fairly and ethically perform their work and services.

This Code does not purport to respond to all ethical issues that may arise in the course of doing business with the District. Each person and entity doing business with the District is expected at all times to conduct himself or herself in the manner of an ethical, reasonable person.

V. Professional Conduct

- A. District Contractors shall conduct themselves in a manner consistent with the law, this Code of Conduct, District policies, and good judgment.
- B. They shall not commit any act which may bring reproach or discredit upon the District.
- C. Speech or behavior that is likely to create an appearance of impropriety is to be avoided.
- D. Contractors shall not involve themselves in altercations or any other act of hostility with the District employees, other Contractors, or the public. Neither shall they engage in acts which will subject the District to criticism or adversely affect the interests of the District.
- E. It is up to each Contractor to maintain a professional, safe, and productive environment.

VI. Interpretation

The District Ethics Officer is charged with advising District management regarding ethical issues. Contractors and District managers may contact the Ethics Officer with questions regarding this Code of Conduct.

VII. Enforcement

Violations of law or this Code by a Contractor should be reported to the District Ethics Officer and Internal Audit division. In any instance where the District has received an allegation of a violation of this Code of Conduct, the District may, in its sole discretion, issue a stop work order for affected contracts, including but not limited to, agreements and work plans, pending investigation and/or resolution of the allegation.

VIII. Contacts by Staff Prior to the Issuance of a Solicitation

While informational and market research contacts by District employees with prospective Contractors can be a valuable source of data to the District, such contacts can sometimes provide an unfair advantage to persons contacted as part of the market research prior to a Solicitation or a future procurement. All parties must exercise sound judgment and caution to ensure that there is no preferential treatment of any prospective Contractor and to avoid even the appearance of such preferential treatment. The District may be prohibited by law from awarding a contract to a Contractor who has received such preferential treatment or where there is an appearance of preferential treatment.

IX. Communication During Pendency of Bid or Proposal

A. Requirement to Log Communications. During the period of time commencing with the submittal of a bid or proposal in response to a Solicitation and ending with the award of the contract, District Officials shall keep a log of all communications, whether oral or written, from any person who is not a District Official, regarding a pending bid or proposal. The log shall contain the following information for each communication:

- i. the date of the communication;
- ii. the name of the person making the communication; and
- iii. a brief statement of the topic of the communication, including the name of any bidder or proposer that is a subject of the communication.

B. Submission and Maintenance of Logs. The logs shall be submitted on a weekly basis to the District Ethics Officer and Internal Audit division, together with any written communications received from any person who is not a District Official regarding pending bids or proposals. The logs and

any such written communications shall be maintained by the Ethics Officer for three (3) years from the contract award date and shall be subject to public inspection and copying pursuant to California Government Code Section 7920 *et seq.*

C. Exceptions. The requirement to keep a log of communications described in subsection B. above shall not apply where:

- i. The communication is required by the terms of the Solicitation, such as a document submitted as part of a proposal, or the oral interview of a proposer or bidder;
- ii. The communication is made publicly at a meeting of the Board; or
- iii. In the case of negotiated procurements, the communication is initiated by a member of the District's selection committee for the purpose of negotiating the contract in accordance with the terms of the Solicitation.

X. Prohibition Regarding Gifts

No bidder, proposer, or Contractor, or any of their consultants or proposed subcontractors shall offer, give, or promise to offer or give, directly or indirectly, any Gift or favor of any value to any District Official.

XL Financial Contribution Limitation

All Contractors and prospective Contractors, and each of their subcontractors and proposed subcontractors, are charged with full knowledge of the requirements of Section 5-5.1 of the Rules of the Board of Directors limiting the making of contributions (monetary or in-kind) to Board members or candidates for Director and shall not violate or conspire with any other person to violate said Section.

Contract and agreement documents shall require contractors, and their subcontractors, to submit a certification of compliance with this Rule with their bid or proposal, or as otherwise directed in contract and agreement documents. Failure to submit a certification within five calendar days after it is due may render the bid or proposal non-responsive.

XII. Prohibition Regarding Offers of Employment

California Government Code Section 87407 prohibits public officials from using their official positions to influence any governmental decision directly relating to any person with whom they are negotiating or have any arrangement concerning prospective employment. No bidder, proposer, or Contractor shall offer, or promise to offer, either directly or indirectly, any future employment or business opportunity to any District Official, or member of his or her Immediate Family, or business associates of the District Official, or any other person with whom a District Official has a Close Personal Relationship if such offer of employment is conditioned expressly or impliedly on the awarding of a present or future contract or preference in the awarding of a contract to anyone at any time by the District. In addition, District officers and

employees may be disqualified from working on District matters involving a person or entity with whom the officer or employee is negotiating or has any arrangement concerning prospective employment, whether or not the prospective employer has conditioned an offer of employment on the awarding of a present or future contract or preference in the awarding of a contract.

XIII. Prohibition Regarding Information

Prior to a contract award, no bidder, proposer, or Contractor shall solicit or obtain, directly or indirectly, from any District Official, any information relating to current or future contracts, or a specific pending procurement, unless such information is at the time a public record required to be disclosed under the California Public Records Act, or has otherwise been made available at the same time in the same form to all other bidders, proposers, and Contractors.

XIV. Prohibitions on Use and Disclosure of Confidential Information

At no time shall any Contractor who obtains confidential or proprietary District information in the course of doing or seeking to do business with the District disclose any such information to any person not authorized by the District to receive such information or use such information for any personal gain except as necessary to fulfill its contractual obligations to the District.

XV. Prohibition Regarding Participation in Procurement Development

No Contractor who participates in the development of a scope of work, solicitation documents, contract documents, or technical specifications may participate as a bidder, proposer, or sub-proposer on that particular procurement or perform any work on that particular procurement or any other procurement that would constitute an organizational conflict of interest or would give that Contractor an unfair advantage over other bidders or proposers on that procurement.

XVI. Duty to Disclose Conflicts of Interest

A. Each bidder, proposer, and Contractor, and each of their consultants and subcontractors, seeking to do business, or doing business with the District has an obligation to promptly disclose in writing, following the procedure set forth in subsection XVI.B below, any of the following potential conflicts of interest which become known to the management of the bidder, proposer or Contractor:

- i. Business Investments or Interests: Any financial interest held by a District Official in the Contractor (examples include, but are not limited to, an investment or ownership interest in Contractor, or income received in the past twelve (12) months from Contractor).

- ii. Personal Relationship: Any financial or Close Personal Relationship between any officers or employees of the Contractor and a District Official.
- iii. Prior Employment: Employment in the past five (5) years or sixty (60) months of a District Official by Contractor.
- iv. Family or Relative Employment: Present employment by Contractor of an Immediate Family member of a District Official.
- v. Offers of Employment: Any pending offer, or promised offer, made either directly or indirectly, of any future employment or business opportunity with Contractor to any District Official, or member of the District Official's Immediate Family, business associates of the District Official, or any other person with whom a District Official has a Close Personal Relationship.
- vi. Gifts or Favors: Offer or presentation of Gifts to a District Official or an Immediate Family Member of a District Official.
- vii. Campaign Contributions: Any campaign contributions to a Board member or candidate for the Board, whether monetary or in-kind, exceeding the limits outlined in the San Francisco Bay Area Rapid District Rules of the Board of Directors.
- viii. Other: Any other interest in or connection with the Contractor by a District Official that might tend to subject the District to criticism on the basis that such interest or connection would impair the District's objectivity in awarding or administering a Solicitation or existing contract.

- B. Bidders, proposers, and Contractors shall report the above-described conflicts of interest using the District Contractor Conflict of Interest Declaration form. The completed form shall be submitted to the District's Ethics Officer and Internal Audit at conflictofinterest@bart.gov.
- C. The duty to disclose potential conflicts of interest as described above exists prior to and during any employment or contract regardless of whether the facts constitute a conflict of interest under any law. The District Ethics Officer and Internal Audit division shall provide advice to either the Director of Procurement or the Director of Real Estate and Property Development for the District and to the Board of Directors as to whether any facts disclosed under this section constitute a prohibited conflict of interest, and the impact, if any, of that conflict on the relationship between the bidder, proposer or Contractor and the District.
- D. The District encourages good faith reporting of all suspected violations of this section. The identity of any person reporting a violation of this section shall not be disclosed except as necessary to carry out the purposes and requirements of this section or as otherwise required by law. Individuals who, in good faith, report an improper activity by a District employee, officer, or Contractor are protected from retaliation pursuant to the District's Whistleblower and Anti-Retaliation Policy.

E. In any instance where the District has determined that an allegation of a violation of this section has merit, the General Manager, or his or her designee, may take remedial action, including but not limited to:

- i. Meet with the Contractor to obtain an explanation of the violation;
- ii. Direct the prime Contractor to remove the offending subcontractor from the project;
- iii. Rescind, void, or terminate the contract or any affected work plans; and/or
- iv. Any other reasonable and appropriate action.

F. In any instance where the General Manager, or his or her designee, propose a sanction under this section, he or she shall notify the Contractor in writing of the recommended action. The Contractor may request an informal hearing, to explain the Contractor's position regarding the alleged violation and/or the proposed sanction. Any such request must be made in writing and received by the General Manager, or his or her designee, within ten (10) working days of the issuance of the notice of the recommended sanction.

If no request is received within the ten (10) working day period, the sanction may be imposed forthwith. If a timely request for an informal hearing is received, the informal hearing shall take place within ten (10) working days after the General Manager, or his or her designee, receives the request. The Contractor may be represented by legal counsel at its own expense at the hearing. Within ten (10) working days after the informal hearing, the General Manager, or his or her designee, shall advise the Contractor in writing of the outcome of the hearing.

G. Notwithstanding any other provision of these sections, in any procurement where a violation of this section has been established prior to the award of the contract, the District, at its sole discretion, shall determine whether to terminate the procurement or to proceed to award a contract with or without disqualifying the offending bidder or proposer.

XVII. Post-Employment Contracting

Former District Officials who were required to, or should have been required to, file a Form 700 (Statement of Economic Interests), are prohibited from contracting with BART (as a contractor or subcontractor, or employee of a contractor or subcontractor) for twelve months after terminating BART employment, regardless of whether the former District Official participated in the making of that contract while employed by BART.

XVIII. Important Notice - Related Laws

In addition to the District Code of Conduct, Contractors are required to comply with all applicable laws in connection with the District procurement process and the work performed pursuant to any agreement with the District.

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 1,949TH MEETING THURSDAY, JANUARY 25, 2024

Members of the Board of Directors
Bevan Dufty, President (District 9)
Mark Foley, Vice President (District 2)
Janice Li (District 8)
Debora Allen (District 1)
Rebecca Saltzman (District 3)
Robert Raburn (District 4)
John McPartland (District 5)
Elizabeth Ames (District 6)
Lateefah Simon (District 7)

MEETING DESCRIPTION

A Regular Meeting of the Board of Directors was held on January 25, 2024, convening at 9:02 a.m. in the BART Board Room, 2150 Webster Street, 1st Floor, Oakland, California. President Dufty presided, April B. A. Quintanilla, District Secretary.

1. CALL TO ORDER

President Dufty called the Meeting to order at 9:02 a.m.

A. Roll Call.

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

Directors Present via Teleconference: None.

Absent: Director Simon. Director Allen entered the Meeting later.

B. Pledge of Allegiance. Director McPartland led the Pledge of Allegiance.

C. Introduction of Special Guests. No Special Guests were introduced.

2. REPORT OF THE BOARD PRESIDENT

President Dufty brought the item before the Board. President Dufty reported that the Bond Oversight Committee met to discuss the 2024 BART Safety, Reliability and Traffic Relief Program (Measure RR) Annual Report and received a presentation on the status of the Measure RR Rebuilding Program which includes 157 projects and expenditures of \$1.7 billion. President Dufty also reported that the Committee noted the resignation of one of the committee members and discussed the new Deep Dive Ad Hoc Subcommittee.

President Dufty reported that the Labor Negotiations Special Review Committee met on January 16th to discuss the Inspector General's Charter and referred the matter to the Audit Committee for further review. President Dufty noted that this topic was also discussed during Board Members' visit to the State Capitol.

Discussion

The item was discussed, with the following highlights:

Director Raburn thanked staff for their efforts with BART's elected representatives in Sacramento and noted that BART is achieving 30 percent of Measure RR expenditures with Small Businesses.

Director Saltzman noted that the Board Members' visit to Sacramento was one of the most positive receptions they have had in the recent years.

Director Ames noted that she met with Senator Aisha Wahab and discussed her proposal for transit consolidation.

Director Li echoed the good work from Rodderick Lee's, Assistant General Manager, External Affairs, team and indicated that Senators were supportive of a regional transit measure for BART.

3. BOARD COMMITTEE REPORTS

There were no Board Committee Reports.

4. CONSENT CALENDAR

President Dufty brought the following Consent Calendar items before the Board.

- A. Approval of Minutes of the Meetings of September 28, 2023, and October 12, 2023.
- B. Amendment to Agreement No. 6M5189, with Honey Badger Consulting, for Extension of the Agreement and Increase in Funding.
- C. Resolution of Project Compliance and Approval of Updated Initial Project Report and Allocation Request for Regional Measure 3 Funds for BART Expansion Cars.
- D. Award of Agreement No. 6M2090 with Alliant Insurance Services, for Insurance Brokerage Services.
- E. Award of Agreement No. 6M5208 with Hinderliter de Llamas and Associates, for Recovery of Sales Tax Revenue Collection Services for BART's Internal Audit Department.
- F. Sponsor Payment Letter Agreement with the U.S. Department of Transportation Build America Bureau.
- G. Award of Agreements for On-Call Hazardous Tree Removal Services.
 - i. Agreement No. 6M3704 with Evergreen Tree Care Inc.
 - ii. Agreement No. 6M3705 with Hamilton Tree Services Inc.
 - iii. Agreement No. 6M3706 with Julian Tree Care Inc.
- H. Award of Agreement No. 6M3693 with Elite Pressure Washing Services, LLC (Area 3) and Agreement No. 6M3694 with WEBCO Sweeping, LLC (Area 2), for Systemwide High Pressure Power Washing Services for BART's Maintenance and Engineering Project.
- I. Award of Invitation for Bid No. 9135, Wheel Reconditioning.
- J. Appointment of BART Accessibility Task Force Member.
- K. Resolution of Local Support to Apply to the Metropolitan Transportation Commission for Transit Station Public Charging Grant Funds.
- L. Funding Agreement with the Metropolitan Transportation Commission for BART Station Profile Survey.

Public Comment

The following individuals addressed the Board:

Daniel Kodmur
Glenn Overton
Aleta Dupree
Clarence Fisher

Vice President Foley moved that all items on the Consent Calendar be approved by one motion.

Director Saltzman seconded the motion.

Action

Upon motion by Vice President Foley and second by Director Raburn, the Board took the following actions by unanimous roll call vote.

Vote Summary:

Moved / Seconded: Vice President Foley / Director Saltzman

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

No: 0.

Abstain: 0.

Absent: Directors Allen and Simon.

Result: 7-0, motion carried by unanimous roll call vote.

- A. The Minutes of the Minutes of the Meetings of September 28, 2023, and October 12, 2023, were approved. *(Vote: 7-0)*
- B. The General Manager was authorized to execute an amendment to extend Agreement No. 6M5189 for Certified Fraud Examiner Services with Honey Badger Consulting (HBC) to June 30, 2025, and increase the funding from \$288,300.00 to \$488,300.00. *(Vote: 7-0)*
- C. Resolution No. 5578, In the Matter of the Approval of A Resolution of Project Compliance and an Updated Initial Project Report and Allocation Request for Regional Measure 3 Funds For BART Expansion Cars was adopted and the Updated Initial Project Report and Allocation Request attached thereto was approved. This action approved acceptance of Regional Measure 3 funds in the amount of \$500 million for BART rail cars. *(Vote: 7-0)*
- D. The General Manager was authorized to award Agreement No. 6M2090 to Alliant Insurance Services for insurance brokerage services for a base term of three (3) years with two (2) one-year options for a total not to exceed amount of \$850,000.00. Furthermore, the General Manager was authorized to exercise one or both options at his discretion, subject to notification to be issued by the District and in compliance with the District's Protest Procedures. *(Vote: 7-0)*

- E. The General Manager was authorized to award Agreement No. 6M5208 to Hinderliter de Llamas and Associates to provide sales tax revenue collection services for an initial term of three (3) years, and was authorized to exercise two (2) one-year options, based on a contingency fee of eighteen percent (18%) of tax revenue recovered for the District, pursuant to the notice to be issued by the General Manager. *(Vote: 7-0)*
- F. The General Manager or his designee was authorized to enter into a Sponsor Payment Letter(s) to pay fees and expenses for legal services to be provided to the United States Department of Transportation Build America Bureau related to a Transportation Infrastructure Finance and Innovation Act of 1998 (TIFIA) and/or Railroad Rehabilitation and Improvement Financing Act (RRIF) loan(s). *(Vote: 7-0)*
- G. The General Manager was authorized to award On-Call Hazardous Tree Removal Services agreements to three (3) firms: Evergreen Tree Care Inc., Hamilton Tree Services Inc., Julian Tree Care Inc. Each proposer will be awarded an agreement in a not-to-exceed amount of \$266,666.66 for a term of one (1) base year, with two (2) one-year options to extend, subject to the availability of funding and to the District's Protest Procedures. *(Vote: 7-0)*
- H. The General Manager was authorized to award Agreement No. 6M3693 to Elite Pressure Washing Services, LLC for Systemwide High Pressure Power Washing Services at Station Plazas and Parking Structure Stairwells (Areas 3) for a total compensation of \$948,600.00, and award Agreement No. 6M3694 to WEBCO Sweeping, LLC for Systemwide High Pressure Power Washing Services at Station Plazas and Parking Structures Stairwells (Area 2) for a total compensation of \$851,760.00, pursuant to notification to be issued by the General Manager and subject to the District's Protest Procedures. In addition, the General Manager was authorized to exercise two (2) one-year options to Agreement No. 6M3693, each in an amount not to exceed \$316,200.00, and two (2) one-year options to Agreement No. 6M3694, each in an amount not to exceed \$283,920.00, subject to availability of funding *(Vote: 7-0)*
- I. The General Manager was authorized to award Invitation for Bid (IFB) No. 9135 Wheel Reconditioning, to Penn Machine Company LLC, Johnstown, PA, for an amount of \$5,686,908.40 (includes all applicable taxes), pursuant to notification to be issued by the General Manager. *(Vote: 7-0)*

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

- J. The BART Board of Directors appointed the nominated candidate, Daniel Kodmur, for membership to the BART Accessibility Task Force (BATF) beginning January 25, 2024 for a one year term, or until the Board makes new appointments and/or reappointments for a new term, whichever occurs later. *(Vote: 7-0)*
- K. Resolution No. 5579, In the Matter of Adoption of a Resolution of Local Support for the Transit Station Public Charging Grant Program for Electric Vehicle Charging at BART Stations Project, was adopted. *(Vote: 7-0)*
- L. The General Manager, or his designee, was authorized to execute an Agreement with Metropolitan Transportation Commission (MTC) for a joint MTC/BART transit passenger survey, with BART to contribute an amount not to exceed \$180,000.00. *(Vote: 7-0)*

5. **GENERAL MANAGERS REPORT**

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

Robert Powers, General Manager, reported on new participants in the Clipper® Bay Pass pilot program; installation of 200 Level 2 car charging stations; ridership; and the BART teen poetry contest.

Director Allen entered the meeting in Oakland.

Public Comment

Aleta Dupree and Glenn Overton addressed the Board.

6. **PUBLIC COMMENT**

President Dufty called for general 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

The following individuals addressed the Board:

Barney Smits
Glenn Overton
Aleta Dupree

7. **ADMINISTRATION ITEMS**

Janice Li, Chairperson

- A. Quarterly Report of the Controller-Treasurer for the Periods Ending June 30, 2023 and September 30, 2023.

Director Li, Chairperson of the Administration Committee, brought the item before the Board.

Pamela Herhold, Assistant General Manager, Performance and Budget, and Chris Gan, Interim Controller-Treasurer, presented the item.

Public Comment

Aleta Dupree and Glenn Overton addressed the Board.

Discussion

The item was discussed, with the following highlight:

Director Allen inquired about why two quarterly reports were presented at once and requested that this information be included in the quarterly financial reports. Director Allen also commented on the \$1.3 billion

of unfunded liabilities, the loss of funds from the 115 Trust, and the high number of dollars not collected via accounts receivable and insurance reserves.

8. ENGINEERING AND OPERATIONS ITEMS

Lateefah Simon, Chairperson

Director Simon, Chairperson of the Engineering and Operations Committee, had no report and no items were presented.

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

Robert Raburn, Chairperson

A. Regional Transit Coordination Update.

Director Raburn, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, brought the item before the Board.

Val Menotti, Chief Planning and Development Officer; Hannah Lindelof, Group Manager of Policy and Planning; Michael Eiseman, Director of Financial Planning; and Ryan Reeves, Principal Planner, presented the item.

Public Comment

The following individuals addressed the Board:

Aleta Dupree
Glenn Overton
Clarence Fischer

Discussion

The item was discussed, with the following highlights:

Director Li commented on her experience with serving on the Metropolitan Transportation Commission (MTC) Regional Network Management Committee and the insight she contributes to the this very diverse group.

Director Saltzman expressed enthusiasm about reviewing the results from the Clipper® Bay Pass pilot program, the free and reduced cost transfers while traveling between agencies, and the timeline for providing these features to customers.

Vice President Foley inquired about Phase 1 of the Clipper® Bay Pass pilot program involving educational institutions and how many unique users resulted from including educational institutions. Vice President Foley also expressed concern about metrics for success and requested that staff consider an increase in the number of riders as a key metric.

Director McPartland congratulated staff on the progress they have made with coordinating with the multitude of transit agencies in the Bay Area.

Director Ames expressed enthusiasm about all the agencies coming together and commented on the value in this transformation. Director Ames also inquired about how institutions that are not able to fund the program can participate in the Clipper® Bay Pass pilot program and expressed concern about equity regarding program participants.

Director Allen expressed support for fare integration with agencies and concern about equity, as no institution in Contra Costa County is participating in the Clipper® Bay Pass pilot program. Director Allen inquired whether there is a projection of revenue lost due to the Clipper® Bay Pass pilot program and requested that the Board be more involved in the development of Memoranda of Understanding and agreements.

Director Raburn commented on the Board's approval of the base line survey that will allow BART to collect reliable information. Director Raburn also commented on expanding opportunities for educational institutions to participate in the Clipper® Bay Pass pilot program and expressed support for the new signage that will be placed at BART stations.

B. BART Station Retail Update.

Director Raburn brought the item before the Board.

Chief Planning and Development Officer Menotti presented the item.

Public Comment

The following individuals addressed the Board:

Gina Papan
Barney Smits
Aleta Dupree
Glenn Overton

Discussion

The item was discussed with the following highlights:

President Dufty offered to work with local communities to develop a plan regarding retail opportunities at BART stations.

Director McPartland indicated that retail has historically not been successful at BART stations for a multitude of reasons; requested that staff exercise due diligence; and wished staff success.

Director Li indicated that this is an important topic to discuss and suggested starting with one or two examples of retail at BART stations instead of trying to develop a systemwide solution. Director Li also expressed support for the station retail initiative.

Director Saltzman expressed agreement with considering the creation of a pilot program instead of a systemwide solution and desire to implement the program over the coming years as ridership grows.

Vice President Foley commented that world-class transit includes retail and expressed support for exploration of a station retail pilot program.

Director Allen indicated that BART should not work on this initiative and should instead focus on the rider experience. Director Allen also noted that retail in stations would require additional Police Officers, that BART is experiencing challenges with filling existing Police Officer vacancies, and that there are many other priorities that need to be addressed before focusing on this initiative.

Director Ames expressed agreement with Director Allen and noted that establishing food vendors at stations is an expensive process. Director Ames also indicated that this goal should be considered further in the future.

Director Raburn indicated that retail can activate a space and draws in people. Director Raburn also suggested that staff create a Master Vendor Agreement and utilize more vending machines across all stations.

10. BOARD MATTERS

- A. Board Member Reports.
- B. Roll Call for Introductions.
- C. In Memoriam.

President Dufty called for Items 10-A, Board Member Reports; 10-B, Roll Call for Introductions; and 10-C, In Memoriam.

Director Ames reported on her visit to a camp of unhoused individuals that had received a trespassing notice from BART, noting that she was able to observe the work of BART Crisis Intervention Specialists. Director Ames also thanked the BART Police Department for their work.

Vice President Foley reported that he had attended the Contra Costa County Transportation Authority Board meeting and provided an update on the new fare gates at the meeting. Vice President Foley also reminded Board Members that their Form 460s were due the following week.

Director Raburn reported that he had given two Safe and Clean presentations to San Leandro Councilmember Victor Aguilar and Oakland Councilmember Kevin Jenkins. Director Raburn also reported that he had complimented a BART crew that was cleaning the Coliseum Station parking lot and assisted with cleaning the area on Martin Luther King, Jr. Day.

11. ADJOURNMENT

The Meeting adjourned at 12:28 p.m.

April B. A. Quintanilla
District Secretary



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <div style="float: right; border: 1px solid black; padding: 2px; margin-top: 5px;"> <small>DocuSigned by:</small> <i>Michael Jones</i> <small>47000790F2D7463...</small> </div>		GENERAL MANAGER ACTION REQ'D:		
DATE: 3/4/2024 3/6/2024		BOARD INITIATED ITEM: No		
Originator/Prepared by: Diane Iwata Dept: Benefits <div style="border: 1px solid black; padding: 2px; margin-top: 5px;"> <small>DocuSigned by:</small> <i>Diane Iwata</i> <small>B2B28E38D3F14F1...</small> </div> Signature/Date: <div style="text-align: right;">3/5/2024</div>	General Counsel <div style="border: 1px solid black; padding: 2px; margin-top: 5px;"> <small>DocuSigned by:</small> <i>Amelia Sandoval</i> <small>2528C067C44147D...</small> </div> <div style="text-align: right;">3/5/2024 []</div>	Controller/Treasurer <div style="border: 1px solid black; padding: 2px; margin-top: 5px;"> <small>DocuSigned by:</small> <i>Shirley Gan</i> <small>EE11C8CEEEA04FD...</small> </div> <div style="text-align: right;">3/5/2024 []</div>	District Secretary <div style="text-align: right;">[]</div>	BARC <div style="border: 1px solid black; padding: 2px; margin-top: 5px;"> <small>DocuSigned by:</small> <i>Pamela Herhold</i> <small>3BB24D65B8724F5...</small> </div> <div style="text-align: right;">3/5/2024 []</div>

Recruitment and Relocation Assistance for Assistant General Manager, Administration

PURPOSE:

To obtain Board authorization for the General Manager to execute a national recruitment and relocation agreement, if necessary, to assist the District in the identification of qualified candidates both inside and outside of California for the position of Assistant General Manager, Administration.

DISCUSSION:

On March 11, 1993, the Board adopted Resolution 4487, which requires Board approval prior to any recruiting activity to employ a person who is not a current District employee for an annual salary of \$50,000 or more. The resolution also states that the District should confine its recruiting to the State of California, consistent with provisions of the law, and that no relocation or moving expenses would be offered to new employees without prior Board approval.

The Assistant General Manager, Administration position is critical to leading Human Resources, Labor Relations, and Procurement. As this will be a vital executive management position that requires specialized skills derived from unique managerial/technical experience and education, additional recruitment resources may be needed to support the recruitment and selection process.

By adopting this motion, the Board will authorize staff to use an executive search firm for this recruitment. The objective in using a search firm is to increase the candidate pool and

identify highly qualified applicants. In the recruitment work plan, every effort is made to locate qualified individuals in California and the San Francisco Bay Area in particular. However, recruitment will not be confined to California.

In addition, the ability to offer relocation assistance in the event that one or more successful candidates are not from the immediate area will enhance the District's competitive posture in this search. The Board's action will allow for the execution of a relocation assistance agreement within the parameters of current District practice as provided in Management Procedure 70. It does not allow for reimbursement for loss on the sale of a residence.

The Office of the General Counsel will approve any relocation assistance agreement as to form.

FISCAL IMPACT:

The cost for search firm fees (up to \$99,000, if needed) and any subsequent relocation cost (up to \$25,000, if needed) will come from the existing FY24 Operating Budget of the Office of Administration (Cost Center 0502420, Account 681300).

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

ALTERNATIVES:

Fill the position using in-house District recruitment resources. Recruiting for the position without use of an executive search firm and relocation assistance could limit the size and breadth of our candidate pool.

RECOMMENDATION:

Adopt the following motion:

MOTION:

That the General Manager or his designee is authorized to execute a national recruitment and relocation assistance agreement, if necessary, to assist the District in the identification of qualified candidates both inside and outside of California for the position of Assistant General Manager, Administration in conformance with established District procedures.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <div style="border: 1px solid black; padding: 2px; display: inline-block;"> DocuSigned by: <i>Michael Jones</i> <small>47000790F2D7463...</small> </div>		GENERAL MANAGER ACTION REQ'D: Approve and Send to Board		
DATE: 1/24/2024 3/7/2024		BOARD INITIATED ITEM: No		
Originator/Prepared by: Kevin Reeg Dept: PM/CM - Facilities <div style="border: 1px solid black; padding: 2px; display: inline-block;"> DocuSigned by: <i>Kevin Reeg</i> <small>429689DDDF654C3...</small> </div> Signature/Date: <div style="text-align: right;">3/6/2024</div>	General Counsel <div style="border: 1px solid black; padding: 2px; display: inline-block;"> DocuSigned by: <i>Amelia Sandoval</i> <small>2528C067C44147D...</small> </div> <div style="text-align: right;">3/6/2024 []</div>	Controller/Treasurer <div style="border: 1px solid black; padding: 2px; display: inline-block;"> DocuSigned by: <i>Shirley Gan</i> <small>EE11C8CEEEA04FD...</small> </div> <div style="text-align: right;">3/6/2024 []</div>	District Secretary <div style="text-align: right;">[]</div>	BARC <div style="border: 1px solid black; padding: 2px; display: inline-block;"> DocuSigned by: <i>Shane Edwards</i> <small>8128A2EB2F014F3...</small> </div> <div style="text-align: right;">3/6/2024 []</div>

Authorize the General Manager to Execute Change Orders to Contract 11IA-112 Civic Center Station Scissor Stairs

PURPOSE:

To obtain Board authorization for the General Manager to execute Change Orders to Contract 11IA-112 Civic Center Station Scissor Stairs, in an amount not to exceed \$1,574,563.

DISCUSSION:

On February 14, 2019, the Board of Directors authorized the General Manager to award Contract 11IA-112 Civic Center Station Scissor Stairs, to Wickman Development and Construction (Wickman), of Oakland, CA, in the amount of \$5,734,100. The Contract scope was to construct two additional stairways at the Civic Center Station from the BART platform to the concourse. Wickman has completed all contract work on the project.

Pursuant to Board Rule 5-2.3, Change Orders involving expenditures greater than 10% of the original contract price or \$200,000 require Board approval. Project staff has identified four change orders totaling \$1,574,563 that will exceed 10% of the original Contract Price.

Following are the summary reasons for the pending change orders (CO):

CO No.	Work	Cost
No. 25	Realignment of full height barrier to maintain required clearance to stair rail termination.	\$ 40,000
No. 26	Painting and repairs to temporary barriers due to patron damage.	\$ 6,895
No. 30	Installation of two closure rails on existing stairs to	\$ 27,668

No. 32	reduce gap to current standards. Delays and impacts due to delayed site access, changes to temporary barriers, hazardous material removal, and changes to terrazzo flooring.	\$ 1,500,000
Total		\$ 1,574,563\$

Change Order No. 32 closes all outstanding delay claims from the Contractor.

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

FISCAL IMPACT:

Funding for the pending Change Orders to Contract 11IA-112 Civic Center Station Scissor Stairs in the amount not to exceed \$1,574,563 is included in the budget for project 11IA002 Civic Center Platform Stairs.

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 source:

Fund Group	Fund Description	Amount
BART	F/G 802A/802B/802C/802D - Measure RR GOB	\$13,650,000
	TOTAL	\$13,650,000

As of January 24, \$13,650,000 is the total budget for this project. BART has expended \$10,977,936, committed \$741,266, and reserved \$0. This action will commit \$1,574,563, leaving an available fund balance of \$356,235 in these 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:

The Board could decline to proceed with these Change Orders, however, this could result in a claim against the District.

RECOMMENDATION:

It is recommended that the Board approve the Motion.

MOTION:

The General Manager is authorized to execute Change Orders to Contract 11IA-112 Civic Center Station Scissor Stairs, in an amount not to exceed \$1,574,563.



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: Approve and Send to Board		
DATE: 2/6/2024 3/6/2024		BOARD INITIATED ITEM: No		
Originator/Prepared by: Girish Koli Dept: PM/CM - Facilities <div style="border: 1px solid black; padding: 2px; margin-top: 10px;"> <small>DocuSigned by:</small> <i>Girish Koli</i> <small>09EA975662FE40A...</small> </div> Signature/Date: <div style="text-align: right;">3/4/2024</div>	General Counsel <div style="border: 1px solid black; padding: 2px; margin-top: 10px;"> <small>DocuSigned by:</small> <i>Amelia Sandoval</i> <small>2528C067C44147D...</small> </div> <div style="text-align: right;">3/4/2024 []</div>	Controller/Treasurer <div style="border: 1px solid black; padding: 2px; margin-top: 10px;"> <small>DocuSigned by:</small> <i>Shirley Gan</i> <small>EE11C8CEEEA04FD...</small> </div> <div style="text-align: right;">3/4/2024 []</div>	District Secretary <div style="text-align: right;">[]</div>	BARC <div style="border: 1px solid black; padding: 2px; margin-top: 10px;"> <small>DocuSigned by:</small> <i>Shane Edwards</i> <small>8128A2EB2F014F3...</small> </div> <div style="text-align: right;">3/4/2024 []</div>

To Request Board Authorization for Award of Contract 15QJ-121, Roof Replacement at Bay Fair and Fremont Stations Platform Canopies

PURPOSE:

To request Board Authorization for the General Manager to award Contract No. 15QJ-121, Roof Replacement at Bay Fair and Fremont Stations Platform Canopies to Stronger Building Services of San Leandro, California for the Total Bid Price of \$3,581,200.00.

DISCUSSION:

This contract forms an integral part of the Reroof Facilities Buildings Systemwide Project, aimed at replacing roofing across critical facilities throughout the system. Persistent roof leaks at BART facilities have led to damaged essential equipment, accelerated deterioration of structures, posed slipping hazards and fostered mold growth. The canopies at Bay Fair and Fremont Stations are out of warranty, have reached the end of their useful life due to age, and need to be replaced.

This Contract is for all necessary labor, equipment, and materials for the comprehensive replacement of roofing at platform canopies in both Bay Fair and Fremont Stations.

On September 26, 2023, the District provided Advance Notice to 101 prospective Bidders,

each of whom received an electronic version of the Contract Book from the District's Vendor Portal that included the bid forms to submit. Plans were sent to six (6) Plan Rooms.

On September 28, 2023, the Contract was advertised in local publications. A total of 22 firms downloaded the Contract Documents from the District's Vendor Portal. A pre-Bid meeting was conducted via ZOOM teleconference on October 11, 2023 and attended by 10 prospective Bidders.

Three (3) bids were received and publicly opened on November 14, 2023. Tabulation of the bids, including the Engineer's Estimate, is indicated as follows:

BIDDER	LOCATION	TOTAL BID PRICE
Pac Shield Roof Services, Inc.	Modesto, CA	\$ 2,669,590.00
Pro-Ex Construction Inc.	Rancho Cordova, CA	\$ 3,098,325.00
Stronger Building Services	San Leandro, CA	\$ 3,581,200.00
Engineer's Estimate	Oakland, CA	\$ 3,357,311.00

Pursuant to the District's Disadvantaged Business Enterprise ("DBE") Program, the Office of Civil Rights reviewed the scope of work for this Contract and determined that there were DBE subcontracting opportunities; therefore, a DBE participation goal of 10% was set. The apparent low Bidder, Pac Shield Roof Services, committed to 0% DBE participation. Pac Shield Roof Services did not meet the DBE goal; therefore, it was required to submit Good Faith Efforts documentation to the Office of Civil Rights demonstrating that, given all relevant circumstances, the Bidder took all necessary and reasonable steps to actively and aggressively meet the DBE participation requirements. Pac Shield Roof Services did not submit such Good Faith Efforts documentation to the Office of Civil Rights, rendering the Bid non-responsive. The second low Bidder, Pro-Ex Construction, is not listed as a plan holder for this solicitation, rendering it not eligible for award. The third low Bidder, Stronger Building Services, committed to 0% DBE participation. Stronger Building Services did not meet the DBE goal; therefore, it was required to submit Good Faith Efforts documentation to the Office of Civil Rights demonstrating that, given all relevant circumstances, the Bidder took all necessary and reasonable steps to actively and aggressively meet the DBE participation requirements. The subsequent Good Faith Efforts analysis conducted by the Office of Civil Rights concluded that Stronger Building Services demonstrated sufficient Good Faith Efforts to meet the DBE goal, rendering the Bid responsive.

Although Stronger Building Services' Total Bid Price of \$3,581,200.00 is 6.7% above the engineer's estimate, it is still within acceptable margin and was found to be fair and reasonable.

CAPITAL Fiscal Impact:

Funding in the amount of \$3,581,200 to award Contract No. 15QJ-121 is included in the total project budget for FMS# 15QJ001 – Reroof Facilities Buildings Systemwide.

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

Fund Group	Fund Description	Amount
Federal	F/G 3017/3020/3025/3614 - FTA SGR Funding	6,279,699
BART	F/G 8524/8526/8530/8531/8533/8534/8536 - Capital Allocations	3,834,160
	TOTAL	10,113,859

As of February 23, 2024, \$10,113,859 is the total budget for this project. BART has expended \$2,980,702, committed \$197,583, and reserved \$0 to date. This action will commit \$3,581,200, leaving an available fund balance of \$3,354,374 in these 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.

ALTERNATIVE:

The Board may elect to reject the Bid and re-advertise the work of this Contract. There is no assurance that a re-bid would increase the number of Bidders or result in any lower bids. Choosing not to proceed with the current award would delay the replacement of leaky facility roofs, which may cause water damage to critical equipment and to structures and may affect the safety of patrons and employees who provide maintenance to the affected facilities.

RECOMMENDATIONS:

It is recommended that the Board adopt the following motion:

MOTION:

The General Manager is authorized to award Contract No. 15QJ-121, Roof Replacement at Bay Fair and Fremont Stations Platform Canopies to Stronger Building Services of San Leandro, California, for the Total Bid Price of \$3,581,200.00



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:		GENERAL MANAGER ACTION REQ'D:		
DocuSigned by: <i>Michael Jones</i> 47000790F2D7463...		Approve and Send to Board		
DATE: 2/6/2024 3/6/2024		BOARD INITIATED ITEM: No		
Originator/Prepared by: Girish Koli Dept: PM/CM - Facilities	General Counsel	Controller/Treasurer	District Secretary	BARC
DocuSigned by: <i>Girish Koli</i> 09EA975662FE40A...	DocuSigned by: <i>Amelia Sandoval</i> 2528C067C44147D...	DocuSigned by: <i>Shirley Gan</i> EE11C8CEEEA04FD...		DocuSigned by: <i>Shane Edwards</i> 8128A2EB2F014F3...
Signature/Date: 3/4/2024	3/4/2024 []	3/4/2024 []	[]	3/4/2024 []

To request Board Authorization for the General Manager to award Contract No. 15QL-111, Bay Fair Station Pavement Rehabilitation

PURPOSE:

To request Board Authorization for the General Manager to award Contract No. 15QL-111, Bay Fair Station Pavement Rehabilitation to Tri Valley Excavating of Sunol, California for the Base Bid Price of \$819,251.00 and to exercise one option for a total of \$870,306.00.

DISCUSSION:

The parking lot asphalt surface of Bay Fair Station (A50) has experienced significant wear and tear over the years and is showing signs of pavement failure, leading to formation of cracks, potholes, and uneven surfaces. The deterioration of the parking lot surface has resulted in poor water drainage, leading to puddles and stagnant water during rainy periods. These issues not only pose a threat to the safety of vehicles but also increase maintenance cost, risk of accidents and damages.

This Contract, inclusive of one option, is for all labor, equipment, and materials for the grinding, repaving, and pothole repairs of the parking lot at Bay Fair Station in San Leandro. Two of the parking areas north of the station will receive pothole repairs, full grind, & repaving work. Areas with less severe pavement condition will have pothole repairs only.

Three (3) Bids were timely received and publicly opened on October 24th, 2023. Tabulation of the Bids, including the Engineer's Estimate, is indicated as follows:

BIDDER	LOCATION	TOTAL BASE BID	TOTAL BID PRICE (with Option)
Azul Works, Inc.	San Francisco, CA	\$ 770,614.80	\$ 849,354.20
Tri-Valley Excavation Co., Inc.*	Sunol, CA	\$ 819,251.00	\$ 870,306.00
MBS Engineering, Inc.	San Ramon, CA	\$ 846,890.30	\$ 929,353.80
Engineer's Estimate	Oakland, CA	\$ 820,215.76	\$ 906,391.56

*Lowest Responsive Bidder

Pursuant to the District's Non-Federal Small Business Program, the Office of Civil Rights set a 5% Small Business Prime Preference for this Contract for Small Businesses certified by the California Department of General Services. The lowest apparent low Bidder, Azul Works, is not a certified Small Business and, therefore, is not eligible for the 5% Small Business Prime Preference. The apparent second low Bidder, Tri Valley Excavating, is a certified Small Business, making it eligible for the 5% Small Business Prime Preference for this Contract for evaluation purposes. After review by the Office of Civil Rights, and application of the 5% Small Business Prime Preference, the Bid submitted by the apparent second low Bidder, Tri Valley Excavating, is now the lowest responsive Bidder.

Pursuant to the District's Non-Discrimination Program for Subcontracting, the Availability Percentages for this Contract are 18.3% for Minority Business Enterprises ("MBEs") and 9.2% for Women Business Enterprises ("WBE"). The Bidder, Tri Valley Excavating, committed to 34.5% MBE and 6.2% WBE participation. The Bidder, Tri Valley Excavating, did not meet the WBE Availability Percentage; therefore, the Bidder, Tri Valley Excavating, was requested to provide the Office of Civil Rights with supporting documentation to determine if it had discriminated on the basis of gender. Based on the review of the information submitted by the Bidder, Tri Valley Excavating, the Office of Civil Rights found

no evidence of discrimination.

District staff has determined that this work is categorically exempt from the provisions of the California Environmental Quality Act (“CEQA”) pursuant to Title 14, California Code of Regulations, Section 15301, Existing Facilities, and Section 15302, Replacement or Reconstruction, because it consists of repairs to and maintenance of existing pavement and involves no expansion of the existing use.

FISCAL IMPACT:

Funding in the amount of \$870,306 for award of Contract 15QL-111 is included in the total project budget for the A-Line Pavement Rehabilitation Project Number 15QL-001.

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

Fund Group	Description	Amount
BART	F/G 8530,8534,8537 – Capital Improvement Allocation	1,445,876
	TOTAL	1,445,876

As of January 24, 2024, \$1,445,876 is the total budget for the A-Line Pavement Rehabilitation Project. BART has expended \$311,264 committed \$68,278 and reserved \$0 to date. This action will commit \$870,306 leaving an available fund balance of \$196,028 in this fund source.

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

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

ALTERNATIVE:

The Board may elect to reject the Bid and re-advertise the work of this Contract. There is no assurance that a re-bid would increase the number of Bidders or result in any lower bids. Choosing not to proceed with the current award could worsen pavement failure conditions, heightening safety concerns for both patrons and commuters.

RECOMMENDATIONS:

Adopt the motion before you.

MOTION:

The General Manager is authorized to award Contract No. 15QL-111, Bay Fair Station Pavement Rehabilitation to Tri-Valley Excavation Co. Inc. of Sunol, California for the Total Base Bid amount of \$819,251.00. Additionally, the General Manager is authorized to exercise the option, pending availability of funding and at the District's sole discretion, for an additional \$51,055.00, bringing the total authorization to \$870,306.00.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <div style="border: 1px solid black; padding: 2px; display: inline-block;"> DocuSigned by: <i>Michael Jones</i> <small>47000790F2D7463...</small> </div>		GENERAL MANAGER ACTION REQ'D: Approve and Send to Board		
DATE: 2/23/2024 3/8/2024		BOARD INITIATED ITEM: No		
Originator/Prepared by: Rachel Russell Dept: PM/CM - Facilities <div style="border: 1px solid black; padding: 2px; display: inline-block;"> DocuSigned by: <i>Rachel Russell</i> <small>99E33FCEC0A147D...</small> </div> Signature/Date: <div style="text-align: right;">3/5/2024</div>	General Counsel <div style="border: 1px solid black; padding: 2px; display: inline-block;"> DocuSigned by: <i>Amelia Sandoval</i> <small>2528C067C44147D...</small> </div> <div style="text-align: right;">3/5/2024 []</div>	Controller/Treasurer <div style="border: 1px solid black; padding: 2px; display: inline-block;"> DocuSigned by: <i>Shirley Gan</i> <small>EE11C8CEEEA04FD...</small> </div> <div style="text-align: right;">3/7/2024 []</div>	District Secretary <div style="text-align: right;">[]</div>	BARC <div style="border: 1px solid black; padding: 2px; display: inline-block;"> DocuSigned by: <i>Shane Edwards</i> <small>8128A2EB2F014F3...</small> </div> <div style="text-align: right;">3/7/2024 []</div>

Authorize the General Manager to Award IFB for Procurement of High-Rail Inspection Crew Trucks

PURPOSE:

To obtain Board authorization for the General Manager to award Invitation for Bid (IFB) No. 9132, to Custom Truck One Source of Kansas City, MO, in the amount of \$1,657,235.00 (includes all applicable taxes) for the purchase of ten (10) Hi-Rail Inspection Crew Trucks.

DISCUSSION:

This Contract is for the procurement of ten (10) Class 3 Hi-Rail Inspection Crew Trucks. Nine (9) of these trucks will be equipped with 66" wide gauge and the remaining one (1) will be equipped with standard 56.5" gauge hi-rail gears. The acquisition of these hi-rail inspection crew trucks is crucial to replace aging vehicles and accommodate the District's expanding requirements. These trucks play a vital role in adhering to the track inspection schedule, ensuring the maintenance of the State of Good Repair.

This is a twenty-four (24) month contract. Pursuant to the terms of the District's standard estimated quantity contract, during the term of the Contract the District is required to purchase from the supplier a minimum amount of 50% of the contract bid price. Upon Board approval of this contract, the General Manager will also have the authority to purchase up to 150% of the contract bid price, subject to availability of funding.

A notice requesting bids for the IFB was published on November 17, 2023. On the same day, this solicitation was uploaded onto the BART vendor portal. Correspondence was sent to six (6) prospective bidders inviting them to view the solicitation on the portal. A total of six (6) prospective bidders downloaded the solicitation.

Two (2) bids were received on the bid opening date of December 12, 2023. Tabulation of the bids and the Engineer's Estimate is indicated below:

BIDDER	Total Bid Price	Grand Total Including 10.25% Sales Tax
Custom Truck One Source*	\$1,503,161.00	\$1,657,235.00
Kansas City, MO		
Omaha Track Equipment	\$1,637,186.00	\$1,804,997.57
Omaha, NE		
ENGINEER'S ESTIMATE	\$1,996,828.00	\$2,201,502.87

* Lowest Responsive Bidder

District staff has determined that both bids met the requirements and were deemed responsive. Staff has also determined that the lowest bid of \$1,657,235.00 from Custom Truck One Source is fair and reasonable based on market price analysis of similar equipment with a standard gauge. The bids are 25% and 18% below the Engineer's Estimate, reflecting the competitive pricing in today's market. This substantial cost savings aligns with our commitment to fiscal responsibility and ensures optimal value for the District.

Currently, there are no electric trucks that can be equipped to run on tracks, as the necessary hydraulics conflict with battery pack locations. Staff will continue to track available models for each procurement.

Pursuant to the District's Disadvantaged Business Enterprise ("DBE") Program, the Office of Civil Rights reviewed the scope of work for this IFB and determined that there were no DBE subcontracting opportunities; therefore, no DBE participation goal was set for this procurement.

FISCAL IMPACT:

Funding of \$1,657,235 to award of Invitation for Bid No. 9132 to Custom Truck One Source, for the purchase of ten (10) Hi-Rail Inspection Crew Trucks is included in the total Project Budget for FMS #15TD005 – Procurement of Wayside Equipment.

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

Fund Group	Fund Description	Amount
FTA	F/G 3020/3025- Federal Transit Administration	\$8,066,692
BART	F/G 8534/8535/8536/8537 - Capital Improvement Allocation	\$2,666,673
	TOTAL	\$10,733,365

As of 01/16/2024, \$10,733,365 is the total budget for this project. BART has expended \$1,883,329, committed \$792,479, and reserved \$127,034 to date. This action will commit \$1,657,235, leaving an available fund balance of \$6,273,288 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:

The Board may elect to reject the Bids and re-advertise the IFB. There is no assurance that re-advertising will increase the number of bidders or result in any lower bids. This will pose a challenge complying with the CPUC's mandate for twice-weekly track inspections, potentially resulting in regulatory compliance penalties.

RECOMMENDATION:

It is recommended that the Board adopt the following motion.

MOTION:

The General Manager is authorized to award IFB No. 9132 Hi-Rail Inspection Crew Trucks, to Custom Truck One Source of Kansas City, MO, for the amount of \$1,657,235.00 (includes all applicable sales taxes), pursuant to notification to be issued by the General Manager, and subject to compliance with the District's Protest Procedures and FTA procedures related to protest.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <div style="border: 1px solid black; padding: 2px; display: inline-block;"> DocuSigned by: <i>Michael Jones</i> 47000790F2D7463... </div>		GENERAL MANAGER ACTION REQ'D:		
DATE: 1/25/2024 3/6/2024		BOARD INITIATED ITEM: No		
Originator/Prepared by: Jackie Yang Dept: Infrastructure Delivery <div style="border: 1px solid black; padding: 2px; display: inline-block;"> DocuSigned by: <i>Scott Burke</i> 1BECB4C09B4745D... </div> Signature/Date: <div style="text-align: right;">3/4/2024</div>	General Counsel <div style="border: 1px solid black; padding: 2px; display: inline-block;"> DocuSigned by: <i>Amelia Sandoval</i> 2528C067C44147D... </div> <div style="text-align: right;">3/4/2024 []</div>	Controller/Treasurer <div style="border: 1px solid black; padding: 2px; display: inline-block;"> DocuSigned by: <i>Shirley Gan</i> EE11C8CEEEA04FD... </div> <div style="text-align: right;">3/4/2024 []</div>	District Secretary <div style="text-align: right;">[]</div>	BARC <div style="border: 1px solid black; padding: 2px; display: inline-block;"> DocuSigned by: <i>Shane Edwards</i> 8128A2EB2F014F3... </div> <div style="text-align: right;">3/4/2024 []</div>

CBTC Modifications to CORYS D-Car Train Simulator

PURPOSE:

To request Board authorization for the General Manager to execute a sole source technical services agreement with CORYS to provide hardware and software updates to the existing D-car train simulator to reflect Communications Based Train Control (CBTC) modifications.

DISCUSSION:

The Transportation Department holds Train Operator classes at its training facility located in the Hayward Yard, and uses a CORYS Train Simulator System. This system mirrors what a Train Operator will see in an actual train cab. The simulator was installed in December 2016 as part of the Fleet of the Future Project. Since then, the system has been used extensively by the training department, for both New Car Training and Train Operator certification classes.

The simulator has markedly improved the amount of time students can practice operating a District train. For example, trainee's mainline practice has increased from nine (9) hours to forty (40) hours. The most notable improvement is seen on the first days a newly certified train operator is out operating a train on the BART mainline - a drop of more than eighty percent (80%) in delays related to new operators in their early days of operations.

Contract No. 49GH-110 Design Build for a Communications Based Train Control (CBTC) System will impact the operations of the BART System. Modifications for CBTC operations need to be reflected in the D-Car Simulator provided by the Contractor so that Train Operators receive training on the latest vehicle configuration.

This Agreement is for the following:

1. Simulator Hardware and Software Design Updates
2. Simulator Hardware and Software Installation and Testing
3. Simulator O&M Manuals / Training

This Agreement also covers costs for associated project management activities, travel, and warranty of the hardware and software updates.

Pursuant to FTA Circular 4220.1F, when the District requires supplies or services available from only one responsible source, and no other supplies or services will satisfy its requirements, the District may make a sole source award based on Unique Capability or Availability. Here, the proposed updates from CORYS are intended to be installed on CORYS simulators already in place at the Hayward Training Center, in order to provide a seamless training experience for District staff. Since the CORYS simulator product is proprietary to CORYS and no other vendor can perform such system updates, this award is a permissible single source agreement under FTA Circular 4220.1F.

Pursuant to the District's Disadvantaged Business Enterprise (“DBE”) Program, the Office of Civil Rights is utilizing race and gender-neutral efforts for Sole Source Agreements; therefore, no DBE goal was set for this Agreement.

FISCAL IMPACT:

The EDD proposes a total cost of \$1,743,088 for the contract.

The price for the agreement work of \$1,743,088 is only 5% higher than the Engineer’s Estimate of \$1,666,280.

Funding in the amount of \$1,743,088 for Agreement No. 6M3697 is included in the total project budget for FMS#49GH008 – CBTC Deployment.

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

Fund Group	Fund Description	Amount
FEDERAL	F/G 354S - FTA CA-2020-047 TBCCCP FFGA	62,966,359
STATE	F/G 546B - TIRCP-2021-27 TCCCP	86,020,951
BART	F/G 802D - Measure RR GOB	43,620,922
	TOTAL	192,608,233

As of February 8, 2024, \$192,608,233 is the total budget for this project. BART has expended \$191,274, committed \$14,434,202, and reserved \$57,226 to date. This action will commit \$1,743,088, leaving an available fund balance of \$176,182,443 in these 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:

Holding a competitive bidding process will generate long lead times, thus jeopardizing the training program on an already aging and outdated system, not optimizing or delaying the user experience for train operators, and not meeting the training schedule demands of the overall CBTC Project. Using a new contractor would result in duplication of costs as CBTC modifications would require access to software and documentation provided by and proprietary to CORYS.

RECOMMENDATION:

Adoption of the following motion.

MOTION:

The General Manager is authorized to execute Agreement No. 6M3697 for CBTC Modifications to the D-Car Train Simulator with CORYS in an amount not to exceed \$1,743,088 including all applicable taxes to provide hardware and software updates for the train simulators.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <div style="border: 1px solid black; padding: 2px; display: inline-block;"> DocuSigned by: 47000790F2D7463... </div>		GENERAL MANAGER ACTION REQ'D: Approve and Forward to Board of Directors		
DATE: 2/27/2024 3/6/2024		BOARD INITIATED ITEM: No		
Originator/Prepared by: Ana Maria Maxey Dept: New Car Procurement <div style="border: 1px solid black; padding: 2px; display: inline-block;"> DocuSigned by: 24DE449C8B16463... </div> Signature/Date: <div style="text-align: right;">3/6/2024</div>	General Counsel <div style="border: 1px solid black; padding: 2px; display: inline-block;"> DocuSigned by: 2528C067C44147D... </div> <div style="text-align: right;">3/6/2024 []</div>	Controller/Treasurer <div style="border: 1px solid black; padding: 2px; display: inline-block;"> DocuSigned by: EE11C8CEEEA04FD... </div> <div style="text-align: right;">3/6/2024 []</div>	District Secretary <div style="text-align: right;">[]</div>	BARC <div style="border: 1px solid black; padding: 2px; display: inline-block;"> DocuSigned by: 8128A2EB2F014F3... </div> <div style="text-align: right;">3/6/2024 []</div>

Change Order No. 062 to Contract No. 40FA - Train to Wayside and WiFi System

PURPOSE: To obtain Board authorization for the execution of Change Order No. 062 (Train to Wayside and WiFi System), in the amount of \$3,543,716.70, to Contract No. 40FA-110, Procurement of Transit Vehicles ("the Contract").

DISCUSSION:

On May 10, 2012, the Board authorized the award of the Contract to then-Bombardier Transit Corporation (now Alstom) for the procurement of Fleet of the Future transit vehicles.

The San Francisco Bay Area Rapid Transit (BART) District (the District) intends to implement a Digital Railway Communications Subsystem for use with the BART Fleet of the Future (FOTF). Digital Railway equipment will connect to BART's wireless wayside infrastructure and offer in-car wireless services. Through extensive research, and discussions with other train operators two vendors were identified with proven track records of delivering Digital Railway solutions capable of the performance sought by BART. Those vendors are RADWIN and Fluidmesh.

The Digital Railway will provide wireless bi-directional IP connectivity between the Wayside subsystem and the on-board subsystem and passengers electronic devices. The WiFi network shall have a throughput rate of 250-300 Mbps for each train or isolated car when uncoupled. The network supports a standalone car to a maximum train length of ten (10) cars with any possible combination of "D" and "E" car. The WiFi network provides

WiFi access that spans all cars through the train. The Transportation Mobile Unit (TMU) radio installed in each end car in a coupled consist or in a single decoupled car is set in transmitting mode while the radios in non-end car are muted. In case of train length of two (2) cars or more, the two (2) TMU radios communicate to choose the best wayside access point where the TMU radio with the best connectivity is active at all times. When the vehicle is turned off, the vehicle battery is able to power up the Wi-Fi system for at least 30 minutes.

The Digital Railway is made up of two (2) main subsystems, the wayside subsystem and the on-board subsystem. The two (2) subsystems are integrated to perform the functions required by BART. The wayside subsystem is composed of Transportation Base Station (TBS). The TBS units are installed at fixed locations along the wayside. The on-board subsystem is composed of Transportation Mobile Unit (TMU), Passenger Internet Access Switch (PIAS), two (2) Passenger Internet Access Points (PIAP), two (2) AP Antennas and four Wireless Inter Car Links (WICL). Alstom will be providing the above equipment and all associated engineering work for this portion of the WiFi. Alstom experienced an 8-month project delay, which will not affect the current end of the project.

Pursuant to Board Rule 5-2.3, for construction and procurement contracts greater than \$200 million, any Change Order involving an expenditure greater than \$500,000 requires Board approval.

The Office of the General Counsel will approve this Change Order as to form prior to execution.

The Procurement Department will review this Change Order for conformance with its Procedures prior to execution.

FISCAL IMPACT:

Funding in the amount of \$3,543,716.70 for Change Order No. 62 is included in the total Project budget for FMS #40FA001 - Rail Car Procurement.

The table below lists funding assigned to the referenced project and is included to track funding history against spending authority. As of March 1, 2024, the following fund sources have been secured out of the total project budget of \$2.045B

BART	\$ 306,088,625
Federal	\$ 1,089,154,858
State	\$ 222,079,697
Regional	\$ 269,049,860
VTA	\$ 158,297,038
Total	\$ 2,044,670,078

The following is the project expenditures summary as of March 1, 2024, for the Rail Car Procurement project:

Total Project Estimate	\$ 2,044,670,078
Expense to Date	\$1,527,359,421
Encumbrances	\$448,898,863
Reserved	\$319,284
This Action	\$ 3,543,717
Remaining Balance	64,548,792

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

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

ALTERNATIVES:

Decline to approve this Change Order. No wireless services will be provided to patrons.

RECOMMENDATION:

It is recommended that the Board adopt the following motion.

MOTION:

The General Manager is authorized to execute Change Order No. 062 for changes to the Technical Specification 15.10- Train to Wayside and Wifi System under Contract No. 40FA-110 Procurement of Transit Vehicles.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <div style="float: right; border: 1px solid black; padding: 2px; margin-top: 5px;"> <small>DocuSigned by:</small> <i>Michael Jones</i> <small>47000790F2D7463...</small> </div>		GENERAL MANAGER ACTION REQ'D:		
DATE: 3/1/2024 3/6/2024		BOARD INITIATED ITEM: Yes		
Originator/Prepared by: Ana Maria Maxey Dept: New Car Procurement <div style="border: 1px solid black; padding: 2px; margin-top: 5px;"> <small>DocuSigned by:</small> <i>Ana Maria Maxey</i> <small>24DE449C8B16463...</small> </div> Signature/Date: <div style="text-align: right;">3/6/2024</div>	General Counsel <div style="border: 1px solid black; padding: 2px; margin-top: 5px;"> <small>DocuSigned by:</small> <i>Amelia Sandoval</i> <small>2528C067C44147D...</small> </div> Signature/Date: <div style="text-align: right;">3/6/2024 []</div>	Controller/Treasurer <div style="border: 1px solid black; padding: 2px; margin-top: 5px;"> <small>DocuSigned by:</small> <i>Shirley Gan</i> <small>EE11C8CEEEA04FD...</small> </div> Signature/Date: <div style="text-align: right;">3/6/2024 []</div>	District Secretary <div style="border: 1px solid black; padding: 2px; margin-top: 5px;"> <small>DocuSigned by:</small> <i>Shane Edwards</i> <small>8128A2EB2F014F3...</small> </div> Signature/Date: <div style="text-align: right;">[] 3/6/2024 []</div>	BARC <div style="border: 1px solid black; padding: 2px; margin-top: 5px;"> <small>DocuSigned by:</small> <i>Shane Edwards</i> <small>8128A2EB2F014F3...</small> </div> Signature/Date: <div style="text-align: right;">3/6/2024 []</div>

Change Order No. 006 to Contract No. 40FD-110 Train to Wayside and WiFi System

PURPOSE:

To obtain Board authorization for the execution of Change Order No. 006 (Train to Wayside and Wifi System), in the amount of \$620,607.78, to Contract No. 40FD-110, Procurement of Transit Vehicles ("the Contract").

DISCUSSION:

On November, 16, 2020, the Board authorized award of the Contract to then-Bombardier Transit Corporation (now Alstom) for the procurement of Fleet of the Future transit vehicles (E-cars only).

The San Francisco Bay Area Rapid Transit (BART) District (the District) intends to implement a Digital Railway Communications Subsystem for use with the BART Fleet of the Future (FOTF). Digital Railway equipment will connect to BART's wireless wayside infrastructure and offer in-car wireless services. Through extensive research, and discussions with other train operators, two vendors were identified with proven track records of delivering Digital Railway solutions capable of the performance sought by BART. Those vendors are RADWIN and Fluidmesh.

The Digital Railway will provide wireless bi-directional IP connectivity between the Wayside subsystem and the on-board subsystem and passengers electronic devices. The WiFi network shall have a throughput rate of 250-300 Mbps for each train or isolated car when uncoupled. The network supports a standalone car to a maximum train length of ten (10) cars with any possible combination of "D" and "E" car. The WiFi network provides WiFi access that spans all cars through the train. The Transportation Mobile Unit (TMU)

radio installed in each end car in a coupled consist or in a single decoupled car is set in transmitting mode while the radios in non-end cars are muted. In case of train length of two (2) cars or more, the two (2) TMU radios communicate to choose the best wayside access point where the TMU radio with the best connectivity is active at all times. When the vehicle is turned off, the vehicle battery is able to power up the WiFi system for at least 30 minutes.

The Digital Railway is made up of two (2) main subsystems, the wayside subsystem and the on-board subsystem. The two (2) subsystems are integrated to perform the functions required by BART. The wayside subsystem is composed of Transportation Base Station (TBS). The TBS units are installed at fixed locations along the wayside. The on-board subsystem is composed of Transportation Mobile Unit (TMU), Passenger Internet Access Switch (PIAS), two (2) Passenger Internet Access Points (PIAP), two (2) AP Antennas, and four Wireless Inter Car Links (WICL). Alstom will be providing the above equipment and all associated engineering work for this portion of the WiFi

Pursuant to Board Rule 5-2.3, for construction and procurement contracts greater than \$200 million, any Change Order involving an expenditure greater than \$500,000 requires Board approval.

The Office of the General Counsel will approve this Change Order as to form prior to execution.

The Procurement Department will review this Change Order for conformance with its Procedures prior to execution.

FISCAL IMPACT:

Funding in the amount of \$620,607.78 for Change Order No. 006 is included in the total Project budget for FMS #40FD001 - Rail Car Procurement.

The table below lists funding assigned to the referenced project and is included to track funding history against spending authority. As of March 1, 2024, the following fund sources have been secured out of the total project budget of \$1.043B.

Fund Category	Fund Source	Secured/ Allocated	Secured/ Unallocated	Total Funding	No
Federal	FTA CIG	203,870,671	-	203,870,671	
Regional	MTC Rail Car	157,480,372	-	157,480,372	

	Exchange Account				
Local	SFCTA Prop L	35,295,335	-	35,295,335	
Local	ACTC Measure BB	-	31,331,689	31,331,689	Aw
State	TIRCP	-	138,806,286	138,806,286	Aw
Regional	RM3	-	476,665,931	476,665,931	Aw
	Total	396,646,378	646,803,906	1,043,450,284	

The following is the project expenditures summary as of March 1, 2024, for the Rail Car Procurement project:

Total Project Estimate	\$ 1,043,450,284
Expense to Date	\$69,362,000
Encumbrances	\$845,956,925
Reserved	\$0
This Action	\$ 620,608
Remaining Balance	\$127,510,751

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

ALTERNATIVES:

Decline to approve this Change Order. No wireless services will be provided to patrons.

RECOMMENDATION:

It is recommended that the Board adopt the following motion.

MOTION:

The General Manager is authorized to execute Change Order No.006 for changes to the Technical Specification 15.10- Train to Wayside and Wifi System under Contract No. 40FD-110 Procurement of Transit Vehicles



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <div style="float: right; border: 1px solid black; padding: 2px;"> <small>DocuSigned by:</small> <small>47000790F2D7463...</small> </div>		GENERAL MANAGER ACTION REQ'D:		
DATE: 3/1/2024 3/6/2024		BOARD INITIATED ITEM: No		
Originator/Prepared by: Cristiano Torresi Dept: Strategic Administrative Group <div style="border: 1px solid black; padding: 2px; margin-top: 10px;"> <small>DocuSigned by:</small> <small>15AD466D82FA476...</small> </div> Signature/Date: <div style="text-align: right;">3/4/2024</div>	General Counsel <div style="border: 1px solid black; padding: 2px; margin-top: 10px;"> <small>DocuSigned by:</small> <small>2528C067C44147D...</small> </div> Signature/Date: <div style="text-align: right;">3/4/2024 []</div>	Controller/Treasurer <div style="border: 1px solid black; padding: 2px; margin-top: 10px;"> <small>DocuSigned by:</small> <small>EE11C8CEEEA04FD...</small> </div> Signature/Date: <div style="text-align: right;">3/4/2024 []</div>	District Secretary <div style="border: 1px solid black; padding: 2px; margin-top: 10px;"> <small>DocuSigned by:</small> <small>8128A2EB2F014F3...</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> <small>8128A2EB2F014F3...</small> </div> Signature/Date: <div style="text-align: right;">3/4/2024 []</div>

Award of IFB 9134 - Taylor-Dunn Bigfoot Carts

PURPOSE: To request that the Board rescind its prior action authorizing award of Invitation for Bid (IFB) No. 9134 to TMHNC and to request authorization for the General Manager to instead award IFB No. 9134 to RKU Distributing Inc, Redding, CA, in the amount of \$602,489.31 (including applicable sales tax), for ten (10) each of two (2) passenger Taylor-Dunn Bigfoot Carts and eleven (11) each of four (4) passenger Taylor-Dunn Bigfoot Carts.

DISCUSSION: A notice requesting bids for IFB No. 9134 for Taylor-Dunn Bigfoot Carts was issued on November 7, 2023 and provided for a 5% Small Business Prime Preference for Small Businesses certified by the California Department of General Services. Two bids were received on December 5, 2023 from Toyota Material Handling Northern California (TMHNC) and RKU Distributing Inc in the following amounts:

Bidder	Total	Grand Total with Tax
TMHNC	\$518,350.00	\$574,072.63
RKU Distributing Inc	\$544,008.41	\$602,489.31

After initial review of the bids the Office of Civil Rights determined that both TMHNC and RKU Distributing Inc were not Small Businesses certified by the California Department of General Services and therefore neither were eligible for the 5% Small Business Prime Preference.

On February 22, 2024, the Board authorized award of IFB No. 9134 for Taylor-Dunn Bigfoot Carts for an amount of \$574,072.63 (includes all taxes) to TMHNC.

Subsequently, the District's Office of Civil Rights re-examined the application of the 5%

Small Business Prime Preference and discovered a mistake in the original application. RKU Distributing Inc was in fact a Small Business certified by the California Department of General Services at the time bids were due and therefore was eligible for the 5% Small Business Prime Preference. Applying the 5% Small Business Prime Preference to RKU Distributing Inc's bid resulted in RKU Distributing Inc becoming the lowest bidder:

Bidder	Total	Grand Total with Tax	Grand Total with Tax Applying 5% Small Business Prime Preference*
RKU	\$544,008.41	\$602,489.31	\$573,785.68
TMHNC	\$518,350.00	\$574,072.63	\$574,072.63

Independent cost estimate by BART staff is \$570,003.21 including taxes.

Pursuant to the District's Non-Discrimination Program for Subcontracting, the Availability Percentages for this Contract are 2.2 % for Minority Business Enterprises (MBEs) and 1.1% for Women Business Enterprises (WBEs). The Bidder, RKU Distributing 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 in the amount of \$602,489.31 for the procurement of Taylor-Dunn Bigfoot Carts is included in the total project budget for FMS No. 79NB001. The table below lists funding assigned to the referenced project and is included to track funding history against spending authority. Funds needed to meet this request will be expended from the following sources:

Fund No.	Source	Fund Description	Amount
8529/8530/8531/8532/8533/			
8534/8536/8537/8538	BART	Operating Capital Allocation	12,141,346.23
Total: 12,141,346.23			

As of February 1, 2024, \$12,141,346.23 is the total budget for this project. BART has expended \$3,359,196.62, committed \$248,979.91, and reserved \$3,622,505.12 to date. This action will commit \$602,489.31, leaving an available fund balance of \$4,308,175.27 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: The alternative is to not rescind the original award, which could result in claims against the District.

RECOMMENDATION: It is recommended that the Board adopt the following motions.

MOTIONS: The Board rescinds its prior action authorizing award of IFB No. 9134 to TMHNC.

The General Manager is authorized to award IFB No. 9134 for Taylor-Dunn Bigfoot Carts to RKU Distributing Inc, Redding, CA, for an amount of \$602,489.31 (includes all taxes), pursuant to notification to be issued by the General Manager and subject to the District's protest procedures.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <div style="float: right; border: 1px solid black; padding: 2px; margin-top: 5px;"> <small>DocuSigned by:</small> <i>Michael Jones</i> <small>47000790F2D7463...</small> </div>		GENERAL MANAGER ACTION REQ'D:		
DATE: 2/12/2024 3/7/2024		BOARD INITIATED ITEM: No		
Originator/Prepared by: Carli Paine Dept: Real Estate & Prop Development <div style="border: 1px solid black; padding: 2px; margin-top: 5px;"> <small>DocuSigned by:</small> <i>Carli Paine</i> <small>7A5EDAA080674C0...</small> </div> Signature/Date: <div style="text-align: right;">3/6/2024</div>	General Counsel <div style="border: 1px solid black; padding: 2px; margin-top: 5px;"> <small>DocuSigned by:</small> <i>Amelia Sandoval</i> <small>2528C067C44147D...</small> </div> <div style="text-align: right;">3/6/2024 []</div>	Controller/Treasurer <div style="border: 1px solid black; padding: 2px; margin-top: 5px;"> <small>DocuSigned by:</small> <i>Shirley Gan</i> <small>EE11C8CEEEA04FD...</small> </div> <div style="text-align: right;">3/7/2024 []</div>	District Secretary <div style="text-align: right;">[]</div>	BARC <div style="border: 1px solid black; padding: 2px; margin-top: 5px;"> <small>DocuSigned by:</small> <i>Val Menotti</i> <small>AA8F1409A8F748E...</small> </div> <div style="text-align: right;">3/7/2024 []</div>

Change of Use Authorization: Pleasant Hill/Contra Costa Centre Block D

PURPOSE:

To request Board authorization to amend the Ground Lease between BART and the Pleasant Hill BART Station Leasing Authority to allow residential uses as a permitted use on Block D (APN 148-221-043) of the Pleasant Hill/Contra Costa Centre BART Station Transit Village.

DISCUSSION:

In 2005, Contra Costa County and BART entered into a Joint Powers Authority agreement creating the Pleasant Hill BART Station Leasing Authority ("JPA") to advance transit-oriented development at the Pleasant Hill/Contra Costa Centre station. On May 15, 2006, BART and the JPA entered into a ground lease (the "JPA Ground Lease") to further advance development. The Pleasant Hill JPA Ground Lease established the 'ground rules' pursuant to which the JPA would then enter into subleases with various developers. Attachment 1 provides a map of the Pleasant Hill/Contra Costa Centre Transit Village. Blocks A, B, C & E, which combine a mix of commercial and residential development have been completed.

On June 1, 2019, BART and the JPA amended the JPA Ground Lease to change the permitted use for Block D from residential to office, with the expectation that the rights to develop Block D would be transferred to Harvest Properties, Inc. (Harvest). From 2019 through 2023, Harvest worked to identify a feasible project, but was not successful, and subsequently missed deadlines contained in its agreement with the JPA for project deliverables.

After conducting due diligence regarding the state of the commercial office market and

institutional market at this location, the JPA staff believe that a residential use is most viable. In order to enable this approach, BART and the JPA must amend the underlying JPA Ground Lease to allow residential use on Block D in order for the JPA to pursue residential development.

FISCAL IMPACT:

There is no fiscal impact on unprogrammed District reserves in the current Fiscal Year from the proposed action. As development advances, there may be fiscal impacts that the Board will consider in future actions, which may include both development revenues to BART as well as infrastructure costs.

ALTERNATIVES:

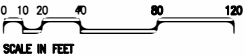
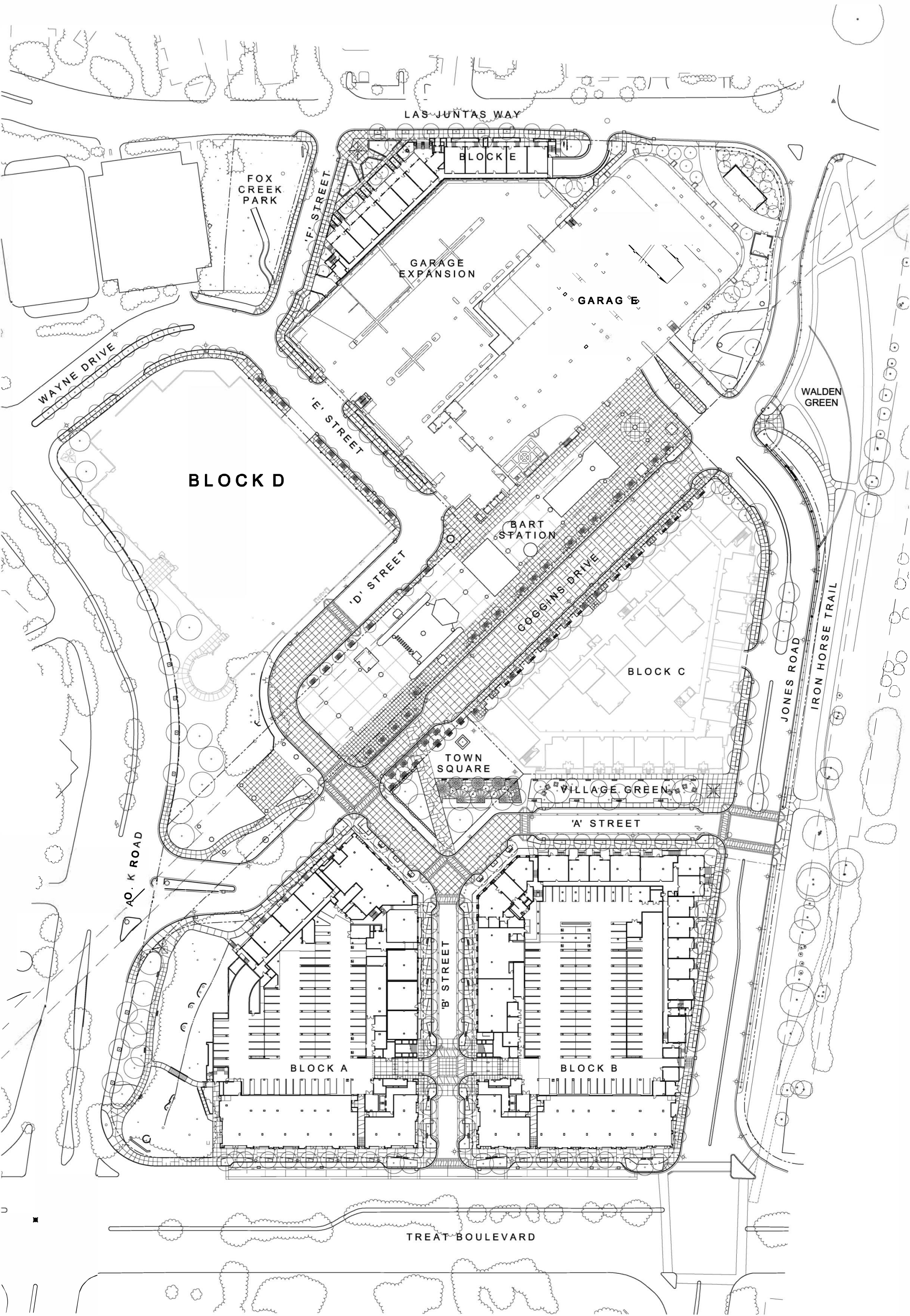
Do not authorize an amendment to the JPA Lease to allow residential; leave the permitted use as commercial. This would result in no development until such time as the market for new office development in the Pleasant Hill area resumes.

RECOMMENDATION:

Adopt the following motion.

MOTION:

The BART Board of Directors authorizes the General Manager or his designee to enter into an amendment to the Pleasant Hill JPA Ground Lease to allow residential use on Block D (APN 148-221-043) and to execute any and all agreements and other documents in order to effectuate the foregoing amendment.





EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:		GENERAL MANAGER ACTION REQ'D:	
DocuSigned by: 47000790F2D7463...		No	
DATE: 3/6/2024		BOARD INITIATED ITEM: No	
Originator/Prepared by: Shannon Dodge Dept: Transit Oriented Development DocuSigned by: DF8053A2E0974A7... Signature/Date: 3/6/2024	General Counsel DocuSigned by: 2528C067C44147D... 3/6/2024 []	Controller/Treasurer DocuSigned by: EE11C8CEEEA04FD... 3/6/2024 []	District Secretary DocuSigned by: AA8F1409A8F748E... 3/6/2024 []

Declaration of Exempt Surplus Land for North Berkeley BART Station Transit-Oriented Development Project

PURPOSE:

To adopt a resolution declaring the land associated with Transit-Oriented Development (TOD) at the North Berkeley BART Station as “exempt surplus” to comply with state law known as the California Surplus Land Act.

DISCUSSION:

BART is currently in negotiations with a developer group for development of TOD at the North Berkeley Station. The developers will be applying for funding from California’s Department of Housing and Community Development (HCD) in the near future. The funding applications will receive additional consideration if they are in compliance with the California Surplus Land Act (SLA).

To support these applications, staff recommends that the BART Board adopt a Resolution finding that the land that will be developed by this project is “exempt surplus land” within the meaning of the SLA.

The SLA is intended to increase the supply of land that is available for development of affordable housing by imposing a process on public agencies, including transit, for the disposition of public land that is no longer necessary for agency use.

Under the SLA, if a local agency intends to “dispose” of real property, either by sale or by a lease with a term of fifteen or more years, then the agency must either declare the land to be

“surplus land” or “exempt surplus land” prior to taking action to lease or sell the land. The disposition of “surplus land” triggers a number of potentially burdensome requirements, including issuing a detailed “notice of availability,” engaging in good faith negotiations with any housing sponsors interested in the land, and obtaining approval from HCD. By contrast, disposal of “exempt surplus land” is exempt from the foregoing requirements.

The SLA establishes 19 different ways in which property can be declared to be “exempt surplus land.” With respect to the North Berkeley TOD, the applicable provision is Government Code Section 54221(f)(1)(G)(i), which defines “exempt surplus land” to include surplus land that is:

1. subject to an agency’s open, competitive solicitation, provided that all entities identified in subdivision (a) of Government Code Section 54222 are invited to participate in the open, competitive solicitation process;
2. for a mixed-use development that is more than one acre in area, the development on the land includes not less than 300 residential units; and
3. The development on the land will restrict at least 25 percent of the residential units in the development to lower income households, as defined in Section 50079.5 of the Health and Safety Code, with an affordable sales price or an affordable rent, as defined in Sections 50052.5 and 50053 of the Health and Safety Code, for a minimum of 55 years for rental housing.

The attached resolution declaring the property intended to be utilized for TOD at the North Berkeley station as “exempt surplus land” states that all of the applicable requirements under Government Code section 54221(f)(1)(G)(i) either have been satisfied or will be satisfied prior to executing a binding ground lease option agreement for the project.

FISCAL IMPACT:

None

ALTERNATIVES:

Do not declare the land associated with TOD at the North Berkeley station “exempt surplus land.” Sale or lease of property that is not in compliance with the SLA will give rise to financial penalty to the agency acting as lessor or grantor.

RECOMMENDATION:

Adopt the attached Resolution.

MOTION:

The Board of Directors adopts the attached Resolution declaring the properties to be utilized for TOD at the North Berkeley BART Station to be exempt surplus land for the purposes of the California Surplus Land Act.

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

**In the matter of declaring land owned
by the San Francisco Bay Area Rapid
Transit District to be exempt surplus land
pursuant to Government Code
section 54221(f)(1)(F)(ii)**

Resolution No. _____

RESOLUTION

WHEREAS, the San Francisco Bay Area Rapid Transit District (“**BART**”) is the owner of approximately 8 acres of property located at the North Berkeley BART Station (as more particularly described in Exhibit A attached hereto and referred to herein as the “**Property**”; and

WHEREAS, pursuant to Government Code Section 54220 *et. seq.* (the “**Surplus Land Act**”) the BART Board of Directors (the “**Board**”) must declare the Property to be either “surplus land” or “exempt surplus land” before the Board may act to dispose of the Property; and

WHEREAS, Government Code Section 54221(f)(1)(G)(i) defines “exempt surplus land” to include surplus land that is subject to an agency’s open, competitive solicitation provided that all entities identified in subdivision (a) of Government Code Section 54222 will be invited to participate in the open, competitive solicitation process, for a mixed-use development that is more than one acre in area, that includes not less than 300 residential units, and that restricts at least 25 percent of the residential units to lower income households, as defined in Section 50079.5 of the Health and Safety Code, with an affordable sales price or an affordable rent, as defined in Sections 50052.5 and 50053 of the Health and Safety Code, for a minimum of 55 years for rental housing; and

WHEREAS, pursuant to Government Code section 54230.5(b)(2) the California Department of Housing and Community Development (“**HCD**”) was directed to, among other things, adopt guidelines to establish uniform standards to implement the Surplus Land Act; and

WHEREAS, on July 2, 2022, BART initiated an open, competitive solicitation process for development of a mixed-use development on the Property, notified all entities identified in Government Code Section 54222(a) of the solicitation, and invited them to participate; and

WHEREAS, BART is in the process of negotiating a lease option agreement with a development team that was selected pursuant to the open, competitive solicitation process that will result in a project that meets or exceeds the requirements of Government Code section 54221(f)(1)(G)(i); and

WHEREAS, pursuant to the Surplus Land Act, the Board must take formal action in a regular public meeting to declare that the Property is exempt surplus land, as supported by written findings; and

WHEREAS, pursuant to the Surplus Land Act Guidelines issued by the California Department of Housing and Community Development (“HCD”), any determination by a local agency that its surplus lands are exempt from the Surplus Land Act must be provided to HCD for its review at least 30 days prior to disposition.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors adopts the recitals set forth above as findings of fact.

BE IT FURTHER RESOLVED that the Board of Directors hereby declares, pursuant to Government Code Sections 54221(b) and 54221(f)(1)(G)(i), that for the purposes of the Surplus Lands Act the Property is exempt surplus land because BART: 1) i notified all entities identified in Government Code Section 54222(a) of the open, competitive solicitation process to select a developer for the Property, 2) will not enter into a lease option agreement for the Property unless it will result in a mixed-use development that includes not less than 300 housing units, and that restricts at least 25 percent of the residential units to lower income households, as defined in Section 50079.5 of the Health and Safety Code, with an affordable sales price or an affordable rent, as defined in Sections 50052.5 and 50053 of the Health and Safety Code, and 3) the foregoing requirements will be contained in one or more ground lease agreements, a memorandum of each of which shall be recorded against the land, and which ground lease requirements will be enforceable against any owner of restricted housing units who violates said requirements.

BE IT FURTHER RESOLVED that the Board of Directors hereby authorizes the General Manager, or his designee, to submit a copy of this Resolution to HCD and to take any actions and execute any documents necessary to ensure compliance with the Surplus Land Act.

PASSED AND ADOPTED by the Board of Directors of the San Francisco Bay Area Rapid Transit District, this ____ day of _____, 2024 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Signed: _____
Board President

Attest: _____
District Secretary

EXHIBIT A

The land referred to is situated in the County of Alameda, City of Berkeley, State of California, and is described as follows:

TRACT D:

PARCEL ONE:

BEGINNING at a point on the Southern line of Francisco, formerly Bay, Street distant thereon South 80° 27' 45" West 235.80 feet from the intersection thereof with the Western line of Short Street, as said streets are shown on the Map hereinafter referred to; running thence South 80° 27' 45" West along said line of Francisco Street 40 feet to the Eastern line of Acton, formerly Center Street; thence South 5° 31' 15" East 100 feet; thence North 80° 27' 45" East 40 feet; thence North 5° 31' 15" West 100 feet to the point of beginning.

BEING a portion of Block "A", as said block is shown on the "Map of the Vista Del Mar Tract, Berkeley, Ala. Co., Cal." etc., filed May 27, 1893, in the Office of the County Recorder of said Alameda County.

Together with the underlying fee interest, if any, appurtenant to the above described parcel in and to adjoining streets, alleys, public ways or railroad rights of way.

Together with that portion of Francisco Street, as vacated and closed to public use by Resolution of the City Council of the City of Berkeley which would pass by operation of law, as evidenced by document entitled "Ordinance No. 4345", recorded February 2, 1972 in [Reel/Book 3053 of Official Records, Image/Page 230](#).

Excepting therefrom that portion of land conveyed to City of Berkeley, a municipal corporation as described in Grant Deed recorded November 5, 1971 in Official Records under Recorder's Serial Number 71-146356, [Reel/Book 2989, Image/Page 645](#), and as shown on that certain Map entitled "Record Maps of Right of Way Bay Area Rapid Transit District" as R22-5, which Map was filed in the Office of the Recorder of the County of Alameda, State of California on September 20, 1971, in [Book 68 of Maps, at Pages 122-146](#).

PARCEL TWO:

COMMENCING at a point in the Southern line of Bay Street, now known as Francisco Street, distant thereon South 80° 27' 45" West, 195.80 feet from the point of intersection thereof with the center line of Short Street, as said streets are shown on the Map hereinafter referred to; and running thence along said Southern line of Bay Street, South 80° 27' 45" West, Forty feet; thence South 5° 31' 15" East 100 feet; thence North 80° 27' 45" East 40 feet; and thence North 5° 31' 15" West 100 feet to the point of commencement.

BEING a portion of Block "A" as said block is shown on the "Map of the Vista Del Mar Tract, Berkeley, Ala. Co. Cal." etc. filed May 27, 1893 in the Office of the County Recorder of Alameda County.

Together with the underlying fee interest, if any, appurtenant to the above described parcel in and to adjoining streets, alleys, public ways or railroad rights of way.

Together with that portion of Francisco Street, as vacated and closed to public use by Resolution of the City Council of the City of Berkeley which would pass by operation of law, as evidenced by document entitled "Ordinance No. 4345", recorded February 2, 1972 in [Reel/Book 3053 of Official Records, Image/Page 230](#).

PARCEL THREE:

Beginning at a point on the Southern line of Francisco (formerly Bay) Street, distant thereon South 80° 27' 45" West 155.80 feet from the point of intersection of said Southern line of Francisco Street, with the Western line of Short Street, as said streets are shown on the Map hereinafter referred to; running thence along said Southern line of Francisco Street South 80° 27' 45" West 40 feet; thence South 5° 31' 15" East 100 feet; thence North 80° 27' 45" East 40 feet and thence North 5° 31' 15" West 100 feet to the point of beginning.

Being a portion of Block "A", as said block is shown on the "Map of the Vista Del Mar Tract, Berkeley, Ala. Co. Cal.," etc., filed May 27, 1893 in the Office of the County Recorder of Alameda County.

Together with the underlying fee interest, if any, appurtenant to the above described parcel in and to adjoining streets, alleys, public ways or railroad rights of way.

Together with that portion of Francisco Street, as vacated and closed to public use by Resolution of the City Council of the City of Berkeley which would pass by operation of law, as evidenced by document entitled "Ordinance No. 4345", recorded February 2, 1972 in [Reel/Book 3053 of Official Records, Image/Page 230](#).

PARCEL FOUR:

Beginning at a point on the Southern line of Francisco Street, formerly Bay Street, distant thereon South 80° 27' 45" West 120 feet from the intersection thereof with the Western line of Short Street, as said streets are shown on the Map; and running thence along said line of Francisco Street, South 80° 21' 45" West 35.80 feet; thence South 5° 31' 15" East 100 feet; thence North 80° 27' 45" East 35.80 feet; thence North 5° 31' 15" West 100 feet to the point of beginning.

Being a portion of Block "A" as said block is shown on the "Map of the Vista Del Mar Tract, Berkeley, Ala. Co. Cal.," etc., filed May 27, 1893, in [Book 12 of Maps, of Page 59](#), in the Office of the County Recorder of Alameda County.

Together with the underlying fee interest, if any, appurtenant to the above described parcel in and to adjoining streets, alleys, public ways or railroad rights of way.

Together with that portion of Francisco Street, as vacated and closed to public use by Resolution of the City Council of the City of Berkeley which would pass by operation of law, as evidenced by document entitled "Ordinance No. 4345", recorded February 2, 1972 in [Reel/Book 3053 of Official Records, Image/Page 230](#).

PARCEL FIVE:

Beginning at a point in the Southerly line of Bay Street, now known as Francisco Street, distant thereon South 80° 27' 45" West, 80 feet from the point of intersection of said Southerly line of said Bay Street, with the Westerly line of Short Street, as said Bay Street and Short Street are shown on the "Map of the Vista Del Mar Tract", etc., hereinafter referred to; and running thence along said Southerly line of said Bay Street, South 80° 27' 45" West, 40 feet; thence South 5° 31' 15" East, 100 feet; thence North 80° 27' 45" East, 40 feet; end thence North 5° 31' 15" West 100 feet to the point of beginning.

Being a portion of Block "A", as said block is shown on the "Map of the Vista Del Mar Tract, Berkeley, Ala. Co. Cal", etc., filed May 27, 1893, in [Book 12 of Maps, Page 59](#), in the Office of the County Recorder of Alameda County.

Together with the underlying fee interest, if any, appurtenant to the above described parcel in and to adjoining street, alleys, public ways or railroad rights of way.

Together with that portion of Francisco Street, as vacated and closed to public use by Resolution of the City Council of the City of Berkeley which would pass by operation of law, as evidenced by document entitled "Ordinance No. 4345", recorded February 2, 1972 in [Reel/Book 3053 of Official Records, Image/Page 230](#).

PARCEL SIX:

Beginning at a point in the Southern line of Francisco Street, formerly Bay Street, distant thereon South 80° 27' 45" West 40 feet from the point of intersection of said Southern line of said Francisco Street with the Western line of Short Street, as said Francisco Street and said Short Street are shown on the "Map of the Vista Del Mar Tract", herein referred to; and running thence along said Southern line of said Francisco Street; South 80° 27' 45" West, 40 feet; thence South 5° 31' 15" East 100 feet; thence North 80° 27' 45" East 40 feet; and thence North 5° 31' 15" West 100 feet to the point of beginning.

Being a portion of Block "A, as said block is shown on the "Map of the Vista Del Mar Tract, Berkeley, Ala. Co., Cal.," filed May 27, 1893, in [Book 12 of Maps, Page 59](#), in the Office of the County Recorder of Alameda County.

Together with the underlying fee interest, if any, appurtenant to the above described parcel in and to adjoining streets, alleys, public ways or railroad rights of way.

Together with that portion of Francisco Street, as vacated and closed to public use by Resolution of the City Council of the City of Berkeley which would pass by operation of law, as evidenced by document entitled "Ordinance No. 4345", recorded February 2, 1972 in [Reel/Book 3053 of Official Records, Image/Page 230](#).

PARCEL SEVEN:

Beginning at the point of intersection of the Southerly line of Bay Street. (now known as Francisco Street) with the Western line of Short Street, as said streets are shown on the "Map of the Vista Del Mar Tract" etc., herein referred to; and running thence along said Southerly line

of said Bay Street South 80° 27' 45" West 40 feet; thence South 5° 31' 15" East 100 feet; thence North 80° 27' 45" East 40 feet to said Westerly line of said Short Street; and thence along said Westerly line of said Short Street North 5° 31' 15" West 100 feet to the point of beginning.

Being a portion of Block "A", as said block is shown on the "Map of the Vista Del Mar Tract, Berkeley, Ala., Co., Cal.", etc., filed May 27, 1843, in the Office of the County Recorder of Alameda County.

Together with the underlying fee interest, if any, appurtenant to the above described parcel in and to adjoining streets, alleys, public ways or railroad rights of way.

Together with that portion of Francisco Street and Short Street, as vacated and closed to public use by Resolution of the City Council of the City of Berkeley which would pass by operation of law, as evidenced by document entitled "Ordinance No. 4345", recorded February 2, 1972 in [Reel/Book 3053 of Official Records, Image/Page 230](#).

PARCEL EIGHT:

Beginning at a point on the Western line of Short Street distant thereon Northerly 135.53 feet from the intersection thereof with the Northern line of Delaware Street, as said streets are shown on the Map herein referred to; running thence Northerly along said line of Short Street 35.51 feet; thence Westerly parallel with the Southern line of Francisco Street, formerly Bay Street, as shown on said Map, 137 and 9/10 feet; thence Southerly parallel with said line of Short Street, 35.51 feet; thence Easterly parallel with said line of Francisco Street 137 and 9/10 feet to the point of beginning.

Being a portion of Block "A", as said block is shown on the "Map of the Vista Del Mar Tract, Berkeley, Ala. Co. Cal.", filed May 27, 1893, in [Book 12 of Maps, Page 59](#), in the Office of the County Recorder of Alameda County.

Together with the underlying fee interest, if any, appurtenant to the above described parcel in and to adjoining street, alleys, public ways or railroad rights of way.

Together with that portion of Short Street, as vacated and closed to public use by Resolution of the City Council of the City of Berkeley which would pass by operation of law, as evidenced by document entitled "Ordinance No. 4345", recorded February 2, 1972 in [Reel/Book 3053 of Official Records, Image/Page 230](#).

PARCEL NINE:

Beginning at a point on the Western line of Short Street, distant thereon, 100 feet Northerly from the point of intersection thereof, with the Northern line of Delaware Street, as said streets are shown on the map herein referred to; running thence Northerly along said line of Short Street, 35.53 feet; thence Westerly parallel with the Southern line of Francisco Street, 137.9 feet; thence Southerly parallel with said line of Short Street, 35.52 feet; and thence Easterly parallel with said line of Delaware Street, 137.9 feet to the point of beginning.

Being a portion of Block "A", as said Block is show on the "Map of the Vista Del Mar Tract, Berkeley, Ala. Co., Cal., May 1893", filed May 27, 1893, in [Book 12 of Maps, Page 59](#), in the Office of the County Recorder of Alameda County.

Together with the underlying fee interest, if any, appurtenant to the above described parcel in and to adjoining streets, alleys, public ways or railroad rights of way.

Together with that portion of Short Street, as vacated and closed to public use by Resolution of the City Council of the City of Berkeley which would pass by operation of law, as evidenced by document entitled "Ordinance No. 4345", recorded February 2, 1972 in [Reel/Book 3053 of Official Records, Image/Page 230](#).

PARCEL TEN:

Beginning at the point of intersection of the Northern line of Delaware Street with the Western line of Short Street, as said Delaware Street and said Short Street are shown on the "Map of the Vista Del Mar Tract" etc., hereinafter referred to; and running thence along said Northern line of said Delaware Street, South 80° 28' 30" West, 40 feet; thence North 5° 31' 15" West and parallel with said Western line of said Short Street, 100 feet; thence North 80° 28' 30" East and parallel with said Northern line of said Delaware Street, 40 feet to said Western line of said Short Street; and thence along said Western line of said Short Street, South 5° 31' 15" East, 100 feet to the point of beginning.

Being a portion of Block "A", as said block is shown on the "Map of the Vista Del Mar Tract, Berkeley, Ala. Co., May 1893" filed May 27, 1893 in the Office of the County Recorder of Alameda County.

Together with the underlying fee interest, if any, appurtenant to the above described parcel in and to adjoining streets, alleys, public ways or railroad rights of way.

Together with that portion of Short Street, as vacated and closed to public use by Resolution of the City Council of the City of Berkeley which would pass by operation of law, as evidenced by document entitled "Ordinance No. 4345", recorded February 2, 1972 in [Reel/Book 3053 of Official Records, Image/Page 230](#).

PARCEL ELEVEN:

Beginning at a point in the Northerly line of Delaware Street, distant thereon South 80° 28' 30" West 40 feet from the point of intersection of said Northerly line of said Delaware Street with the Westerly line of Short Street, as said Delaware Street and Short Street are shown on the "Map of the Vista Del Mar Tract", etc., herein referred to; and running thence along said Northerly line of said Delaware Street, South 80° 28' 30" West 40 feet; thence North 5° 31' 15" West and parallel with said Westerly line of said Short Street 100 feet; thence North 80° 28' 30" East and parallel with said Northerly line of said Delaware Street 40 feet; and thence South 5° 31' 15" East and parallel with said Westerly line of said Short Street 100 feet to the point of beginning.

Being a portion of Block "A", as said block is shown on the Map of the Vista Del Mar Tract, Berkeley, Ala. Co., Cal.," etc., filed May 21, 1893 in [Book 12 of Maps, Page 59](#), in the Office of the County Recorder of Alameda County.

Together with the underlying fee interest, if any, appurtenant to the above described parcel in and to adjoining streets, alleys, public ways or railroad rights of way.

PARCEL TWELVE:

Beginning at a point on the Northerly line of Delaware Street distant thereon South 80° 28' 30" West 80 feet from the point of intersection of said Northerly line of said Delaware Street with the Westerly line of Short Street, as said streets are shown on the "Map of the Vista Del Mar Tract. etc.," herein referred to; running thence along said Northerly line of said Delaware Street South 80° 28' 30" West 40 feet; thence North 5° 31' 15" West 100 feet; thence North 80° 28' 30" East 40 feet; and thence South 5° 31' 15" East 100 feet to the point of beginning.

Being a portion of Block lettered "A", as said block is shown on the "Map of the Vista Del Mar Tract, Berkeley, Ala. Co. Cal." etc., filed May 27, 1893 in the Office of the County Recorder of Alameda County.

Together with the underlying fee interest, if any, appurtenant to the above described parcel in and to adjoining streets, alleys, public ways and railroad rights of way.

PARCEL THIRTEEN:

Beginning at a point in the Northerly line of Delaware Street, distant thereon South 80° 28' 30" West, 120 feet from the point of intersection of said Northerly line of said Delaware Street with the Westerly line of Short Street, as said Delaware Street and said Short Street are shown on the "Map of the Vista Del Mar Tract" etc., hereinafter referred to; running thence along said Northerly line of said Delaware Street, South 80° 28' 30" West, 35.80 feet; thence North 5° 31' 15" West, 100 feet; thence North 80° 28' 30" East, 35.80 feet; thence South 5° 31' 15" East, 100 feet to the point of beginning.

Being a portion of Block "A", as said block is shown on the Map of the Vista Del Mar Tract, Berkeley, Ala. Co. Cal"., filed May 27, 1893 in the Office of the County Recorder of Alameda County.

Together with the underlying fee interest; if any, appurtenant to the above described parcel in and to adjoining streets, alleys, public ways or railroad rights of way.

PARCEL FOURTEEN:

Beginning at a point on the Northern line of Delaware Street distant thereon South 80° 28' 30" West 155.80 feet from the point of intersection of said Northern line of said Delaware Street with the Western line of Short Street, as the said Delaware Street and said Short Street arc shown on the "Map of the Vista Del Mar Tract", herein referred to; running thence along said Northern line of Delaware Street South 80° 28' 30" West 40 feet; thence North 5° 31' 15" West 100 feet; thence North 80° 28' 30" East 40 feet; thence South 5° 31' 15" East 100 feet to the point of beginning.

Being a portion of Block "A" of Vista Del Mar Tract, according to the Map thereof, filed May 27, 1893 in [Book 12 of Maps, Page 59](#), in the Office of the County Recorder of Alameda County.

Together with the underlying fee interest, if any, appurtenant to the above described parcel in and to adjoining streets, alleys, public ways and railroad rights of way.

PARCEL FIFTEEN:

Beginning at a point on the Northern line of Delaware Street, distant thereon South 80° 28' 30" West 195.80 feet from the intersection thereof, with the Western line of Short Street, as said streets are shown on the map herein referred to; running thence along said line of Delaware Street, South 80° 28' 30" West 40 feet, thence North 5° 31' 15" West, 100 feet, thence North 80° 28' 30" East, 40 feet to a point which would be intersected by a line drawn North 5° 31' 15" West from the point of beginning; thence South 5° 31' 15" East, 100 feet to the point of beginning.

Being a portion of Block "A" as said block is shown on the "Map of the Vista Del Mar Tract, Berkeley, Ala. Co., Cal", filed May 27, 1893, in [Book 12 of Maps, Page 59](#), in the Office of the County Recorder of Alameda County.

Together with the underlying fee interest, if any, appurtenant to the above described parcel in and to adjoining streets, alleys, public ways or railroad rights of way.

PARCEL SIXTEEN:

Beginning at a point on the Northern line of Delaware Street, distant thereon South 80° 28' 30" West 235.80 feet from the intersection thereof, with the Western line of Short Street, as said streets are shown on the Map herein referred to; running thence Westerly along said line of Delaware Street, 40 feet, more or less, to the intersection thereof, with the Eastern line of Acton, formerly Center Street, as shown on said Map; thence along said Eastern line of said Acton Street, North 5° 31' 15" West, 100 feet; thence North 80° 28' 30" East; 40 feet, more or less, to the intersection of a line drawn North 5° 31' 15" West from the point of beginning; thence South 5° 31' 15" East, 100 feet to the point of beginning.

Being a portion of Block "A", as said block is shown on the "Map of the Vista Del Mar Tract, Berkeley, Alameda Co., Cal.", filed May 27, 1893, in [Book 12 of Maps, Page 59](#), in the Office of the County Recorder of Alameda County.

Together with the underlying fee interest, if any, appurtenant to the above described parcel in and to, adjoining streets, alleys, public ways or railroad rights of way.

Excepting Therefrom that portion of land conveyed to City of Berkeley, a municipal corporation as described in Grant Deed recorded November 5, 1971 in Official Records under Recorder's Serial Number 71-146356, [Reel/Book 2989, Image/Page 645](#), and as shown on that certain Map entitled "Record Maps of Right of Way Bay Area Rapid Transit District" as R22-4, which Map was filed in the Office of the Recorder of the County of Alameda, State of California, on September 20, 1971, in [Book 68 of Maps at Pages 122-146](#).

PARCEL SEVENTEEN:

Beginning at a point on the Eastern line of Acton, formerly Center Street, distant thereon South 5° 31' 15" East 135.50 feet from the point of intersection thereof with the Southern line of Francisco, formerly Bay Street, as said streets are shown on the Map herein referred to; running

thence South 5° 31' 15" East along said line of Acton Street 35.50 feet to a point on said line of Acton Street distant thereon North 5° 31' 15" West 100 feet from the point of intersection thereof with the Northern line of Delaware Street, as said Delaware Street is shown on said Map; thence North 80° 28' 30" East 137.90 feet; thence North 5° 31' 15" West 35.51 feet; thence South, 80° 27' 45" West 137.90 feet to the point of beginning.

Being a portion of Block "A", as said block is shown upon the "Map of the Vista Del Mar Tract, Berkeley, Ala., Co., Cal.," filed May 27, 1893, in [Book 12 of Maps, Page 59](#), in the Office of the County Recorder of Alameda County.

Together with the underlying fee interest, if any, appurtenant to the above described parcel in and to adjoining streets, alleys, public ways, or railroad rights of way.

Excepting Therefrom that portion of land conveyed to City of Berkeley, a municipal corporation as described in Grant Deed recorded November 5, 1971 in Official Records under Recorder's Serial Number 71-146356, [Reel/Book 2989, Image/Page 645](#), and as shown on that certain Map entitled "Record Maps of Right of Way Bay Area Rapid Transit District" as R22-4, which Map was filed in the Office of the Recorder of the County of Alameda, State of California, on September 20, 1971, in [Book 68 of Maps at Pages 122-146](#).

PARCEL EIGHTEEN:

Beginning at a point on the Eastern line of Acton Street, formerly Center Street, distant thereon South 5° 31' 15" East, 100 feet from the point of intersection thereof, with the Southern line of Francisco Street, formerly Bay Street, as said street, are shown on the map herein referred to; and running thence South 5° 31' 15" East along said line of Acton Street, 35.50 feet; thence North 80° 28' 30" East, 137.90 feet; thence North 5° 31' 15" West, 35.52 feet to a point which would be intersected by a line drawn North 80° 27' 45" East from the point of beginning; thence South 80° 27' 45" West, 137.90 feet to the point of beginning.

Being a portion of Block "A", as said block is shown on the "Map of the Vista Del Mar Tract, Berkeley, Ala. Co., Cal ", filed May 27, 1893, in [Book 12 of Maps, Page 59](#), in the Office of the County Recorder of Alameda County.

Together with the underlying fee interest, if any, appurtenant to the above described parcel in and to adjoining streets, alleys, public ways or railroad rights of way.

Excepting Therefrom that portion of land conveyed to City of Berkeley, a municipal corporation as described in Grant Deed recorded November 5, 1971 in Official Records under Recorder's Serial Number 71-146356, [Reel/Book 2989, Image/Page 645](#), and as shown on that certain Map entitled "Record Maps of Right of Way Bay Area Rapid Transit District" as R22-4, which Map was filed in the Office of the Recorder of the County of Alameda, State of California, on September 20, 1971, in [Book 68 of Maps at Pages 122-146](#).

APN: 058-2147-018-05

TRACT E:

PARCEL ONE:

Beginning at a point on the Southerly line of Virginia Street, formerly Folsom Street, distant thereon 43 feet Westerly from the intersection thereof with the Westerly line of Short Street, as said Streets are shown on the Map herein referred to; running thence Westerly along said line of Virginia Street 38 feet; thence Southerly parallel with said line of Short Street 100 feet; thence Easterly parallel with said line of Virginia Street 38 feet; thence Northerly parallel with said line of Short Street 100 feet to the point of beginning.

Being a portion of Block "B" as said block is shown on the "Map of the Vista Del Mar Tract, Berkeley, Alameda Co., Cal.", etc., filed May 27, 1893 in [Book 12 of Maps, Page 59](#), in the Office of the County Recorder of Alameda County.

Together with the underlying fee interest, if any, appurtenant to the above described parcel in and to adjoining Streets, alleys, public ways or railroad rights of way.

Excepting therefrom:

All that portion of land conveyed to the City of Berkeley by that certain deed recorded November 5, 1971, Instrument No. 71-146356 in [Reel 2989 Image 645](#) Official Records of Alameda County.

Together with that portion of Short Street, as vacated and closed to public use by Resolution of the Council of the City of Berkeley which would pass by operation of law, as evidence by document entitled "Ordinance 4345", recorded February 2, 1972 in [Reel/Book 3053 of Official Records, Image/Page 230](#).

PARCEL TWO:

Portion of Lots 14, 15, 16 and 17, in Block "B" as said lots and block are shown on the "Map of the Vista Del Mar, Berkeley, Alameda Co., Cal.", filed May 27, 1893, in [Book 12 of Maps, Page 59](#), in the Office of the County Recorder of Alameda County, described as follows:

Beginning at the intersection of the Southern line of Virginia, formerly Folsom Street, with the Western line of Short Street, as said Streets are shown on said Map; running thence Westerly along said line of Virginia Street, 43 feet; thence Southerly parallel with said line of Short Street, 100 feet; thence Easterly parallel with said line of Virginia Street, 43 feet to said line of Short Street; and thence Northerly along said line of Short Street, 100 feet to the point of beginning.

Together with the underlying fee interest, if any, appurtenant to the above described parcel in and to adjoining Streets, alleys, public ways or railroad rights of way.

Excepting therefrom:

All that portion of land conveyed to the City of Berkeley by that certain deed recorded November 5, 1971, Instrument No. 71-146356 in [Reel 2989, Image 645](#) Official Records of Alameda County.

PARCEL THREE:

Beginning at a point on the Southern line of Virginia (formerly Folsom) Street, distant thereon South 80° 27' West 120 feet from the intersection thereof with the Western line of Short Street, as said Streets are shown on the Map herein referred to; running thence South 5° 31' 15" East 100 feet; thence South 80° 27' West 0.20 feet to the Northeastern boundary line of that certain parcel of land firstly described in the deed from the Realty Syndicate, a corporation, to the Sacramento Short Line, a corporation, recorded in [Book 2016 of Deeds, Page 135](#); thence along said Northeastern boundary line North 52° 53' 45" West 137.14 feet to said Southern line of Virginia Street; thence North 80° 27' East along said last mentioned line 101.35 feet to the point of beginning.

Being a portion of Block "B" as said block is shown on the "Map of the Vista Del Mar Tract", filed May 27, 1893, in [Book 12 of Maps, Page 59](#), in the Office of the County Recorder of Alameda County.

Together with the underlying fee interest, if any, appurtenant to the above described parcel in and to adjoining streets, alleys, public ways or railroad rights of way.

Excepting therefrom:

All that portion of land conveyed to the City of Berkeley by that certain deed recorded November 5, 1971, Instrument No. 71-146356 in [Reel 2989 Image 645](#) Official Records of Alameda County.

PARCEL FOUR:

Beginning at a point of the Southern line of Virginia Street, formerly Folsom Street, distant thereon Westerly 81 feet from the intersection thereof, with the Western line of Short Street, as said Streets are shown on the Map herein referred to; running thence Westerly along said line of Virginia Street, 39 feet; thence Southerly parallel with the said line of Short Street, 100 feet; thence Easterly parallel with said line of Virginia Street, 39 feet; thence Northerly parallel with said line of short Street, 100 feet to the point of beginning.

Being a portion of Block "B", as said block is shown on the "Map of Vista Del Mar Tract, Berkeley, Alameda Co., May 1893", filed May 27, 1893, in [Book 12 of Maps, Page 59](#), in the Office of the County Recorder of Alameda County.

Together with the underlying fee interest, if any, appurtenant to the above described parcel in and to adjoining streets, alleys, public ways or railroad.

Excepting therefrom:

All that portion of land conveyed to the City of Berkeley by that certain Deed recorded November 5, 1971, Instrument No. 71-146356 in [Reel 2989 Image 645](#) Official Records of Alameda County.

PARCEL FIVE:

Portion of Block "B", as said Block is shown on the "Map of Vista Del Mar Tract, Berkeley, Alameda Co., Cal.," filed May 27, 1893, in [Book 12 of Maps, Page 59](#), in Office of the County Recorder of Alameda County, described as follows:

Beginning at a point on the Western line of Short Street, distant thereon South 5° 31' 15" East, 100 feet from the Southern line of Virginia, formerly Folsom Street, as said Map; running thence along said line of Short Street South 5° 31' 15" East, 42.48 feet; thence South 80° 27' West, 76 feet, more or less, to the Northeastern line of the parcel of land firstly described in the deed by the Realty Syndicate to the Sacramento Short Line, dated October 6, 1911, recorded in [Book 2016 of Deeds, Page 135](#), Alameda County Records; thence along the last named line North 52° 53' 45" West, 60 feet, more or less, to a line drawn South 80° 27" West from the point of beginning; thence North 80° 27' East, 120.20 feet to the point of beginning.

Together with the underlying fee interest, if any, appurtenant to the above described parcel in and to adjoining streets, alleys, public ways or railroad rights of way.

Together with that portion of Short Street, as vacated and closed to public use by Resolution of the Council of the City of Berkeley which would pass by operation of law, as evidence by document entitled "Ordinance 4345", recorded February 2, 1972 in [Reel/Book 3053 of Official Records, Image/Page 230](#).

PARCEL SIX:

Beginning at a point on the Northern line of Francisco Street, formerly Bay Street distant thereon North 80° 27' 45" East, 40 feet from the intersection thereof, with the Eastern line of Acton Street, formerly center Street, as said Streets are shown on the Map herein referred to; running thence North 80° 27' 45" East, along said line of Francisco Street, 40 feet; thence North 5° 31' 15" West, 100 feet; thence South 80° 27' 45" West, 40 feet; thence South 5° 31' 15" East, 100 feet to the point of beginning.

Being a portion of Block "B", as said block is shown on the "Map of the Vista Del Mar Tract, Berkeley, Alameda Co., Cal.", filed May 27, 1893, in [Book 12 of Maps, Page 59](#), in the Office of the County Recorder of Alameda County.

Together with the underlying fee interest, if any, appurtenant to the above described parcel in and to adjoining streets, alleys, public ways or railroad rights of way.

Together with that portion of Francisco Street, as vacated and closed to public use by Resolution of the Council of the City of Berkeley which would pass by operation of law, as evidence by document entitled "Ordinance 4345", recorded February 2, 1972 in [Reel/Book 3053 of Official Records, Image/Page 230](#).

PARCEL SEVEN:

Portion of Block "B", as said block is shown on the "Map of the Vista Del Mar Tract, Berkeley, Alameda Co., Cal.", filed May 27, 1893 in [Book 12 of Maps, Page 59](#), in the Office of the County Recorder of Alameda County, described as follows:

Beginning at the intersection of the Southern line of Virginia, formerly Folsom Street with the Eastern line of Acton, formerly Center, Street, as said Streets are shown on said Map; running thence along said line of Virginia Street North 80° 28' 30" East 54.45 feet thence South 52° 51' 30" East 150 feet; thence South 37° 08' 30" West 60 feet to a line drawn North 52° 51' 30" West from a point on the Northern line of Francisco, formerly Bay Street, as shown on

said Map, distant thereon South 80° 28' 30" West 29.40 feet from the Western line of Short Street, as shown on said Map; thence North 52° 51' 30" West 167 feet, more or less, to said line of Acton Street; thence along the last named line North 5° 30' West 27.60 feet to the point of beginning.

Together with the underlying fee interest, if any, appurtenant to the above described parcel in and to adjoining streets, alleys, public ways or railroad rights of way.

Excepting Therefrom: All that portion land conveyed to the City of Berkeley by that certain Deed recorded November 5, 1971, Instrument No. 71-146356 [Reel 2989 Image 645](#) Official Records of Alameda County.

PARCEL SEVEN-A:

An Easement for rapid transit purposes over and across Parcel R-22A-3, as shown on Maps RRW22A on that certain Map entitled "Record Maps of Right of Way Bay Area Rapid Transit District", which Map was filed in the Office of the Recorder of the County of Alameda, State of California on September 20, 1971, in [Book 68 of Maps, at Pages 122-146](#), and as reserved by San Francisco Bay Area Rapid Transit District, described in Deed recorded November 5, 1971 in Official Records under Recorder's Serial Number 71-146356, [Reel/Book 2989, Image/Page 645](#).

NOTE: Parcel Seven A herein described is only being included so as to avoid the Company being the cause of excluding it from deeds or encumbrances, but NO INSURANCE is to be provided as to said parcel.

Anything to the contrary in the policy or endorsements thereto notwithstanding, said parcel is NOT INSURED even though it may be included as part of the description of the land described or referred to in the policy.

The Company requires that the insured(s) acknowledge in writing that they understand this.

Should a request, however, be made for insurance in this regard, it must be referred to the Title Department for an appropriate response

PARCEL EIGHT:

Portion of Block "B", as said block is shown on the "Map of Vista Del Mar Tract, Berkeley, Ala. Co., Cal," filed May 27, 1893, in [Book 12 of Maps, Page 59](#), in the Office of the County Recorder of Alameda County, described as follows:

Beginning at a point on the Western line of Short Street, distant thereon, South 5° 31' 25" East, 142.48 feet from the Southern line of Virginia, formerly Folsom Street, as said streets are shown on said map; and running thence along said line of Short Street, South 5° 31' 15" East, 54.06 feet; thence parallel with said line of Virginia Street, South 80° 27' West, 105 feet, more or less, to the Southwestern line of the land described in the deed by Key System to Julius Honkonen dated December 15, 1941, recorded January 7, 1942, in [Book 4183 of Official Records, of Alameda County at Page 87](#); thence along the last named line North 52° 53' 45" West, 63 feet more or less, to the Northwestern line of the land described in said deed; thence along the last named line, North 37° 06' 15" thence along the last named line, South 52° 53' 45" East, 45 feet, more or less, to a line drawn South 80° 27' West, parallel with said line of Virginia Street from the point of beginning; thence North 80° 27' East, 76 feet, more or less, to the point of beginning.

Together with the underlying fee interest, if any, appurtenant to the above described parcel in and to adjoining streets, alleys, public ways or railroad rights of way.

Together with that portion of Short Street, as vacated and closed to public use by Resolution of the Council of the City of Berkeley which would pass by operation of law, as evidence by document entitled "Ordinance 4345", recorded February 2, 1972 in [Reel/Book 3053 of Official Records, Image/Page 230](#).

PARCEL NINE:

Beginning at a point in the Northern line of Bay Street, now known as Francisco Street, distant thereon North 80° 27' 45" East 155 feet from the point intersection of said Northern line of said Bay Street with the Eastern line of center Street, now known as Acton Street, as said Bay Street and center Street are shown on the "Map of the Vista Del Mar Tract," etc., herein referred to; running thence North 5° 31' 15" West, 90.30 feet to the Southwestern boundary line of that certain piece or parcel of land firstly described in that certain deed from the Realty Syndicate, a corporation, to the Sacramento Short Line, a corporation, dated October 6, 1911, recorded January 25, 1912 in [Book 2016 of Deeds Page 135](#), Alameda County Records, thence along said Southwestern boundary line of said piece or parcel of land South 52° 53' 45" East 123.88 feet to said Northern line of said Bay Street; thence along said Northern line of said Bay Street, South 80° 27' 45" West 91.40 feet to the point of beginning.

Being a portion of Block "B", as said block is shown on the "Map of the Vista Del Mar Tract, Berkeley, Ala. Co., Cal.," filed May 27, 1893, in the Office of the County Recorder of Alameda County.

Together with the underlying fee interest, if any appurtenant to the above described parcel in and to adjoining streets, alleys, public ways or railroad rights of way.

Together with that portion of Francisco Street, as vacated and closed to public use by Resolution of the Council of the City of Berkeley which would pass by operation of law, as evidence by document entitled "Ordinance 4345", recorded February 2, 1972 in [Reel/Book 3053 of Official Records, Image/Page 230](#).

PARCEL TEN:

BEGINNING at a point on the Northern line of Francisco Street, formerly Bay Street, distant thereon North 80° 27' 45" East 80 feet, from the intersection thereof with the Eastern line of Acton Street, formerly known as Center Street, as said streets, are shown on the map herein referred to; running thence along said line of Francisco Street North 80° 27' 45" East 40 feet; thence North 5° 31' 15" West 100 feet; thence South 80° 27' 45" West 40 feet; and thence South 5° 31' 15" East 100 feet to the point of beginning.

BEING PORTION of Block "B" as said block is shown on the "Map of the Vista Del Mar Tract, Berkeley, Ala. Co., Cal.," etc., filed May 28, 1893, in [Book 12 of Maps, Page 59](#), in the Office of the County Recorder of Alameda County.

Together with the underlying fee interest, if any, appurtenant to the above described parcel in and to adjoining streets, alleys, public ways or railroad rights of way.

Together with that portion of Francisco Street, as vacated and closed to public use by Resolution of the Council of the City of Berkeley which would pass by operation of law, as evidence by document entitled "Ordinance 4345", recorded February 2, 1972 in [Reel/Book 3053 of Official Records, Image/Page 230](#).

PARCEL ELEVEN:

Beginning at a point on the Northern line of Bay Street, now known as Francisco Street, distant thereon North 80° 27' 45" East 120 feet from the point of intersection thereof, with the Eastern line of Center Street, now known as Acton Street, as said Bay and Center Street are shown on the Map herein referred to; running thence along the Northern line of Francisco, formerly Bay Street, North 80° 27' 45" East 35 feet; thence North 5° 31' 15" West 90.30 feet to the Southwestern boundary line of tract of land first described in that certain deed from Realty Syndicate, a corporation, to the Sacramento Short Line, a corporation, dated October 6, 1911 and recorded January 25, 1912, in [Book 2016 of Deeds, Page 135](#), Alameda County Records; thence along said boundary line North 52° 53' 45" West 47.44 feet; and thence South 5° 31' 15" West 124.86 feet to the point of beginning.

Being a portion of Block "B", as said block is shown on the "Map of the Vista Del Mar Tract, Berkeley, Ala., Co., Cal.," etc., filed May 27, 1893, in [Book 12 of Maps, Page 59](#), in the Office of the County Recorder of Alameda County.

Together with the underlying fee interest, if any, appurtenant to the above described parcel in and to adjoining streets, alleys, public ways, or railroad rights of way.

Together with that portion of Francisco Street, as vacated and closed to public use by Resolution of the Council of the City of Berkeley which would pass by operation of law, as evidence by document entitled "Ordinance 4345", recorded February 2, 1972 in [Reel/Book 3053 of Official Records, Image/Page 230](#).

PARCEL TWELVE:

Portion of Block "B", as said block is shown on the "Map of the Vista Del Mar Tract, Ala. Co., Cal.," filed May 27, 1893, in [Book 12 of Maps, Page 59](#), in the Office of the County Recorder of Alameda County, described as follows:

Beginning at the intersection of the Northern line of Francisco, formerly Bay, Street, with the Western line of Short Street, as said streets are shown on said Map; and running thence along said line of Short Street, North 5° 31' 15" West, 74.50 feet to a point distant thereon South 5° 31' 15" East, 196.54 feet from the Southern line of Virginia, formerly Folsom, Street, as said street is shown on said Map; thence parallel with said line of Virginia Street, South 80° 27' West, 105 feet, more or less, to the Southwestern line of the land described in the deed by Key System to Julius Honkonen, dated December 15, 1941, recorded January 7, 1942, in [Book 4183 of Official Records of Alameda County, Page 87](#); thence along the last named line South 52° 53' 45" East, 102 feet, more or less, to said line of Francisco Street; thence along the last named line, North 80° 27' 45" East, 29.4 feet to the point of beginning.

Together with the underlying fee interest, if any, appurtenant to the above described parcel in and to adjoining streets, alleys, public ways or railroad rights of way.

Together with that portion of Francisco Street and Short Street, as vacated and closed to public use by Resolution of the Council of the City of Berkeley which would pass by operation of law, as evidence by document entitled "Ordinance 4345", recorded February 2, 1972 in [Reel/Book 3053 of Official Records, Image/Page 230](#).

PARCEL THIRTEEN:

Beginning at a point on the Eastern line of Acton Street (formerly Center Street) distant thereon North 5° 31' 15" West 135.49 feet from the point of intersection thereof with the Northern line of Francisco Street, (formerly Bay Street) as said streets are shown on the Map; running thence North 5° 31' 15" West along said line of Acton Street 35.48 feet; thence North 80° 27' East 73.28 feet to the Southwestern line of that certain piece or parcel of land firstly described in the deed from the Realty Syndicate, a corporation, to the Sacramento Short Line, a corporation; dated October 6, 1911, and recorded in [Book 2016 of Deeds, Page 135](#), Alameda County Records; thence along the said Southwestern line of said land South 52° 53' 45" East 48.65 feet, more or less, to a point which would be intersected by a line drawn North 80° 27' East from the point of beginning; thence South 80° 27' West 109.19 feet to the point of beginning.

Being a portion of Block "B" as said block is shown on the "Map of the Vista Del Mar Tract, Berkeley, Alameda County, California" filed May 27, 1893 in [Book 12 of Maps, Page 59](#), in the Office of the County Recorder of Alameda County.

PARCEL FOURTEEN:

Commencing at a point in the Eastern line of Center Street, now known as Acton Street, distant thereon North 5° 31' 15" West 170.97 feet from the point of intersection of said Eastern line of said Center Street with the Northern line of Bay Street, now known as Francisco Street, as said Bay Street and said Center Street are shown on the "Map of the Vista Del Mar Tract" etc., herein referred to; running thence North 80° 27' East 73.28 feet to the Southwestern boundary line of that certain piece or parcel of land firstly described in the deed from the Realty Syndicate a corporation, to the Sacramento Short Line, a corporation, dated October 6, 1911, recorded January 25, 1912 in [Book 2016 of Deeds, Page 135](#), Alameda County Records ; thence along said Southwestern boundary line of said piece or parcel of land North 52° 53' 45" West 99.33 feet to said Easterly line of Center Street; and thence along the Easterly line of Center Street South 5° 31' 13" East 72.40 feet to the point of commencement.

Being a portion of Block "B" as said block is shown on the "Map of the Vista Del Mar Tract, Berkeley, Ala. Co. Cal"., etc., filed May 27, 1893 in [Book 12 of Maps at Page 59](#), in the Office of the County Recorder of Alameda County.

Together with the underlying fee interest, if any, appurtenant to the above described parcels in and to adjoining streets, alleys, public ways or railroad rights of way.

PARCEL FIFTEEN:

Commencing at a point on the Eastern line of Acton Street, formerly Center Street, distant thereon North 5° 31' 15" West 100 feet from the point of intersection thereof with the Northern line of Francisco Street, formerly Bay Street, as said Center Street and Bay Street are shown on the Map herein referred to; and running thence along said Eastern line of Acton, formerly Center, Street North 5° 31' 15 West 35.49 feet; thence North 80° 27' East 109.19 feet to the Southwestern boundary line of that certain piece or parcel of land firstly described

in that certain deed from the realty syndicate, a corporation, to the Sacramento Short Line, a corporation, dated October 6, 1911 and recorded January 25, 1912 in [Book 2016 of Deeds, Page 135](#), Alameda County Records; thence along said Southwestern boundary line of said piece or parcel of land South 52° 53' 45" East 14.70 feet; thence South 5° 31' 15" East 24.86 feet, and thence South 80° 27' 45" West 120 feet to the point of commencement.

Being a portion of Block "B" as said block is shown on the "Map of the Vista Del Mar Tract, Berkeley, Ala., Co., Cal., May 1893," filed May 27, 1893 in [Book 12 of Maps, Page 59](#), in the Office of the County Recorder of Alameda County.

Together with the underlying fee interest, if any, appurtenant to the above described parcel in and to adjoining streets, alleys, public ways or railroad rights of way.

PARCEL SIXTEEN:

Commencing at the point of intersection of the Northern line of Bay Street (now known as Francisco Street) with the Eastern line of Center Street (now known as Acton Street) as said Bay Street and Center Street are laid down, as shown on the "Map of Vista Del Mar Tract", etc., herein referred to; running thence along said Northern line of said Bay Street, North 80° 27' 45" East 40 feet; thence North 5° 31' 15" West 100 feet; thence South 80° 27' 45" West 40 feet to said Eastern line of said Center Street; and thence along said Eastern line of Center Street, South 5° 31' 15" East 100 feet to the point of commencement.

Being a portion of Block "B" as said block is shown on the "Map of the Vista Del Mar Tract, Berkeley, Alameda County, California." etc., filed May 27, 1893, in the Office of the County Recorder of Alameda County.

Together with the underlying fee interest, if any, appurtenant to the above described parcel in and to adjoining streets, alleys, public ways or railroad rights of way.

Together with that portion of Francisco Street, as vacated and closed to public use by Resolution of the Council of the City of Berkeley which would pass by operation of law, as evidence by document entitled "Ordinance 4345", recorded February 2, 1972 in [Reel/Book 3053 of Official Records, Image/Page 230](#).

APN: 058-2146-016-05

TRACT F:

PARCEL ONE:

Portion of Lots 13, 14, 15, 16 and 17 in Block "C", as said Lots and Block are shown on the "Map of the Vista Del Mar Tract, Berkeley, Ala. Co, Cal.", filed May 27, 1893, in [Book 12 of Maps, at Page 59](#), in the Office of the County Recorder of Alameda County, described as follows:

Beginning at a point on the Southern line of Virginia, formerly Folsom, Street, distant thereon North 80° 27' East, 170 feet from the Eastern line of Short Street, as said streets are shown on said Map; running thence along said line of Virginia Street, North 80° 27 East, 34 feet; thence South 5° 31' 15" East, 100 feet; thence South 80° 27 West, 34 feet; thence North 5° 31' 15" West, 100 feet to the point of beginning.

Together with the underlying fee interest, if any, appurtenant to the above described parcel in and to adjoining streets, alleys, public ways or railroad rights of way.

Excepting therefrom that portion of land conveyed to City of Berkeley, a municipal corporation as described in Grant Deed recorded November 5, 1971 in Official Records under Recorder's Serial Number 71-146356, [Reel/Book 2989, Image/Page 645](#), and as shown on that certain Map entitled "Record Maps of Right of Way Bay Area Rapid Transit District" as R22A-1, which Map was filed in the Office of the Recorder of the County of Alameda, State of California on September 20, 1971, in [Book 68 of Maps, at Pages 122-146](#).

PARCEL TWO:

Beginning at the point of intersection of the Southern line of Virginia, formerly Folsom, Street with the Eastern line of Short Street, as said streets are shown on the Map herein referred to; running thence Easterly along said line of Virginia Street, 68 feet; thence South 5° 31' 15" East, parallel with said line of Short Street, 100 feet; thence South 80° 27' West, parallel with said line of Virginia Street, 68 feet to said Eastern line of Short Street; and thence Northerly along said line of Short Street, 100 feet to the point of beginning.

Being portions of Lots 7, 8, 9 and 10 in Block "C", as said Lots and Block are shown on the "Map of Vista Del Mar Tract, Berkeley, Ala. Co., Cal., May 1893", filed May 27, 1893, in [Book 12 of Maps, Page 59](#), in the Office of the County Recorder of Alameda County.

Together with the underlying fee interest, if any, appurtenant to the above described parcel in and to adjoining streets, alleys, public ways or railroad rights of way.

Excepting therefrom that portion of land conveyed to City of Berkeley, a municipal corporation as described in Grant Deed recorded November 5, 1971 in Official Records under Recorder's Serial Number 71-146356, [Reel/Book 2989, Image/Page 645](#), and as shown on that certain Map entitled "Record Maps of Right of Way Bay Area Rapid Transit District" as R22A-1, which Map was filed in the Office of the Recorder of the County of Alameda, State of California on September 20, 1971, in [Book 68 of Maps, at Pages 122-146](#).

Together with that portion of Short Street, as vacated and closed to public use by Resolution of the Council of the City of Berkeley which would pass by operation of law, as evidence by document entitled "Ordinance 4345", recorded February 2, 1972 in [Reel/Book 3053 of Official Records, Image/Page 230](#).

PARCEL THREE:

Beginning at a point on the Southern line of Virginia, formerly Folsom, Street, distant thereon North 80° 27' East, 68 feet from the point of intersection of said Southern line of said Virginia Street with the Eastern line of Short Street, as said Streets are shown on the "Map of the Vista Del Mar Tract", etc., herein referred to; running thence along said Southern line of said Virginia Street, North 80° 27' East, 34 feet; thence South 5° 31' 15" East, 100 feet; thence South 80° 27' West, 34 feet; thence North 5° 31' 15" West, 100 feet to the point of beginning.

Being portions of Lots 7, 8, 9, 10 and 11 In Block "C", as said Lots and Block are shown on the Map of the Vista Del Mar Tract, Berkeley, Ala. Co., Cal.", etc., filed May 27, 1893, in the Office of the County Recorder of Alameda County.

Together with the underlying fee interest, if any, appurtenant to the above described parcel in and to adjoining streets, alleys, public ways or railroad rights of way.

Excepting therefrom that portion of land conveyed to City of Berkeley, a municipal corporation as described in Grant Deed recorded November 5, 1971 in Official Records under Recorder's Serial Number 71-146356, [Reel/Book 2989, Image/Page 645](#), and as shown on that certain Map entitled "Record Maps of Right of Way Bay Area Rapid Transit District" as R22A-1, which Map was filed in the Office of the Recorder of the County of Alameda, State of California on September 20, 1971, in [Book 68 of Maps, at Pages 122-146](#).

PARCEL FOUR:

A portion of Lots 12 and 13 in Block "C", as said Lots and Block are shown on the "Map of the Vista Del Mar Tract, Berkeley, Ala. Co., Cal.", filed May 27, 1893, in [Book 12 of Maps, Page 59](#), In the Office of the County Recorder of Alameda County, described as follows:

Commence at a point on the Western line of Sacramento Street, distant thereon South 5° 25' 30" East, 100 feet from the Southern line of Virginia Street, formerly Folsom Street, as said Streets are shown on the said Map; run thence along said Western line of Sacramento Street, South 5° 25' 30" East, 35.57 feet; thence South 80° 27' 20" West, 106.29 feet to the actual point of beginning; running thence South 80° 27' 20" West, 32 feet; thence North 5° 28' 25" West, 35.55 feet; thence North 80° 27' East, 32 feet; and thence South 5° 25' 30" East, 35.55 feet to the actual point of beginning.

Together with the underlying fee interest, if any, appurtenant to the above described parcel in and to adjoining streets, alleys, public ways or railroad rights of way.

PARCEL FIVE:

Beginning at a point on the Southern line of Virginia Street, formerly Folsom Street, distant thereon North 80° 27' East, 136 feet from the intersection thereof with the Eastern line of Short Street, as said Streets are shown on the Map herein referred to; running thence North 80° 27' East, 34 feet; thence South 5° 31' 15" West, 100 feet thence South 80° 27' West, 34 feet; thence North 5° 31' 15" East, 100 feet to the point of beginning.

Being a portion of Lots 12 and 13 in Block "C", as said Lot and Block are shown on the "Map of the Vista Del Mar Tract, Berkeley, Ala. Co., Cal.", filed May 27, 1893, in [Book 12 of Maps, Page 59](#), in the Office of the Recorder of Alameda County.

Together with the underlying fee interest, if any, appurtenant to the above described parcel in and to adjoining streets, alleys, public ways or railroad rights of way.

Excepting therefrom that portion of land conveyed to City of Berkeley, a municipal corporation as described in Grant Deed recorded November 5, 1971 in Official Records under Recorder's Serial Number 71-146356, [Reel/Book 2989, Image/Page 645](#), and as shown on that certain Map entitled "Record Maps of Right of Way Bay Area Rapid Transit District" as R22A-1, which Map

was filed in the Office of the Recorder of the County of Alameda, State of California on September 20, 1971, in [Book 68 of Maps, at Pages 122-146](#).

PARCEL SIX:

"Those portions of Lots 20, 21, 22 and 23 in Block C of "Map of the Vista Del Mar Tract Berkeley, Alameda Co., Cal,, etc.", filed May 27, 1893, in [Book 12 of Maps, Page 59](#), in the Office of the County Recorder of Alameda County, described as follows:

Beginning at a point on the Northerly line of Bay Street, now known as Francisco Street distant thereon 40 feet Westerly from the point of intersection thereof with the Western line of Sacramento Street, as said Streets are shown on said Map; thence Westerly along said Northern line of said Bay Street, 40 feet; thence Northerly and parallel with said Western line of Sacramento Street, 100 feet; thence Easterly and parallel with said Northern line of said Bay Street, 40 feet; thence Southerly and parallel with said Western line of Sacramento Street, 100 feet to the point of beginning.

Together with the underlying fee interest, if any, appurtenant to the above described parcel in and to adjoining streets, alleys, public way or railroad rights of way.

Excepting Therefrom that portion of land conveyed to City of Berkeley, a municipal corporation as described in Grant Deed Recorded November 5, 1971 in Official Records under Recorder's Serial Number 71-146356, [Reel/Book 2989, Image/Page 645](#), and as shown on that certain map entitled "Record Maps of Right of Way Bay Area Rapid Transit District" as R22A-1, which map was filed in the office of the Recorder of the County of Alameda, State of California on September 20, 1971, in [Book 68 of Maps, at pages 122-146](#).

PARCEL SEVEN:

Portion of Lots 1, 2, 3 and 4 in Block C, Vista De Mar Tract, filed May 27, 1893, in [Book 12 of Maps, Page 59](#), in the Office of the County Recorder of Alameda County, described as follows:

Beginning at a point on the Northern line of Francisco Street, formerly Bay Street, distant thereon 40 feet Easterly from the point of intersection thereof with Eastern line of Short Street, as said Streets are shown on the Map herein referred to; running thence Easterly along said line of Francisco Street, 40 feet; thence North 5° 31' 15" West, 100 feet; thence South 80° 27' 45" West, 40 feet; thence South 5° 31' 15" East, 100 feet to the point of beginning.

Together with the underlying fee interest, if any, appurtenant to the above described parcel in and to adjoining streets, alleys, public way or railroad rights of way.

Together with that portion of Francisco Street, as vacated and closed to public use by Resolution of the Council of the City of Berkeley which would pass by operation of law, as evidenced by document entitled "Ordinance No. 4345", recorded February 2, 1972 in [Reel/Book 3053 of Official Records, Image/Page 230](#).

PARCEL EIGHT:

Beginning at the intersection of the Eastern line of Short Street with the Northern line of Francisco, formerly Bay, Street, as said Streets are shown on the Map herein referred to;

running thence along said line of Short Street, North 5° 31' 15" West, 100 feet; thence North 80° 27' 45" East, 40 feet; thence South 5° 31' 15" East, 100 feet to said Northern line of Francisco Street; thence along said line of Francisco Street, South 80° 27' 45" West, 40 feet to the point of beginning.

Being a portion of Lots 1, 2, 3 and 4 in Block "C", as said Lots and Block are shown upon that certain map entitled, "Map of the Vista Del Mar Tract, Berkeley, Ala. Co., Cal.", filed May 27, 1893, in [Book 12 of Maps, at Page 59](#), in the Office of the County Recorder of Alameda County.

Together with the underlying fee interest, if any, appurtenant to the above described parcel in and to adjoining streets, alleys, public way or railroad rights of way.

Together with that portion of Short Street and Francisco Street, as vacated and closed to public use by Resolution of the Council of the City of Berkeley which would pass by operation of law, as evidenced by document entitled "Ordinance No. 4345", recorded February 2, 1972 in [Reel/Book 3053 of Official Records, Image/Page 230](#).

PARCEL NINE:

Commencing at a point in the Southerly line of Folsom Street (now known as Virginia Street), distant thereon North 80° 27' East, 238 feet from the point of intersection of the Southerly line of said Folsom Street with the Easterly line of Short Street, as said Folsom Street and said Short Street are shown on the "Map of the Vista Del Mar Tract", etc., herein referred to; and running thence along said Southerly line of said Folsom Street, North 80° 27' East, 38.80 feet to the Westerly line of Sacramento Street, as said Sacramento Street is shown on the "Map of the Vista Del Mar Tract", etc., herein referred to; thence along said Westerly line of said Sacramento Street, South 5° 25' 30" East, 100 feet; thence South 80° 27' West, 38.63 feet; and thence North 5° 31' 15" West, 100 feet to the point of commencement.

Being portions of Lots 14, 15, 16 and 17 in Block "C", as said Lots and Block are shown on the "Map of the Vista Del Mar Tract, Berkeley, Alameda County, Cal.", etc., filed May 27, 1893, in the Office of the County Recorder of Alameda County.

Together with the underlying fee interest, if any, appurtenant to the above described parcel in and to adjoining streets, alleys, public way or railroad rights of way.

Excepting Therefrom that portion of land conveyed to City of Berkeley, a municipal corporation as described in Grant Deed Recorded November 5, 1971 in Official Records under Recorder's Serial Number 71-146356, [Reel/Book 2989, Image/Page 645](#), and as shown on that certain map entitled "Record Maps of Right of Way Bay Area Rapid Transit District" as R22A-1, which map was filed in the office of the Recorder of the County of Alameda, State of California on September 20, 1971, in Book 68 of Maps, at pages 122-146.

PARCEL TEN:

Beginning at a point in the Northerly line of Bay Street (now known as Francisco Street), distant thereon South 80° 27' 45" West, 156.34 feet from the point of intersection of said Northerly line of said Francisco, formerly Bay, Street, with the Westerly line of Sacramento Street, as said Bay Street and said Sacramento Street are shown on the "Map of the Vista Del Mar Tract", etc., herein referred to; and running thence along said Northerly line of said Francisco formerly Bay,

Street, South 80° 27' 45" West, 40 feet to a point in said Northerly line of said Francisco, formerly Bay, Street, distant thereon North 80° 27' 45" East, 80 feet, from the point of intersection of said Northerly line of said Francisco, formerly Bay, Street with the Easterly line of Short Street, as said Short Street is shown on the "Map of the Vista Del Mar Tract", etc., herein referred to; thence North 5° 31' 15" West, 100 feet; thence North 80° 27' 45" East, 40 feet; and thence South 5° 31' 15" East, 100 feet to the point of beginning.

Being a portion of Block C, as said Block is shown on the "Map of the Vista Del Mar Tract, Berkeley, Ala. Co., Cal.", etc. filed May 27 1893, in the Office of the County of the County Recorder of Alameda County.

Together with the underlying fee interest, if any, appurtenant to the above described parcel in and to adjoining streets, alleys, public way or railroad rights of way.

Excepting Therefrom that portion of land conveyed to City of Berkeley, a municipal corporation as described in Grant Deed Recorded November 5, 1971 in Official Records under Recorder's Serial Number 71-146356, [Reel/Book 2989, Image/Page 645](#), and as shown on that certain map entitled "Record Maps of Right of Way Bay Area Rapid Transit District" as R22A-1, which map was filed in the office of the Recorder of the County of Alameda, State of California on September 20, 1971, in [Book 68 of Maps, at pages 122-146](#).

PARCEL ELEVEN:

Beginning at a point on the Western line of Sacramento Street, distant thereon South 5° 25' 30" East, 100 feet from the intersection thereof with the Southern line of Virginia Street (formerly called Folsom Street), as said Streets are shown on the Map herein referred to; and running thence along said Western line of Sacramento Street, South 5° 25' 30" East, 35.57 feet; thence South 80° 27' 20" West, 106.29 feet; thence North 5° 28' 25" West, 35.55 feet; thence North 80° 27' East, 106.32 feet to the point of beginning.

Being a portion of Block "C", as said Block is shown upon that certain map entitled, "Map of the Vista Del Mar Tract, Berkeley, Ala. Co., Cal.", filed May 27, 1893, in [Book 12 of Maps, Page 59](#), in the Office of the County Recorder of Alameda County.

Together with the underlying fee interest, if any, appurtenant to the above described parcel in and to adjoining streets, alleys, public ways or railroad rights of way.

Excepting Therefrom that portion of land conveyed to City of Berkeley, a municipal corporation as described in Grant Deed Recorded November 5, 1971 in Official Records under Recorder's Serial Number 71-146356, [Reel/Book 2989, Image/Page 645](#), and as shown on that certain map entitled "Record Maps of Right of Way Bay Area Rapid Transit District" as R22A-1, which map was filed in the office of the Recorder of the County of Alameda, State of California on September 20, 1971, in [Book 68 of Maps, at Pages 122-146](#).

PARCEL TWELVE:

Beginning at a point in the Easterly line of Short Street, distant thereon South 5° 31' 15" East, 100 feet from the point of intersection of said Easterly line of said Short Street with the Southerly line of Virginia Street, formerly Folsom Street, as said Short Street and said Folsom Street are shown on the Map herein referred to; running thence along said Easterly line of said

Short Street, South 5° 31' 15" East, 35.53 feet to a point in said Easterly line of said Short Street, distant thereon North 5° 31' West, 135.52 feet from the point of intersection of said Easterly line of said Short Street with the Northerly line of Francisco Street, formerly Bay Street, as said Bay Street is shown on said Map; thence North 80° 27' 20" East, 138.28 feet; thence North 5° 28' 25" West, 35.55 feet; and thence South 80° 27' West, 138.31 feet to the point of beginning.

Being a portion of Block "C", as said Block is shown on the "Map of the Vista Del Mar Tract", filed May 27, 1893, in [Book 12 of Maps, Page 59](#), in the Office of the County Recorder of Alameda County.

Together with the underlying fee interest, if any, appurtenant to the above described parcel in and to adjoining streets, alleys, public ways or railroad rights of way.

Together with that portion of Short Street, as vacated and closed to public use by Resolution of the Council of the City of Berkeley which would pass by operation of law, as evidenced by document entitled "Ordinance No. 4345", recorded February 2, 1972 in [Reel/Book 3053 of Official Records, Image/Page 230](#).

PARCEL THIRTEEN:

Beginning at a point on the Northern line of Francisco Street, formerly called Bay Street, distant thereon South 80° 27' 45" West, 120 feet from the point of intersection thereof with the Western line of Sacramento Street, as said Streets are shown on the Map herein referred to; running thence South 80° 27' 45" West, along said line of Francisco Street, 36.34 feet; thence North 5° 31' 15" West 100 feet; thence North 80° 27' 45" East, 36.51 feet; thence South 5° 25' 30" East, 100 feet to the point of beginning.

Being a portion of Block "C", as said Block is shown on the "Map of the Vista Del Mar Tract, Berkeley", filed May 27, 1893, in [Book 12 of Maps, Page 59](#), in the Office of the County Recorder of Alameda County.

Together with the underlying fee interest, if any, appurtenant to the above described parcel in and to adjoining streets, alleys, public ways or railroad rights of way.

Together with that portion of Francisco Street, as vacated and closed to public use by Resolution of the Council of the City of Berkeley which would pass by operation of law, as evidenced by document entitled "Ordinance No. 4345", recorded February 2, 1972 in [Reel/Book 3053 of Official Records, Image/Page 230](#).

PARCEL FOURTEEN:

Portion of Block "C", as shown on the Map of Vista Del Mar Tract, filed May 27, 1893, in [Book 12 of Maps, Page 59](#), in the Office of the County Recorder of Alameda County, described as follows:

Beginning at a point on the Easterly line of Short Street, distant thereon Northerly 100 feet from the intersection thereof with the Northern line of Francisco, formerly Bay Street, as said Streets are shown on said Map; running thence Northerly along said line of Short Street, 35.52 feet;

thence North 80° 27' 20" East, 138.28 feet; thence South 5° 28' 25" East, 35.54 feet; thence South 80° 27' 45" West, 138.28 feet to the point of beginning.

Together with the underlying fee interest, if any, appurtenant to the above described parcel in and to adjoining streets, alleys, public ways or railroad rights of way.

Together with that portion of Short Street, as vacated and closed to public use by Resolution of the Council of the City of Berkeley which would pass by operation of law, as evidenced by document entitled "Ordinance No. 4345", recorded February 2, 1972 in [Reel/Book 3053 of Official Records, Image/Page 230](#).

PARCEL FIFTEEN:

Beginning at a point in the Western line of Sacramento Street, distant thereon South 5° 25' 30" East, 135.57 feet from the point of intersection of said Westerly line of said Sacramento Street with the Southern line of Virginia Street, formerly Folsom Street, as said Sacramento Street and said Folsom Street are shown on the "Map of the Vista Del Mar Tract", etc., hereinafter referred to; running thence along said Westerly line of said Sacramento Street, South 5° 25' 30" East, 35.56 feet to a point on said Westerly line of said Sacramento Street, distant thereon North 5° 25' 30" West, 100 feet from the point of intersection of said Westerly line of said Sacramento Street with the Northerly line of Francisco Street, formerly Bay Street, as said Bay Street is shown on the "Map of the Vista Del Mar Tract", etc., hereinafter referred to; thence South 80° 27' 45" West, 138.26 feet to the Northeastern boundary line of that certain Lot herein before conveyed by Realty Syndicate Company, a corporation, to Carl E. Swanson and Henry F. Swanson, by Deed dated July 29, 1914, and recorded in Book 2274 of Deeds, Page 522, Alameda County Records; thence North 5° 28' 25" West along said Northeastern boundary line of that certain Lot so conveyed, 35.54 feet; and thence North 80° 27' 20" East, 138.29 feet to the point of beginning.

Being a portion of Block "C", as said Block is shown on the "Map of the Vista Del Mar Tract, Berkeley, Ala. Co., California", etc., filed May 27, 1893, in [Book 12 of Maps, Page 59](#), in the Office of the County Recorder of the said County of Alameda.

Together with the underlying fee interest, if any, appurtenant to the above described parcel in and to adjoining streets, alleys, public ways or railroad rights of way.

Excepting Therefrom that portion of land conveyed to City of Berkeley, a municipal corporation as described in the Grant Deed Recorded November 5, 1971 in Official Records under Recorder's Serial Number 71-146356, [Reel/Book 2989, Image/Page 645](#), and as shown on that certain map entitled "Record Maps of Right of Way Bay Area Rapid Transit District" as R22A-1, which map was filed in the office of the Recorder of the County of Alameda, State of California on September 20, 1971, in [Book 68 of Maps, at pages 122-146](#).

PARCEL SIXTEEN:

Portion of Block "C", as said Block is shown on the "Map of the Vista Del Mar Tract, Berkeley, Ala. Co., Cal, May 1893", filed May 27, 1893, in [Book 12 of Maps, Page 59](#), in the Office of the County Recorder of Alameda County, said portion being described as follows:

Beginning at a point on the Northern line of Francisco, formerly Bay, Street, distant thereon South 80° 27' 45" West, 80 feet from the intersection thereof with the Western line of Sacramento Street, as said Streets are shown on said Map; and running thence South 80° 27' 45" West along said line of Francisco Street, 40 feet; thence North 5° 25' 30" West, 100 feet; thence North 80° 27' 45" East, 40 feet; and thence South 5° 25' 30" East, 100 feet to the point of beginning.

Together with the underlying fee interest, if any, appurtenant to the above described parcel in and to adjoining streets, alleys, public ways or railroad rights of way.

Together with that portion of Francisco Street, as vacated and closed to public use by Resolution of the Council of the City of Berkeley which would pass by operation of law, as evidenced by document entitled "Ordinance No. 4345", recorded February 2, 1972 in [Reel/Book 3053 of Official Records, Image/Page 230](#).

PARCEL SEVENTEEN:

Portion of Block "C", as said Block is shown on the "Map of the Vista Del Mar Tract, Berkeley", filed May 27, 1893, in [Book 12 of Maps, Page 59](#), in the Office of the County Recorder of Alameda County, described as follows:

Commence at a point on the Northern line of Francisco Street, formerly Bay Street, distant thereon South 80° 27' 45" West, 40 feet from the Western line of Sacramento Street, as said Streets are shown on said Map; and run thence North 5° 25' 30" West, 79.67 feet to the true point of beginning of the parcel of land herein described; and running thence North 80° 27' 45" East, 20.34 feet; thence North 5° 25' 30" West, 5.74 feet; thence North 84° 34' 30" East, 19.60 feet to said line of Sacramento Street; thence along the last named line, North 5° 25' 30" West, 16 feet; thence South 8° 27' 45" West, 40 feet and thence South 5° 25' 30" East, 20.33 feet to the true point of beginning.

Together with the underlying fee interest, if any, appurtenant to the above described parcel in and to adjoining streets, alleys, public ways or railroad rights of way.

Excepting Therefrom that portion of land conveyed to City of Berkeley, a municipal corporation as described in the Grant Deed Recorded November 5, 1971 in Official Records under Recorder's Serial Number 71-146356, [Reel/Book 2989, Image/Page 645](#), and as shown on that certain map entitled "Record Maps of Right of Way Bay Area Rapid Transit District" as R22A-1, which map was filed in the office of the Recorder of the County of Alameda, State of California on September 20, 1971, in [Book 68 of Maps, at Pages 122-146](#).

PARCEL EIGHTEEN:

Beginning at the intersection of the Northern line of Francisco, formerly Bay, Street, with the Western line of Sacramento Street, as said Streets are shown on the Map; running thence along said Northern line of Francisco Street, South 80° 27' 45" West, 40 feet; thence North 5° 25' 30" West, 79.67 feet; thence North 80° 27' 45" East, 20.34 feet; thence North 5° 25' 30" West, 5.74 feet; thence North 84° 34' 30" East, 19.60 feet to the Western line of Sacramento Street; and thence South 5° 25' 30" East, 84 feet to the point of beginning.

Being a portion of Block "C", as shown on the Map of "Vista Del Mar Tract", filed May 27, 1893, in the Office of the County Recorder of Alameda County.

Together with the underlying fee interest, if any, appurtenant to the above described parcel in and to adjoining streets, alleys, public ways or railroad rights of way.

Excepting Therefrom that portion of land conveyed to City of Berkeley, a municipal corporation as described in the Grant Deed Recorded November 5, 1971 in Official Records under Recorder's Serial Number 71-146356, [Reel/Book 2989, Image/Page 645](#), and as shown on that certain map entitled "Record Maps of Right of Way Bay Area Rapid Transit District" as R22A-1, which map was filed in the office of the Recorder of the County of Alameda, State of California on September 20, 1971, in [Book 68 of Maps, at Pages 122-146](#).

Together with that portion of Francisco Street, as vacated and closed to public use by Resolution of the Council of the City of Berkeley which would pass by operation of law, as evidenced by document entitled "Ordinance No. 4345", recorded February 2, 1972 in [Reel/Book 3053 of Official Records, Image/Page 230](#).

PARCEL NINETEEN:

Beginning at a point on the Southern line of Virginia, formerly Folsom, Street, distant thereon North 80° 27' East 204 feet from the intersection thereof with the Eastern line of Short Street, as said Streets are shown on the Map hereinafter referred to; running thence along said line of Virginia Street North 80° 27' East, 34 feet; thence South 5° 31' 15" East, 100 feet; thence South 80° 27' West, 34 feet; and thence North 5° 31' 15" West, 100 feet to the point of beginning.

Being portions of Lots 14, 15, 16 and 17 in Block "C", as said Lots and Block are shown on the "Map of the Vista Del Mar Tract, Berkeley, Ala Co., Cal.", filed May 27, 1893, in [Book 12 of Maps, Page 59](#), in the Office of the County Recorder of Alameda County.

Together with the underlying fee interest, if any, appurtenant to the above described parcel in and to adjoining streets, alleys, public ways or railroad rights of way.

Excepting Therefrom that portion of land conveyed to City of Berkeley, a municipal corporation as described in the Grant Deed Recorded November 5, 1971 in Official Records under Recorder's Serial Number 71-146356, [Reel/Book 2989, Image/Page 645](#), and as shown on that certain map entitled "Record Maps of Right of Way Bay Area Rapid Transit District" as R22A-1, which map was filed in the office of the Recorder of the County of Alameda, State of California on September 20, 1971, in [Book 68 of Maps, at Pages 122-146](#).

PARCEL TWENTY:

Beginning at a point on the Southern line of Virginia Street, formerly Folsom Street, distant thereon 102 feet Easterly from the point of intersection thereof with the Eastern line of Short Street; running thence Easterly along said line of Virginia Street, 34 feet; thence South 5° 31' 15" East, 100 feet; thence South 80° 27" West, 34 feet; and thence North 5° 31' 15" West, 100 feet from the point of beginning.

Being a portion of Lots 11 and 12 in Block "C", as said Lots and Block are shown on the "Map of the Vista Del Mar Tract, Berkeley, Ala. Co., Cal., May 1893", filed May 27, 1893, in the Office of the Recorder of Alameda County.

Together with the underlying fee interest, if any, appurtenant to the above described parcel in and to adjoining streets, alleys, public ways or railroad rights of way.

Excepting Therefrom that portion of land conveyed to City of Berkeley, a municipal corporation as described in the Grant Deed Recorded November 5, 1971 in Official Records under Recorder's Serial Number 71-146356, [Reel/Book 2989, Image/Page 645](#), and as shown on that certain map entitled "Record Maps of Right of Way Bay Area Rapid Transit District" as R22A-1, which map was filed in the office of the Recorder of the County of Alameda, State of California on September 20, 1971, in [Book 68 of Maps, at Pages 122-146](#).

APN: 058-2149-019-04

TRACT G:

PARCEL ONE:

BEGINNING at the point of intersection of the Western line of Sacramento Street with the Northern line of Delaware Street, as said Sacramento Street and said Delaware Street are shown on the "Map of the Vista Del Mar Tract," etc., hereinafter referred to; running thence along said Western line of said Sacramento Street North 5° 25' 30" West 100 feet; thence South 80° 28' 30" East 73.61 feet to the Northeastern boundary line of that certain piece or parcel of land secondly described in that certain deed from The Realty Syndicate, a corporation, to the Sacramento Short Line, a corporation, dated October 6, 1911, recorded January 25, 1912 in [Book 2016 of Deeds, Page 135](#); thence along said Northeastern boundary line of said piece or parcel of land Southeasterly on the arc of a circle of 848.60 feet radius deflecting to the right, or Southward, a distance of 112.95 feet to said Northern line of said Delaware Street; thence along said Northern line of said Delaware Street North 80° 28' 30" East 13.62 feet to the point of beginning.

BEING a portion of Block "D" as said block is shown on the "Map of the Vista Del Mar Tract, Berkeley, Ala. Co. Cal." filed May 27, 1893 in the office of the County Recorder of Alameda County.

Together with the underlying fee interest, if any, appurtenant to the above described parcel in and to adjoining streets, alleys, public ways or railroad rights of way.

Excepting Therefrom that portion of land conveyed to City of Berkeley, a municipal corporation as described in Grant Deed Recorded November 5, 1971 in Official Records under Recorder's Serial Number 71-146356, [Reel/Book 2989, Image/Page 645](#), and as shown on that certain map entitled "Record Maps of Right of Way Bay Area Rapid Transit District" as R22-2, which map was filed in the office of the Recorder of the County of Alameda, State of California on September 20, 1971, in [Book 68 of Maps, at Pages 122-146](#).

PARCEL TWO:

BEGINNING at a point the Southern line of Francisco Street, (formerly Bay Street), distant thereon South 80° 27' 45" West 80 feet from the intersection thereof with the Western line of Sacramento Street, at said streets are shown on the map hereinafter referred to; running thence along said line of Francisco Street South 80° 27' 45" West 52 feet; thence South 5° 25' 30" East 94.91 feet to the Northeastern line of that certain tract of land secondly described in the deed from the Realty Syndicate, a corporation, to Sacramento Short Line, a corporation, dated October 6, 1911 and recorded January 25, 1912, in [Book 2016 of Deeds, at Page 135](#), thence along said Northeastern line of said land, Southeasterly on the arc of a circle of radius of 848.60 feet deflecting to the right or Southward, a distance of 6.45 feet; thence North 80° 27' 45" East 47.69 feet thence North 5° 25' 30" West 100 feet to the point of beginning.

BEING a portion of Block "D" as said block to shown on the "Map of Vista Del Mar Tract, Berkeley, Ala. Co., filed May 27, 1893, in [Book 12 of Maps, at Page 59](#), in the office of the County Recorder of Alameda County.

Together with the underlying fee interest, if any, appurtenant to the above described parcel in and to adjoining streets, alleys, public ways or railroad rights of way.

Together with that portion of Francisco Street, as vacated and closed to public use by Resolution of the Council of the City of Berkeley which would pass by operation of law, as evidenced by document entitled "Ordinance No. 4345", recorded February 2, 1972 in [Reel/Book 3053 of Official Records, Image/Page 230](#).

PARCEL THREE:

Beginning at the point of intersection of the Western line of Sacramento Street, with the Southern line of Francisco Street, formerly Bay Street, as said streets are shown on the map herein referred to; running thence Southerly along said line of Sacramento Street, 30 feet; thence Westerly parallel with said line of Francisco Street, 80 feet; thence Northerly parallel with said line of Sacramento Street, 30 feet to said line of Francisco Street; and thence Easterly along said last named line, 80 feet to the point of beginning.

Being a portion of Block "D", as said block, is shown on the "Map of Vista Del Mar Tract, Berkeley, Ala., Co., Cal., filed May 27, 1893, in [Book 12 of Maps, Page 59](#), in the office of the County Recorder of Alameda County.

Together with the underlying fee interest, if any, appurtenant to the above described parcel in and to adjoining streets, alleys, public ways or railroad rights of way.

Excepting Therefrom that portion of land conveyed to City of Berkeley, a municipal corporation as described in Grant Deed Recorded November 5, 1971 in Official Records under Recorder's Serial Number 71-146356, [Reel/Book 2989, Image/Page 645](#), and as shown on that certain map entitled "Record of Maps of Right of Way Bay Area Rapid Transit District" as R22-7, which map was filed in the office of the Recorder of the County of Alameda, State of California on September 20, 1971, in [Book 68 of Maps, at Pages 122-146](#).

Together with that portion of Francisco Street, as vacated and closed to public use by Resolution of the Council of the City of Berkeley which would pass by operation of law, as evidenced by document entitled "Ordinance No. 4345", recorded February 2, 1972 in [Reel/Book 3053 of Official Records, Image/Page 230](#).

PARCEL FOUR:

BEGINNING at a point on the Western line of Sacramento Street, distant thereon Southerly 30 feet from the Southern line of Francisco Street, formerly Bay Street, as said streets are shown on the map; and running thence along said line of Sacramento Street, Southerly 35 feet; thence parallel with said line of Francisco Street, Westerly 80 feet; thence parallel with said line of Sacramento Street, Northerly 35 feet; and thence parallel with said line of Francisco Street, Easterly 80 feet to the point of beginning.

BEING a portion of Block "D", as said block is shown on the "Map of Vista Del Mar Tract, Berkeley, Ala. Co., Cal.", filed May 27, 1893, in [Book 12 of Maps, Page 59](#), in the office of the County Recorder of Alameda County.

Excepting Therefrom that portion of land conveyed to City of Berkeley, a municipal corporation as described in Grant Deed Recorded November 5, 1971 in Official Records under Recorder's Serial Number 71-146356, [Reel/Book 2989, Image/Page 645](#), and as shown on that certain map entitled "Record Maps of Right of Way Bay Area Rapid Transit District" as R2207, which map was filed in the office of the Recorder of the County of Alameda, State of California on September 20, 1971, in [Book 68 of Maps, at Pages 122-146](#).

PARCEL FIVE:

BEGINNING at a point on the Western line of Sacramento Street, distant thereon Southerly, 65 feet from the intersection thereof, with the Southern line of Francisco, formerly Bay, Street, as said streets are shown on the map herein referred to; running thence Southerly along said line of Sacramento Street, 35 feet; thence Westerly parallel with said line of Francisco Street, 80 feet; thence Northerly parallel with said line of Sacramento Street, 35 feet; thence Easterly parallel with said line of Francisco Street, 80 feet to the point of beginning.

BEING a portion of Block "D", as said block is shown on the "Map of Vista Del Mar Tract, Berkeley, Ala. Co., Cal.", filed May 27, 1893, in [Book 12 of Maps, Page 59](#), in the office of the County Recorder of Alameda County.

Together with the underlying fee interest, if any, appurtenant to the above described parcels in and to adjoining streets, alleys, public ways or railroad rights of way.

Excepting Therefrom that portion of land conveyed to City of Berkeley, a municipal corporation as described in Grant Deed Recorded November 5, 1971 in Official Records under Recorder's Serial Number 71-146356, [Reel/Book 2989, Image/Page 645](#), and as shown on that certain map entitled "Record Maps of Right of Way Bay Area Rapid Transit District" as R22-7, which map was filed in the office of the Recorder of the County of Alameda, State of California on September 20, 1971, in [Book 68 of Maps, at Pages 122-146](#).

PARCEL SIX:

BEGINNING at a point on the Westerly line of Sacramento Street, distant thereon North 5° 25' 30" West, 100 feet from the point of intersection of said Westerly line of said Sacramento Street, with the Northerly line of Delaware Street, as said streets are shown on the map herein referred to; running thence along said Westerly line of said Sacramento Street, North 5° 25' 30"

West, 35.55 feet; thence South 80° 28' 05" West, 99.26 feet to the Northeasterly boundary line of the parcel of land secondly described in the deed from the Realty Syndicate, a corporation, to the Sacramento Short Line, a corporation, dated October 6, 1911 and recorded January 25, 1912, in [Book 2016 of Deeds, Page 135](#), Alameda County Records; thence along said Northeasterly boundary line of said parcel of land Southeasterly on the arc of a circle of 848.6 feet radius deflecting to the right or Southward, a distance of 42.28 feet; and thence North 80° 28' 30" East, 73.61 feet to the point of beginning.

BEING a portion of Block "D" as said block is shown on the "Map of the Vista Del Mar Tract, Berkeley, Alameda Co., Cal.", etc., filed May 27, 1893, in [Book 12 of Maps Page 59](#), in the office of the County Recorder of Alameda County.

Together with the underlying fee interest, if any, appurtenant to the above described parcel in and to adjoining streets, alleys, public ways or railroad rights of way.

Excepting Therefrom that portion of land conveyed to City of Berkeley, a municipal corporation as described in Grant Deed Recorded November 5, 1971 in Official Records under Recorder's Serial Number 71-146356, Reel/Book 2989, Image/Page 645, and as shown on that certain map entitled "Record Maps of Right of Way Bay Area Rapid Transit District" as R22-2, which map was filed in the office of the Recorder of the County of Alameda, State of California on September 20, 1971, in [Book 68 of Maps, at Pages 122-146](#).

PARCEL SEVEN:

Beginning at a point on the Northern line of Delaware Street, distant thereon South 80° 28' 30" West 13.62 feet from the intersection thereof, with the Western line of Sacramento Street, as said streets are shown on the "Map of the Vista Del Mar Tract, Berkeley, Ala. Co., Cal.", filed May 27, 1893 in [Book 12 of Maps, Page 59](#), in the office of the County Recorder of Alameda County; running thence along said line of Delaware Street South 80° 38' 30" West 66.22 feet; thence Northwesterly on a curve to the left, having a radius of 788.60 feet and whose long chord bears North 41° 02' 22" West, an arc distance of 151.12 feet; thence North 43° 28' 16" East 60.00 feet; thence Southeasterly on a curve to the right, having a radius of 848.60 feet and whose long chord bears South 40° 03' 38" East, an arch distance of 191.62 feet to the point of beginning.

Being a portion of Lots 11, 12, 13, 19, 20, 21, 22, 23, 24, 25 and 26, in Block "D" as said lots and block are shown on the above mentioned map.

Together with the underlying fee interest, if any, appurtenant to the above described parcel in and to adjoining streets, alleys, public ways or railroad rights of way.

Excepting Therefrom that portion of land conveyed to City of Berkeley, a municipal corporation as described in Grant Deed Recorded November 5, 1971 in Official Records under Recorder's Serial Number 71-146356, [Reel/Book 2989, Image/Page 645](#), and as shown on that certain map entitled "Record Maps of Right of Way Bay Area Rapid Transit District" as R22-2, which map was filed in the office of the Recorder of the County of Alameda, State of California on September 20, 1971, in [Book 68 of Maps, at Pages 122-146](#).

PARCEL EIGHT:

PORTIONS OF Lots 22, 23, 24, 25 and 26, in Block "D", as said lots and block are shown on the "Map of the Vista Del Mar Tract, Berkeley, Alameda County, California", filed May 27, 1893, in [Book 12 of Maps, Page 59](#), in the office of the County Recorder of Alameda County, described as follows:

BEGINNING at a point on the Northern line of Delaware Street, distant thereon Easterly 115 feet from the intersection thereof, with the Eastern line of Short Street, as said streets are shown on the map herein referred to; thence North 5° 31' 15" West parallel with said Eastern line of Short Street, 100 feet; North 80° 28' 30" East, 15.82 feet to the Southwestern line of that certain parcel of land secondly described in the deed from The Realty Syndicate, to Sacramento Short Line, a corporation, dated October 6, 1911 and recorded in [Book 2016 of Deeds, Page 135](#); thence Southeasterly along the Southwestern line of said last named land, on the arc of a circle of 788.6 feet radius, deflecting to the right or Southward, a distance of 115.56 feet to the Northern line of Delaware Street; thence Westerly along said line of Delaware Street, 80.96 feet to the point of beginning.

Together with the underlying fee interest, if any, appurtenant to the above described parcel in and to adjoining streets, alleys, public ways or railroad rights of way.

PARCEL NINE:

PORTIONS of Lots 1, 2, 3, 4 and 26, in Block "D", as said lots and block are shown on the "Map of the Vista Del Mar Tract, Berkeley, Alameda County, California", filed May 27, 1893, in [Book 12 of Maps, Page 59](#), in the office of the County Recorder of Alameda County, described as follows:

BEGINNING at a point on the Northern line of Delaware Street, distant thereon North 80° 28' 30" East, 80 feet from the intersection thereof, with the Eastern line of Short Street, as said streets are shown on said map; thence North 80° 28' 30" East, along said line of Delaware Street, 35 feet; thence North 5° 31' 15" West, 100 feet; thence South 80° 28' 30" West, 35 feet; thence South 5° 31' 15" East, 100 feet to the point of beginning.

Together with the underlying fee interest, if any, appurtenant to the above described parcel in and to adjoining streets, alleys, public ways or railroad rights of way.

PARCEL TEN:

Those portions of Lots 1, 2, 3 and 4, in Block "D", as shown on the map of Vista Del Mar Tract, described as follows:

Beginning at the point on the Northern line of Delaware Street, distant thereon North 80° 28' 30" East 40 feet from the Eastern line of Short Street as shown on the map; thence along said Northern line of Delaware Street North 80° 28' 30" East 40 feet; thence North 5° 31' 15" West 100 feet; thence South 80° 28' 30" West 40 feet; thence South 5° 31' 15" East 100 feet to the point of beginning.

Together with the underlying fee interest, if any, appurtenant to the above described parcel in and to adjoining streets, alleys, public ways or railroad rights of way.

PARCEL ELEVEN:

Portion of Lots 1, 2, 3 and 4, in Block "D", as said lots and block are shown on the "Map of the Vista Del Mar Tract, Berkeley, Ala. Co., Cal., May 1893" filed May 27, 1893, in [Book 12 of Maps, Page 59](#), in the office of the County Recorder of Alameda County, described as follows:

Beginning at the point of intersection of the Northern line of Delaware Street, with the Eastern line of Short Street, as said streets are shown on the map above referred to; running thence along said line of Delaware Street, North 80° 28' 30" East, 40 feet; thence North 5° 31' 15" West, 100 feet; thence South 80° 28' 30" West, 40 feet to said Eastern line of Short Street; thence along said line of Short Street, South 5° 31' 15" East, 100 feet to the point of beginning.

Together with the underlying fee interest, if any, appurtenant to the above described parcel in and to adjoining streets, alleys, public ways or railroad rights of way.

Together with that portion of Short Street, as vacated and closed to the public use by Resolution of the Council of the City of Berkeley which would pass by operation of law, as evidenced by document entitled "Ordinance No. 4345", recorded in [Reel/Book 3053 of Official Records, Image/Page 230](#).

PARCEL TWELVE:

THOSE PORTIONS of Lots 9, 10, 11 and 12, in Block "D", of "Map of the Vista Del Mar Tract, Berkeley, Alameda Co. Cal.", filed May 27, 1893, in [Book 12 of Maps, Page 59](#), in the office of the County Recorder of Alameda County, described as follows:

BEGINNING at a point on the Northerly line of Bay Street, now known as Francisco Street, distant thereon, South 80° 27' 45" West, 132 feet from the Western line of Sacramento Street, as shown on said map; thence South 5° 25' 30" East, 94.91 feet to the Northeasterly line of the land secondly described in that certain deed to the Sacramento Short Line, a corporation, and recorded in [Book 2016 of Deeds, Page 135](#); thence along said Northeasterly line Northwesterly on the arc of a circle of 848.60 feet radius deflecting to the left, Westerly, a distance of 79.92 feet; thence continuing along said Northeasterly line, North 52° 53' 45" West tangent to last mentioned arc, 47.09 feet to said Southerly line of Francisco Street; thence along said Southerly line of Francisco Street, North 80° 27' 45" East, 91.05 feet to the point of beginning.

Together with the underlying fee interest, if any, appurtenant to the above described parcel in and to adjoining streets, alleys, public ways or railroad right of ways.

Together with that portion of Francisco Street, as vacated and closed to public use by Resolution of the Council of the City of Berkeley which would pass by operation of law, as evidenced by document entitled "Ordinance No. 4345", recorded February 2, 1972 in [Reel/Book 3053 of Official Records, Image/Page 230](#).

PARCEL THIRTEEN:

BEGINNING at a point in the Western line of Sacramento Street, distant thereon North 5° 25' 30" West 135.55 feet from the point of intersection of said Western line of said Sacramento Street with the Northern line of Delaware Street as said streets are shown on the map herein referred to; and running thence along said Western line of said Sacramento Street North 5° 25' 30" West 35.55 feet to a point in said Western line of said Sacramento Street distant thereon

South 5° 25' 30" East 100 feet from the point of intersection of said Western line of Sacramento Street with the Southern line of Bay Street now Francisco Street as said street is shown on the map herein referred to; thence South 80° 27' 45" West 127.69 feet to the Northeastern boundary line of that certain piece or parcel of land secondly described in that certain deed from The Realty Syndicate, a corporation, to The Sacramento Short Line, a corporation, dated October 6, 1911 and recorded January 25, 1912 in [Book 2016 of Deeds, at Page 135](#), Alameda County Records; thence along said Northeastern boundary line of said piece or parcel of land Southeasterly on the arc of a circle of 848.60 feet radius deflecting to the right or Southward a distance of 43.92 feet, and thence North 80° 28' 05" East 99.26 feet to the point of beginning.

BEING a portion of Block "D" as said block is shown on the "Map of the Vista Del Mar Tract, Berkeley, Ala. Co., Cal.", etc., filed May 27, 1893 in the office of the County Recorder of Alameda County.

Together with the underlying fee interest, if any, appurtenance to the above described parcel in and to adjoining streets, alleys, public ways or railroad rights of way.

Excepting There from that portion of land conveyed to City of Berkeley, a municipal corporation as described in Grant Deed Recorded November 5, 1971 in Official Records under Recorder's Serial Number 71-146356, [Reel/Book 2989, Image/Page 645](#), and as shown on that certain map entitled "Record Maps of Right of Way Bay Area Rapid Transit District" as R22-7, which map was filed in the office of the Recorder of the County of Alameda, State of California on September 20, 1971, in [Book 68 of Maps, at Pages 122-146](#).

PARCEL FOURTEEN:

BEGINNING at a point on the Eastern line of Short Street, distant thereon North 5° 31' 15" West (the bearing North 5° 31' 15" West being assumed for the purpose of this description) 138.02 feet from the point of intersection thereof with the Northern line of Delaware Street, as said streets are shown on the map herein referred to; running thence along the said Eastern line of Short Street South 5° 31' 15" East 38.02 feet to a point on the Southern boundary line of that certain parcel of land described in deed to C. J. Prang and wife, dated January 14, 1939 in Book 3727 of Official Records of Alameda County, Page 273; thence North 80° 28' 30" East along the said Southern boundary line 100 feet to a point on the Eastern line of Lot 4 in Block "D", as said lot and block are shown on the map; thence Northerly along the Eastern boundary lines of Lots 4 and 5 in said Block "D", 35.52 feet to a point on the Northern boundary line of the said Prang parcel of land; thence South 80° 20' 30" West along the said Prang's Northern boundary line 31 feet, more or less, to the Southeastern corner of that certain parcel of land described in deed to C. J. Prang and wife, dated June 9, 1939 and recorded June 27, 1939 under Recorder's Series No. KX/30513, in the office of the County Recorder of Alameda County: thence along the Eastern and Northern boundary lines of the last mentioned Prang parcel of land, North 5° 31' 15" West 1.50 feet, and Westerly in a direct line 69.01 feet, more or less, to the point of beginning.

BEING a portion of Lots 4, 5 and 6 in Block "D" of the Vista Del Mar Tract, according to the map thereof filed May 27, 1893 in [Book 12 of Maps, Page 59](#), in the office of the County Recorder of Alameda County.

Together with that portion of Short Street, as vacated and closed to public use by Resolution of the Council of the City of Berkeley which would pass by operation of law, as evidenced by

document entitled "Ordinance No. 4345", recorded February 2, 1972 in [Reel/Book 3053 of Official Records, Image/Page 230](#).

PARCEL FIFTEEN:

A PORTION of Lots 25 and 26 in Block "D", according to the "Map of the Vista Del Mar Tract", filed May 27, 1893 in [Book 12 of Maps, Page 59](#), in the office of the County Recorder of Alameda, described as follows:

COMMENCING at a point on the Eastern line of Short Street distant thereon North 5° 31' 15" West (the bearing North 5° 31' 15" West being assumed for the purpose of this description) 138.02 feet from the Northern line of Delaware Street, as said streets are shown on said map; running thence along said Eastern line of Short Street South 5° 31' 15" East 38.02 feet to the Southern line of the parcel of land described in the deed to C. J. Pfrang and wife, dated January 16, 1939, and recorded February 9, 1939 in Book 3727 of Official Records of Alameda County, Page 273; thence along the last mentioned line North 80° 28' 30" East 100 feet to a point on the Eastern line of Lot 4 in Block "D", as said lot is shown on said map, the last determined point being the actual point of beginning; running thence along the Eastern line of said Lot 4 and the Eastern line of Lot 5 in said Block "D" Northerly, a distance of 35.52 feet to the Northern line of said Pfrang parcel; thence along the last mentioned line North 80° 28' 05" East 2.43 feet to the Southwestern line of the parcel of land secondly described in the deed of The Sacramento Short Line, dated October 6, 1911 and recorded January 25, 1912 to [Book 2016 of Deeds, Page 135](#), Alameda County Records; thence Southeasterly along the last mentioned line on the arc of a curve to the right with a radius of 788.60 feet, a distance of 43.88 feet to said Southern line of said Pfrang parcel; thence along the last mentioned lines South 80° 28' 30" West 30.74 feet to the actual point of beginning.

Together with the underlying fee interest, if any, appurtenant to the above described parcel in and to adjoining streets, alleys, public ways or railroad rights of way.

PARCEL SIXTEEN:

A PORTION of Lots 5, 6, 7, 11 and 26, in Block "D", as said lots and block are shown on the "Map of the Vista Del Mar Tract., Berkeley, Ala. Co., Cal.", filed May 27, 1893, in [Book 12 of Maps Page 59](#), in the office of the County Recorder of Alameda County, described as follows:

BEGINNING at a point on the Eastern line of Short Street, distant thereon North 5° 31' 15" West (the bearing North 5° 31' 15" West being assumed for the purpose of this description) 138.02 feet from the point of intersection thereof, with the Northern line of Delaware Street as said streets are shown on the said map; running thence along the said line of Short Street, North 5° 31' 15" West, 33.03 feet; thence North 80° 27' 45" East, 70.96 feet to a point on the Southwestern boundary line of the parcel of land secondly described in the deed from The Realty Syndicate, a corporation, to the Sacramento Short Line, a corporation, dated October 6, 1911, recorded January 25, 1912, in [Book 2016 of Deeds, Page 135](#), Alameda County Records; thence along said last mentioned line Southeasterly on the arc of a circle having a radius of 788.60 feet deflecting to the right, a distance of 45.77 feet; thence South 80° 28' 05" West, 33.46 feet to a point on the Eastern boundary line of the parcel of land described in the deed from Theresa Watson to C. J. Pfrang and wife, dated June 9, 1939, recorded June 29, 1939, in [Book 3779 of Official Records of Alameda County, Page 277](#); thence along said last mentioned

line North 5° 31' 15" West, 1.50 feet to a point on the Northern boundary line thereof; thence along said last mentioned line South 81° 17' 54" West, 69.01 feet to point of beginning.

Together with the underlying fee interest, if any, appurtenant to the above described parcel in and to adjoining streets, alleys, public ways or railroad rights of way.

Together with that portion of Short Street, as vacated and closed to the public use by Resolution of the Council of the City of Berkeley which would pass by operation of law, as evidenced by document entitled "Ordinance No. 4345", recorded February 2, 1972 in [Reel/Book 3053 of Official Records, Image/Page 230](#).

PARCEL SEVENTEEN:

Portion of Block "D" as said block is shown on the "Map of Vista Del Mar Tract, Berkeley, Alameda County, California", filed May 27, 1893, in [Book 12 of Maps, Page 59](#), in the office of the County Recorder of Alameda County, described as follows:

Beginning at the intersection of the Southern line of Francisco, formerly Bay, Street, with the Eastern line of Short Street, as said streets are shown on said map; and running thence along said line of Francisco Street North 80° 28' 30" East, 53.21 feet; thence South 52° 51' 30" East, 47.09 feet; thence Southeasterly on the arc of a curve to the right, having a radius of 848.60 feet and whose long chord bears South 49° 41' 38" East, an arc distance of 93.74 feet; thence South 43° 28' 16" West, 60 feet; thence Northwesterly on the arc of a curve to the left, having a radius of 788.60 feet and whose long chord bears North 49° 41' 38" West, an arc distance of 87.11 feet; thence North 52° 51' 30" West, 64 feet to said line of Short Street; thence along the last named line North 5° 30' West, 28.94 feet to the point of beginning.

Together with the underlying fee interest, if any, appurtenant to the above described parcel in and to adjoining streets, alleys, public ways or railroad rights of way.

Together with that portion of Short Street and Francisco Street, as vacated and closed to public use by Resolution of the Council of the City of Berkeley which would pass by operation of law, as evidenced by document entitled "Ordinance No. 4345", recorded February 2, 1972 in [Reel/Book 3053 of Official Records, Image/Page 230](#).

PARCEL EIGHTEEN:

Portion of Block " D", as said block is shown on the "Map of Vista Del Mar Tract, Berkeley, Alameda County, California", filed May 27, 1893, in [Book 12 of Maps, Page 59](#), in the office of the County Recorder of Alameda County, described as follows:

Beginning at a point on the Eastern line of Short Street, distant thereon North 5° 31' 15" West, 171.05 feet from the Northern line of Delaware Street, as said streets are shown on said map; running thence along said line of Short Street, North 5° 31' 15" West, 71.06 feet to the Southwestern line of the parcel secondly described in the deed from The Realty Syndicate a corporation, to Sacramento Shortline, a corporation, dated October 6, 1911, recorded January 25, 1912, in [Book 2016 of Deeds, Page 135](#), Alameda County Records; thence along said Southwestern line South 52° 53' 45" East, 64 feet; thence continuing Southeasterly along said Southwestern line along the arc of a curve to the right, having a radius of 788.60 feet and

tangent to said last mentioned course, a distance of 32.84 feet; thence South 80° 27' 45" West, 70.96 feet to a point of beginning.

Together with the underlying fee interest, if any, appurtenant to the above described parcels in and to adjoining streets, alleys, public ways or railroad rights of way.

Together with that portion of Short Street, as vacated and closed to public use by Resolution of the Council of the City of Berkeley which would pass by operation of law, as evidence by document entitled "Ordinance No. 4345", recorded February 2, 1972 in [Reel/Book 3053 of Official Records, Image/Page 230](#).

PARCEL NINETEEN:

An Easement for rapid transit purposes over and across Parcel R22-6, as shown on Maps RRW22 on that certain map entitled "Record Maps of Right of Way Bay Area Rapid Transit District", which map was filed in the office of the Recorder of the County of Alameda, State of California on September 20, 1971, in [Book 68 of Maps, at Pages 122-146](#), and as reserved by San Francisco Bay Area Rapid Transit District, described in Deed Recorded November 5, 1971 in Official Records under Recorder's Serial Number 71-146356, [Reel/Book 2989, Image/Page 645](#).

NOTE: Parcel Nineteen herein described is only being included so as to avoid the Company being the cause of excluding it from deeds or encumbrances, but NO INSURANCE is to be provided as to said parcel.

Anything to the contrary in the policy or endorsements thereto notwithstanding, said parcel is NOT INSURED even though it may be included as part of the description of the land described or referred to in the policy.

The Company requires that the insured(s) acknowledge in writing that they understand this. Should a request, however, be made for insurance in this regard, it must be referred to the Title Department for an appropriate response

APN: 058-2148-017-04

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: BART Board of Directors

DATE: March 8, 2024

FROM: General Manager

SUBJECT: BART Transit Oriented Development Program Work Plan: 2024 Update

At the March 14, 2024 BART Board meeting, staff will present the public draft of the BART Transit Oriented Development (TOD) Program Work Plan: 2024 Update as an informational item.

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

DocuSigned by:
Michael Jones
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Robert M. Powers

cc: Board Appointed Officers
Deputy General Manager
Executive Staff



BART Transit-Oriented Development Program Work Plan: 2024 Update

March 14, 2024

TOD Work Plan

- Update every ~4 years
- Changes since 2020 Work Plan:
 - ↑ Interest for residential development
 - ↓ Demand for office development
 - ↑ Construction costs
- Completion of Phases of 4 TODs
 - Millbrae, Walnut Creek Phase 2, Balboa Park, Fruitvale 2B
- Active advancement at 5 TODs
 - West Oakland, Lake Merritt, West Dublin, El Cerrito Plaza, North Berkeley
- MTC Priority Sites
 - 22 developable BART sites eligible for current and future funding



BART's TOD Portfolio

- 15 stations have built BART TODs, resulting in:
 - ~875,000 commercial square feet
 - Over 4,200 homes, of which about 1,300 (30%) are affordable 8 BART TODs in predevelopment
- Active developer negotiations, entitlements, design review, and permitting will add:
 - ~1.26 M commercial square feet
 - ~3,900 homes, of which about 1,600 (41%) will be affordable

Station (Phase)	Commercial Square Feet	Residential Units	
		Total	Affordable
Complete			
Ashby (Phase 1-Ed Roberts)	80,000	0	0
Balboa Park	3,000	131	131
Castro Valley (Phase 1)	0	96	96
Coliseum (Phase 1)	0	110	55
Dublin/ Pleasanton (Phase 1)	0	240	0
Fruitvale (Phase 1-2B)	70,000	322	281
Hayward (Phase 1)	0	77	0
MacArthur (Phases 1-3)	46,000	878	135
Millbrae	195,000	400	100
Pleasant Hill/ CC Centre (Blocks A-C)	35,590	622	84
Richmond (Phase 1)	15,000	132	66
San Leandro (Phase 1-2)	6,000	200	200
South Hayward (Phase 1)	0	357	150
Walnut Creek (Phase 2)	14,000	358	0
West Dublin/ Pleasanton (Ph 1-2)	410,000	309	0
Total Complete	874,590	4,232	1,298
Predevelopment ¹			
El Cerrito Plaza	20,000	743	370
Lake Merritt (Blocks 1-2)	500,000	557	233
North Berkeley	7,000	750	260
Pleasant Hill/ CC Centre (Block D)	290,000 ²	0	0
Richmond (Phase 2)	0	520	209
Walnut Creek (Phase 3)	12,000	238	0
West Dublin/ Pleasanton (Phase 3-Dublin)	0	300	300
West Oakland (Phase 1)	430,000	762	240
Total Predevelopment	1,259,000	3,870	1,612
Total	2,133,590	8,102	2,914

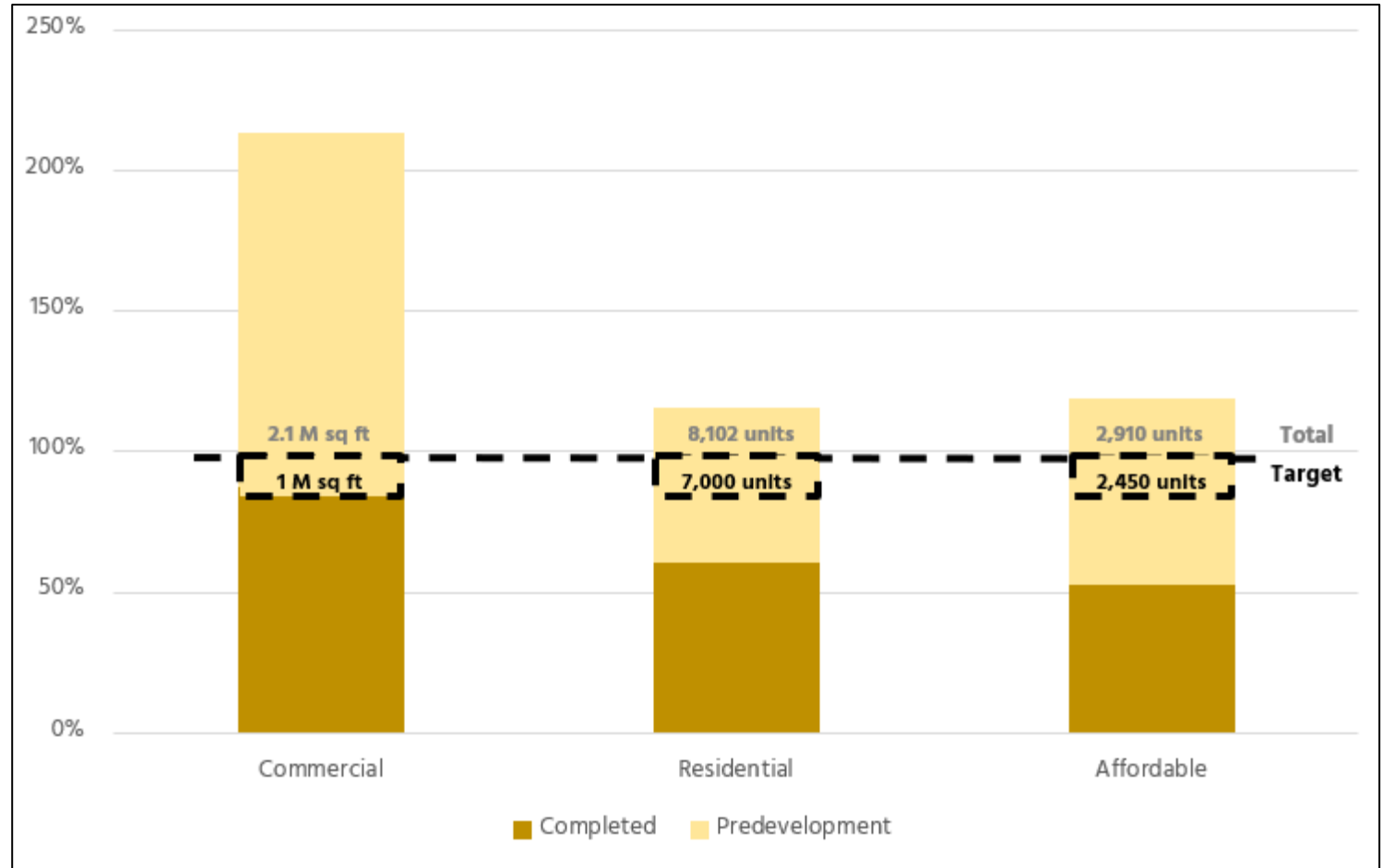
¹ Commercial square feet and number of residential units are approximate and subject to change.

² BART Board of Directors is considering a change of use to residential at the March 14 meeting.

Progress Toward BART TOD Performance Targets

- 2040 Targets
 - 20,000 housing units
 - 35% affordable
 - 4.5M sq feet commercial uses
- 2025 Mid-Term Targets
 - 7,000 housing units
 - 35% affordable
 - 1M sq feet commercial uses
- Completed
 - 4,200 housing units
 - 30% affordable
 - 875,000 sq feet commercial

2025 Performance Goal Targets Progress



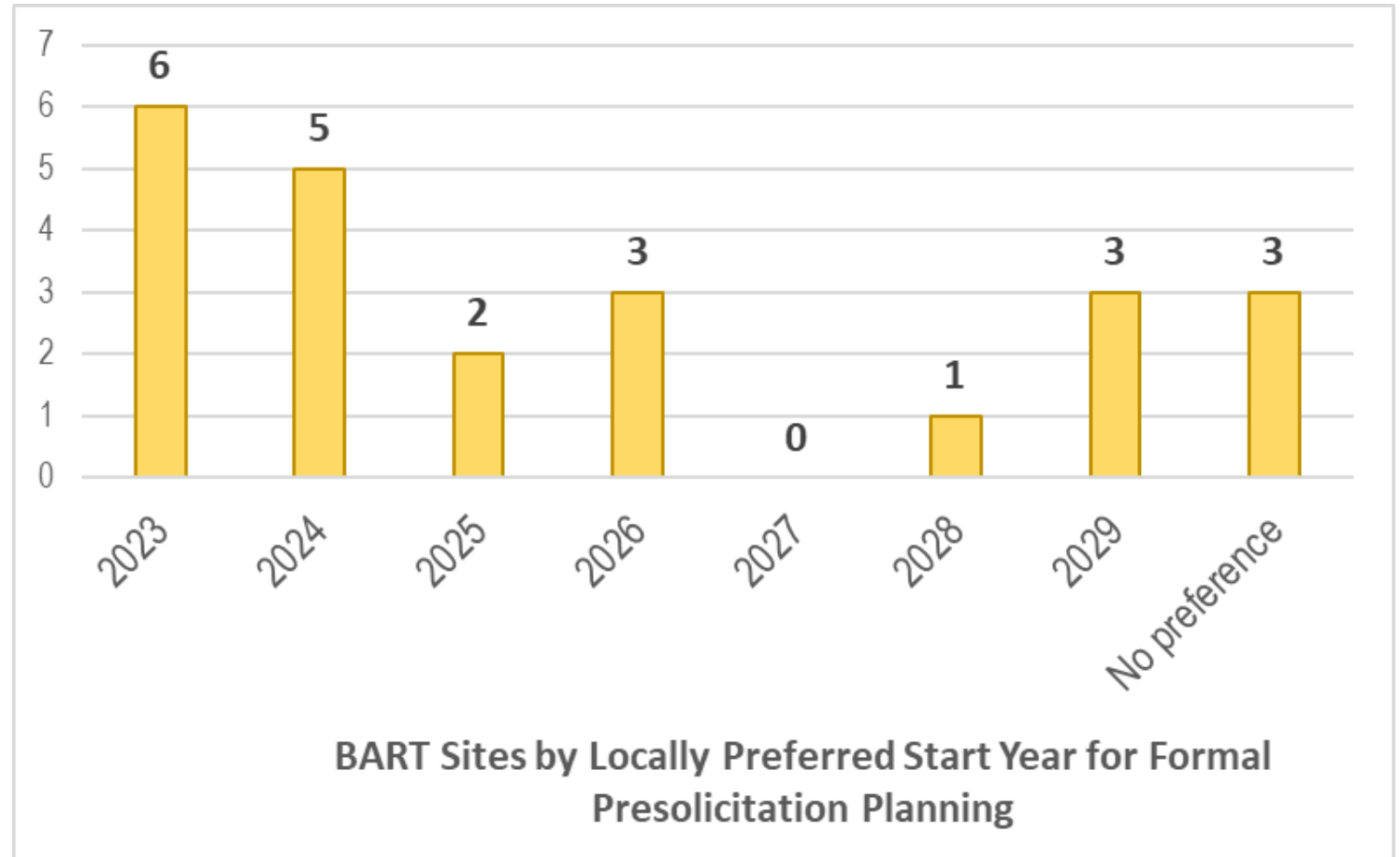
TOD Work Plan Update: Process

- Coordination
 - Cities and counties
 - Administered survey to all 22 jurisdictions with developable BART land
 - One-on-one meetings with those who want TOD initiated in next 10 years
 - Regional agencies
 - Alignment with regional policies and programs
 - Funding discussions for activities leading to developer solicitation
- Evaluation, based on four criteria:
 - Local support
 - Zoning, adopted community plans, and public outreach
 - Local interest in and funding for development
 - Housing policies
 - Infrastructure needs
 - BART rider parking: Replacement parking on-site, off-site solutions
 - Major utilities, flood channels, freight rail, etc.
 - Access
 - Market readiness
 - CoStar data
 - Station access environment (WalkScore®, BART's Station Access Typology)
 - Development capacity (New: accounts for staff capacity and reflects efficiency)
 - Acreage, density



TOD Work Plan Update: High-level findings

- Strong local interest for TOD at BART stations
 - 16 jurisdictions
 - 22 station areas*
 - Housing Elements
 - Shifting constituent attitudes towards adding housing
- Jurisdictions that want TOD are eager
- Some jurisdictions want to wait for office market to return



* Bay Fair station area counted twice in chart because San Leandro indicated a different year than Alameda County for parcels under their respective jurisdictions

Locally Initiated Planning Efforts

- Many jurisdictions getting BART sites ready for TOD
- BART staff are engaged at the following stations:
 - **Orinda:** MTC's Priority Development Area (PDA) grant to the City of Orinda
 - **Purpose:** Resolution of multiple jurisdictional interests in Caltrans-owned station land
 - **Bay Fair:** MTC's PDA grants to the City of San Leandro
 - **Purpose:** Development plan for mall and BART; Specific plan amendments and supplemental EIR
 - **Lafayette:** MTC's Local Parking Management grant to the City of Lafayette
 - **Purpose:** Parking management for downtown, including options for BART riders outside station area
- BART staff are monitoring:
 - **North Concord:** Community Reuse Project and Specific Plan for the former Naval Weapons Station led by the city of Concord
 - **Purpose:** Specific plan to identify layout, uses, and features of development



2024 TOD Work Plan Update: Priorities

Timeframe to Advance to Developer Solicitation (RFQ/RFP): Listed in Alphabetical Order		
Near-Term (2024-2028)	Mid-Term (2029-2033)	Long-Term (2034 and beyond)
Ashby (Phase 2)	Coliseum (Phase 2)	Castro Valley (Phase 2)
Bay Fair	Concord (Phase 1-Monument)	Daly City (San Francisco & Daly City parcels)
El Cerrito del Norte	Dublin/ Pleasanton (Phase 2-Pleasanton)	Fruitvale (Phase 3-Derby)
Fremont	Lafayette	Glen Park
Hayward (Phase 2)	Pittsburg/ Bay Point	North Concord
	South Hayward (Phase 2)	Orinda ¹
	Union City	Pittsburg Center
	Warm Springs/ South Fremont	Rockridge
		South San Francisco

¹ Owned by Caltrans and operated by BART as parking

Notes:

- RFQ/RFP refers to Request for Qualifications and/or Request for Proposal
- 8 projects, not included here, have already gone through developer solicitation and are in predevelopment
- Sites that have not moved forward by the next TOD Work Plan update will be revisited

A-Line Jobs Attraction Study

- Fruitvale to Warm Springs/ South Fremont
- Will identify BART sites with greatest potential for employment density
- Expected draft by end of calendar year



Next Steps

- Solicit Board feedback
 - Visit www.bart.gov/tod to view the Public Draft
- Finalize and publish 2024 TOD Work Plan (Spring 2024)
- MTC Webinar on TOD with BART for jurisdictions (Spring 2024)
- Advance existing deals (on-going)
 - El Cerrito Plaza (Spring)
- Issue RFQ/P for Ashby TOD (Spring-Summer 2024)





Reference Slides

TOD Work Plan Update: Priorities Detail

- Timeframe to advance to Developer Solicitation (RFQ/RFP)

Timeframe	Strategy	Stations (Project Phase or Description) ¹	
Current Pipeline (Post RFQ/ RFP)	Advance TOD projects already underway: BART has eight high-profile projects that have a development team already selected. Staff will focus time on completing them to help meet its 2040 performance targets.	El Cerrito Plaza	Richmond (Phase 2)
		Lake Merritt (Blocks 1-2)	Walnut Creek (Phase 3)
		North Berkeley	West Dublin/ Pleasanton (Phase 3)
		Pleasant Hill/ Contra Costa	West Oakland (Phase 1)
		Centre (Block D)	
Near-term (Advance to RFQ/ RFP in 2024-2028 timeframe)	Deliver TOD projects that fulfill BART's performance targets. Building more homes is needed to meet BART's 2040 performance targets for affordable and market-rate housing. BART will consider opportunities for projects that promote ridership and fulfill its performance targets for commercial square feet.	Ashby (Phase 2)	Fremont
		Bay Fair	Hayward (Phase 2)
		El Cerrito del Norte	
Mid-term (Advance to RFQ/ RFP in 2029-2033 timeframe)	Support jurisdictions as they engage in presolicitation efforts. These station sites currently have some implementation, local support, and/or market barriers, but may be ready for housing and/or commercial development in the mid-term.	Coliseum (Phase 2)	Pittsburg/ Bay Point
		Concord (Phase 1- Monument)	South Hayward (Phase 2)
		Dublin/ Pleasanton (Phase 2-Pleasanton)	Union City
		Lafayette	Warm Springs/ South Fremont

¹ Listed in alphabetical order, not in order of priority

TOD Work Plan Update: Priorities Detail (con't)

Timeframe	Strategy	Stations (Project Phase or Description) ¹	
Long-term (Potential to advance to RFQ/ RFP 2034 or later)	Work with jurisdictions on their development strategy. Local staff indicated interest in developer solicitation and selection at BART sites before 2034, but significant market, local support, and/or implementation barriers must be overcome before BART can pursue development. Some parcels may be appropriate for assembly in developments initiated by a party other than BART.	Castro Valley (Phase 2)	Orinda ²
		Daly City (San Francisco & Daly City parcels)	Pittsburg Center
		Fruitvale (Phase 3-Derby lot)	Rockridge
		Glen Park	South San Francisco
		North Concord	
	Assess implementation, local support, and market barriers in the future. These station sites represent areas with significant market, local support, and/or implementation barriers. BART will revisit conditions for development at these sites in the next TOD Work Plan update. Some parcels may be appropriate for assembly in developments initiated by a party other than BART.	12th St/ Oakland City Center	Lake Merritt (Block 3-isolated parcel)
		19th St/ Oakland	MacArthur (Phase 4-west of SR-24)
		Antioch	Richmond (Phase 3-bus intermodal)
		Concord (Phase 2-parking lots)	San Leandro (Phase 3-parking lots)
		Dublin/ Pleasanton (Phase 3-Dublin)	West Oakland (Phase 2-isolated parcel)
		Fruitvale (Phase 4-bus intermodal)	

¹ Listed in alphabetical order, not in order of priority

² BART operates and maintains rider parking, but land is owned by Caltrans

TOD Projects in Current Pipeline

Current Pipeline (Post RFQ/RFP)

El Cerrito Plaza

Lake Merritt (Block 1-2)

North Berkeley

Pleasant Hill/ Contra Costa Centre (Block D)

Richmond (Phase 2)

Walnut Creek (Phase 3)

West Dublin/ Pleasanton (Phase 3)

West Oakland (Phase 1)

TOD Work Plan Update: Near-Term

Station (Project Phase)	Actions Needed or Considerations for Advancing to Step 2: Developer Solicitation and Selection (RFQ/ RFP)
Ashby (Phase 2)	Berkeley: Draft Objective Design Standards to inform developer solicitation.C3:C5C6C3:C6C3:C7
Bay Fair	<p>Alameda County: Permanently rezone BART land per BART's 2017 TOD Guidelines and to fully conform with AB 2923.</p> <p>San Leandro-Alameda County: Coordinate with property owners to provide additional flood control channel crossings for pedestrians and cyclists.</p> <p>Alameda County-San Leandro: Facilitate and/or implement BART rider parking solutions with Bay Fair mall owners and the neighborhoods.</p> <p>BART: Coordinate with Union Pacific Railroad to develop solutions that remove barriers to access.</p> <p>Alameda CTC-BART-San Leandro-Alameda County: Collaborate to design and implement the East Bay Greenway so that it maintains and/or enhances the feasibility of BART's TOD.</p> <p>BART: Determine how development potential might be affected by service changes envisioned in <i>BART Metro: 2030 and Beyond</i> summary report.</p>
El Cerrito del Norte	<p>El Cerrito-BART-Bus Operators: Collaborate to conceptualize any changes to the bus intermodal facility currently on-site.</p> <p>Note: No underground facilities possible due to high water table.</p> <p>Note: City does not expect in BART rider replacement of surface parking lots (existing BART garage on-site), but replacement decision will need to consider communities in the larger station catchment area to the north.</p> <p>Note: Permanent BART Police substation needed for Richmond-Line stations.</p>
Fremont	<p>Fremont: Nominate BART site for MTC's Priority Sites Program.</p> <p>Fremont-BART-Bus Operators: Collaborate to conceptualize any changes to the bus intermodal facility currently on-site.</p> <p>Note: City is willing to have more units than identified in Housing Element.</p> <p>Note: Parking demand at this station has changed due to Warm Springs and Berryessa extensions.</p> <p>Note: Hayward Fault may affect development potential.</p>
Hayward (Phase 2)	<p>Hayward-BART: Identify desired land use mix that is feasible, supports BART ridership, and meets city goals.</p> <p>Alameda CTC-BART-Hayward: Collaborate to design and implement the East Bay Greenway so that it maintains and/or enhances the feasibility of BART's TOD.</p> <p>Note: City does not expect in BART rider replacement parking due to existing BART garage on-site.</p> <p>Note: City has expressed interest in mixed-use, with active commercial ground-floor uses; potential to interface with uses related to higher education.</p>

Listed in alphabetical order, not in order of priority

TOD Work Plan Update: Mid-Term

Station (Project Phase)	Actions Needed or Considerations for Advancing to Step 2: Developer Solicitation and Selection (RFQ/ RFP)
Coliseum (Phase 2)	<p>Oakland: Identify local funding for affordable housing.</p> <p>Oakland: Identify viable retail and service uses for inclusion in future development.</p> <p>Oakland: Develop economically feasible strategy for redevelopment of adjacent Coliseum Stadium and Arena complex.</p> <p>Oakland-BART: Resolve ownership of vacated roads between parcels.</p> <p>Alameda CTC-BART-Oakland: Collaborate to design and implement the East Bay Greenway so that it maintains and enhances the feasibility of BART's TOD.</p>
Concord (Phase 1- Monument)	<p>Concord: Coordinate with Contra Costa County's Flood Control and Water Conservation District to identify channel crossing opportunities within site.</p> <p>Concord-BART: Coordinate with PG&E to address utility poles and wires along San Miguel Rd.</p> <p>Note: No existing BART rider parking on-site, and none is needed.</p> <p>Note: Alquist Priolo Fault may affect development potential.</p>
Dublin/ Pleasanton (Phase 2- Pleasanton)	<p>Pleasanton: Coordinate with the Alameda County Flood Control District to provide additional channel crossings for pedestrians and cyclists.</p> <p>BART-Pleasanton-Bus Operators: Collaborate on implementing the Iron Horse Trail project that will improve walking and biking access and will relocate the bus intermodal to the east side.</p> <p>Pleasanton: Facilitate and/or implement BART rider parking solutions that enhance feasibility of BART's TOD.</p> <p>BART-Pleasanton: Coordinate with the Tri-Valley/San Joaquin Valley Regional Rail Authority to identify needs for the future Valley Link Project and their impact on the feasibility of BART's TOD with consideration of Alameda County's new commuter parking garage set to open summer 2024 in Dublin.</p>
Lafayette	<p>Lafayette: Facilitate and/or implement BART rider parking solutions that enhance feasibility of BART's TOD.</p> <p>Lafayette: Permanently rezone BART land per BART's 2017 TOD Guidelines and to fully conform with AB 2923.</p> <p>BART: Determine termination value for parking lot solar panels if TOD is implemented in 2038 or earlier and consider including zero-emission energy generation options within the TOD.</p> <p>Note: City intends to include BART station land in the 2032-2040 Housing Element sites inventory.</p>
Pittsburg/ Bay Point	<p>Pittsburg: Permanently rezone BART land per BART's 2017 TOD Guidelines and to fully conform with AB 2923.</p> <p>Pittsburg: Facilitate and/or implement BART rider parking solutions that enhance feasibility of BART's TOD.</p>
South Hayward (Phase 2)	<p>Hayward: Work with Union Pacific Railroad to improve east-west walking and biking connections to the BART station.</p> <p>Alameda CTC-BART-Hayward: Collaborate to design and implement the East Bay Greenway so that it maintains and/or enhances the feasibility of BART's TOD.</p> <p>Note: Community has expressed interest in a grocery store in the station area.</p>
Union City	<p>Union City: Facilitate and/or implement BART rider parking solutions that enhance feasibility of BART's TOD.</p> <p>Note: City has stated an interest in office, but market would need to strengthen before pursuing office development.</p> <p>Note: City intends to develop their public lots near the station that have served as BART overflow parking in the past.</p>
Warm Springs/ South Fremont	<p>Fremont: Nominate BART site for MTC's Priority Sites Program.</p> <p>Fremont: Facilitate and/or implement BART rider parking solutions that enhance feasibility of BART's TOD.</p> <p>Fremont-BART: Collaborate to determine the mix and types of uses that support transit while serving the local community.</p> <p>BART: Determine termination value for parking lot solar panels if TOD is implemented in 2037 or earlier and consider including zero-emission energy generation options within the TOD.</p> <p>Note: Hayward Fault may affect development potential.</p> <p>Note: City prefers commercial but is open to housing.</p>

Listed in alphabetical order, not in order of priority

TOD Work Plan Update: Long-Term (Local Interest Expressed)

Station (Project Phase)	Actions Needed or Considerations for Advancing to Step 2: Developer Solicitation and Selection (RFQ/ RFP)
Castro Valley (Phase 2)	Alameda County: Permanently rezone BART land per BART's 2017 TOD Guidelines and to fully conform with AB 2923. Alameda County: Facilitate and/or implement BART rider parking solutions that enhance feasibility of BART's TOD.
Daly City	Daly City: Facilitate and/or implement BART rider parking solutions that enhance feasibility of BART's TOD. Daly City: Lead talks with San Francisco to coordinate zoning and environmental clearance efforts for the western parcels, which are in the jurisdiction of both cities. Daly City: Permanently rezone BART land per BART's 2017 TOD Guidelines. San Francisco: Permanently rezone BART land per BART's 2017 TOD Guidelines and to fully conform with AB 2923. BART-Daly City-Bus Operators: Collaborate to conceptualize any changes to the bus intermodal facility currently on-site.
Fruitvale (Phase 3-Derby)	Oakland: Identify local funding for affordable housing. Oakland: Lead a community plan (specific, precise, area, or master plan) that prepares site for development. Alameda CTC-BART-Oakland: Collaborate to design and implement the East Bay Greenway so that it maintains and enhances the feasibility of BART's TOD.
Glen Park	San Francisco-BART: Collaborate to work with the San Francisco Public Utilities Commission on their easement and site development potential. BART: Determine development feasibility given rail zone of influence and existing easements. San Francisco: Lead a community process to prepare site for development, if determined feasible by BART. Note: City does not expect BART rider replacement parking on-site due to the parcel sizes and low number of spaces.
North Concord	Concord: Finalize master plan for the former Naval Weapons Station. Concord-BART: Include BART developable land in the Specific Plan process to maintain or enhance feasibility of BART's TOD. Concord: Facilitate and/or implement BART rider parking solutions that enhance feasibility of BART's TOD. Concord: Permanently rezone BART land per BART's 2017 TOD Guidelines and to fully conform with AB 2923. Concord: Develop a timeline for infrastructure delivery serving BART's TOD.
Orinda	Orinda: Facilitate and/or implement BART rider parking solutions that enhance feasibility of BART's TOD. Orinda: Permanently rezone BART land per BART's 2017 TOD Guidelines. Orinda-BART: Work with Caltrans and PG&E to remove physical and institutional barriers and enable BART TOD. Note: City intends to include BART station land in the 2032-2040 Housing Element sites inventory. Note: Land is owned by Caltrans and operated by BART through a joint use maintenance agreement.
Pittsburg Center	Pittsburg: Permanently rezone BART land per BART's 2017 TOD Guidelines and to fully conform with AB 2923. Pittsburg: Facilitate and/or implement BART rider parking solutions that enhance feasibility of BART's TOD. Pittsburg-BART: Collaborate on opportunities for land assembly to maintain and enhance the feasibility of BART's TOD. Note: City does not expect BART rider replacement parking on-site due to the parcel sizes and low number of spaces.
Rockridge	BART: Determine development feasibility given rail zone of influence, existing easements, local regulatory requirements, and underground creek location. Oakland: Identify local funding for affordable housing. Note: City does not expect BART rider replacement parking on-site as most existing spaces would be unaffected by development.
South San Francisco	South San Francisco: Facilitate and/or implement BART rider parking solutions that enhance feasibility of BART's TOD.

TOD Work Plan Update: No Local Interest Expressed

Assess implementation, local support, and market barriers in the future. These station sites represent areas with significant market, local support, and/or implementation barriers. BART will revisit conditions for development at these sites in the next TOD Work Plan update. Some parcels may be appropriate for assembly in developments initiated by a party other than BART.

Station (Project Phase or Description)	
12th Street/ Oakland City Center (parcel near 4th St & Washington St)	Lake Merritt (Phase 2-isolated parcel)
19th Street/ Oakland (parcel near W Grand Ave & Telegraph Ave)	MacArthur (Phase 4-west of SR-24)
Antioch	Richmond (Phase 3-bus intermodal)
Concord (Phase 2-parking lots)	San Leandro (Phase 3-parking lots)
Dublin/Pleasanton (Phase 3-Dublin)	West Oakland (Phase 2-isolated parcel)
Fruitvale (Phase 4-Bus intermodal)	

* No local preference indicated for presolicitation to begin within next ten years

TOD Work Plan Update: Compare 2020 to 2024

Station (Phase or description)	2020 Work Plan		2024 Update		Timeline Change	Notes
	Timeframe	Years	Timeframe	Years		
Ashby (Ph 2)	Near-term	2020-2025	Near-term	2024-2028	None	
Bay Fair	Mid-term	2025-2030	Near-term	2024-2028	Progressed	
El Cerrito del Norte	Mid-term	2025-2030	Near-term	2024-2028	Progressed	
Fremont	Long-term	Beyond 2030	Near-term	2024-2028	Progressed	
Hayward	Near-term	2020-2025	Near-term	2024-2028	None	
Coliseum (Ph 2)	Mid-term	2025-2030	Mid-term	2029-2033	None	
Concord (Ph 1: Monument)	Mid-term	2025-2030	Mid-term	2029-2033	None	
Dublin/Pleasanton (Ph 2: Pleasanton)	Mid-term	2025-2030	Mid-term	2029-2033	None	
Lafayette	Long-term	Beyond 2030	Mid-term	2029-2032	Progressed	
Pittsburg/ Bay Point	Mid-term	2025-2030	Mid-term	2029-2033	None	Development barriers due to parking infrastructure and zoning
South Hayward (Ph 2)	Mid-term	2025-2030	Mid-term	2029-2033	None	
Union City	Mid-term	2025-2030	Mid-term	2029-2033	None	
Warm Springs/ South Fremont	Near-term	2020-2025	Mid-term	2029-2033	Fallen back	Local preference for industrial uses may not align with uses that support transit ridership
12th St/ Oakland City Center (APN 001-0131-008-01)	Long-term	Beyond 2030	Long-term	2034 or later	None	No local agency interest expressed for presolicitation planning to begin within next 10 years
19th St/ Oakland (APN 008-0660-052-03)	Mid-term	2025-2030	Long-term	2034 or later	Fallen back	No local agency interest expressed for presolicitation planning to begin within next 10 years
Antioch	Long-term	Beyond 2030	Long-term	2034 or later	None	No local agency interest expressed for presolicitation planning to begin within next 10 years
Castro Valley (Ph 2)	Mid-term	2025-2030	Long-term	2034 or later	Fallen back	Development barriers due to parking infrastructure and zoning
Concord (Ph 2: Parking lots)	Mid-term	2025-2030	Long-term	2034 or later	Fallen back	No local agency interest expressed for presolicitation planning to begin within next 10 years
Daly City (SF and Daly City parcels)	Long-term	Beyond 2030	Long-term	2034 or later	None	
Dublin/Pleasanton (Ph 3: Dublin)	Mid-term	2025-2030	Long-term	2034 or later	Fallen back	No local agency interest expressed for presolicitation planning to begin within next 10 years
Fruitvale (Ph 3: Derby)	Mid-term	2025-2030	Long-term	2034 or later	Fallen back	Development barriers due to lack of community plan and affordable housing funding.
Fruitvale (Ph 4: Bus intermodal)	Mid-term	2025-2030	Long-term	2034 or later	Fallen back	No local agency interest expressed for presolicitation planning to begin within next 10 years
Glen Park	Mid-term	2025-2030	Long-term	2034 or later	Fallen back	Barriers due development capacity, easements, and financial feasibility
Lake Merritt (APN 001-0167-003-00)	Long-term	N/A	Long-term	2034 or later	None	No local agency interest expressed for presolicitation planning to begin within next 10 years
MacArthur (Ph 4: Parcels west of SR-24)	Near-term	2020-2025	Long-term	2034 or later	Fallen back	No local agency interest expressed for presolicitation planning to begin within next 10 years
North Concord	Current pipeline	Before 2020	Long-term	2034 or later	Fallen back	Lack of infrastructure to serve TOD and delay in master planning
Orinda	Mid-term	2025-2030	Long-term	2034 or later	Fallen back	Development barriers due to property ownership (Caltrans) and utilities (PG&E)
Pittsburg Center	Mid-term	2025-2030	Long-term	2034 or later	Fallen back	Barriers due to zoning and development capacity
Richmond (Ph 3: Bus intermodal)	Long-term	Beyond 2030	Long-term	2034 or later	None	No local agency interest expressed for presolicitation planning to begin within next 10 years
Rockridge	Near-term	2020-2025	Long-term	2034 or later	Fallen back	Barriers due to development capacity and easements
San Leandro (Ph 3: Parking lots)	Mid-term	2025-2030	Long-term	2034 or later	Fallen back	No local agency interest expressed for presolicitation planning to begin within next 10 years
South San Francisco	Long-term	Beyond 2030	Long-term	2034 or later	None	
West Oakland (APN 004-0073-009-00)	Long-term	N/A	Long-term	2034 or later	None	No local agency interest expressed for presolicitation planning to begin within next 10 years

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: BART Board of Directors

DATE: March 8, 2024

FROM: General Manager

SUBJECT: Bay Area Housing Finance Authority - Regional Housing Bond Update

At the March 14, 2024 BART Board meeting, Kate Hartley, Director of the Bay Area Housing Finance Authority (BAHFA), will present an informational item on the 2024 Regional Housing Bond Measure that is being proposed by regional agencies.

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

DocuSigned by:
Michael Jones
47000790F2D7463...

Robert M. Powers

cc: Board Appointed Officers
Deputy General Manager
Executive Staff

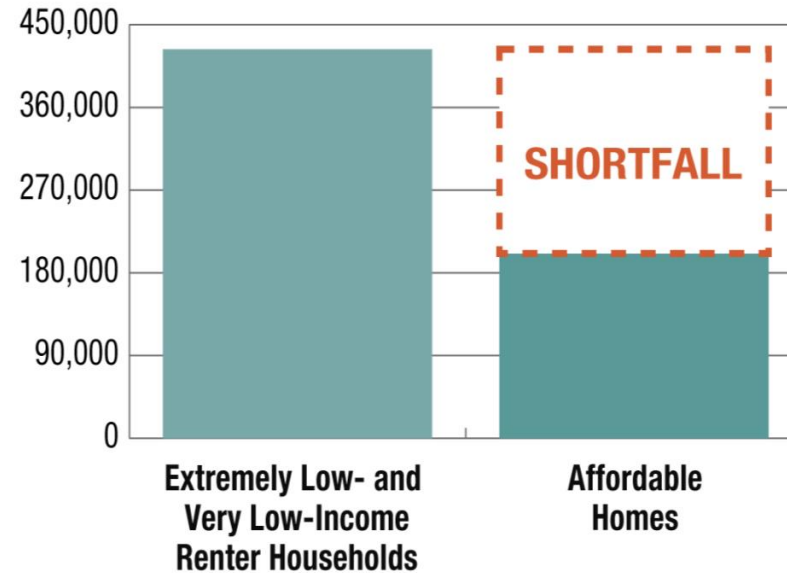


Bay Area Housing Finance Authority (BAHFA) BART Board of Directors – March 14, 2024

Why are we here?



Land use rules that make building housing difficult and expensive



Affordable Housing Shortage



Wages aren't keeping up with cost of housing

What Are The Consequences?



At least **36,810 people in the region experienced homelessness** in 2022 and, as of 2019, **575,000 low-wage workers at risk** of homelessness

Unaffordability drives worse housing options:

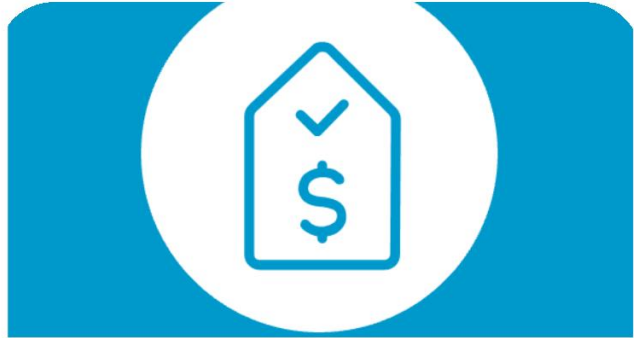


- Rise in **super commuting** (more than 90-minute commute to job)
- People of all income levels **moving out of region** due to high cost
- Bay Area among **lowest rates of homeownership** for people under 35 nationally



Difficulty hiring and retaining workforce: Struggle to **hire and retain sufficient workforce**, especially essential workers like teachers, healthcare staff and restaurant workers due to high costs

Regional Planning & Vision



Affordable

- Address the full range of affordable housing needs across the region, including the Bay Area's homeless population.
- Reduce affordable housing development costs to make better use of scarce public funds.



Connected

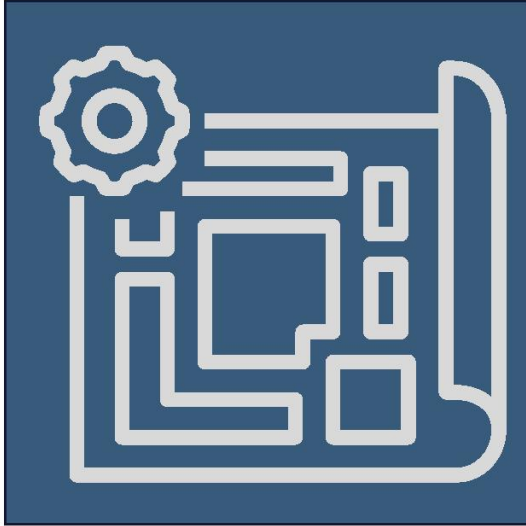
- Encourage more biking, walking, and rolling for all trips *and* All Ages and Abilities.
- Improve accessibility to key destinations through more jobs and housing near transit.
- Improve travel reliability and reduce congestion through expanded roadway pricing.



Diverse

- Ensure Bay Area residents can stay in place through increased housing options and reduced displacement.
- Promote access to opportunity through good jobs close to transit.

Regional Implementation



**Plan for 180,000
New Affordable
Homes by 2031**



**Generate new resources
to build and preserve
affordable housing**



**Build Partnerships
and Support Local
Jurisdictions**

**Bay Area Housing
Finance Authority
(BAHFA) was created
to help solve housing
affordability
challenges**

BAHFA's Core Power

To **raise revenue** regionally to address systemic challenges in housing affordability and housing stability across the 3Ps:

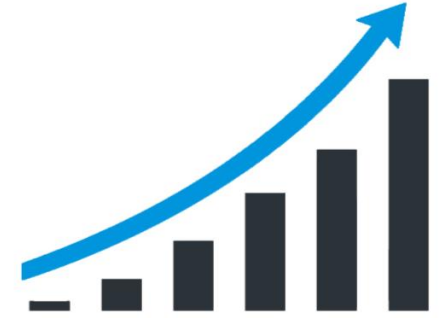
1. **Production** of new affordable housing
2. **Preservation** of existing affordable housing
3. **Protections** for low-income residents and people at risk of homelessness

BAHFA's Mission

1. **Collaborate** with cities and counties
2. **Add Value**
3. **Improve our housing delivery system**

The Power of BAHFA: Regional Action

- A mission-driven, regional lender can **reinvest loan funds back into the community**
- Regional programs **can assist community-based organizations** vital to preservation efforts
- Regional programs can **lower the cost and timelines** of essential housing production
- Technical assistance, policy development, and higher-risk development innovations **all happen at the regional level**



Funding at Scale: A Regional Funding Measure in 2024





Proposed 2024 Regional Housing Bond

- \$10-20 billion to invest in affordable housing
- Requires voter approval
- Funds disbursed over 10+ years
- Eligible uses set forth in statute and state constitution

Related 2024 Measure

Assembly Constitutional Amendment 1 (Aguiar-Curry) will place a measure on the November ballot that would:

1

Amend the statewide constitution to lower the voter approval threshold for affordable housing general obligation bonds from two thirds to 55%.

2

Apply to the Bay Area Regional Housing Bond on the same November 2024 ballot

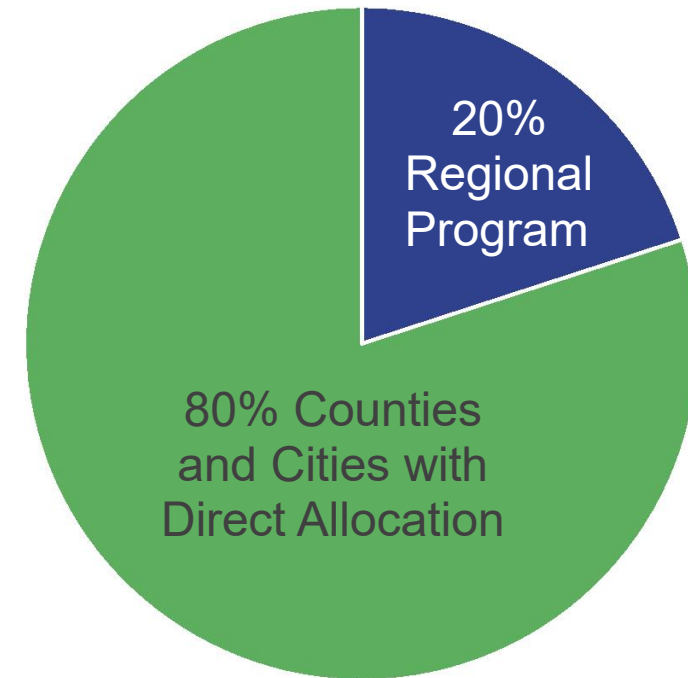
Planning for a Regional Housing Bond

Regional Planning

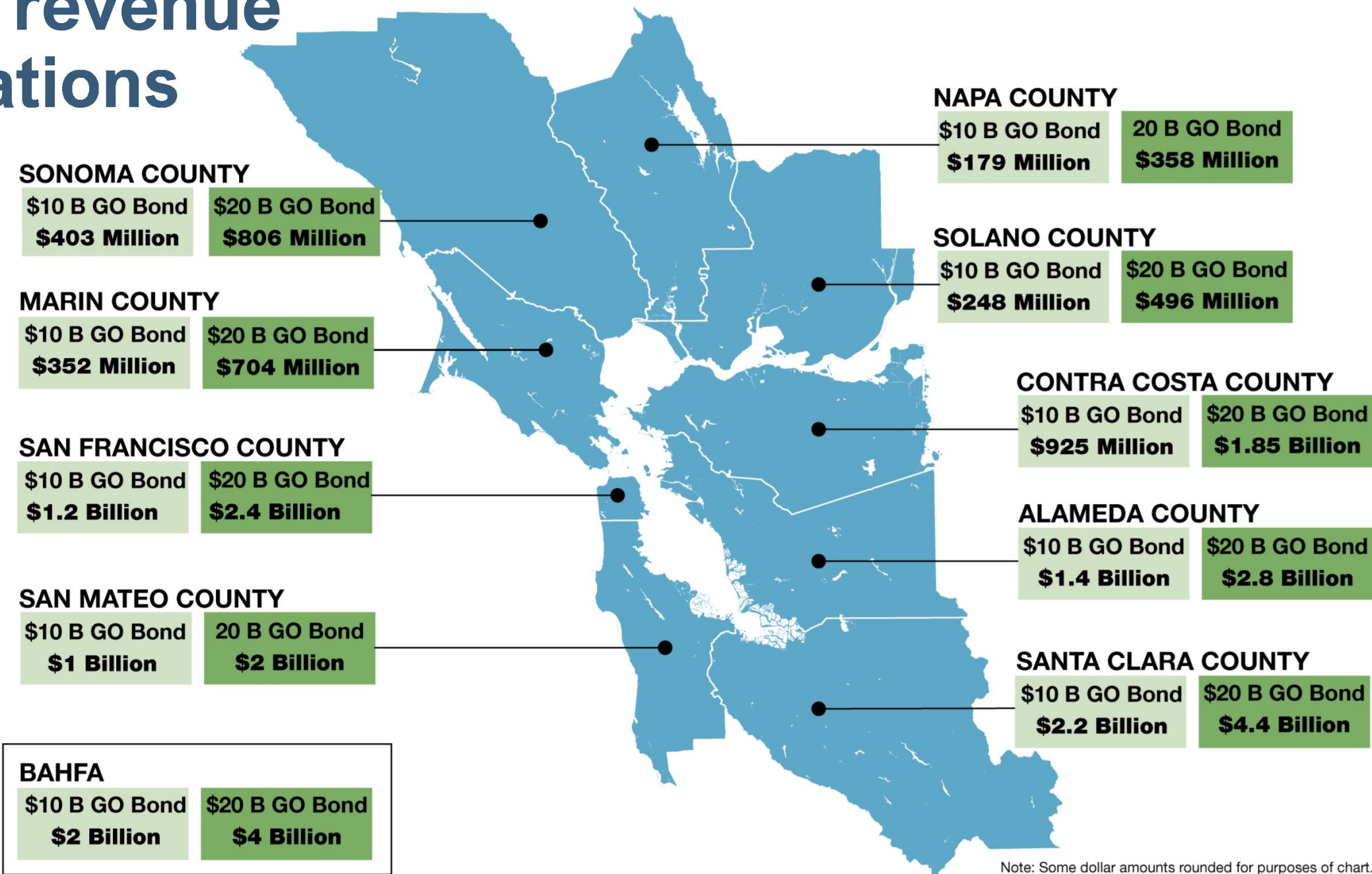
- BAHFA planning for 20% of funds it will retain
- Complete by spring 2024

Local Planning

- Counties & direct allocation cities must plan for the 80% of funds that they will administer
- Complete by early 2025 (post-election)



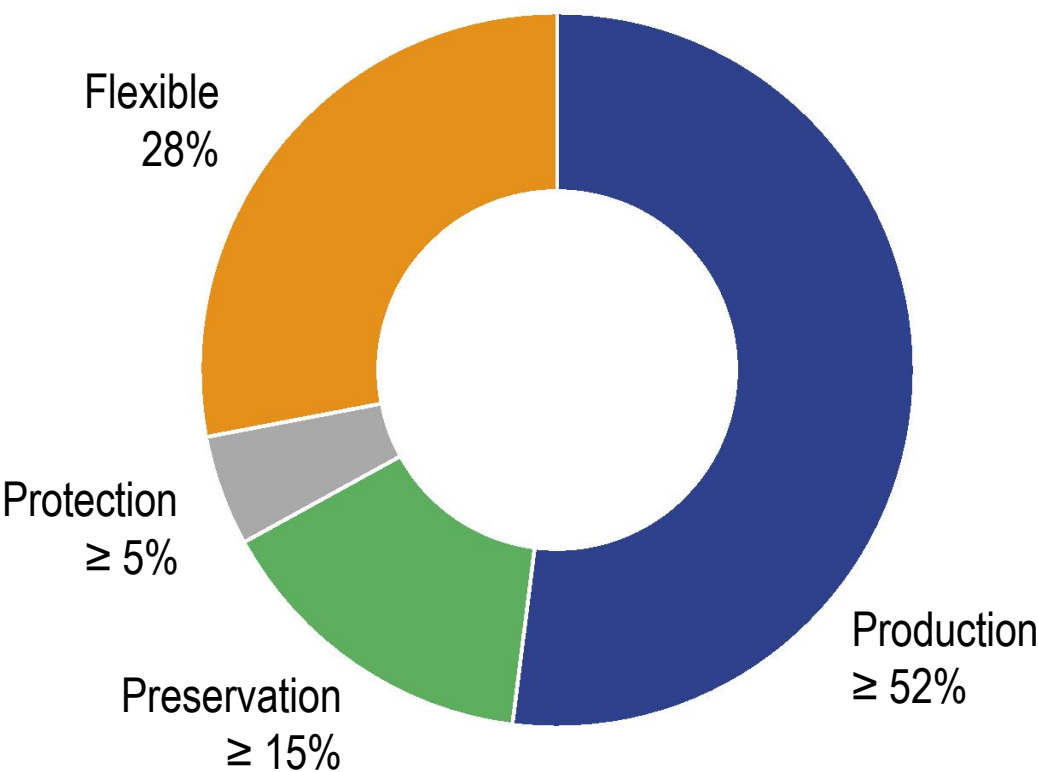
Bond revenue allocations



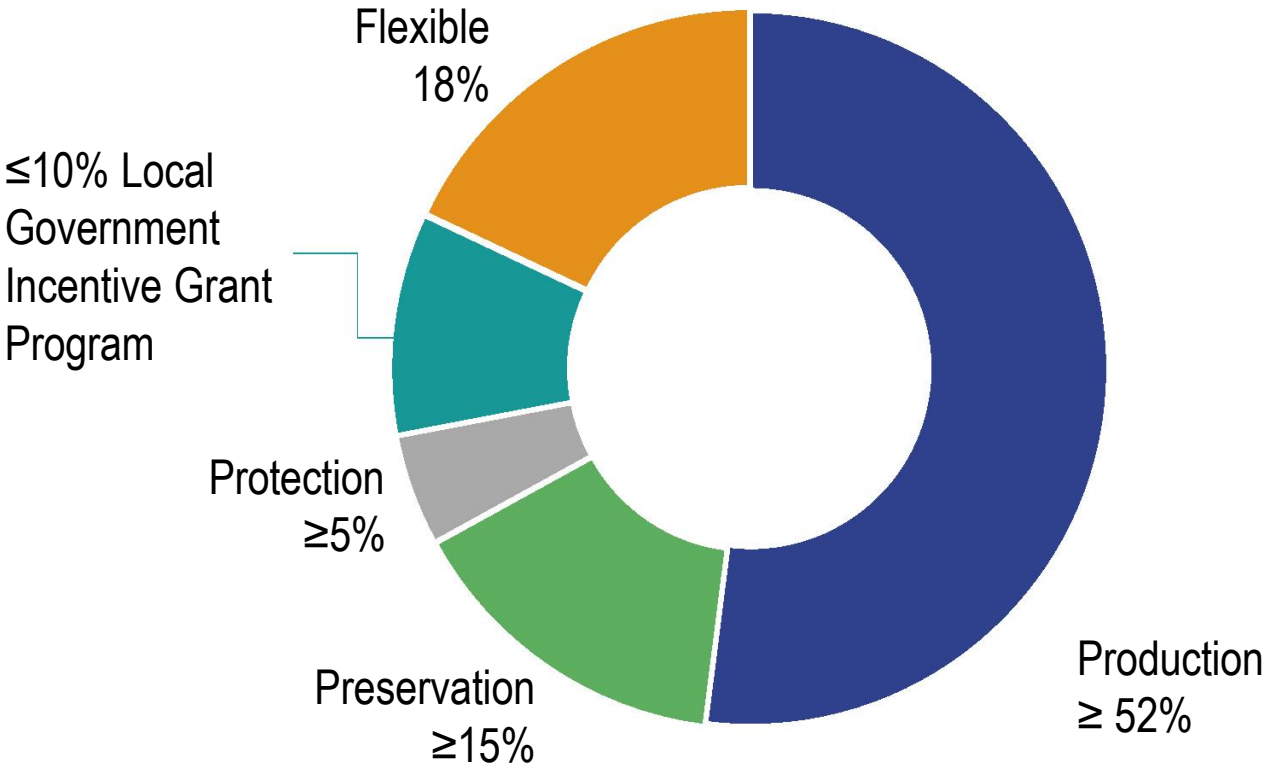
Note: Some dollar amounts rounded for purposes of chart.
Dollar amounts based on FY2020-2021 assessed values.

How Funds May be Spent

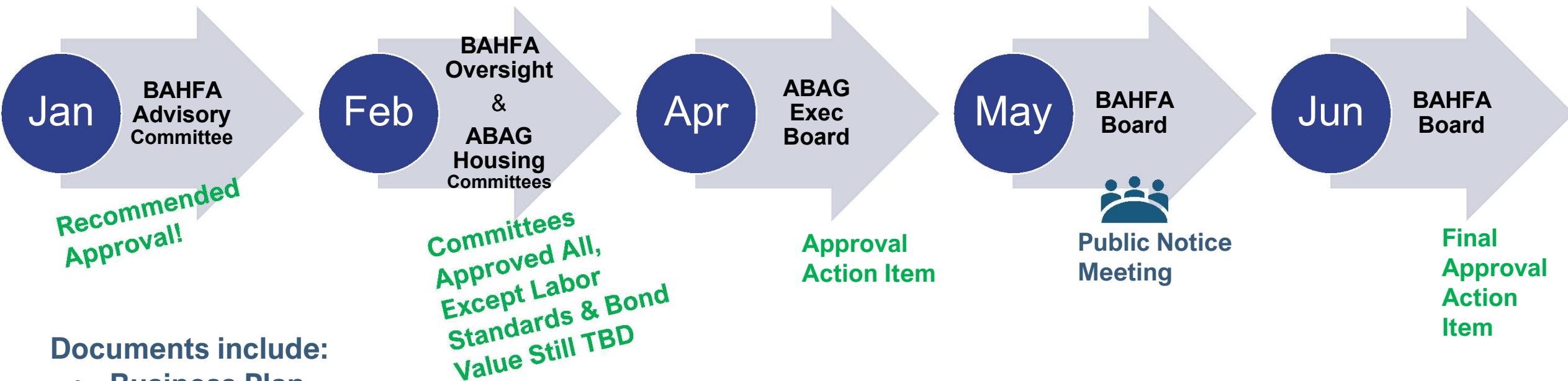
County and City: 80%



Regional Program: 20%



2024 Regional Housing Bond Approval Timeline*



Documents include:

- Business Plan
- Regional Expenditure Plan
- Resolution to Place Measure on the Ballot (Ballot Question & Text of Ballot Measure)

* Dates are subject to change

Thank you.



ASSOCIATION OF BAY AREA GOVERNMENTS
METROPOLITAN TRANSPORTATION COMMISSION

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Board of Directors

DATE: March 5, 2024

FROM: General Manager

SUBJECT: **FY24 Second Quarter Financial Report (QFR)**

New Report Structure

This memo summarizes BART's Fiscal Year 2024 (FY24) second quarter (October – December 2023) financial performance. In the past, BART staff have submitted two separate financial reports to the Board each quarter—an operating budget-focused report (known as the Quarterly Financial Report) and a separate report of the District's retiree benefit obligations, grants receivable, cash and investments, long-term debt obligations, and operating reserves (known as the Controller-Treasurer Report). These two reports have now been combined into a single document with the goal of improving financial reporting.

This cover memo summarizes the District's budget to actuals performance, which are shown in tabular format in Attachment 1. Attachment 2 shows the District's allocations, drawdowns, and use of emergency funding, while Attachment 3 is a summary of ridership trends during the period.

Executive Summary

The District's net operating result was balanced through the second quarter (Q2) of FY24 due to the continued use of emergency assistance funds allocated through the American Rescue Plan Act (ARPA). These funds enabled the District to cover a \$162.6 million (M) operating deficit (the difference between operating revenues and expenses incurred) over the six month period of July 1 to December 31, 2023.

Ridership totaled 24.9M exits through Q2 FY24, 1.6% below budget but 10% higher than the same period last year. Average weekday ridership during this period was 162,590 exits, 1.8% below budget, and 11% higher than a year ago. Second quarter FY24 ridership was slightly lower than the previous quarter. On a month-to-month basis, average weekday ridership decreased: October (171,300), November (165,800) and December (144,000). This month-over-month decrease in weekday ridership from October to December is consistent with expected seasonal trends.

Operating Revenue

Operating Revenue was \$1.2M (0.9%) below budget through the first two quarters of FY24. **Net Passenger Revenue** was nearly on budget, at just \$200,000 (0.2%) below budget expectations. **Parking Revenue** was \$0.5M (6.1%) favorable. **Other Operating Revenue** was \$1.4M (13.3%) below budget in part due to lower-than-expected advertising and lease revenues.

Investment Revenue was \$15.6M favorable to budget through the first two quarters of FY24 due to advantageous market conditions. Note that investment revenue is budgeted conservatively as market conditions are difficult to forecast and can also be negative.

Financial Assistance

Sales Tax revenue was \$0.8M (0.5%) favorable and **Property Tax** was \$3.0M (9.7%) favorable through Q2 FY24. **VTA Financial Assistance** was \$0.4M (2.2%) unfavorable to budget (less funds received from VTA) due to new projected costs attributed to the extension, which were updated after the FY24 budget was adopted.

Other Assistance through Q2 FY24 was \$7.9M (55.0%) favorable. This is mostly due to an earlier-than-expected Low Carbon Transit Operations Program (LCTOP) payment, which was budgeted to arrive in four equal quarterly payments of \$2.6M. Instead, BART received \$9.5M in Q2 2024, which will be \$0.7M (7.0%) unfavorable versus budget when considered across the entirety of FY24. Local financial assistance was \$0.7M favorable versus budget through Q2 FY24.

Operating Uses

Total Operating Expense was \$16.1M (3.5%) higher than budget through the second quarter of FY24.

Total gross **Wages, Fringe Benefits & Other Labor** was \$13.4M (3.2%) below budget. However, Net Operating Wages, Fringe Benefits & Other Labor finished the second quarter \$19.6M (6.1%) unfavorable to budget, driven primarily by unfavorable Capital Labor Reimbursements of \$33.0M (34.2%).

Total gross **Overtime** was \$40.1M through Q2, slightly over budget by \$0.3M; however this was \$7.7M lower than FY23 Q2 results. When Capital Reimbursements Overtime is accounted for, net operating overtime variance is \$4.7M (16.8%) unfavorable to budget.

On a net basis, the District exceeded its operating labor budget through the second quarter by \$24.3M (6.9%); this variance was almost entirely due to lower than budgeted capital labor reimbursements.

Much of variance is budget neutral, as it is the result of overestimates of expected capital labor contained in the FY24 Adopted Budget (due to technical issues implementing capital position vacancy assumptions and in adjusting the split of regular and overtime capital reimbursements). The amount of capital hours assumed in the budget was too high, so neither the gross wages nor the capital reimbursements were generated; as the two offset each other, there is no negative operating budget variance.

Approximately \$41M of the negative Capital Labor Reimbursements variance across Regular Wages and Overtime can be attributed to BART staff budgeted as capital-funded actually charging to the operating budget. This is the result of staff being redirected in recent years from capital to operating work, as needed work in the system shifted to maintenance and service delivery. Each hour budgeted as capital that is charged to the operating budget generates a negative capital reimbursement variance.

BART staff have been working to identify, size, and resolve issues related to capital labor reimbursements over the past two fiscal years, and will correct capital labor reimbursement assumptions in the upcoming FY25 & FY26 Preliminary Budget Memo to account for the actual distribution of work across funding sources.

Non-labor expense was below budget through the second quarter by \$8.2M (7.4%). Electric Power was \$1.7M unfavorable (5.8%) due to unexpectedly high December market electricity and transmission costs. **Other Non-Labor** was \$9.7M (13.8%) favorable to budget, with most of the favorable variance in Professional Fees, Miscellaneous Expenses, Other Utilities, Repairs & Maintenance and Material Usage.

Professional Fees were \$4.4M favorable, mostly due to timing of invoicing vendors and invoice payments. Miscellaneous Expenses were \$1.8M favorable, again, mostly due to timing of the California's Dept. of Industrial Relations invoice payment related to taxes and other fees owed for BART's self-insured (self-funded) Workers' Compensation program. Other Utilities were \$1.4M favorable due to timing of invoice payments and other utility expenses booked to Material and Repair accounts. Repairs & Maintenance was \$1.2M favorable due to delayed station cleaning contracts, timing of invoice payments and harvesting parts from decommissioned rail cars. Material Usage was \$1.0M favorable, due to the sooner than anticipated removal of legacy cars from revenue service; these savings were offset by a \$3.9M write-off of obsolete legacy "C" cars and associated inventory.

Debt Service and Allocations is \$6.0M (15.9%) favorable, mostly due to the reversal of a \$5.4M FY21 allocation for replacement of equipment on the BART-to-Antioch extension back into the operating budget.

Emergency Assistance

The District needed \$162.2M in ARPA funding to cover the difference between operating revenues and expenses through the second quarter. This amount is \$9.7M (5.6%) less than budget and was driven by \$14.4M of favorable total revenues and \$5.4M of favorable financial assistance, offsetting the \$10.1M unfavorable total uses. Through December, of the \$1.6 billion (B) of federal emergency assistance allocated to the District since 2020, \$1.2B (73.6%) has been expended and \$425M (26.5%) remains for future use.

FY24 Year-End Projection

Looking ahead, staff currently project to end FY24 requiring \$27.4M less Emergency Assistance than budgeted, with some notable variances. Total sources are expected to end the year \$50.4 (6.9%) above budget. As noted in the FY24 Q1 QFR, approximately \$31M is driven by two substantive changes in the State Transit Assistance (STA) forecast: 1) the State's extension of the hold harmless agreement, previously forecast to expire at the end of calendar year 2023, and 2) MTC's timing of STA payments to BART, which shifted \$16M from FY23 to FY24. Investment revenue is conservatively projected to end FY24 \$17M above budget. Finally, parking revenue is projected to end FY24 \$1.6M above budget, due to higher-than-budgeted parking utilization as well as the extension of special parking agreements.

On the expense side, labor costs are expected to end the fiscal year \$49.5 (5.2%) above budget due to lower-than-expected capital reimbursements. Operating overtime is projected to end the year \$10.1M (19.0%) above budget, with gross Overtime ending closer to budget.

At this time, staff do not expect further downward revisions to the capital reimbursements projection and will correct the issue in the FY25 & FY26 Preliminary Budget.

Non-Labor costs are projected to end the fiscal year \$0.8M (0.3%) below budget. Most of the savings are projected to come from Other Non-Labor, which is forecasted to end the year \$2.4M (1.7%) below budget most due to favorable Material Usage. Traction power costs, while currently projected to end the year on budget, are an area of concern due to uncertainty around electricity prices and pending California Public Utilities (CPUC) decisions around transmission and distribution rates, which are passed on to BART.

While Debt Service is projected to finish the fiscal year on budget, Allocations are projected to finish the fiscal year \$21.3M underbudget due primarily to \$17.0M in downward revisions to needed Priority Capital funds.

Overall Uses in FY24 are projected to be \$27.4M (2.5%) above budget, driven primarily by the underperformance in capital reimbursements discussed above. Combined with the projected \$50.4M favorable variance in Sources, staff project that the District will need \$23.0M (6.5%) less federal emergency assistance to balance the budget by year-end. This variance will be used to offset deficits in future fiscal years.

If you have any questions about this report, please contact Christopher Simi, Budget Director, at csimi@bart.gov.

DocuSigned by:
Michael Jones
47080790F2D7463...
Robert M. Powers

cc: Board Appointed Officers
Deputy General Manager
Executive Staff

Bay Area Rapid Transit District
Quarterly Financial Report - Second Quarter FY24

(\$ Millions)

	Q1 Actuals	Q2 Budget	Q2 Actuals	Q2 Variance	YTD Budget	YTD Actuals	YTD Variance	YTD % Variance	Year-End Forecast	Annual Budget	% Annual Budget	Projected Year-End Variance
<u>Operating Revenue</u>												
Net Passenger Revenue	55.5	53.4	53.2	(0.2)	108.9	108.6	(0.2)	<div></div> -0.2%	225.9	225.4	48.2%	0.5
Parking Revenue	4.0	3.8	4.1	0.3	7.6	8.1	0.5	<div></div> 6.1%	16.4	14.8	54.4%	1.6
Other Operating Revenue, Net of GASB 87 & 94	4.8	5.3	4.3	(1.0)	10.6	9.2	(1.4)	<div></div> -13.3%	21.4	21.4	42.8%	(0.0)
Total Net Operating Revenue	64.3	62.5	61.6	(0.9)	127.0	125.9	(1.2)	<div></div> -0.9%	263.7	261.7	48.1%	2.0
NonOperating Revenue - Investment Income, Net of GASB 87	8.5	0.6	8.4	7.7	1.2	16.8	15.6	<div></div> 1246.4%	19.5	2.5	731.9%	17.0
Total Revenue	72.7	63.1	70.0	6.9	128.3	142.7	14.4	<div></div> 11.2%	283.2	264.2	54.0%	19.1
<u>Financial Assistance</u>												
Sales Tax	82.8	84.2	80.4	(3.8)	162.4	163.2	0.8	<div></div> 0.5%	318.1	319.8	51.0%	(1.7)
Property Tax	3.7	28.8	30.1	1.3	30.8	33.8	3.0	<div></div> 9.7%	61.2	61.2	55.3%	-
State Transit Assistance	0.0	5.9	-	(5.9)	5.9	0.0	(5.9)	<div></div> -99.8%	54.3	23.5	0.1%	30.8
VTA Financial Assistance	8.2	8.7	8.8	0.1	17.4	17.0	(0.4)	<div></div> -2.2%	34.6	34.7	48.9%	(0.1)
Other Assistance, Net of Federal Emergency Assistance	6.6	7.4	15.6	8.2	14.3	22.2	7.9	<div></div> 55.0%	32.2	29.9	74.2%	2.3
Total Financial Assistance	101.4	134.9	134.9	(0.0)	230.8	236.2	5.4	<div></div> 2.4%	500.5	469.2	50.4%	31.3
Total Sources	174.1	198.0	204.8	6.8	359.1	378.9	19.8	<div></div> 5.5%	783.7	733.4	51.7%	50.4
<u>Operating Expense</u>												
Gross Wages, Fringe Benefits & Other Labor	203.9	209.4	202.8	6.5	420.1	406.7	13.4	<div></div> 3.2%	811.1	839.8	48.4%	28.6
Capital Labor Reimbursements - Wages, Fringe Benefits & Other Labor	(31.6)	(48.3)	(32.0)	(16.3)	(96.6)	(63.6)	(33.0)	<div></div> -34.2%	(124.1)	(192.2)	33.1%	(68.1)
Subtotal - Net Operating Wages, Fringe Benefits & Other Labor	172.4	161.1	170.8	(9.7)	323.5	343.1	(19.6)	<div></div> -6.1%	687.0	647.6	53.0%	(39.4)
Gross Overtime	20.2	19.9	20.0	(0.1)	39.8	40.1	(0.3)	<div></div> -0.8%	78.9	76.8	52.3%	(2.2)
Capital Reimbursements - Overtime	(3.7)	(5.9)	(3.5)	(2.4)	(11.6)	(7.2)	(4.4)	<div></div> -37.9%	(16.0)	(23.9)	30.2%	(7.9)
Subtotal - Net Operating Overtime	16.5	14.0	16.5	(2.5)	28.2	32.9	(4.7)	<div></div> -16.8%	62.9	52.9	62.2%	(10.1)
Total Operating Labor	188.8	175.0	187.2	(12.2)	351.7	376.1	(24.3)	<div></div> -6.9%	750.0	700.5	53.7%	(49.5)
Electric Power	15.7	14.7	15.0	(0.3)	29.0	30.7	(1.7)	<div></div> -5.8%	59.0	59.0	52.0%	0.0
Purchased Transportation	6.5	6.7	6.6	0.1	13.4	13.1	0.3	<div></div> 2.1%	28.4	26.7	49.0%	(1.7)
Other Non Labor, Net of GASB 87 & 96	26.4	38.3	33.7	4.7	69.8	60.1	9.7	<div></div> 13.8%	144.9	147.3	40.8%	2.4
Total Non Labor	48.6	59.7	55.3	4.4	112.1	103.9	8.2	<div></div> 7.4%	232.2	233.0	44.6%	0.8
Total Operating Expense	237.4	234.7	242.5	(7.8)	463.9	479.9	(16.1)	<div></div> -3.5%	982.2	933.5	51.4%	(48.7)
<u>Debt Service and Allocations</u>												
Debt Service	15.0	15.0	15.0	0.0	30.1	30.1	0.0	<div></div> 0.0%	60.1	60.1	50.0%	-
Capital and Other Allocations, Net of Emergency Assistance	20.8	16.8	10.8	6.0	37.5	31.6	6.0	<div></div> 15.9%	69.2	90.5	34.9%	21.3
Total Debt Service and Allocations	35.8	31.9	25.8	6.0	67.6	61.6	6.0	<div></div> 8.8%	129.3	150.6	40.9%	21.3
Total Uses	273.2	266.6	268.3	(1.7)	531.4	541.6	(10.1)	<div></div> -1.9%	1,111.5	1,084.1	50.0%	(27.4)
Net Result Before Emergency Assistance	(99.1)	(68.6)	(63.5)	5.1	(172.3)	(162.6)	9.7	<div></div> 5.6%	(327.8)	(350.8)	34.6%	23.0
Emergency Assistance Applied	99.1	68.6	63.5	(5.1)	172.3	162.6	(9.7)	<div></div> -5.6%	327.8	350.8		(23.0)
Net Result before GASB	(0.0)	0.0	(0.0)	(0.0)	-	(0.0)	(0.0)	<div></div> 0.0%	0.0	0.0	0.0%	(0.0)
Operating Result (Deficit)	(173.2)	(172.3)	(180.9)	(8.6)	(336.8)	(354.1)	(17.3)	<div></div> -5.1%	(718.5)	(671.9)	52.7%	46.7
System Operating Ratio	27.3%	26.6%	25.4%	-0.9%	27.4%	26.2%	-1.2%		26.8%	28.0%		-1.2%
Rail Cost / Passenger Mile (\$)	1.19	1.22	1.28	(0.04)	1.18	1.23	(0.05)			1.29		

Attachment 2 - Emergency Assistance

Emergency Assistance to BART (Updated February 2, 2024)

Award amounts (\$M)	FY20	FY21	FY22	FY23	FY24	Total Awarded
CARES	251	126	0	0	0	377
CRRSAA	0	378	0	0	0	378
ARPA + Add'l Assistance	0	0	582	0	0	853
SB125 State and Regional Assistance*	0	0	0	0	58	58
<i>Subtotal - all awards</i>	<i>251</i>	<i>504</i>	<i>582</i>	<i>0</i>	<i>58</i>	<i>1,666</i>

Draw downs (\$M) - funds received as of 12/31/23	FY20 Actual	FY21 Actual	FY22 Actual	FY23 Actual	FY24 Actual	Total Drawn Down
CARES	186	191	0	0	0	377
CRRSAA	0	211	167	0	0	378
ARPA + Add'l Assistance	0	0	276	408	169	853
SB125 State and Regional Assistance	0	0	0	0	0	0
<i>Subtotal - all drawdowns</i>	<i>186</i>	<i>402</i>	<i>443</i>	<i>408</i>	<i>169</i>	<i>1,608</i>

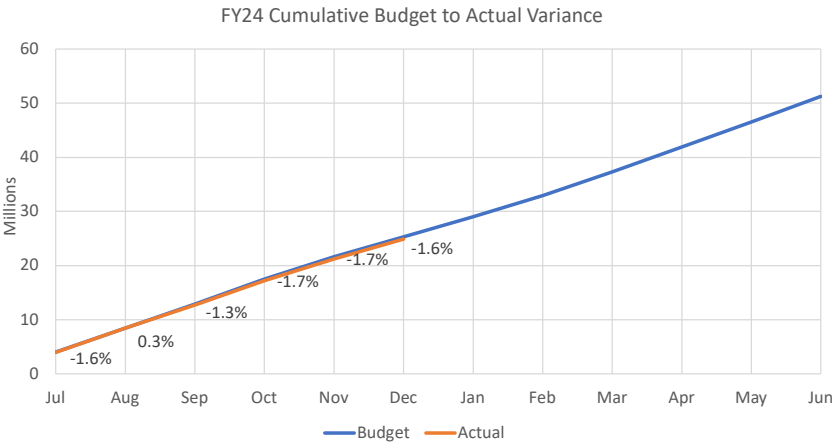
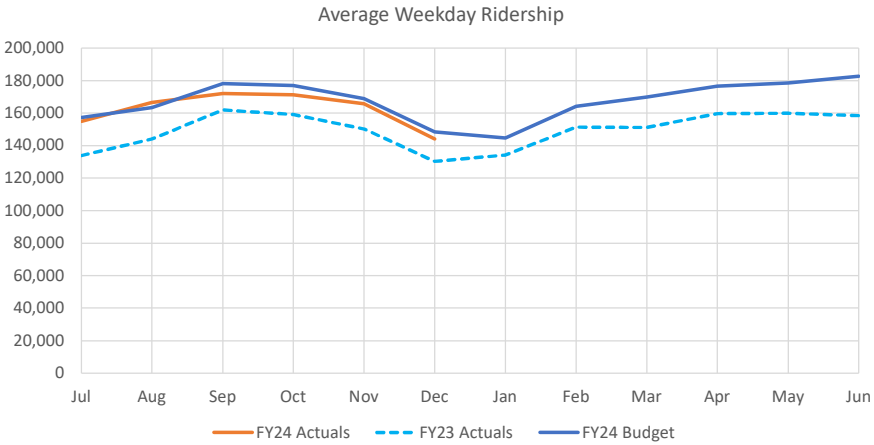
Remaining emergency funds to be drawn down after 12/31/23 (\$M)**58**

Expenditures (\$M) - applied to offset incurred expenses as of 12/31/23	FY20 Actual	FY21 Actual	FY22 Actual	FY23 Actual	FY24 Actual	Total Applied
CARES	120	257	0	0	0	377
CRRSAA	0	41	287	50	0	378
ARPA + Add'l Assistance	0	0	0	266	163	428
SB125 State and Regional Assistance	0	0	0	0	0	0
<i>Subtotal - all expenditures</i>	<i>120</i>	<i>298</i>	<i>287</i>	<i>316</i>	<i>163</i>	<i>1,184</i>

Funds in BART reserves as of 12/31/23 (\$M)**425****Remaining funds to be used to offset expenses after 12/31/23 (\$M)****484**

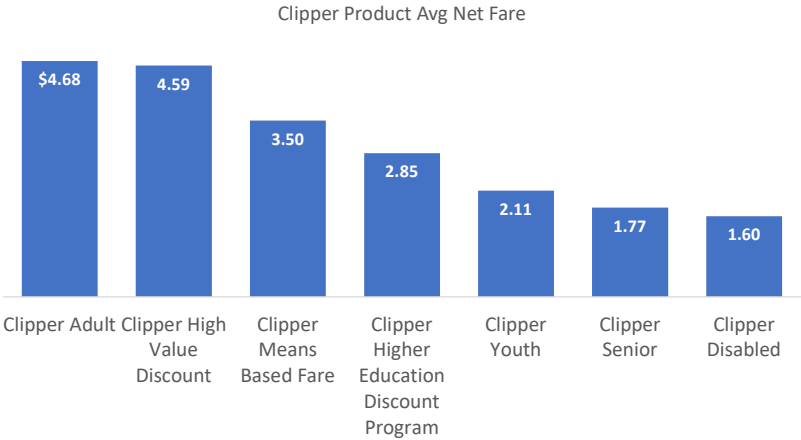
*SB125 has been partially allocated; BART expects approximately \$352M in total over several years

FY24Q2 (Jul-Dec) Ridership Stats



Exits	Actual FY23 YTD	Budget FY24 YTD	Actual FY24 YTD
Weekday	146,466	165,511	162,590
Saturday	85,288	94,556	92,737
Sunday	62,585	67,959	68,084
Total	22,637,680	25,291,700	24,892,677

FY24 YTD Actual vs.	
FY23 YTD Actual	FY24 YTD Budget
111.0%	98.2%
108.7%	98.1%
108.8%	100.2%
110.0%	98.4%





FY24 Second Quarter Financial Report

BART Board of Directors

March 14, 2024

Executive Summary

- New report format
 - Quarterly budget & actuals report with year-end projection
 - Controller-Treasurer report of BART's post-employment obligations, cash & investments, receivables, long-term liabilities, and reserves
 - Goal is to produce a more concise, transparent report
- FY24 Accomplishments
 - Combined reports consolidates reporting of budget & financial information
 - Outcome of new reporting structure
 - Faster monthly closing schedule

Consolidated Report Format

Budget to Actuals

- Q1 and Q2 budget to actuals report (sources, uses, net result)
- Emergency assistance allocations, drawdowns, usage
- Discussion of major variances

Controller-Treasurer Report

- Pension
- Other Post-Employment Benefits (OPEB)
- Accounts Receivable
- Cash and Investments
- Bonds
- Reserves

Operating Sources

Quarterly Financial Report - Second Quarter FY24

(\$ Millions)	Q1 Actuals	Q2 Budget	Q2 Actuals	Q2 Variance	YTD Budget	YTD Actuals	YTD Variance	YTD % Variance	Year-End Forecast	Annual Budget	% Annual Budget	Projected Year-End Variance
<u>Operating Revenue</u>												
Net Passenger Revenue	55.5	53.4	53.2	(0.2)	108.9	108.6	(0.2)	-0.2%	225.9	225.4	48.2%	0.5
Parking Revenue	4.0	3.8	4.1	0.3	7.6	8.1	0.5	6.1%	16.4	14.8	54.4%	1.6
Other Operating Revenue, Net of GASB 87 & 94	4.8	5.3	4.3	(1.0)	10.6	9.2	(1.4)	-13.3%	21.4	21.4	42.8%	(0.0)
Total Net Operating Revenue	64.3	62.5	61.6	(0.9)	127.0	125.9	(1.2)	-0.9%	263.7	261.7	48.1%	2.0
Non Operating Revenue - Investment Income, Net of GASB 87	8.5	0.6	8.4	7.7	1.2	16.8	15.6	1246.4%	19.5	2.5	731.9%	17.0
Total Revenue	72.7	63.1	70.0	6.9	128.3	142.7	14.4	11.2%	283.2	264.2	54.0%	19.1
<u>Financial Assistance</u>												
Sales Tax	82.8	84.2	80.4	(3.8)	162.4	163.2	0.8	0.5%	318.1	319.8	51.0%	(1.7)
Property Tax	3.7	28.8	30.1	1.3	30.8	33.8	3.0	9.7%	61.2	61.2	55.3%	-
State Transit Assistance	0.0	5.9	-	(5.9)	5.9	0.0	(5.9)	-99.8%	54.3	23.5	0.1%	30.8
VTA Financial Assistance	8.2	8.7	8.8	0.1	17.4	17.0	(0.4)	-2.2%	34.6	34.7	48.9%	(0.1)
Other Assistance, Net of Federal Emergency Assistance	6.6	7.4	15.6	8.2	14.3	22.2	7.9	55.0%	32.2	29.9	74.2%	2.3
Total Financial Assistance	101.4	134.9	134.9	(0.0)	230.8	236.2	5.4	2.4%	500.5	469.2	50.4%	31.3
Total Sources	174.1	198.0	204.8	6.8	359.1	378.9	19.8	5.5%	783.7	733.4	51.7%	50.4

- Revenues above budget driven primarily by investment income
- State Transit Assistance below budget at Q2 end due to timing of payments; projected to be above budget by FY end

Operating Uses

Quarterly Financial Report - Second Quarter FY24

(\$ Millions)

	Q1 Actuals	Q2 Budget	Q2 Actuals	Q2 Variance	YTD Budget	YTD Actuals	YTD Variance	YTD % Variance	Year-End Forecast	Annual Budget	% Annual Budget	Projected Year-End Variance
<u>Operating Expense</u>												
Gross Wages, Fringe Benefits & Other Labor	203.9	209.4	202.8	6.5	420.1	406.7	13.4	3.2%	811.1	839.8	48.4%	28.6
Capital Labor Reimbursements - Wages, Fringe Benefits & Other Labor	(31.6)	(48.3)	(32.0)	(16.3)	(96.6)	(63.6)	(33.0)	-34.2%	(124.1)	(192.2)	33.1%	(68.1)
Subtotal - Net Operating Wages, Fringe Benefits & Other Labor	172.4	161.1	170.8	(9.7)	323.5	343.1	(19.6)	-6.1%	687.0	647.6	53.0%	(39.4)
Gross Overtime	20.2	19.9	20.0	(0.1)	39.8	40.1	(0.3)	-0.8%	78.9	76.8	52.3%	(2.2)
Capital Reimbursements - Overtime	(3.7)	(5.9)	(3.5)	(2.4)	(11.6)	(7.2)	(4.4)	-37.9%	(16.0)	(23.9)	30.2%	(7.9)
Subtotal - Net Operating Overtime	16.5	14.0	16.5	(2.5)	28.2	32.9	(4.7)	-16.8%	62.9	52.9	62.2%	(10.1)
Total Operating Labor	188.8	175.0	187.2	(12.2)	351.7	376.1	(24.3)	-6.9%	750.0	700.5	53.7%	(49.5)
Electric Power	15.7	14.7	15.0	(0.3)	29.0	30.7	(1.7)	-5.8%	59.0	59.0	52.0%	0.0
Purchased Transportation	6.5	6.7	6.6	0.1	13.4	13.1	0.3	2.1%	28.4	26.7	49.0%	(1.7)
Other Non Labor, Net of GASB 87 & 96	26.4	38.3	33.7	4.7	69.8	60.1	9.7	13.8%	144.9	147.3	40.8%	2.4
Total Non Labor	48.6	59.7	55.3	4.4	112.1	103.9	8.2	7.4%	232.2	233.0	44.6%	0.8
Total Operating Expense	237.4	234.7	242.5	(7.8)	463.9	479.9	(16.1)	-3.5%	982.2	933.5	51.4%	(48.7)
<u>Debt Service and Allocations</u>												
Debt Service	15.0	15.0	15.0	0.0	30.1	30.1	0.0	0.0%	60.1	60.1	50.0%	-
Capital and Other Allocations, Net of Emergency Assistance	20.8	16.8	10.8	6.0	37.5	31.6	6.0	15.9%	69.2	90.5	34.9%	21.3
Total Debt Service and Allocations	35.8	31.9	25.8	6.0	67.6	61.6	6.0	8.8%	129.3	150.6	40.9%	21.3
Total Uses	273.2	266.6	268.3	(1.7)	531.4	541.6	(10.1)	-1.9%	1,111.5	1,084.1	50.0%	(27.4)

- Lagging capital reimbursements driving negative expense variance, which is partially offset by reduced need for Priority Capital allocations (railcar contingency)
- Traction power expenditures in Q3 and Q4 are a concern despite savings from shorter trains

Emergency Assistance & Net Result

Quarterly Financial Report - Second Quarter FY24

(\$ Millions)

	Q1 Actuals	Q2 Budget	Q2 Actuals	Q2 Variance	YTD Budget	YTD Actuals	YTD Variance	YTD % Variance	Year-End Forecast	Annual Budget	% Annual Budget	Projected Year-End Variance
Operating Revenue												
Total Net Operating Revenue	64.3	62.5	61.6	(0.9)	127.0	125.9	(1.2)	-0.9%	263.7	261.7	48.1%	2.0
Non Operating Revenue	8.5	0.6	8.4	7.7	1.2	16.8	15.6	1246.4%	19.5	2.5	731.9%	17.0
Total Revenue	72.7	63.1	70.0	6.9	128.3	142.7	14.4	11.2%	283.2	264.2	54.0%	19.1
Total Financial Assistance	101.4	134.9	134.9	(0.0)	230.8	236.2	5.4	2.4%	500.5	469.2	50.4%	31.3
Total Sources	174.1	198.0	204.8	6.8	359.1	378.9	19.8	5.5%	783.7	733.4	51.7%	50.4
Operating Expense												
Total Operating Labor	188.8	175.0	187.2	(12.2)	351.7	376.1	(24.3)	-6.9%	750.0	700.5	53.7%	(49.5)
Total Non Labor	48.6	59.7	55.3	4.4	112.1	103.9	8.2	7.4%	232.2	233.0	44.6%	0.8
Total Operating Expense	237.4	234.7	242.5	(7.8)	463.9	479.9	(16.1)	-3.5%	982.2	933.5	51.4%	(48.7)
Debt Service and Allocations												
Total Debt Service and Allocations	35.8	31.9	25.8	6.0	67.6	61.6	6.0	8.8%	129.3	150.6	40.9%	21.3
Total Uses	273.2	266.6	268.3	(1.7)	531.4	541.6	(10.1)	-1.9%	1,111.5	1,084.1	50.0%	(27.4)
Net Result Before Emergency Assistance	(99.1)	(68.6)	(63.5)	5.1	(172.3)	(162.6)	9.7	5.6%	(327.8)	(350.8)	34.6%	23.0
Emergency Assistance Applied	99.1	68.6	63.5	(5.1)	172.3	162.6	(9.7)	-5.6%	327.8	350.8		(23.0)
Net Result before GASB	(0.0)	0.0	(0.0)	(0.0)	-	(0.0)	(0.0)	0.0%	0.0	0.0	0.0%	(0.0)
Operating Result (Deficit)	(173.2)	(172.3)	(180.9)	(8.6)	(336.8)	(354.1)	(17.3)	-5.1%	(718.5)	(671.9)	52.7%	46.7
System Operating Ratio	27.3%	26.6%	25.4%	-0.9%	27.4%	26.2%	-1.2%		26.8%	28.0%		-1.2%
Rail Cost / Passenger Mile (\$)	1.19	1.22	1.28	(0.04)	1.18	1.23	(0.05)			1.29		

- Sources projected \$50.4M better than budget
- Uses projected \$27.4M above budget
- Net result projected to require \$46.7M less emergency assistance to balance FY24

Emergency Assistance to BART as of December 31, 2023

Emergency Assistance to BART (Updated February 2, 2024)

Award amounts (\$M)	FY20	FY21	FY22	FY23	FY24	Total Awarded
CARES	<u>251</u>	<u>126</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>377</u>
CRRSAA	<u>0</u>	<u>378</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>378</u>
ARPA + Add'l Assistance	<u>0</u>	<u>0</u>	<u>582</u>	<u>0</u>	<u>0</u>	<u>853</u>
SB125 State and Regional Assistance*	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>58</u>	<u>58</u>
<i>Subtotal - all awards</i>	<u>251</u>	<u>504</u>	<u>582</u>	<u>0</u>	<u>58</u>	<u>1,666</u>

Funds allocated to BART

Draw downs (\$M) - funds received as of 12/31/23	FY20 Actual	FY21 Actual	FY22 Actual	FY23 Actual	FY24 Actual	Total Drawn Down
CARES	<u>186</u>	<u>191</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>377</u>
CRRSAA	<u>0</u>	<u>211</u>	<u>167</u>	<u>0</u>	<u>0</u>	<u>378</u>
ARPA + Add'l Assistance	<u>0</u>	<u>0</u>	<u>276</u>	<u>408</u>	<u>169</u>	<u>853</u>
SB125 State and Regional Assistance	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
<i>Subtotal - all drawdowns</i>	<u>186</u>	<u>402</u>	<u>443</u>	<u>408</u>	<u>169</u>	<u>1,608</u>

Funds received by BART per formula

BART has drawn down all allocated federal emergency assistance

Remaining emergency funds to be drawn down after 12/31/23 (\$M)

58

Expenditures (\$M) - applied to offset incurred expenses as of 12/31/23	FY20 Actual	FY21 Actual	FY22 Actual	FY23 Actual	FY24 Actual	Total Applied
CARES	<u>120</u>	<u>257</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>377</u>
CRRSAA	<u>0</u>	<u>41</u>	<u>287</u>	<u>50</u>	<u>0</u>	<u>378</u>
ARPA + Add'l Assistance	<u>0</u>	<u>0</u>	<u>0</u>	<u>266</u>	<u>163</u>	<u>428</u>
SB125 State and Regional Assistance	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
<i>Subtotal - all expenditures</i>	<u>120</u>	<u>298</u>	<u>287</u>	<u>316</u>	<u>163</u>	<u>1,184</u>

Funds used by BART to offset incurred costs

Funds in BART reserves as of 12/31/23 (\$M)

425

Remaining funds to be used to offset expenses after 12/31/23 (\$M)

484

*SB125 has been partially allocated; BART expects approximately \$352M in total over several years

Major Budget Variance: Capital Reimbursements

- Capital Reimbursements are projected to end the year \$76M (35%) below budget, generating a significant negative operating budget variance
- Nearly half of the variance is driven by over-estimates of capital labor spending in FY24; this variance does not impact the operating budget
- The remaining variance is primarily driven by re-assignment of staff over the past two years from capital projects to maintenance work; this variance generates a negative operating budget variance

Variance Driver	(\$M)	Description
Capital OT overbudgeted	26	Operating budget neutral
Capital vacancy rate correction.	9	Operating budget neutral
Maintenance positions	32	Positions that need to be converted to operating
Misc other	9	Other: vacancies, project prioritization, etc
Total	76	

Next Steps

- If unaddressed, total impact to BART's deficit from capital reimbursement variance & potential traction power increases would significantly shorten fiscal runway
- Staff are taking steps to mitigate the impact and preserve BART's ability to provide service through the end of FY26
 - BART will balance its budget through the end of FY26 without impacting service
- Preliminary Budget Memo to be released on 3/31 will include an update, potentially including the following actions:
 - Updated traction power increase estimates
 - Decreased overtime budget due to higher staffing levels
 - Additional capital work where possible to increase reimbursements
 - Additional deferrals or reductions in planned Priority Capital allocations

Controller-Treasurer Report

- Background Summary
- Pension
- Other Post-Employment Benefits (OPEB)
- Accounts Receivable
- Cash and Investments
- Bonds
- Reserves

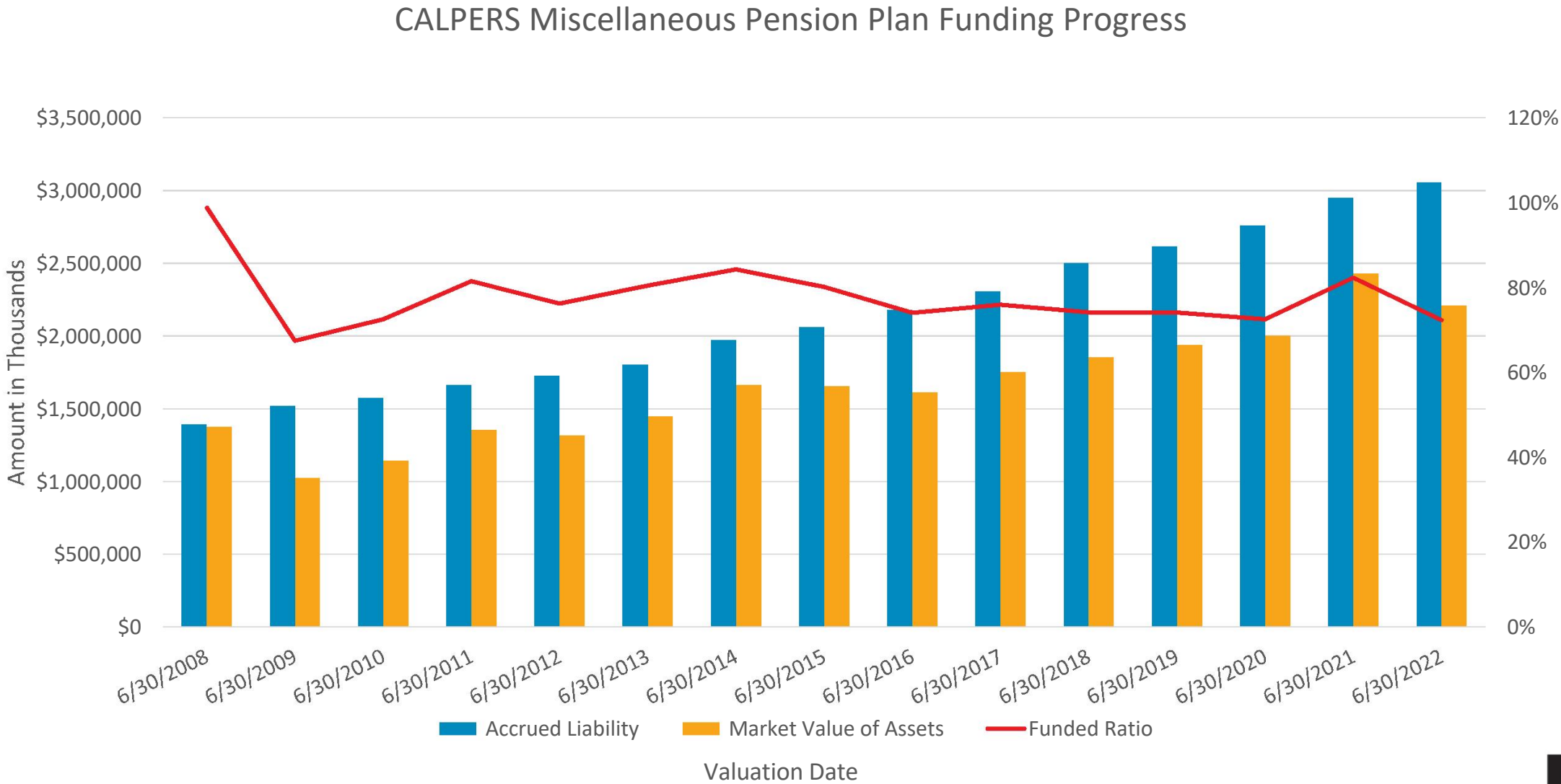
Post-Employment Benefits Summary

- The District currently provides benefits to employees which include, but are not limited to:
 - **Retirement Pension Plan** managed by the California Public Employee Retirement System (CalPERS) and funded by contributions from the District and its employees. CalPERS is the largest pension plan in the United States with assets of approximately \$462 billion.
 - ✓ The District established a Section 115 Trust for prefunding the District's pension obligation on February 5, 2020.
 - **Retiree Medical Benefits** coverage funded by a Trust established by the District in 2005.
 - a. Invested in a combination of stocks, bonds, REIT & cash,
 - b. Benchmark 6.5%,
 - c. Quarterly Report to the Unions
 - **Survivor Benefits** of active and retired employees funded by the employees (\$15/month).
 - ✓ The Trust was established on May 18, 2020.
 - **Life Insurance** for retired employees.
 - The District also accrues liabilities through Property & Casualty insurance and workers compensation claims and maintains the required reserves related to its self-funded insurance programs for worker's compensation and general liability based on an annual actuarial study.

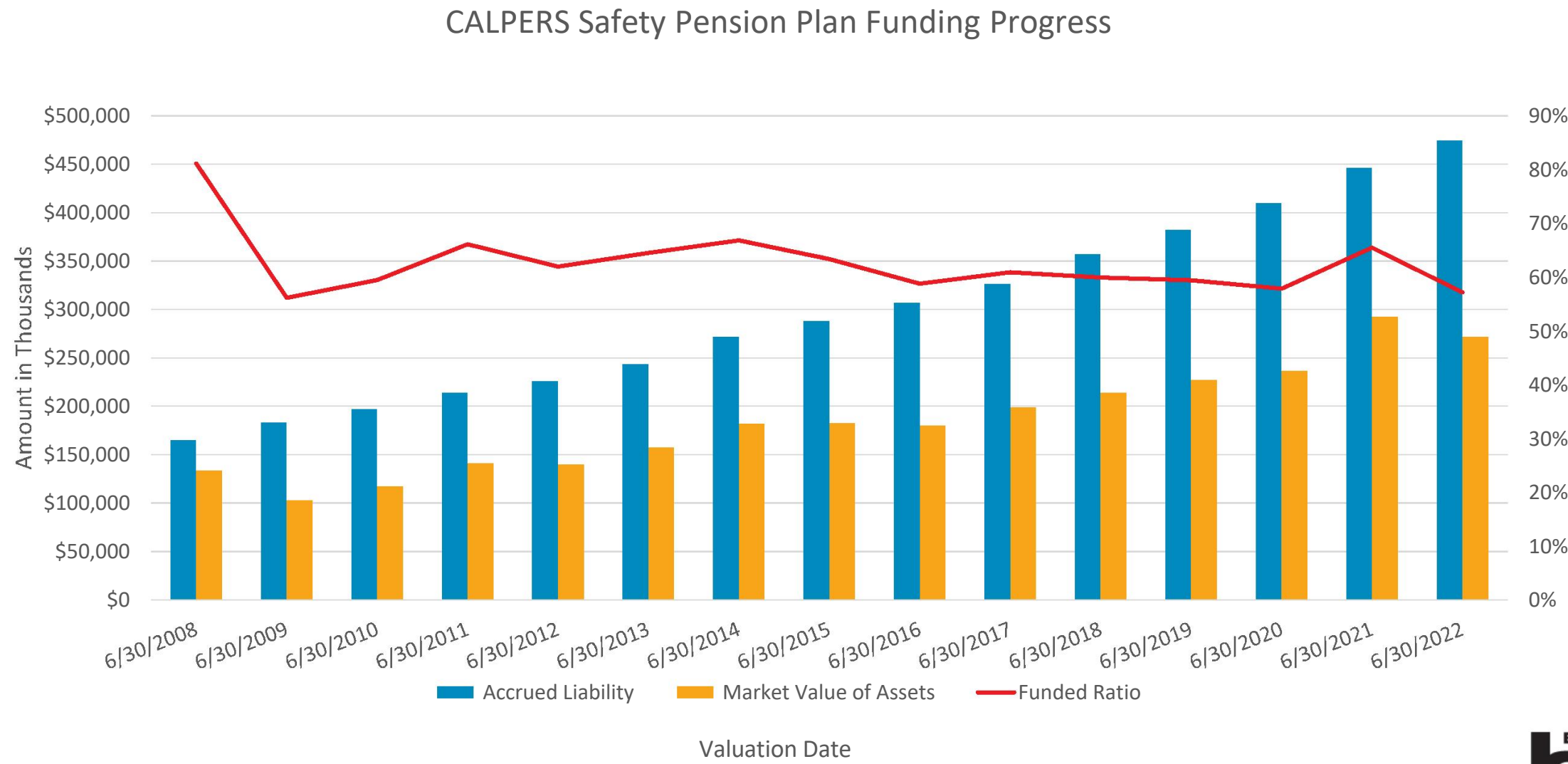
Funding Status of Pension Obligations

	<u>Report Date</u>	<u>Market Value of Assets</u>	<u>Total Liability</u>	<u>Unfunded Liability</u>	<u>% Funded 06/30/2022</u>	<u>% Funded 06/30/2021</u>
Funds Managed by CALPERS						
Miscellaneous Employees	6/30/2022	\$ 2,209,563,221	\$ 3,055,735,077	\$ 846,171,856	72.3%	82.3%
Safety Employees	6/30/2022	\$ 271,553,423	\$ 474,850,794	\$ 203,297,371	57.2%	65.5%
Section 115 Pension Trust	12/31/2023	\$ <u>39,548,250</u>		\$ <u>(39,548,250)</u>		
Total - Pension Benefit Obligations		<u>\$ 2,520,664,894</u>	<u>\$ 3,530,585,871</u>	<u>\$ 1,009,920,977</u>		

CalPERS Miscellaneous Pension Plan Funding Progress



CalPERS Safety Pension Plan Funding Progress



Funding Status of Other Post Employment Benefit Obligations

Most Recent Valuation

	<u>Report Date</u>	<u>Market Value of Assets</u>	<u>Total Liability</u>	<u>Unfunded Liability</u>	<u>% Funded</u>
Retiree Health Benefits	6/30/2023	\$ 506,393,000	\$ 718,155,000	\$ 211,762,000	70.5%
Other Post Employment Benefits					
Life Insurance	6/30/2022	\$ -	\$ 45,887,000	\$ 45,887,000	0.0%
Survivors Benefits *	6/30/2023	\$ 10,890,000	\$ 20,986,000	\$ 10,096,000	51.9%

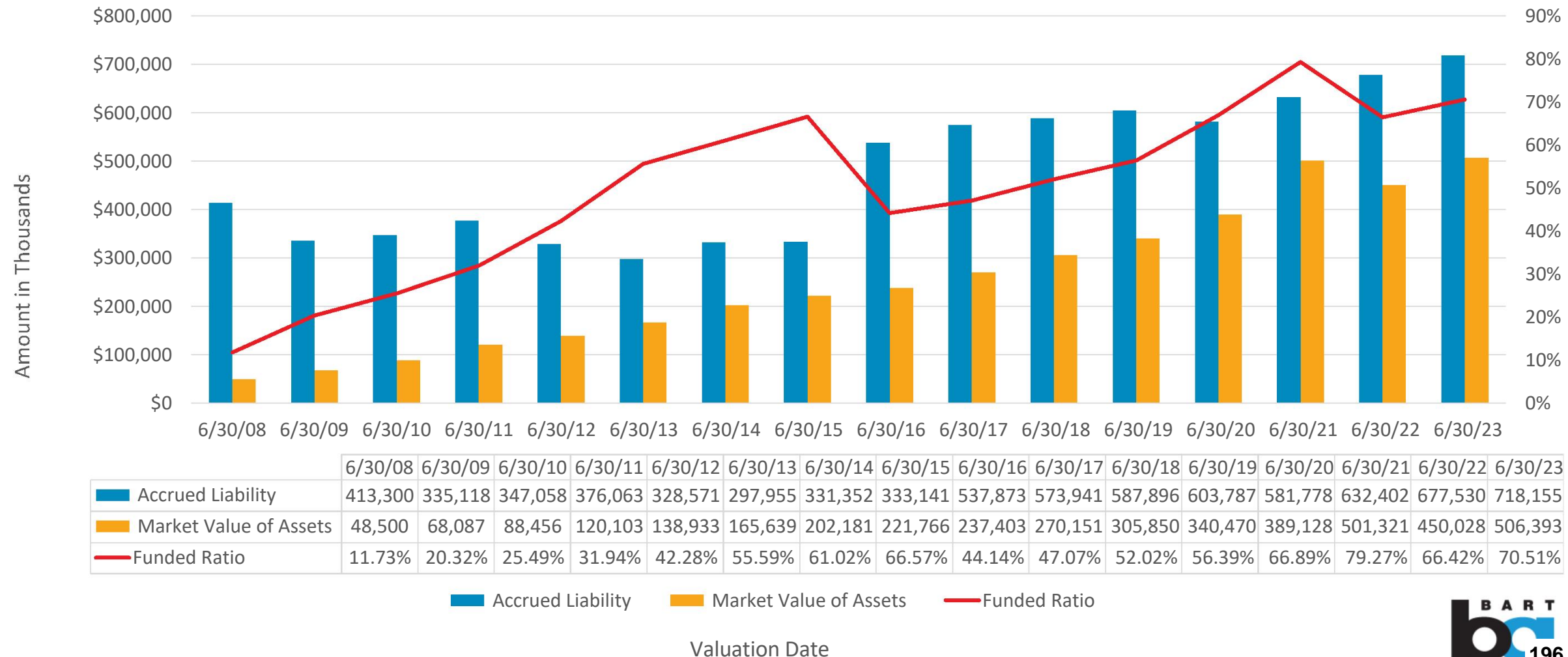
Prior Year's Valuation

	<u>Report Date</u>	<u>Market Value of Assets</u>	<u>Total Liability</u>	<u>Unfunded Liability</u>	<u>% Funded</u>
Retiree Health Benefits	6/30/2022	\$ 450,028,000	\$ 677,530,000	\$ 227,502,000	66.4%
Other Post Employment Benefits					
Life Insurance	6/30/2022	\$ -	\$ 45,887,000	\$ 45,887,000	0.0%
Survivors Benefits	6/30/2022	\$ 9,489,000	\$ 21,030,000	\$ 11,541,000	45.1%

*Preliminary per draft report.

Funding Progress Retiree Health Benefits Plan

Funding Progress Retiree Health Benefits Plan



Trust Assets for Post Employment Benefits Held by the District

Quarterly Change

	Net Assets September 30, 2023	Contributions	Expenses	Gain (Loss)	Net Assets December 31, 2023	Inception to-date Return	Quarterly Return
Retiree Health Benefit Trust	\$ 496,178,273	\$ 13,615,808	\$ (8,003,588)	\$ 48,648,134	\$ 550,438,627	7.1%	9.7%
Section 115 Pension Trust	37,842,631		-	1,705,619	39,548,250	-0.4%	4.5%
Survivors Benefit Trust	10,746,683	211,838	(107,040)	985,648	11,837,129	6.7%	9.5%
Total	<u>\$ 544,767,587</u>	<u>\$ 13,827,646</u>	<u>\$ (8,110,628)</u>	<u>\$ 51,339,401</u>	<u>\$ 601,824,006</u>		

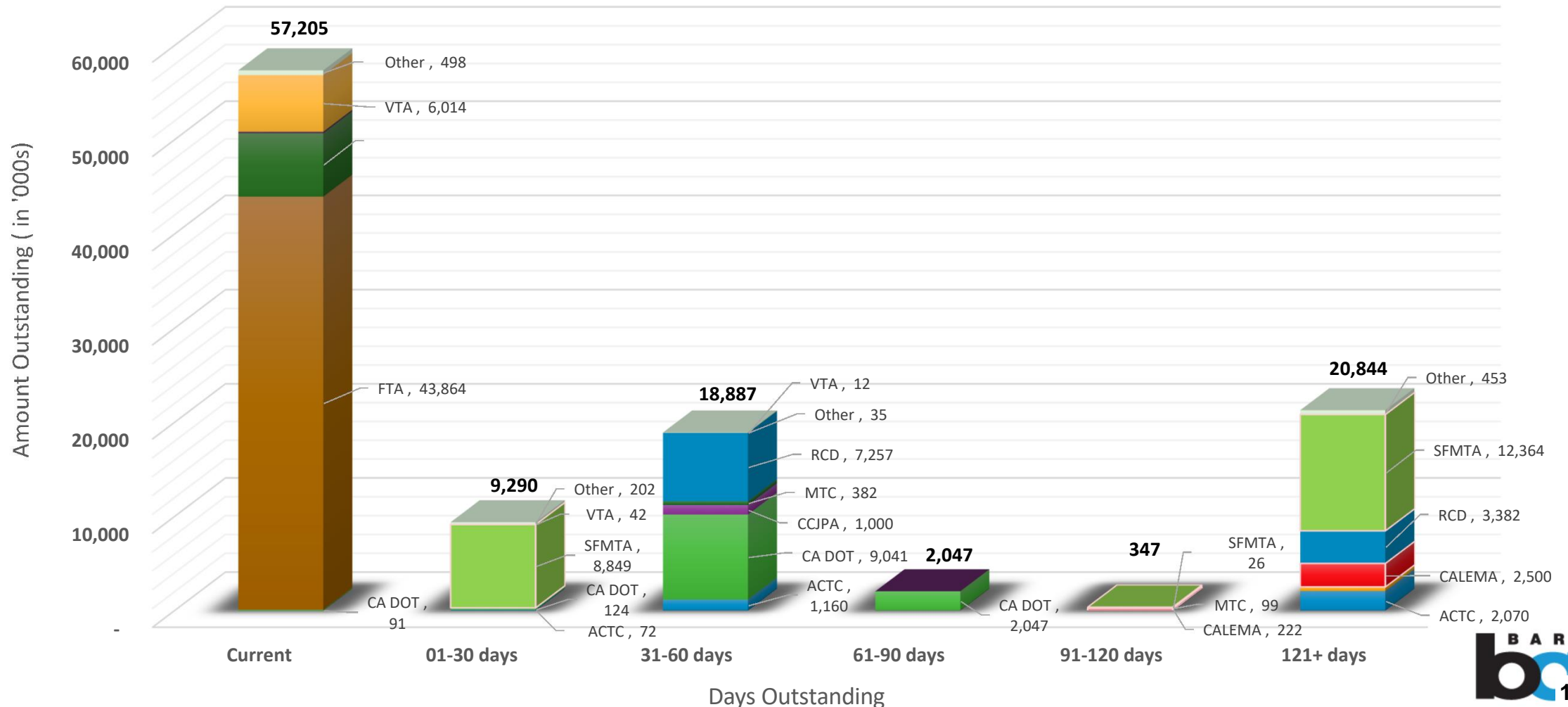
	Net Assets June 30, 2023
Retiree Health Benefit Trust	\$ 506,392,988
Section 115 Pension Trust	38,081,054
Survivors Benefit Trust	10,889,851
Total	<u>\$ 555,363,893</u>

Fiscal Year 2024 Year to Date Increase

Retiree Health Benefit Trust	\$ 44,045,639
Section 115 Pension Trust	1,467,196
Survivors Benefit Trust	947,278
Total	<u>\$ 46,460,113</u>

Outstanding Billed A/R Grants

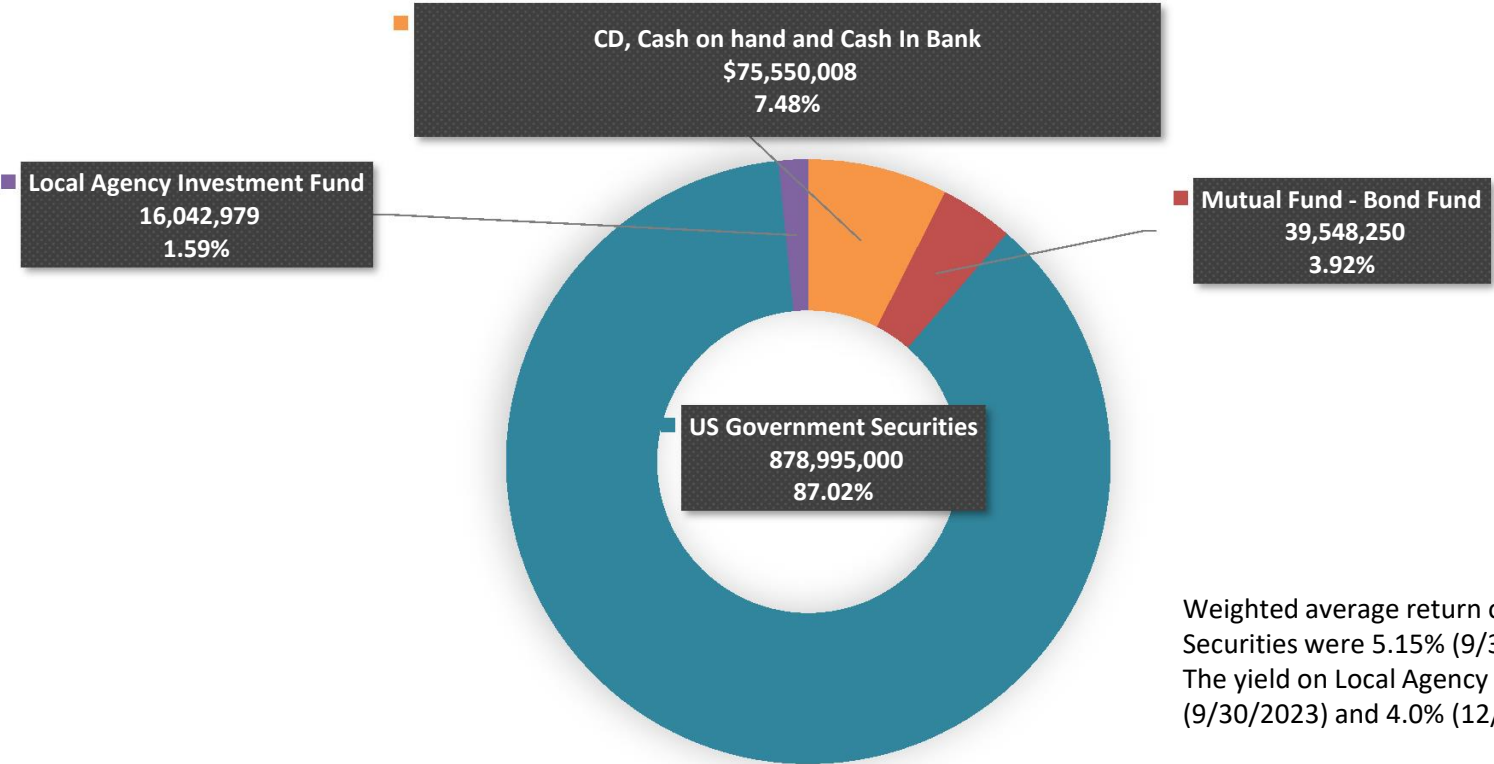
- **The status of receivables from our funding partners is shown in the chart below. The amount outstanding is \$108.6M as of December 31, 2023.**



Cash and Investments

	Amount	% Allocated
CD, Cash on hand and Cash In Bank	\$ 75,550,008	7%
Mutual Fund - Bond Fund	39,548,250	4%
US Government Securities	878,995,000	87%
Local Agency Investment Fund	16,042,979	2%
Total Cash & Investments	\$ 1,010,136,238	100%

Breakdown of US Government Securities	Amount
US Treasury	\$ 221,445,000
Federal Home Loan Bank	527,550,000
Fannie Mae Home Loan	105,000,000
Inter American Development Bank	25,000,000
Total	\$ 878,995,000

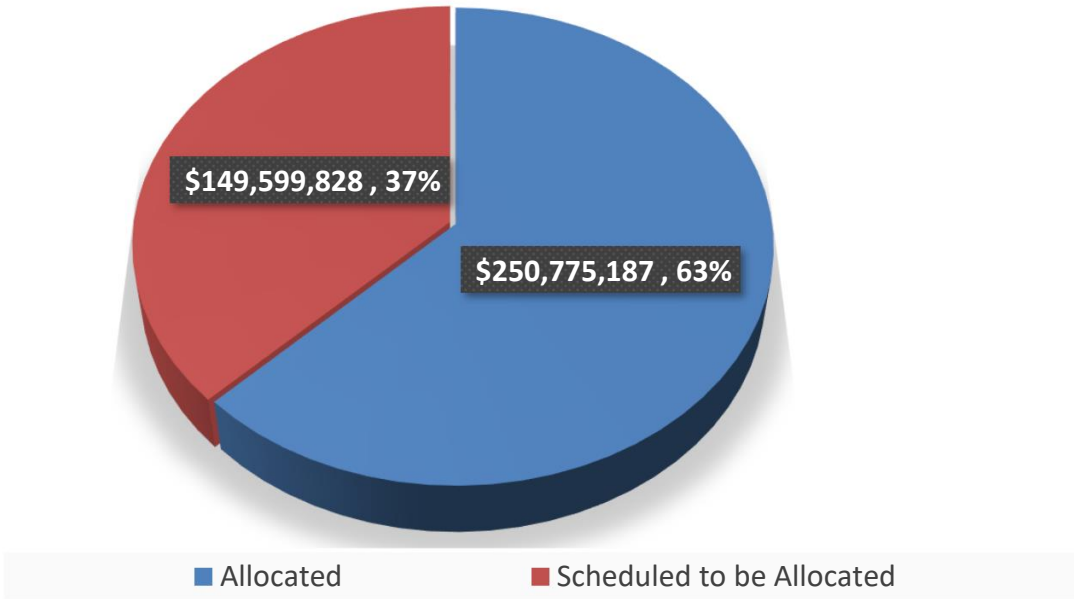


Weighted average return on investments in U.S. Government Securities were 5.15% (9/30/2023) and 5.27% (12/31/2023). The yield on Local Agency Investment Fund were 3.59% (9/30/2023) and 4.0% (12/31/2023).

Breakdown of Cash and Investments

	December 31, 2023		
	General Fund	Capital Fund	Total
Restricted	\$ 38,942,930	\$ 6,473,489	\$ 45,416,419
Unrestricted	\$ 570,818,293	\$ 393,901,526	\$ 964,719,819
	<u>\$ 609,761,223</u>	<u>\$ 400,375,015</u>	<u>\$ 1,010,136,238</u>

Capital Funding Commitment - December 31, 2023



Summary of Outstanding Bonds

	Authorized	Issued as of 12-31-2023	Outstanding Balance 09-30-2023	Issuance	Payments	Outstanding Balance 12-31-2023	Annual Debt Service Fiscal Year 2024	Property Tax Assessments Fiscal Year 2024**
Sales Tax Revenue Bonds *		\$ 984,260,000	\$ 590,805,000	\$ -		\$ 590,805,000	\$ 60,131,289	
Measure AA General Obligation Bonds	\$ 980,000,000	\$ 980,000,000	\$ 601,510,000	\$ -		\$ 601,510,000	\$ 54,656,844	\$4.80/\$100,000
Measure RR General Obligation Bonds	\$ 3,500,000,000	\$ 2,060,000,000	\$ 1,844,065,000	\$ -		\$ 1,844,065,000	\$ 98,533,175	\$8.60/\$100,000
Total		<u><u>\$ 4,024,260,000</u></u>	<u><u>\$ 3,036,380,000</u></u>	<u><u>\$ -</u></u>	<u><u>\$ -</u></u>	<u><u>\$ 3,036,380,000</u></u>	<u><u>\$ 213,321,308</u></u>	

* Sales Tax Revenue Bonds with outstanding balances.

** Net of Cash Available for Debt Service collected from prior year's assessment.

Operating and Other Reserves

Quarterly Changes

		<u>October - December 2023</u>			
		<u>September 30, 2023</u>	<u>Additions</u>	<u>Usage</u>	<u>December 31, 2023</u>
Operating Reserve	(1)	\$ 53,708,182	\$ -	\$ -	\$ 53,708,182
Insurance Calamity Reserve	(2)	9,000,000			9,000,000
Operating Reserve - Economic Uncertainty					
General Reserve for Economic Uncertainty	(3)	25,345,543			25,345,543
From Federal Assistance - ARP	(3)	429,874,345	58,352,796	(63,507,273)	424,719,868
Operating Reserve - Fiscal Stability - Pension	(4)	37,842,631	1,705,620		39,548,250
Operating Reserve - Low Carbon Fuel Standards Credits	(5)	18,498,668			18,498,668
Working Capital Reserve Fund	(6)	87,047,263	983,056		88,030,319
Operating Reserve - eBART Operations	(7)	5,390,000		(5,390,000)	-
Total		<u>\$ 666,706,631</u>	<u>\$ 61,041,472</u>	<u>\$ (68,897,273)</u>	<u>\$ 658,850,830</u>

- (1) Cumulative balance of operating reserves per "Financial Stability Policy" approved by the Board.
- (2) This reserve was set aside in the 1960s to cover catastrophic losses associated with District property damage, public liability and workers' compensation claims.
- (3) Operating reserve set aside due to uncertain economic conditions.
- (4) Amount set aside in FY18, FY19, FY20, FY21, and FY22 for pension contribution or for prefunding of the District's pension obligation. A Section 115 Pension Trust has been created for this reserve.
- (5) Portion of proceeds from sale of Low Carbon Fuel Standards credits sold set aside to support operations per "Low Carbon Fuel Standard Policy" approved by the Board in July 2017.
- (6) Working capital fund.
- (7) FY21 year-end operating allocation for eBART non-labor operating cost.

Discussion



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:		GENERAL MANAGER ACTION REQ'D:	
DocuSigned by: 47000790F2D7463...			
DATE: 2/21/2024		BOARD INITIATED ITEM: No	
Originator/Prepared by: Mariana Parreiras Dept: Station Area Planning DocuSigned by: 5CC5547E14FB49A... Signature/Date: 3/7/2024	General Counsel DocuSigned by: 2528C067C44147D... 3/7/2024 []	Controller/Treasurer DocuSigned by: EE11C8CEEEA04FD... 3/7/2024 []	District Secretary BARC DocuSigned by: 8128A2EB2F014F3... 3/7/2024 []

Surveillance Impact Reports, Multiple Projects

PURPOSE:

To obtain Board authorization to install and implement BART Closed Circuit Television (BCCTV) and Public Emergency Phone Towers (PEPT) for five BART projects and one permit to enter for an installation on BART land adjacent to a BART vent structure.

DISCUSSION:

The District's Surveillance Technology Ordinance approved by the Board in 2018 defines a Surveillance Technology in part as "... any electronic device or system with the capacity to monitor and collect, audio, visual, locational ... or similar information ... ". The Ordinance requires Board of Directors approval at a properly-noticed public meeting prior to using new surveillance technology.

Consistent with the Ordinance, staff has reviewed the respective Surveillance Use Policies for the proposed BCCTV and PEPT technologies and has determined that the two proposed technologies meet the definition. However, since the technologies will be installed in locations not covered in the baseline condition approved with the Ordinance in 2018, the Board must approve the surveillance technologies for five new projects and one permit to enter. Staff has developed Surveillance Impact Reports for the five projects and one permit to enter to reflect the new locations. The technologies to be implemented are further described below:

1. BART Closed Circuit Television (BCCTV)

BCCTV is currently in wide use throughout the District to identify and prevent threats to persons and property, and assist in identifying, apprehending, and prosecuting offenders. It is also used to protect critical infrastructure, provide situational awareness to the Operations Control Center, used in operational planning, and as a risk management tool against fare evasion and claims made against the District. The use of CCTV increases the public's confidence in our transportation system.

2. BART Public Emergency Phone Tower (PEPT)

PEPTs provide greater and easier access to 911 services for BART riders and employees. They are currently in use at the platform level at Coliseum station. These highly visible, easily accessible blue light phones immediately connect callers to the BART Police Integrated Security Response Center (ISRC), allowing Police Dispatch to know the specific location of the caller and to have visual and audio connection with the caller.

As detailed in the BCCTV and PEPT Surveillance Use Policies of 2018, the District has set firm limits on sharing BCCTV video and audio data only in response to subpoenas, pursuant to court orders, for use in criminal investigations, and always within the requirements of the District's Surveillance Technology Ordinance and Safe Transit Policy.

Consistent with the attached Surveillance Impact Reports, staff is seeking Board approval for the use of the above technologies as follows:

Document Control Number	Project or Permit Number and Title	Surveillance Technology
ME-BCCTV-SIR-03 ME-BPEPT-SIR-02	57RR202 – Dublin/Pleasanton Access Improvements	BCCTV & PEPT
ME-BCCTV-SIR-04	15LK001 – Market Street Entry Canopies (4 San Francisco stations)	BCCTV
ME-BCCTV-SIR-05	11OG002 – Balboa Park Station East Side Improvement & Plaza	BCCTV
ME-BCCTV-SIR-06	M-09.2-010-SF – Colton Vent Structure (San Francisco)	BCCTV
ME-BCCTV-SIR-07	79PB000 – In-Station CCTV Cameras (3 San Francisco stations)	BCCTV
ME-BCCTV-SIR-08	79PD000 – In-Station CCTV Cameras (31 stations, phased)	BCCTV

Pursuant to the Ordinance, the following notifications have been made:

- The Board was notified 21 days in advance of the Board meeting of 14 March 2024.
- The Public was notified 15 days in advance of the Board meeting of 14 March 2024 via posting on BART.gov.

The Surveillance Impact Reports have been made available for public review online and in print.

The specific details of the surveillance technology implementation in each project, including locations, costs, and sources of funding, are included in the attached Surveillance Impact Reports.

FISCAL IMPACT:

This EDD is requesting approval for the use of Surveillance Technology, not the funds to purchase it. Funding approval, if required, will be handled by separate action.

ALTERNATIVES:

Do not approve the installation or use of one or more of the surveillance technology solutions in one or more of the projects listed.

RECOMMENDATION:

Adoption of the following motions:

MOTIONS:

For the Dublin/Pleasanton Access Improvements Project (Project #57RR202), the Board finds that the benefits of the proposed new BART Closed Circuit Television (BCCTV) and the Public Emergency Phone Towers (PEPT) technologies outweigh the costs and concerns hereto. The General Manager or his designee is authorized to proceed with their use as described in the attached Surveillance Impact Report with Document Control Numbers ME-BCCTV-SIR-03 and ME-BPEPT-SIR-02, which we find will reasonably safeguard civil liberties and civil rights.

For the Market Street Entry Canopies Project (Project #15LK001), the Board finds that the benefits of the proposed new BART Closed Circuit Television (BCCTV) technology outweigh the costs and concerns hereto. The General Manager or his designee is authorized to proceed with its use as described in the attached Surveillance Impact Report with Document Control Number ME-BCCTV-SIR-04, which we find will reasonably safeguard civil liberties and civil rights.

For the Balboa Park Station East Side Improvement & Plaza Project (Project #11OG002), the Board finds that the benefits of the proposed new BART Closed Circuit Television (BCCTV) technology outweigh the costs and concerns hereto. The General Manager or his designee is authorized to proceed with its use as described in the attached Surveillance Impact Report with Document Control Number ME-BCCTV-SIR-05, which we find will reasonably safeguard civil liberties and civil rights.

For the Colton Vent Structure Site (Permit #M-09.2-010-SF), the Board finds that the benefits of the proposed new BART Closed Circuit Television (BCCTV) technology outweigh the costs and concerns hereto. The General Manager or his designee is authorized to proceed with its use as described in the attached Surveillance Impact Report with Document Control Number ME-BCCTV-SIR-06, which we find will reasonably safeguard civil liberties and civil rights.

For the In-Station CCTV Cameras (3 San Francisco stations) (Project #79PB000), the Board finds that the benefits of the proposed new BART Closed Circuit Television (BCCTV) technology outweigh the costs and concerns hereto. The General Manager or his designee is authorized to proceed with its use as described in the attached Surveillance Impact Report with Document Control Number ME-BCCTV-SIR-07, which we find will reasonably safeguard civil liberties and civil rights.

For the In-Station CCTV Cameras (31 stations, phased) (Project #79PD000), the Board finds that the benefits of the proposed new BART Closed Circuit Television (BCCTV) technology outweigh the costs and concerns hereto. The General Manager or his designee is authorized to proceed with its use as described in the attached Surveillance Impact Report with Document Control Number ME-BCCTV-SIR-08, which we find will reasonably safeguard civil liberties and civil rights.

Surveillance Impact Report

BART Public Emergency Phone Towers & BART Closed Circuit Television (CCTV)

Dublin/Pleasanton Access Improvements

BART Office of Infrastructure Delivery

ME-BPEPT-SIR-02

ME-BCCTV-SIR-03

21 Day BART Board Notice – February 21, 2024

15 Day Public Notice – February 28, 2024

BART Board Meeting – March 14, 2024



Introduction

The Dublin/Pleasanton Access Improvements project will advance the 2016 BART Station Access Policy goals (safer, healthier, greener) and targets by creating physical separation between the infrastructures for cyclists, pedestrians, and vehicles. It will also close the gap in the Iron Horse Trail so that BART riders can use it for recreation and access the broader network of trails and green spaces in the area. The complete scope of work includes:

- A two-way cycle track separated from vehicle traffic and from the pedestrian sidewalk
- ADA-compliant sidewalk
- Pedestrian-scale lighting
- Improved lighting under the freeway and aerial BART structures
- Additional secure bicycle parking and e-bike charging
- Wayfinding
- Landscaping and storm water management features
- A small park/plaza/gateway treatment at the transition to the Iron Horse Trail to the north
- Art
- Two public emergency phone towers with CCTV cameras

This Impact Report refers to the two public emergency phone towers with (fixed) CCTV cameras included in the project, which are intended to increase and improve safety and security for pedestrians and cyclists traveling to and from the station entrance.

A. Information describing the proposed surveillance technology and how it generally works.

Public Emergency Phone Towers

The Public Emergency Phone Towers are intended to act as an additional security precaution in public areas. By having these highly visible, and easily accessible blue light phones, the community is continually reassured that they can summon police assistance immediately. The BART Police Integrated Security Response Center (ISRC) will automatically know where the call is coming from and quickly dispatch an officer to the exact location. At night a blue light atop the phone is automatically lit making them easily visible from long distances.

CCTV

CCTV (closed-circuit television) is a TV system in which signals are not publicly distributed but are monitored, primarily for surveillance and security purposes. CCTV relies on strategic placement of cameras and observation of the camera's input on monitors. Because the cameras communicate with monitors and/or video recorders across private communication links, they gain the designation "closed-circuit" to indicate that access to their content is limited by design only to those able to see it.

The various types of cameras that are employed for public surveillance purposes include visible and semi-visible, each having its own purpose. Visible cameras are intentionally designed to be visible to the public and for the most part, one can easily detect what is being recorded by the direction of the camera. Semi-visible cameras have become increasingly more common. These cameras have a dome-shaped covering that prevents the public from identifying the direction the camera is facing. For crime prevention efforts, this type of camera is more effective for deterrence purposes because would-be offenders are unable to determine whether they are being recorded and may therefore refrain from criminal activity due to fear of apprehension.

Anticipated Surveillance Impact Report – BART Public Emergency Phone Towers & CCTV

Sample Image of Public Emergency Phone Tower



Sample Image of Semi-Visible CCTV Camera



The CCTV system selected for the project will include fixed semi-visible cameras mounted on arms on the emergency phone towers.

B. Information on the proposed purpose(s) for the surveillance technology.

Public Emergency Phone Towers

The primary use for the Public Emergency Phone Towers is for when police assistance is needed by a member of the public or BART employee. The Public Emergency Phone Towers will be deployed along the primary pedestrian and cyclist path of travel to/from the station entrance. There will be one unit installed on the Dublin side of the station and one unit installed on the Pleasanton side of the station. These towers will be equipped with emergency phones, blue strobes and CCTV.

CCTV

The use of cameras based on CCTV technology has proven effective in increasing the confidence of the community in public transport and improving the protection of patrons, employees, railcars, and critical infrastructure. The CCTV system captures and records video images of passengers. It serves the following key purposes:

- Reduces the fear of crime and reassures the public and employees.
- Prevents, deters and detects crime, damage of infrastructure and vehicles, public disorder, unlawful behavior and inappropriate conduct.
- Acts as a risk management tool against fare evasion and as a defense against fraudulent claims, particularly for individuals alleging injury during accidents.
- Aids in dispute mediation, complaint resolution, accident investigation, employee monitoring, etc.
- Used to monitor, identify, apprehend and prosecute offenders for criminal offenses, criminal damage, public disorder, roadway crashes and harassment.
- Used in investigations of complaints or offenses and provide evidence upon which to take criminal, civil and disciplinary actions.
- Collection of passenger and transport data to monitor and support network planning objectives and initiatives.

C. If applicable, the general location(s), it may be deployed.

- L30 – Dublin/Pleasanton

See Figure I at the end of the report for locations.

D. Crime statistics for any location(s), if the equipment is used to deter or detect crime.

Crime statistics for Dublin/Pleasanton station in FY23 are as follows:

Type of Crime	Number of Incidents
Violent Crime	7
Property Crime	45
Select Vehicle Crimes	21
Electronic Crimes	5
Bicycle Thefts	13
Battery, Simple Assaults	6
Total	97

The Public Emergency Phone Towers are intended as an emergency communication system for when police assistance is needed by a member of the public or BART employee. CCTV is intended as a Districtwide security system having amongst other functions the purpose of prevention, deterrence and detection of crime. Together, the two systems will target crimes as measured by the BART Police Performance Measurements monthly report and the reported data from the BART official monthly FBI Uniform Crime Reporting (UCR) program.

E. An assessment identifying any potential impact on privacy rights and discussing any plans to safeguard the rights of the public.

CCTV cameras and Emergency Phone Towers will be used in strict compliance with their respective Use Policies adopted by the Board in 2018.

BART recognizes that all people have an inalienable right to privacy and is committed to protecting and safeguarding this right. Through the placement of these CCTV cameras and Emergency Phone Towers, no still or video footage or audio of persons will be captured in areas where there is an expectation of privacy, such as restrooms; and will not be used to harass, intimidate, or discriminate against any individual or group. BART's use of CCTV cameras will not include facial recognition or other biometric data collection.

Authorized Use: The CCTV security cameras and Emergency Phone Towers and the images/video/audio they capture will be used in a lawful manner for BART business purposes only, including the uses identified in Section I of the CCTV and Emergency Phone Towers Surveillance Use Policies, and not for personal use or other non-BART uses.

Data Access: Access to images and video footage will be restricted to the designated BART departments and staff.

Data Protection: BART will maintain data collected by CCTV System in a secure location where physical access is limited to authorized individuals and includes physical access protections and/or firewall protections from external intrusion.

Anticipated Surveillance Impact Report – BART Public Emergency Phone Towers & CCTV

Data Retention: BART will retain/stored data collected from the CCTV system per BART Police Department Policy 707. Relatively short retention periods will avoid the unnecessary over-accumulation of data.

Public Access: BART will grant Public access to data collected from the CCTV system per BART Police Department Policy 707. All video images/data will be used for District operations, law enforcement or public safety purposes only; except as required by law, subpoenas or other court process, such data will not otherwise be disclosed/ released by the BART Police Department without the consent of the Chief of Police.

Third Party Data Sharing: BART will share data with third parties as follows:

- In response to subpoenas issued by a defendant
- Pursuant to a Court Order
- To assist criminal investigations by Law Enforcement Agencies
- In adherence to the District's Safe Transit Policy.

Specifically for this project:

On the Dublin side of the station, the phone tower and fixed CCTV cameras will be installed where the Iron Horse Trail and BART bus access road intersect with DeMarcus Blvd so as to serve pedestrians and cyclists traveling to and from the station in this direction. The two fixed cameras will be aimed to capture the pedestrian and cyclist path of travel and to a lesser extent the bus intermodal. They will not be aimed to capture footage of persons in the housing development across the street.

On the Pleasanton side of the station, the phone tower and four fixed CCTV cameras will be installed at the edge of the pedestrian path and cycle-track within the BART parking lot. There are no private properties (e.g. apartment buildings, offices, etc) within sight of the CCTV cameras at this location. All visible areas are within the station area.

F. The fiscal costs for the surveillance technology, including initial purchase, personnel and other ongoing costs, and any current or potential sources of funding.

Initial Purchase and Installation Cost

The emergency towers will be purchased and installed as part of a capital project that will go out to bid. Total cost to purchase and install the surveillance technology is approximately \$40,000.

Ongoing Costs

The ongoing costs associated with the deployment of Public Emergency Phone Towers and CCTV are for normal preventative and corrective maintenance.

According to the Annual Surveillance Report, the following were the average operation and maintenance costs for the technology:

Technology	Average Annual Cost
Public Emergency Phone Towers	\$ 1,425/tower
CCTV cameras	\$ 560/camera

Since the technology being installed as part of this project will be brand new, the cost to operate and maintain them should be lower than the average costs in FY23.

The anticipated lifespan of the system is about Ten (10) years. However, with proper maintenance and absence of vandalism, staff anticipates the useful operational lifespan of the system could be extended.

Anticipated Surveillance Impact Report – BART Public Emergency Phone Towers & CCTV

Sources of Funding (capital improvement)

- Measure RR Access Program funds
- Alameda CTC CIP grant
- MTC Mobility Hub grant

G. Whether use or maintenance of the technology will require data gathered by the technology to be handled or stored by a third-party vendor on an ongoing basis.

Public Emergency Phone Towers

No data is gathered or stored by third-party of this technology for use or maintenance.

CCTV

Third party vendor support requires the use of log files and sample image data to be collected for analysis of errors and system malfunctions. The data is not stored after maintenance is complete.

H. A summary of alternative methods (whether involving the use of a new technology or not) considered before deciding to use the proposed surveillance technology, including the costs and benefits associated with each alternative and an explanation of the reasons why each alternative is inadequate or undesirable.

Public Emergency Phone Towers

No alternative methods examined.

CCTV

BART examined two types of technology in the implementation of the CCTV System, legacy Analog and current Digital IP Based technology. The benefits and disadvantages are:

Benefits of Analog Cameras

- Cost
- Larger pool of installers and vendors
- Simplicity
- Advancements in image quality

Disadvantages of Analog Cameras

- Image quality is significant less than Digital IP Based Technology
- Less coverage
- More Cables
- No Encryption

Benefits of IP Based Technology (PTZ and Fixed Cameras)

- Multiple image sensors in one unit

Anticipated Surveillance Impact Report – BART Public Emergency Phone Towers & CCTV

- Decrease in cost
- Ease of Installation
- Image Resolution
- Intelligence and analytics
- Security -video is encrypted
- Less equipment
- Open Platforms

Disadvantages of Digital IP Based Technology (PTZ and Fixed Cameras)

- Cost of initial set-up
- Storage
- Training for new technologies

Disadvantages of No Camera Option

- BART's loss of the intended purpose and benefits of the surveillance technology.

I. A summary of the experience, if any is known, other law enforcement entities have had with the proposed technology, including information about the effectiveness, any known adverse information about the technology such as unanticipated costs, failures, civil rights or civil liberties issues.

BART's own prior experience with the existing technology is described in detail in BART's 2023 Annual Surveillance Report.

Experience

BART uses Public Emergency Phone Tower technology to provide a direct connection to the BART Police Integrated Security Response Center (ISRC) for BART passengers and employees to report emergencies or unsafe conditions.

Public Emergency Phone Towers were deployed at the Coliseum BART Station as a pilot in 2019. In FY23, there was a total of 40 calls received from the telephone towers, as follows:

Type of Call	Number of Calls
Hang Up/Call Abandoned	30
Unknown	1
Accidental dial	0
Sick/injured person	0
Welfare check	4
Theft	0
Interfering with Rail Operations	0
Information	0
Suspicious Person	0
Smoker	1
Mental Health	4
Total	40

Anticipated Surveillance Impact Report – BART Public Emergency Phone Towers & CCTV

BART uses CCTV technology for the following:

- Situational awareness for Transportation, Planning, and Operations Control Center personnel for managing stations and special events.
- Allowing BART personnel to avoid train-holds in situations that can be resolved remotely by CCTV, reducing delays in revenue service.
- Accident/incident investigations, mechanical failure investigations, and for California Public Utilities Commission (CPUC) compliance checks.
- Essential direct investigation evidence of violent crimes.
- Identification and capture of criminal perpetrators.

Effectiveness

In FY23, BART Police detectives produced 310 wanted person bulletins using CCTV images to attempt to identify persons involved in criminal activity.

Establishing a causal relationship between the occurrence of crime and the presence, or absence, of CCTV is difficult, but CCTV is an essential part of the safety and security strategy that customers and employees expect the District to provide as part of running a Tier-I mass transit system.

Failures & Unanticipated Costs

There were no significant CCTV or public emergency phone tower equipment failures in FY23, and no unanticipated costs related to the use of the equipment.

Civil Rights & Civil Liberties

BART does not record audio from public emergency phone towers unless a call is placed from the tower; there were no requests for public emergency phone tower data in FY23.

Access to the CCTV network is highly controlled, and BART has in place a detailed process for fielding requests for CCTV video from both internal and external entities. Copies of CCTV video are provided only in strict accordance with the District's Safe Transit Policy and Surveillance Use Policy.

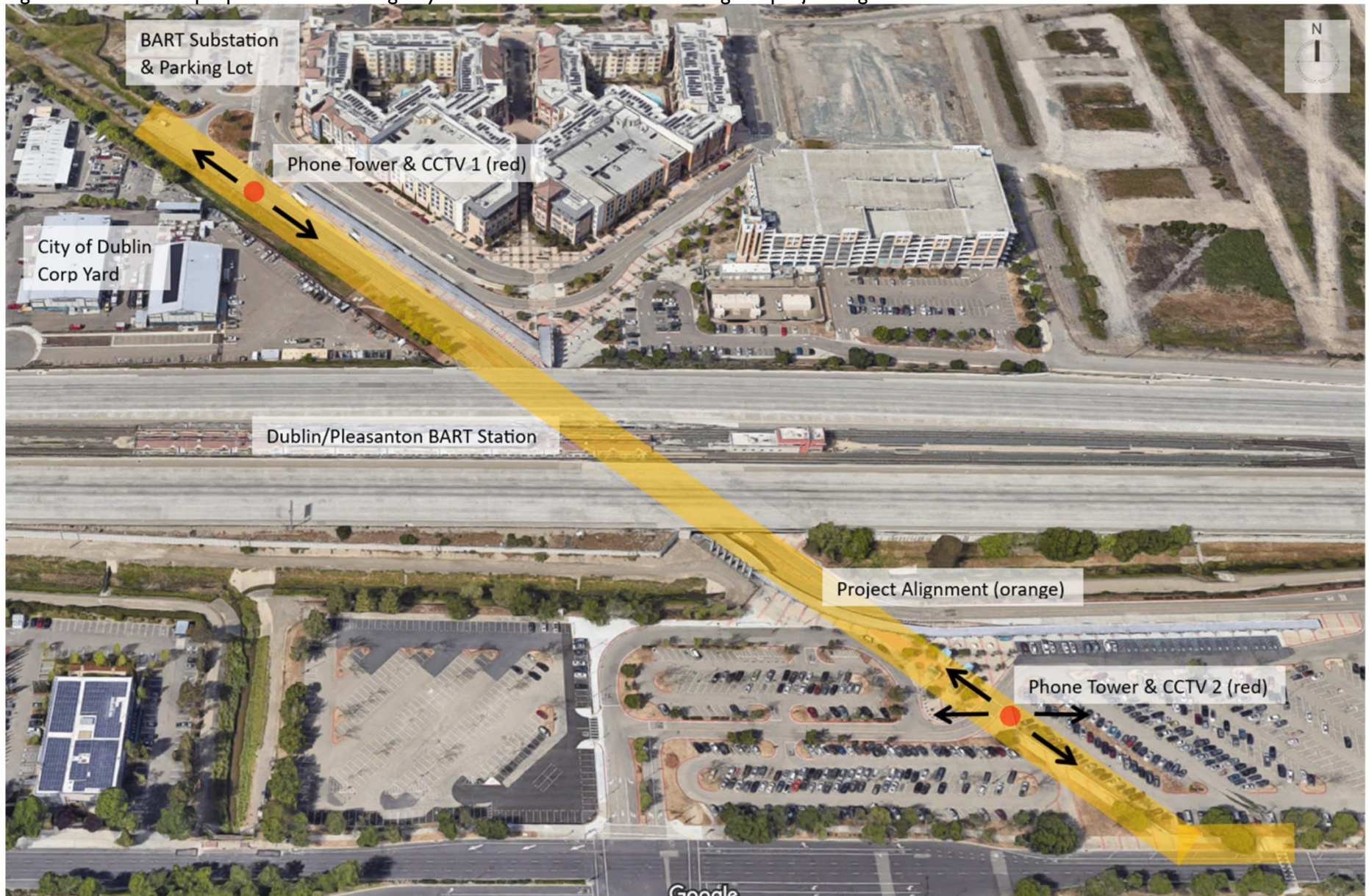
In FY23 there were a total of 4,892 (non-train car) CCTV video requests by 39 entities (mostly law enforcement), of which 85% were BART PD Investigations. The other 15% were comprised of internal BART requests (non-PD), court subpoenas, California Public Records Act requests, and outside law enforcement requests.

An audit of 57 randomly selected cases showed no violations of the Surveillance Use Policy for the CCTV system by the BART Police Department video recovery unit or District Personnel requesting access to specific videos.

In relation to CCTV cameras and public telephone towers, in FY23 BART Customer Service received no complaints pertaining to privacy or civil liberty concerns or harm.

Anticipated Surveillance Impact Report – BART Public Emergency Phone Towers & CCTV

Figure I: Locations of proposed Public Emergency Phone Towers with CCTV along the project alignment



Surveillance Impact Report

BART Closed Circuit Television (CCTV)

Market Street Entry Canopies

BART Office of Infrastructure Delivery

ME-BCCTV-SIR-04

21 Day BART Board Notice – February 21, 2024

15 Day Public Notice – February 28, 2024

BART Board Meeting – March 14, 2024



Introduction – Description of the CCTV for Market Street Entry Canopies Project

Installation of canopies over street openings is necessary to comply with ASME 17.1 Article 6.1.8 requirements for weather protection of new escalators being installed or replaced. The existing escalators in the four downtown San Francisco Stations regularly malfunction and need replacement, and those escalators at the street level will need canopy protection. Contract 15LK-130 was a pilot installation of two street level canopies, one at Powell Street Station and the other at Civic Center Station. These two canopies were completed in 2018. Contract 15LK-140, Market Street Entry Canopies, currently in progress, includes the construction of 19 canopies to cover more street escalators and stair openings at the downtown S.F. stations. If the bid options for three additional canopies in the contract are exercised, there will be 22 new canopies constructed under 15LK-140.

In addition to providing weather protection, the canopies are promoted to provide added safety and security enhancements, including roll-up grilles to close the canopies off at street level and CCTV cameras. Each canopy is designed to have three cameras installed to provide surveillance of stair/escalator and real-time train display units beneath the canopy ceiling. If all 22 canopies are constructed, there will be a total of 66 fixed-type cameras placed into service in addition to the six cameras already activated under the first two canopies completed in 2018.

A. Description of the proposed surveillance technology and how it generally works

CCTV relies on strategic placement of cameras, and observation of the camera's input to monitors. Because the cameras communicate with video recorders across private communication links, they gain the designation "closed-circuit" to indicate that access to their content is limited by design only to those able to see it. The recorded content will be in BART communication links that have encryption and firewalls to prevent them from being hacked and viewed by unauthorized viewers.

The three cameras installed in each canopy are visible/identifiable to the public as CCTV cameras. Two of the three cameras will be focused on the canopy entrance stairs and escalator area. The third camera will be focused on the area immediately below the rear of the canopy where real-time display monitors are mounted to provide train departure information. All canopy cameras have a dome-shaped covering for vandalism deterrence.

B. Proposed purpose(s) for the surveillance technology

The use of cameras based on closed-circuit television (CCTV) technology has proven effective in increasing the confidence of the community in public transportation and improving the protection of the public, patrons, employees, and critical infrastructure. The CCTV system at the canopies of the four downtown San Francisco stations along Market Street serves the following key purposes:

- Reduces the fear of crime and reassures the public and employees.
- Prevents, deters, and detects crime, damage of canopy infrastructure, public disorder, unlawful behavior and inappropriate conduct.
- Acts as a risk management tool as a defense against fraudulent claims, particularly for individuals alleging injury during accidents.
- Aids in dispute mediation, complaint resolution, accident investigation, employee monitoring, etc.
- Provides a video recording of events for the investigation of complaints or offences and provide evidence upon which to take criminal, civil and disciplinary actions. The canopy CCTV cameras will not have audio capability.

D. The general locations of new cameras seeking approval

Please see "LIST OF NEW MARKET STREET ENTRY CANOPIES WITH CAMERAS" in the table below and attachments titled "Market Street Canopy and Escalator Locations" and "Locations of Three Cameras Per Canopy".

LIST OF NEW MARKET STREET ENTRY CANOPIES WITH CAMERAS Three cameras per canopy	
LOCATION	STATION ENTRANCE STREET ADDRESS
Canopy #1, Embarcadero	5 Embarcadero
Canopy #2, Embarcadero	101 Market
Canopy #3, Embarcadero	One California
Canopy #4, Embarcadero	225-245 Market
Canopy #5, Embarcadero	380 Market
Canopy #6, Embarcadero	333 Market
Canopy #7, Montgomery St.	One Sansome
Canopy #8, Montgomery St.	575 Market
Canopy #9, Montgomery St.	554 Market
Canopy #10, Montgomery St.	595 Market
Canopy #11, Montgomery St.	582 Market
Canopy #12, Montgomery St.	643 Market
Canopy #13, Powell St. OPTION	760 Market
Canopy #14, Powell St. OPTION	799 Market
Canopy #15, Powell St.	845 Market
Canopy #16, Powell St.	885 Market
Canopy #17, Powell St.	901 Market
Canopy #18, Civic Center	1122 Market
Canopy #19, Civic Center OPTION	UN Plaza
Canopy #20, Civic Center	1145-1155 Market
Canopy #21, Civic Center	1192 Market
Canopy #22, Civic Center	1185 Market

E. Crime statistics for any location(s), if the equipment is used to deter or detect crime.

The Closed-Circuit Television System is intended to be integrated into the District CCTV system having amongst other functions the purpose of prevention, deterrence and detection of crime. The system will target crimes as measured by the BART Police Performance Measurements monthly report and the reported data from the BART official monthly FBI Uniform Crime Reporting (UCR) program.

Data from 07/01/22 thru 06/30/23

Station Code	Full Station Name	City	County	Violent Crimes	Property Crimes	Select Vehicle Crimes	Electronic Crimes	Other	Station Totals
M16	Embarcadero	San Francisco	San Francisco	9	14		10	17	50
M20	Montgomery St	San Francisco	San Francisco	6	15		12	5	38
M30	Powell St	San Francisco	San Francisco	21	36		33	31	121
M40	Civic Center/UN Plaza	San Francisco	San Francisco	34	41	1	34	29	139
Totals by Crime ¹				70	106	1	89		348

¹ Excludes records where the location/area is listed as either "Off Property" or "Not Applicable"

F. An assessment identifying any potential impact on privacy rights and discussing any plans to safeguard the rights of the public

CCTV cameras will be used in strict compliance with their Use Policy adopted by the Board in 2018.

BART recognizes that all people have an inalienable right to privacy and is committed to protecting and safeguarding this right. Through the placement of these CCTV cameras, no still or video footage or audio of persons will be captured in areas where there is an expectation of privacy, such as restrooms; and will not be used to harass, intimidate, or discriminate against any individual or group. BART's use of CCTV cameras will not include facial recognition or other biometric data collection.

Authorized Use: The CCTV security cameras and the images/video/audio they capture will be used in a lawful manner for BART business purposes only, including the uses identified in Section 1 of the CCTV Surveillance Use Policy, and not for personal use or other non-BART uses.

Data Access: Access to images and video footage will be restricted to the designated BART departments and staff.

Data Protection: BART will maintain data collected by CCTV System in a secure location where physical access is limited to authorized individuals and includes physical access protections and/or firewall protections from external intrusion.

Data Retention: BART will retain/stored data collected from the CCTV system per BART Police Department Policy 707. Relatively short retention periods will avoid the unnecessary over-accumulation of data.

Public Access: BART will grant Public access to data collected from the CCTV system per BART Police Department Policy 707. All video images/data will be used for District operations, law enforcement or public safety purposes only; except as required by law, subpoenas or other court process, such data will not otherwise be disclosed/released by the BART Police Department without the consent of the Chief of Police.

Third Party Data Sharing: BART will share data with third parties as follows:

- In response to subpoenas issued by a defendant
- Pursuant to a Court Order
- To assist criminal Investigations by Law Enforcement Agencies
- In adherence to the District's Safe Transit Policy.

G. The fiscal costs for the surveillance technology, including initial purchase, personnel and other ongoing costs, and any current or potential sources of funding

Initial Purchase Cost

Cameras are District-provided at a cost of approximately \$300 per camera. In addition to the camera cost, the contractor's contract includes labor for installation of the Closed-Circuit Television System.

Ongoing Costs

The ongoing costs associated with the deployment of Closed-Circuit Television System are for normal preventative and corrective maintenance. If a two-man, maintenance crew were assigned for periodic maintenance including lens-cleaning, it is estimated that the annual cost for the 66 total cameras would be approximately \$10,000. The anticipated lifespan of the system is about Ten (10) years. However, with proper maintenance and absence of vandalism, staff anticipates the useful operational lifespan of the system could be extended.

Sources of Installation Funding

- Capitol /Bond Funds

H. Whether use or maintenance of the technology will require data gathered by the technology to be handled or stored by a third-party vendor on an ongoing basis

Third party vendor support requires the use of log files and sample image data to be collected for analysis of errors and system malfunctions. The data shall be deleted after maintenance is complete.

I. A summary of alternative methods (whether involving the use of a new technology or not) considered before deciding to use the proposed surveillance technology, including the costs and benefits associated with each alternative and an explanation of the reasons why each alternative is inadequate or undesirable.

BART examined two types of technology in the implementation of the Closed-Circuit Television System, legacy Analog and current Digital IP Based technology. The benefits and disadvantages are:

Benefits of Analog Cameras

- Cost
- Larger pool of installers and vendors
- Simplicity
- Advancements in image quality

Disadvantages of Analog Cameras

- Image quality is significant less than Digital IP Based Technology
- Less coverage
- More Cables
- No Encryption

Benefits of IP Cameras (PTZ and Fixed)

- Multiple image sensors in one unit.
- Decrease in cost
- Ease of Installation
- Image Resolution
- Intelligence and analytics
- Security -video is encrypted
- Less equipment
- Open Platforms

Disadvantages of Digital IP Based Technology (PTZ and Fixed)

- Cost of initial set-up
- Storage
- Training for new technologies

Benefits of No Camera Option

- Cost

Anticipated Surveillance Impact Report – BART Station Closed Circuit Television (CCTV)

Disadvantages of No Camera Option

- BART's loss of the intended purpose and benefits for the surveillance technology.

J. A summary of the experience, if any is known, other law enforcement entities have had with the proposed technology, including information about the effectiveness, any known adverse information about the technology such as unanticipated costs, failures, civil rights or civil liberties issues.

BART uses CCTV technology for the following:

- Situational awareness for Transportation, Planning, and Operations Control Center personnel for managing stations and special events.
- Allowing BART personnel to avoid train-holds in situations that can be resolved remotely by CCTV, reducing delays in revenue service.
- Accident/incident investigations, mechanical failure investigations, and for California Public Utilities Commission (CPUC) compliance checks.
- Essential direct investigation evidence of violent crimes.
- Identification and capture of criminal perpetrators.

Effectiveness:

In FY23, BART Police detectives produced 310 wanted person bulletins using CCTV images to attempt to identify persons involved in criminal activity. Establishing a causal relationship between the occurrence of crime and the presence, or absence, of CCTV is difficult, but CCTV is an essential part of the safety and security strategy that customers and employees expect the District to provide as part of running a Tier-I mass transit system.

Failures & Unanticipated Costs:

There were no significant CCTV equipment failures in FY23, and no unanticipated costs related to the use of the equipment.

Civil Rights & Civil Liberties:

Access to the CCTV network is highly controlled, and BART has in place a detailed process for fielding requests for CCTV video from both internal and external entities. Copies of CCTV video are provided only in strict accordance with the District's Safe Transit Policy and Surveillance Use Policy.

In FY23 there were a total of 4,892 (non-train car) CCTV video requests by 39 entities (mostly law enforcement), of which 85% were BART PD Investigations. The other 15% were comprised of internal BART requests (non-PD), court subpoenas, California Public Records Act requests, and outside law enforcement requests.

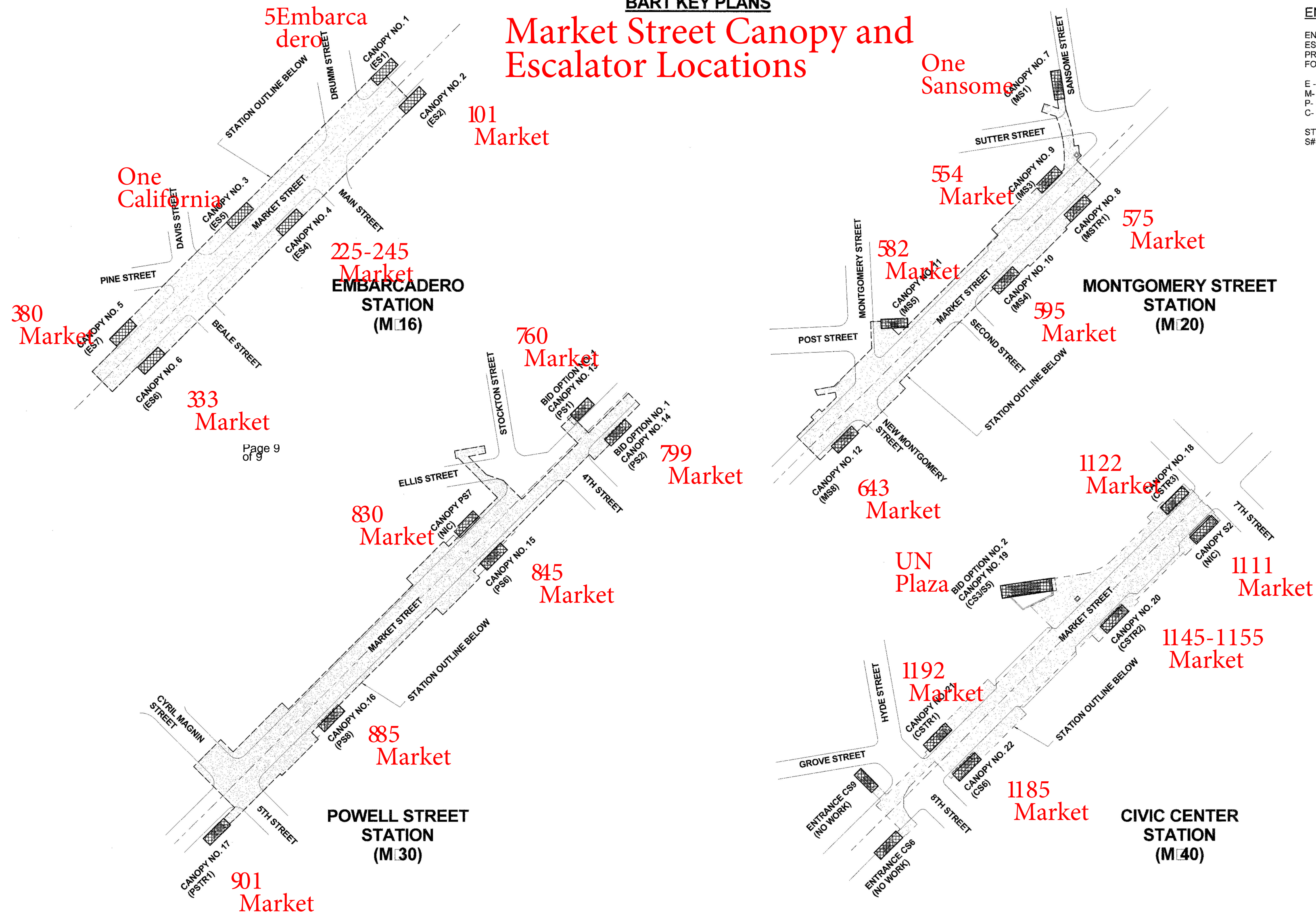
An audit of 57 randomly selected cases showed no violations of the Surveillance Use Policy for the CCTV system by the BART Police Department video recovery unit or District Personnel requesting access to specific videos.

In relation to CCTV cameras, in FY23, BART Customer Service received no complaints pertaining to privacy or civil liberty concerns or harm.

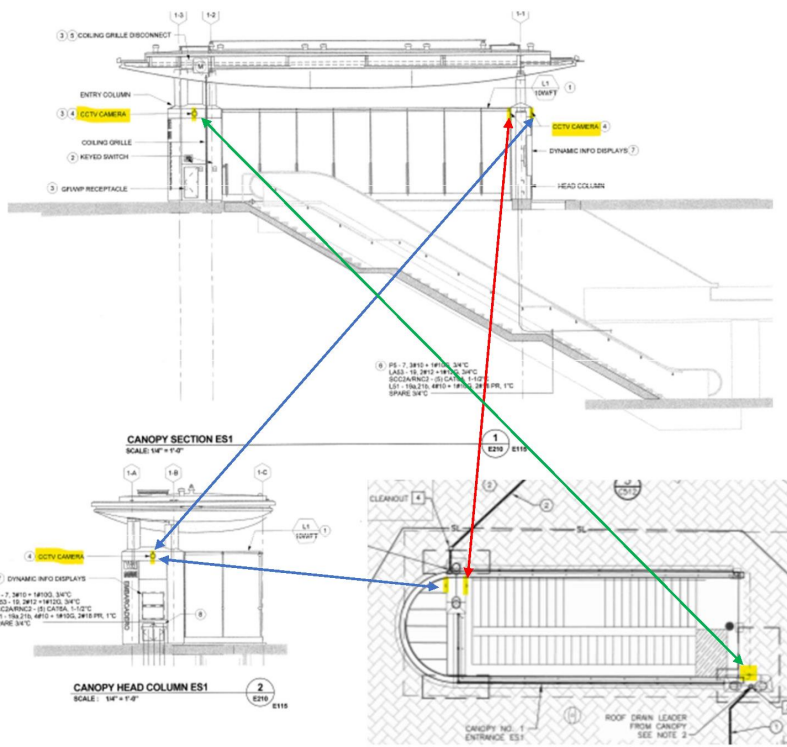
Market Street Canopy and Escalator Locations

ENTRY DESIGNATION FOLLOWS BART
ESCALATOR AND STAIR NUMBERS WITH
PRECEEDING STATION LETTER DESIGNATOR AS
FOLLOWS:

STR# - STAIR NUMBER
S# - STREET ESCALATOR NUMBER



Locations of Three Cameras Per Canopy



Plan
View

Surveillance Impact Report

BART Closed Circuit Television (CCTV)

Balboa Park Station East Side
Improvement & Plaza

BART Office of Infrastructure Delivery

ME-BCCTV-SIR-05

21 Day BART Board Notice – February 21, 2024

15 Day Public Notice – February 28, 2024

BART Board Meeting – March 14, 2024



Introduction

BART project I I OG-140 Balboa Park Station Passenger Drop-Off + Plaza Upgrade was to complement the adjacent Kapuso Upper Yard Transit Oriented Development (TOD) project at the corner of San Jose and Geneva Avenues in San Francisco.

The new plaza area has a passenger loading zone and terraced planters that provide a transition between the BART station entrance and the housing development, which has an entrance at a lower elevation.

The original plaza design included the installation of one post with BART Closed Circuit Television (CCTV) cameras, which are the subject of this Impact Report.

A. Information describing the proposed surveillance technology and how it generally works.

CCTV is a TV system in which signals are not publicly distributed but are monitored, primarily for surveillance and security purposes. CCTV relies on strategic placement of cameras, and observation of the camera's input on monitors. Because the cameras communicate with monitors and/or video recorders across private communication links, they gain the designation "closed-circuit" to indicate that access to their content is limited by design only to those able to see it.

The various types of cameras that are employed for public surveillance purposes include visible and semi-visible, each having its own purpose. Visible cameras are intentionally designed to be visible to the public and for the most part, one can easily detect what is being recorded by the direction of the camera. Semi-visible cameras have become increasingly more common. These cameras have a dome-shaped covering that prevents the public from identifying the direction the camera is facing. For crime prevention efforts, this type of camera is more effective for deterrence purposes because would-be offenders are unable to determine whether they are being recorded and may therefore refrain from criminal activity due to fear of apprehension.

Sample Image of Semi-Visible CCTV camera



B. Information on the proposed purpose(s) for the surveillance technology.

The use of cameras based on CCTV technology has proven effective in increasing the confidence of the community in public transport and improving the protection of patrons, employees, railcars, and critical

Anticipated Surveillance Impact Report – BART Closed Circuit Television (CCTV)

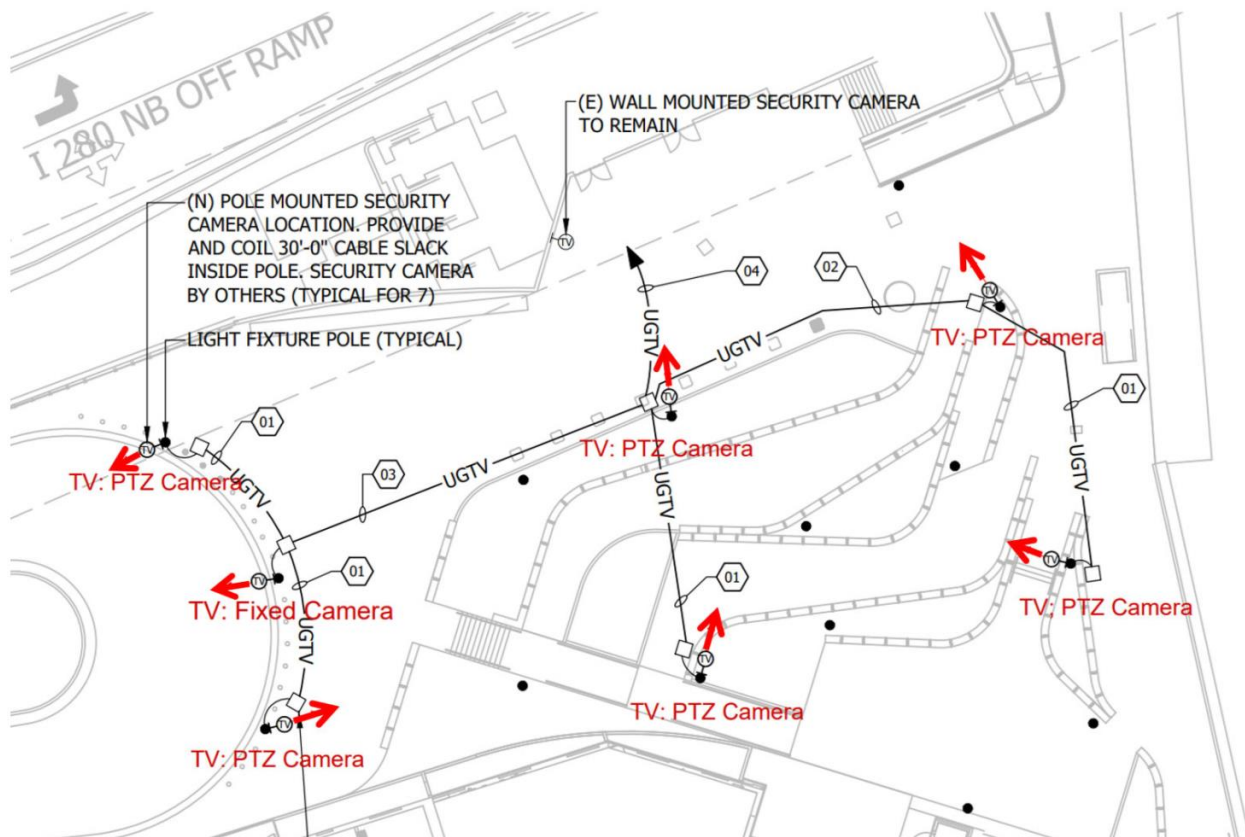
infrastructure. The CCTV system captures and records video images of Passengers. It serves the following key purposes:

- Reduces the fear of crime and reassures the public and employees.
- Prevents, deters and detects crime, damage of infrastructure and vehicles, public disorder, unlawful behavior and inappropriate conduct.
- Acts as a risk management tool against fare evasion and as a defense against fraudulent claims, particularly for individuals alleging injury during accidents.
- Aids in dispute mediation, complaint resolution, accident investigation, employee monitoring, etc.
- Used to monitor, identify, apprehend and prosecute offenders for criminal offences, criminal damage, public disorder, roadway accidents and harassment.
- Used to investigate complaints or offences and provide evidence upon which to take criminal, civil, and/or disciplinary actions.
- Collection of passenger and transportation data to monitor and support network planning objectives and initiatives.

This surveillance technology within the BART system is a vital resource for police criminal investigations. CCTV footage provides essential direct investigation evidence of crimes. This footage has led to the identification and capture of multiple perpetrators. BART Police detectives routinely use surveillance videos to solve a variety of crimes against persons and property.

C. If applicable, the general location(s), it may be deployed.

- M80 - Balboa Park



Anticipated Surveillance Impact Report – BART Closed Circuit Television (CCTV)

D. Crime statistics for any location(s), if the equipment is used to deter or detect crime.

Crime statistics for Balboa Park station in FY23 are as follows:

Type of Crime	Number of Incidents
Robbery	5
Aggravated Assault	3
All Theft	8
Vehicle Break In	1
Electronic Theft	2
Electronic Robbery	2
Bicycle Theft	2
Battery	6
Total	29

The CCTV System is intended as a District wide security system having amongst other functions the purpose of prevention, deterrence, and detection of crime. The system will target crimes as measured by the BART Police Performance Measurements monthly report and the reported data from the BART official monthly FBI Uniform Crime Reporting (UCR) program.

E. An assessment identifying any potential impact on privacy rights and discussing any plans to safeguard the rights of the public.

CCTV cameras will be used in strict compliance with their Use Policy adopted by the Board in 2018.

BART recognizes that all people have an inalienable right to privacy and is committed to protecting and safeguarding this right. Through the placement of these CCTV cameras, no still or video footage or audio of persons will be captured in areas where there is an expectation of privacy, such as restrooms; and will not be used to harass, intimidate, or discriminate against any individual or group. BART's use of CCTV cameras will not include facial recognition or other biometric data collection.

Authorized Use: The CCTV security cameras and the images/video/audio they capture will be used in a lawful manner for BART business purposes only, including the uses identified in Section I of the CCTV Surveillance Use Policy, and not for personal use or other non-BART uses.

Data Access: Access to images and video footage will be restricted to the designated BART departments and staff.

Data Protection: BART will maintain data collected by CCTV System in a secure location where physical access is limited to authorized individuals and includes physical access protections and/or firewall protections from external intrusion.

Data Retention: BART will retain/stored data collected from the CCTV system per BART Police Department Policy 707. Relatively short retention periods will avoid the unnecessary over-accumulation of data.

Public Access: BART will grant Public access to data collected from the CCTV system per BART Police Department Policy 707. All video images/data will be used for District operations, law enforcement or public safety purposes only;

Anticipated Surveillance Impact Report – BART Closed Circuit Television (CCTV)

except as required by law, subpoenas or other court process, such data will not otherwise be disclosed/released by the BART Police Department without the consent of the Chief of Police.

Third Party Data Sharing: BART will share data with third parties as follows:

- In response to subpoenas issued by a defendant
- Pursuant to a Court Order
- To assist criminal Investigations by Law Enforcement Agencies
- In adherence to the District's Safe Transit Policy.

Specifically for this project, BART will install 6 PTZ cameras and one fixed camera. Cameras will be aimed as indicated by the arrows in the figure in Section C. Cameras will not be aimed to capture footage of persons in the housing across the street.

F. The fiscal costs for the surveillance technology, including initial purchase, personnel and other ongoing costs, and any current or potential sources of funding.

Initial Purchase and Installation Cost

The estimated total for purchase and installation of 7 cameras is \$33,825.00.

Ongoing Costs

The ongoing costs associated with the deployment of the CCTV System are for normal preventative and corrective maintenance.

According to the Annual Surveillance Report, in FY23 BART spent \$1,838,400 operating and maintaining 3,281 cameras, or an average of \$560/camera. Since the cameras being installed as part of this project will be brand new, the cost to operate and maintain them should be lower than \$560 / camera, i.e. less than $\$560 \times 7$ of cameras = \$3,920 / year.

The anticipated lifespan of the system is about Ten (10) years. However, with proper maintenance and absence of vandalism, staff anticipates the useful operational lifespan of the system could be extended.

Sources of Funding

- Affordable Housing and Sustainable Communities (AHSC) grant
- Infill Infrastructure Grant (IIG) Program
- Measure RR funds
- Prop K funds
- Operating Funds

G. Whether use or maintenance of the technology will require data gathered by the technology to be handled or stored by a third-party vendor on an ongoing basis

Third party vendor support requires the use of log files and sample image data to be collected for analysis of errors and system malfunctions. The data is not stored after maintenance is complete.

H. A summary of alternative methods (whether involving the use of a new technology or not) considered before deciding to use the proposed surveillance technology, including the costs and benefits associated with each alternative and an explanation of the reasons why each alternative is inadequate or undesirable.

BART examined two types of technology in the implementation of the Closed-Circuit Television System, legacy Analog and current Digital IP Based technology. The benefits and disadvantages are:

Benefits of Analog Cameras:

- Cost
- Larger pool of installers and vendors
- Simplicity
- Advancements in image quality

Disadvantages of Analog Cameras:

- Image quality is significant less than Digital IP Based Technology
- Less coverage
- More Cables
- No Encryption

Benefits of IP Cameras (PTZ and Fixed):

- Multiple image sensors in one unit.
- Decrease in cost
- Ease of Installation
- Image Resolution
- Intelligence and analytics
- Security -video is encrypted
- Less equipment
- Open Platforms

Disadvantages of Digital IP Based Technology (PTZ and Fixed):

- Cost of initial set-up
- Storage
- Training for new technologies

Anticipated Surveillance Impact Report – BART Closed Circuit Television (CCTV)

Disadvantages of No Camera Option

- BART's loss of the intended purpose and benefits of the surveillance technology.

I. A summary of the experience, if any is known, other law enforcement entities have had with the proposed technology, including information about the effectiveness, any known adverse information about the technology such as unanticipated costs, failures, civil rights or civil liberties issues.

BART's own prior experience with the existing technology is described in detail in BART's 2023 Annual Surveillance Report.

BART uses CCTV technology for the following:

- Situational awareness for Transportation, Planning, and Operations Control Center personnel for managing stations and special events.
- Allowing BART personnel to avoid train-holds in situations that can be resolved remotely by CCTV, reducing delays in revenue service.
- Accident/incident investigations, mechanical failure investigations, and for California Public Utilities Commission (CPUC) compliance checks.
- Essential direct investigation evidence of violent crimes.
- Identification and capture of criminal perpetrators.

Effectiveness

In FY23, BART Police detectives produced 310 wanted person bulletins using CCTV images to attempt to identify persons involved in criminal activity.

Establishing a causal relationship between the occurrence of crime and the presence, or absence, of CCTV is difficult, but CCTV is an essential part of the safety and security strategy that customers and employees expect the District to provide as part of running a Tier-I mass transit system.

Failures & Unanticipated Costs

There were no significant CCTV equipment failures in FY23, and no unanticipated costs related to the use of the equipment.

Civil Rights & Civil Liberties

Access to the CCTV network is highly controlled, and BART has in place a detailed process for fielding requests for CCTV video from both internal and external entities. Copies of CCTV video are provided only in strict accordance with the District's Safe Transit Policy and Surveillance Use Policy.

In FY23 there were a total of 4,892 (non-train car) CCTV video requests by 39 entities (mostly law enforcement), of which 85% were BART PD Investigations. The other 15% were comprised of internal BART requests (non-PD), court subpoenas, California Public Records Act requests, and outside law enforcement requests.

An audit of 57 randomly selected cases showed no violations of the Surveillance Use Policy for the CCTV

Anticipated Surveillance Impact Report – BART Closed Circuit Television (CCTV)

system by the BART Police Department video recovery unit or District Personnel requesting access to specific videos.

In relation to CCTV cameras, in FY23, BART Customer Service received no complaints pertaining to privacy or civil liberty concerns or harm.

Surveillance Impact Report

BART Closed Circuit Television (CCTV)

Colton Vent Parcel Improvements

BART Office of Infrastructure Delivery

ME-BCCTV-SIR-06

21 Day BART Board Notice – February 21, 2024

15 Day Public Notice – February 28, 2024

BART Board Meeting – March 14, 2024



Introduction

In 2017, Strada Brady LLC (“Strada”) and the San Francisco Bay Area Rapid Transit District (“BART”) cooperatively prepared and executed a Parcel Design and Operations Term Sheet (“2017 Term Sheet”) related to potential improvements on BART’s fee owned property known as the Colton Street Vent Parcel. The 2017 Term Sheet and a 2020 supplement to it were necessary because Strada was embarking on a development project that was going to construct commercial, residential, and public space improvements on the four parcels surrounding the vent. To mitigate security concerns arising from making the area adjacent to the BART parcel a public park, and more generally making the BART parcel more visible to the public, the Term Sheet outlined the maintenance, security, and operational requirements that had to be met by Strada if BART was to consider improvements to the parcel.

Strada began design for the parcel in 2021 and finalized it in July of 2023. The design ultimately included upgraded lighting, a concrete masonry unit (CMU) wall surrounding the vent structure itself, new landscaping, new irrigation, and security improvements. In addition to the CMU wall, the security improvements included bollards preventing vehicular access to the parcel and CCTV cameras connected to BART’s existing CCTV system. Figure 1 shows the parcel in plan with the four camera locations circled in red.

A. Information describing the proposed surveillance technology and how it generally works.

CCTV (closed-circuit television) is a TV system in which signals are not publicly distributed but are monitored, primarily for surveillance and security purposes. CCTV relies on strategic placement of cameras, and observation of the camera’s input on monitors. Because the cameras communicate with monitors and/or video recorders across private communication links, they gain the designation “closed-circuit” to indicate that access to their content is limited by design only to those able to see it.

The various types of cameras that are employed for public surveillance purposes include visible and semi-visible, each having its own purpose. Visible cameras are intentionally designed to be visible to the public and for the most part, one can easily detect what is being recorded by the direction of the camera. Semi-visible cameras have become increasingly more common. These cameras have a dome-shaped covering that prevents the public from identifying the direction the camera is facing. For crime prevention efforts, this type of camera is more effective for deterrence purposes because would-be offenders are unable to determine whether they are being recorded and may therefore refrain from criminal activity due to fear of apprehension.

Sample Image of Semi-Visible CCTV Camera



C. Information on the proposed purpose(s) for the surveillance technology.

The use of cameras based on closed-circuit television (CCTV) technology has proven effective in increasing the confidence of the community in public transport and improving the protection of patrons, employees, railcars, and critical infrastructure. The CCTV system captures and records video images of Passengers. It serves the following key purposes:

- Reduces the fear of crime and reassures the public and employees
- Prevents, deters and detects crime, damage of infrastructure and vehicles, public disorder, unlawful behavior and inappropriate conduct.
- Acts as a risk management tool against fare evasion and as a defense against fraudulent claims, particularly for individuals alleging injury during accidents.
- Aids in dispute mediation, complaint resolution, accident investigation, employee monitoring, etc.
- Used to monitor, identify, apprehend and prosecute offenders for criminal offences, criminal damage, public disorder, roadway accidents and harassment.
- Used to investigate complaints or offences and provide evidence upon which to take criminal, civil and disciplinary actions.
- Collection of passenger and transport data to monitor and support network planning objectives and initiatives.

D. If applicable, the general location(s), it may be deployed.

- Colton Vent Parcel

E. Crime statistics for any location(s), if the equipment is used to deter or detect crime.

The Closed-Circuit Television System is intended as a District wide security system having amongst other functions the purpose of prevention, deterrence, and detection of crime. The system will target crimes as measured by the BART Police Performance Measurements monthly report and the reported data from the BART official monthly FBI Uniform Crime Reporting (UCR) program.

Crimemapping.com shows one incidence of possession of a controlled substance on Market Street, within one-half mile of 2 Colusa Place, the address of the Colton Vent parcel. That is the only criminal activity within the past 6 months in that radius as reported by the San Francisco Police Department. BART staff have noted trespassing by those experiencing homelessness.

F. An assessment identifying any potential impact on privacy rights and discussing any plans to safeguard the rights of the public.

CCTV cameras will be used in strict compliance with their Use Policy adopted by the Board in 2018.

BART recognizes that all people have an inalienable right to privacy and is committed to protecting and safeguarding this right. Through the placement of these CCTV cameras, no still or video footage or audio of persons will be captured in areas where there is an expectation of privacy, such as restrooms; and will not be used to harass, intimidate, or discriminate against any individual or group. BART's use of CCTV cameras will not include facial recognition or other biometric data collection.

Authorized Use: The CCTV security cameras and the images/video/audio they capture will be used in a lawful manner for BART business purposes only, including the uses identified in Section I of the CCTV Surveillance Use Policy, and not for personal use or other non-BART uses.

Anticipated Surveillance Impact Report – BART Closed Circuit Television (CCTV)

Data Access: Access to images and video footage will be restricted to the designated BART departments and staff.

Data Protection: BART will maintain data collected by CCTV System in a secure location where physical access is limited to authorized individuals and includes physical access protections and/or firewall protections from external intrusion.

Data Retention: BART will retain/stored data collected from the CCTV system per BART Police Department Policy 707. Relatively short retention periods will avoid the unnecessary over-accumulation of data.

Public Access: BART will grant Public access to data collected from the CCTV system per BART Police Department Policy 707. All video images/data will be used for District operations, law enforcement or public safety purposes only; except as required by law, subpoenas or other court process, such data will not otherwise be disclosed/released by the BART Police Department without the consent of the Chief of Police.

Third Party Data Sharing: BART will share data with third parties as follows:

- In response to subpoenas issued by a defendant
- Pursuant to a Court Order
- To assist criminal Investigations by Law Enforcement Agencies
- In adherence to the District's Safe Transit Policy.

G. The fiscal costs for the surveillance technology, including initial purchase, personnel, and other ongoing costs, and any current or potential sources of funding.

Initial Purchase Cost

Four cameras costing ~\$1,200 each are needed to surveil the site for a total cost of \$4,800. The developer installing the infrastructure will cover this cost.

Personnel Costs

BART personnel must complete the terminations necessary to connect the cameras to BART infrastructure. That effort is estimated to cost \$20,000, and will be paid for by the developer.

Ongoing Costs

The ongoing costs associated with camera operation are minimal. The project is contingent upon a maintenance agreement passing on long-term costs to the development. The only BART incurred costs are administrative and associated with providing access for a third-party to complete maintenance.

Sources of Funding

- Private Investments

H. Whether use or maintenance of the technology will require data gathered by the technology to be handled or stored by a third-party vendor on an ongoing basis.

Third party vendor support requires the use of log files and sample image data to be collected for analysis of errors and system malfunctions. The data is not stored after maintenance is complete.

I. A summary of alternative methods (whether involving the use of a new technology or not) considered before deciding to use the proposed surveillance technology, including the costs and benefits associated with each alternative and an explanation of the reasons why each alternative is inadequate or undesirable.

BART examined two types of technology in the implementation of the Closed-Circuit Television System, legacy Analog and current Digital IP Based technology. The benefits and disadvantages are:

Benefits of Analog Cameras

- Cost
- Larger pool of installers and vendors
- Simplicity
- Advancements in image quality

Disadvantages of Analog Cameras

- Image quality is significant less than Digital IP Based Technology
- Less coverage
- More Cables
- No Encryption

Benefits of IP Cameras (PTZ and Fixed)

- Multiple image sensors in one unit.
- Decrease in cost
- Ease of Installation
- Image Resolution
- Intelligence and analytics
- Security -video is encrypted
- Less equipment
- Open Platforms

Disadvantages of Digital IP Based Technology (PTZ and Fixed)

- Cost of initial set-up
- Storage
- Training for new technologies

Disadvantages of No Camera Option

- BART's loss of the intended purpose and benefits of the surveillance technology.

J. A summary of the experience, if any is known, other law enforcement entities have had with the proposed technology, including information about the effectiveness, any known adverse information about the technology such as unanticipated costs, failures, civil rights or civil liberties issues.

BART's own prior experience with the existing technology is described in detail in BART's 2023 Annual

Anticipated Surveillance Impact Report – BART Closed Circuit Television (CCTV)

Surveillance Report.

Experience

BART uses CCTV technology for the following:

- Situational awareness for Transportation, Planning, and Operations Control Center personnel for managing stations and special events.
- Allowing BART personnel to avoid train-holds in situations that can be resolved remotely by CCTV, reducing delays in revenue service.
- Accident/incident investigations, mechanical failure investigations, and for California Public Utilities Commission (CPUC) compliance checks.
- Essential direct investigation evidence of violent crimes.
- Identification and capture of criminal perpetrators.

Effectiveness

In FY23, BART Police detectives produced 310 wanted person bulletins using CCTV images to attempt to identify persons involved in criminal activity.

Establishing a causal relationship between the occurrence of crime and the presence, or absence, of CCTV is difficult, but CCTV is an essential part of the safety and security strategy that customers and employees expect the District to provide as part of running a Tier-I mass transit system.

Failures & Unanticipated Costs

There were no significant CCTV equipment failures in FY23, and no unanticipated costs related to the use of the equipment.

Civil Rights & Civil Liberties

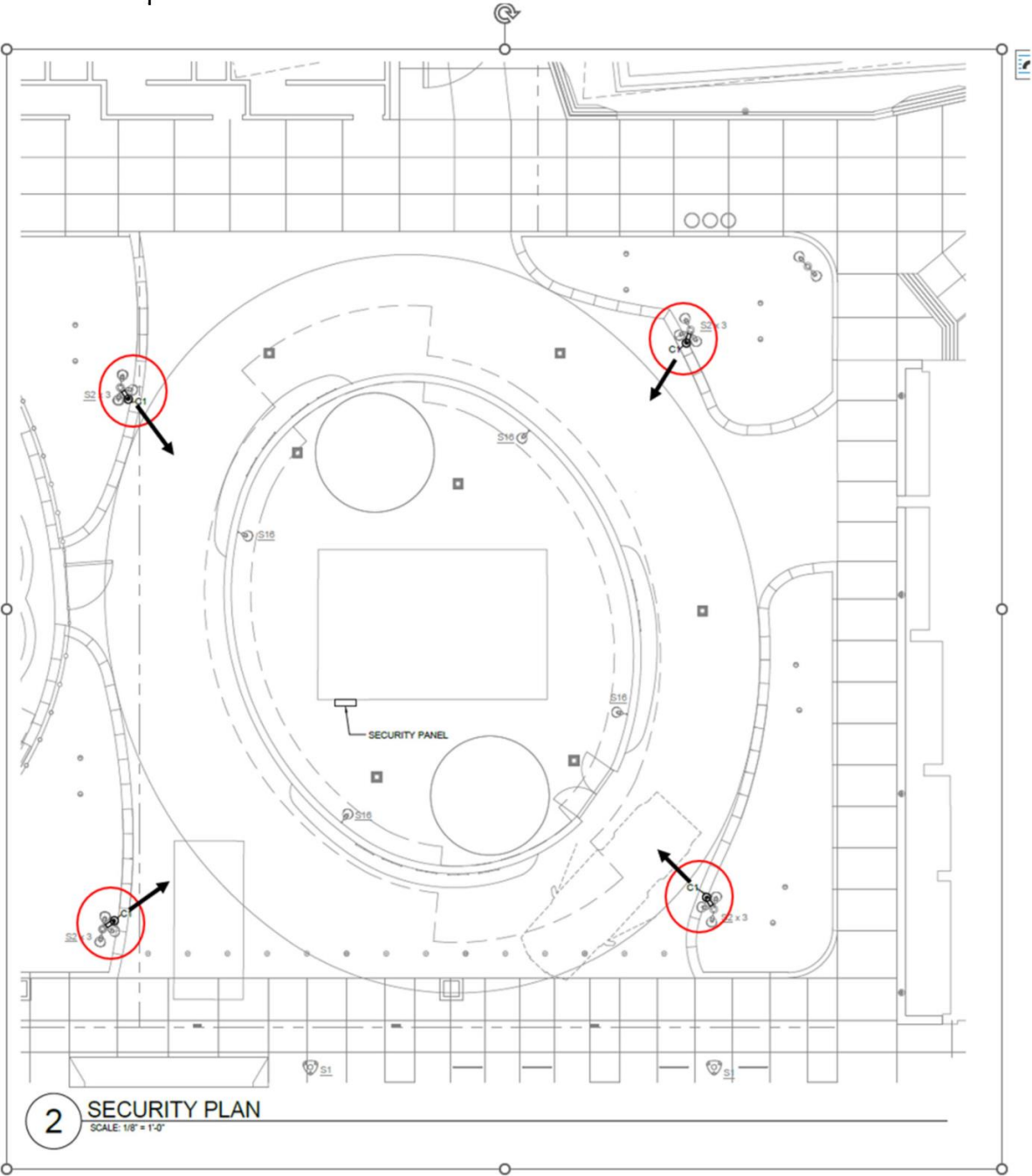
Access to the CCTV network is highly controlled, and BART has in place a detailed process for fielding requests for CCTV video from both internal and external entities. Copies of CCTV video are provided only in strict accordance with the District's Safe Transit Policy and Surveillance Use Policy.

In FY23 there were a total of 4,892 (non-train car) CCTV video requests by 39 entities (mostly law enforcement), of which 85% were BART PD Investigations. The other 15% were comprised of internal BART requests (non-PD), court subpoenas, California Public Records Act requests, and outside law enforcement requests.

An audit of 57 randomly selected cases showed no violations of the Surveillance Use Policy for the CCTV system by the BART Police Department video recovery unit or District Personnel requesting access to specific videos.

In relation to CCTV cameras, in FY23, BART Customer Service received no complaints pertaining to privacy or civil liberty concerns or harm.

Figure I: Colton Improvements and Camera Locations



Cameras are circled in red. Arrows indicate general direction of view. Cameras have 360-degree view capabilities.

Surveillance Impact Report

BART Closed Circuit Television (CCTV)

Project 79PB000

In-Stations CCTV Cameras
(3 San Francisco Stations)

Office of Infrastructure Delivery

ME-BCCTV-SIR-07

21 Day BART Board Notice – February 21, 2024

15 Day Public Notice – February 28, 2024

BART Board Meeting – March 14, 2024



Introduction

BART Closed Circuit Television (CCTV) Project 79PB000 for Stations Video Surveillance System Upgrade consists of upgrading and replacing existing communications equipment, CCTV Internet Protocol (IP) Cameras, in District Stations: Powell Street Station (M30), Civic Center (M40), and 16th Street Mission (M50). Cameras located in each of the station locations will capture videos of the general public within District's station proper.

All cameras currently available in the market for the necessary replacement of end of life, obsolete legacy equipment are upgraded with industry's latest CCTV technology. In order to complete installing, and commissioning of the new replacement equipment, the Project is in need to attain Board approval for the implementation and use of CCTV equipment.

In accordance with Ordinance No. 2018-1, an ordinance of the San Francisco Bay Area Rapid Transit District Codifying Its Surveillance Technology Policy, the Project hereby submits this Surveillance Impact Report as the first step taken seeking Board approval to commission and start up the new cameras which include the CCTV surveillance technology.

A. Information describing the proposed surveillance technology and how it generally works.

CCTV (closed-circuit television) is a TV system in which signals are not publicly distributed but are monitored, primarily for surveillance and security purposes. CCTV relies on strategic placement of cameras, and observation of the camera's input on monitors. Because the cameras communicate with monitors and/or video recorders across private communication links, they gain the designation "closed-circuit" to indicate that access to their content is limited by design only to those able to see it.

The various types of cameras that are employed for public surveillance purposes include visible and semi-visible, each having its own purpose. Visible cameras are intentionally designed to be visible to the public and for the most part, one can easily detect what is being recorded by the direction of the camera. Semi-visible cameras have become increasingly more common. These cameras have a dome-shaped covering that prevents the public from identifying the direction the camera is facing. For crime prevention efforts, this type of camera is more effective for deterrence purposes because would-be offenders are unable to determine whether they are being recorded and may therefore refrain from criminal activity due to fear of apprehension.

The CCTV system selected for the project will include fixed semi-visible dual (i.e. set of 2) and quad (i.e. set of 4) cameras.

Sample Image of Semi-Visible CCTV Camera



B. Information on the proposed purpose(s) for the surveillance technology.

The use of cameras based on closed-circuit television (CCTV) technology has proven effective in increasing the confidence of the community in public transport and improving the protection of patrons, employees, railcars, and critical infrastructure. The CCTV system captures and records video images of Passengers. It serves the following key purposes:

- Reduces the fear of crime and reassures the public and employees
- Prevents, deters, and detects crime, damage to infrastructure and vehicles, public disorder, unlawful behavior and inappropriate conduct.
- Acts as a risk management tool and as a defense against fraudulent claims, particularly for individuals alleging injury during accidents.
- Aids in dispute mediation, complaint resolution, accident investigation, employee monitoring, etc.
- Used to monitor, identify, apprehend and prosecute offenders for criminal offences, criminal damage, public disorder, roadway accidents, and harassment.
- Used to investigate complaints or offences and provide evidence upon which to take criminal, civil and disciplinary actions.
- Used to collect passenger and transport data to monitor and support network planning objectives and initiatives.

C. If applicable, the general location(s), it may be deployed.

Station	Station Name	Location	# New Cameras
M30	Powell	Concourse and Escalator to Street (no Street Views)	3
M40	Civic Center	Concourse and Escalator to Street (no Street Views)	2
M50	16th St/Mission	Platform and Concourse	31
Total Number of Cameras			36

See Appendix A for preliminary locations.

D. Crime statistics for any location(s), if the equipment is used to deter or detect crime.

The Closed-Circuit Television System is intended as a District wide security system having amongst other functions the purpose of prevention, deterrence and detections. The system will target crimes as measured by the BART Police Performance Measurements monthly report and the reported data from the BART official monthly FBI Uniform Crime Reporting (UCR) program.

Crimes Statistics for the 3 applicable stations for Project 79PB000 are as follows:

Type	M30, Powell	M40, Civic Center/UN Plaza	M50, 16 th St. Mission	Totals by Type of Crime
Violent	21	34	10	65
Property	36	41	15	92
Select Vehicle	0	1	0	1
Electronic	33	34	14	81
Other	31	29	6	66
Station Totals	121	139	45	305

E. An assessment identifying any potential impact on privacy rights and discussing any plans to safeguard the rights of the public.

CCTV cameras will be used in strict compliance with their Use Policy adopted by the Board in 2018.

BART recognizes that all people have an inalienable right to privacy and is committed to protecting and safeguarding this right. Through the placement of these CCTV cameras, no still or video footage or audio of persons will be captured in areas where there is an expectation of privacy, such as restrooms; and will not be used to harass, intimidate, or discriminate against any individual or group. BART's use of CCTV cameras will not include facial recognition or other biometric data collection.

Authorized Use: The CCTV security cameras and the images/video/audio they capture will be used in a lawful manner for BART business purposes only, including the uses identified in Section I of the CCTV Surveillance Use Policy, and not for personal use or other non-BART uses.

Data Access: Access to images and video footage will be restricted to the designated BART departments and staff.

Data Protection: BART will maintain data collected by CCTV System in a secure location where physical access is limited to authorized individuals and includes physical access protections and/or firewall protections from external intrusion.

Data Retention: BART will retain/stored data collected from the CCTV system per BART Police Department Policy 707. Relatively short retention periods will avoid the unnecessary over-accumulation of data.

Public Access: BART will grant Public access to data collected from the CCTV system per BART Police Department Policy 707. All video images/data will be used for District operations, law enforcement or public safety purposes only; except as required by law, subpoenas or other court process, such data will not otherwise be disclosed/released by the BART Police Department without the consent of the Chief of Police.

Third Party Data Sharing: BART will share data with third parties as follows:

- In response to subpoenas issued by a defendant
- Pursuant to a Court Order
- To assist criminal Investigations by Law Enforcement Agencies
- In adherence to the District's Safe Transit Policy.

F. The fiscal costs for the surveillance technology, including initial purchase, personnel and other ongoing costs, and any current or potential sources of funding.

Initial Purchase Costs:

Camera	\$/Unit	QTY	Total
Dual, AXIS P3715	~\$700	23	~\$16,000
Quad, AXIS P3727-PLE	~\$1,500	13	~\$19,500
			~\$35,500

Ongoing Costs, including Personnel Costs:

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Since the cameras being installed as part of this project will be brand new, the cost to operate and maintain

Anticipated Surveillance Impact Report – BART Station Closed Circuit Television (CCTV)

them should be lower than \$560/camera, approximately \$20,160.00/year.

The ongoing costs associated with the deployment of Closed-Circuit Television System are for normal preventative and corrective maintenance.

The anticipated lifespan of the system is approximately ten (10) years. However, with proper maintenance and the absence of vandalism, staff anticipates the useful operational lifespan of the system could be extended.

Potential Sources of Funding:

- Department of Homeland Security Grant
- Operating Funds
- Other Federal Funds

G. Whether use or maintenance of the technology will require data gathered by the technology to be handled or stored by a third-party vendor on an ongoing basis.

Third party vendor support requires the use of log files and sample image data to be collected for analysis of errors and system malfunctions. The data is not stored after maintenance is complete.

H. A summary of alternative methods (whether involving the use of a new technology or not) considered before deciding to use the proposed surveillance technology, including the costs and benefits associated with each alternative and an explanation of the reasons why each alternative is inadequate or undesirable.

BART examined two types of technology in the implementation of the Closed-Circuit Television System, legacy Analog and current Digital IP Based technology. The benefits and disadvantages are:

Benefits of Analog Cameras

- Cost
- Larger pool of installers and vendors
- Simplicity
- Advancements in image quality

Disadvantages of Analog Cameras

- Image quality is significantly less than Digital IP Based Technology
- Less coverage
- More Cables
- No Encryption

Benefits of IP Cameras(PTZ and Fixed)

- Multiple image sensors in one unit.
- Decrease in cost
- Ease of Installation
- Image Resolution
- Intelligence and analytics
- Security -video is encrypted

Anticipated Surveillance Impact Report – BART Station Closed Circuit Television (CCTV)

- Less equipment
- Open Platforms

Disadvantages of Digital IP Based Technology (PTZ and Fixed)

- Cost of initial set-up
- Storage
- Training for new technologies

Disadvantages of No Camera Option

- BART's loss of the intended purpose and benefits of the surveillance technology.

I. A summary of the experience, if any is known, other law enforcement entities have had with the proposed technology, including information about the effectiveness, any known adverse information about the technology such as unanticipated costs, failures, civil rights or civil liberties issues.

BART's own prior experience with the existing technology is described in detail in BART's 2023 Annual Surveillance Report.

Experience:

BART uses CCTV technology for the following:

- Situational awareness for Transportation and Operations Control Center personnel for managing stations and special events.
- Allowing BART personnel to avoid train-holds in situations that can be resolved remotely by CCTV, reducing delays in revenue service.
- Accident/incident investigations, mechanical failure investigations, and for California Public Utilities Commission (CPUC) compliance checks.
- Essential direct investigation evidence of violent crimes.
- Identification and capture of criminal perpetrators.

Effectiveness:

In FY23, BART Police detectives produced 310 wanted person bulletins using CCTV images to attempt to identify persons involved in criminal activity.

Establishing a causal relationship between the occurrence of crime and the presence, or absence, of CCTV is difficult, but CCTV is an essential part of the safety and security strategy that customers and employees expect the District to provide as part of running a Tier-I mass transit system.

Failures & Unanticipated Costs:

There were no significant CCTV equipment failures in FY23, and no unanticipated costs related to the use of the equipment.

Civil Rights & Civil Liberties:

Access to the CCTV network is highly controlled, and BART has in place a detailed process for fielding requests for CCTV video from both internal and external entities. Copies of CCTV video are provided only in strict accordance with the District's Safe Transit Policy and Surveillance Use Policy.

Appendix A

Camera Location and Plans (M30, M40, M50)

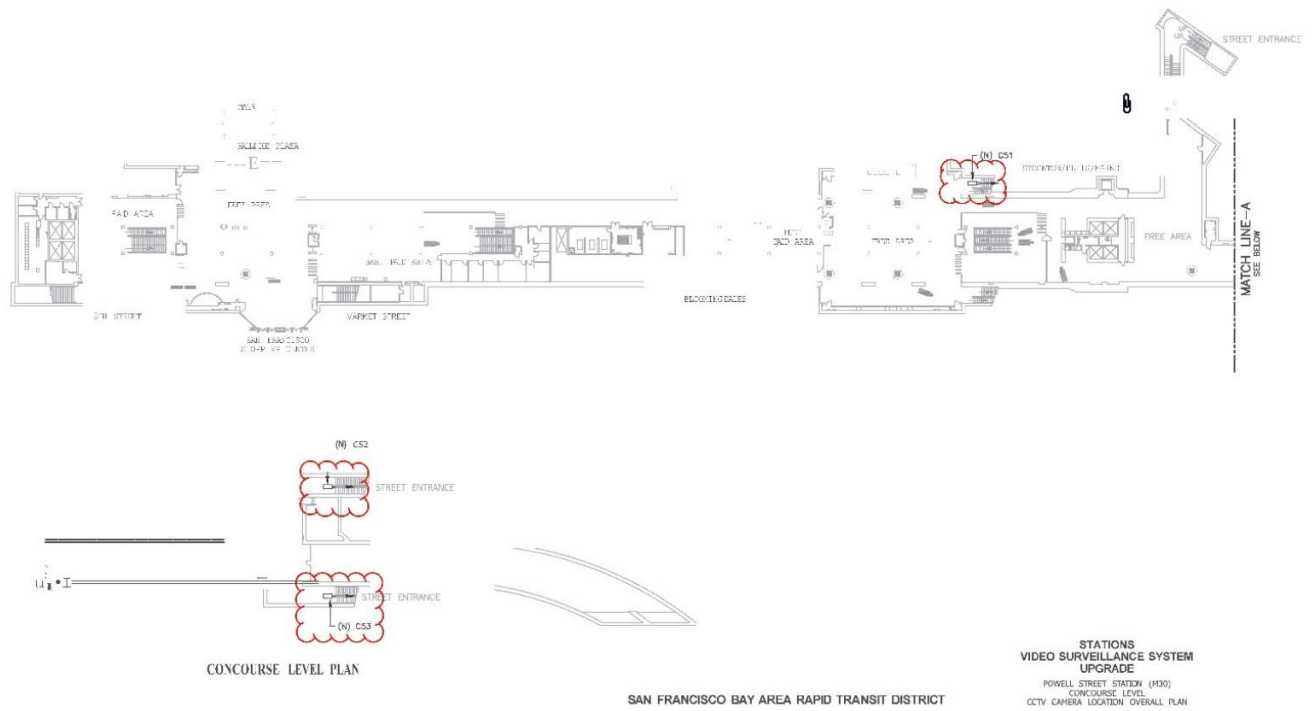
The following plans for new camera locations are preliminary and based on currently known design plans. Locations of cameras may be changed or be altered in the final design.

Types of Cameras for all three stations:

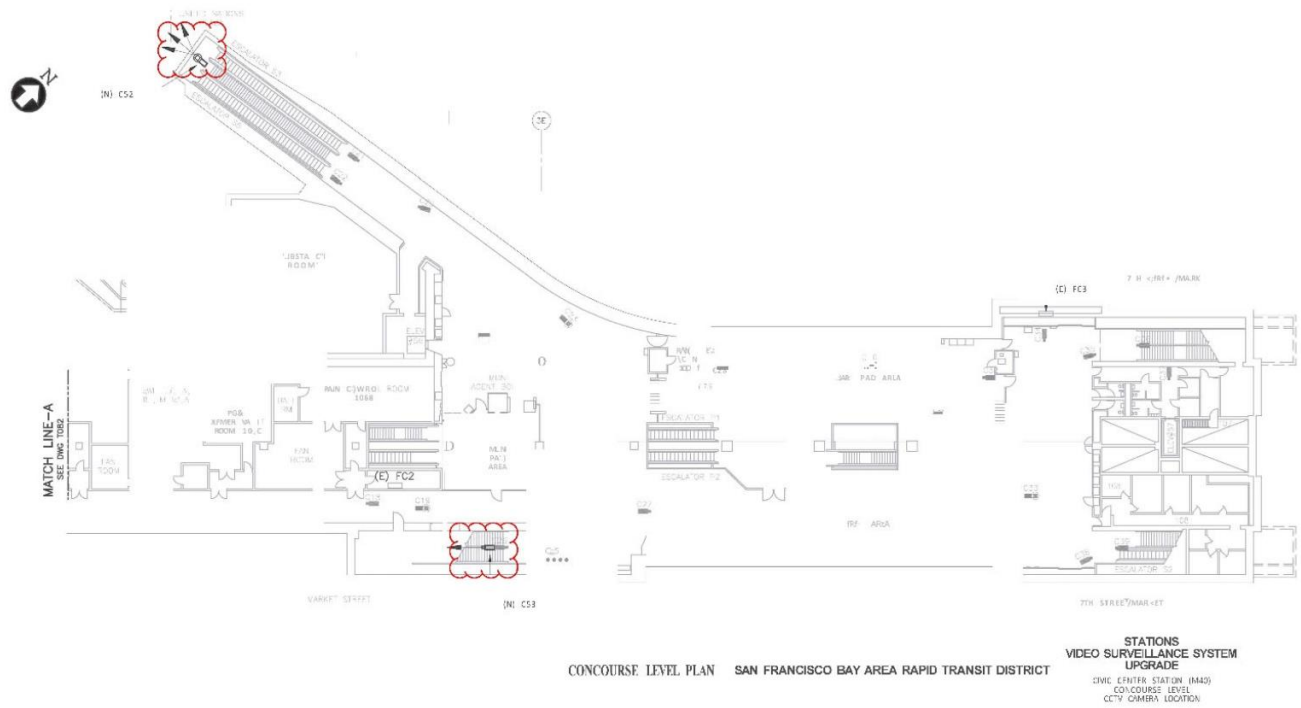
1. Dual, AXIS P3715
2. Quad, AXIS P3727-PLE

Anticipated Surveillance Impact Report – BART Station Closed Circuit Television (CCTV)

M30, POWELL STREET STATION

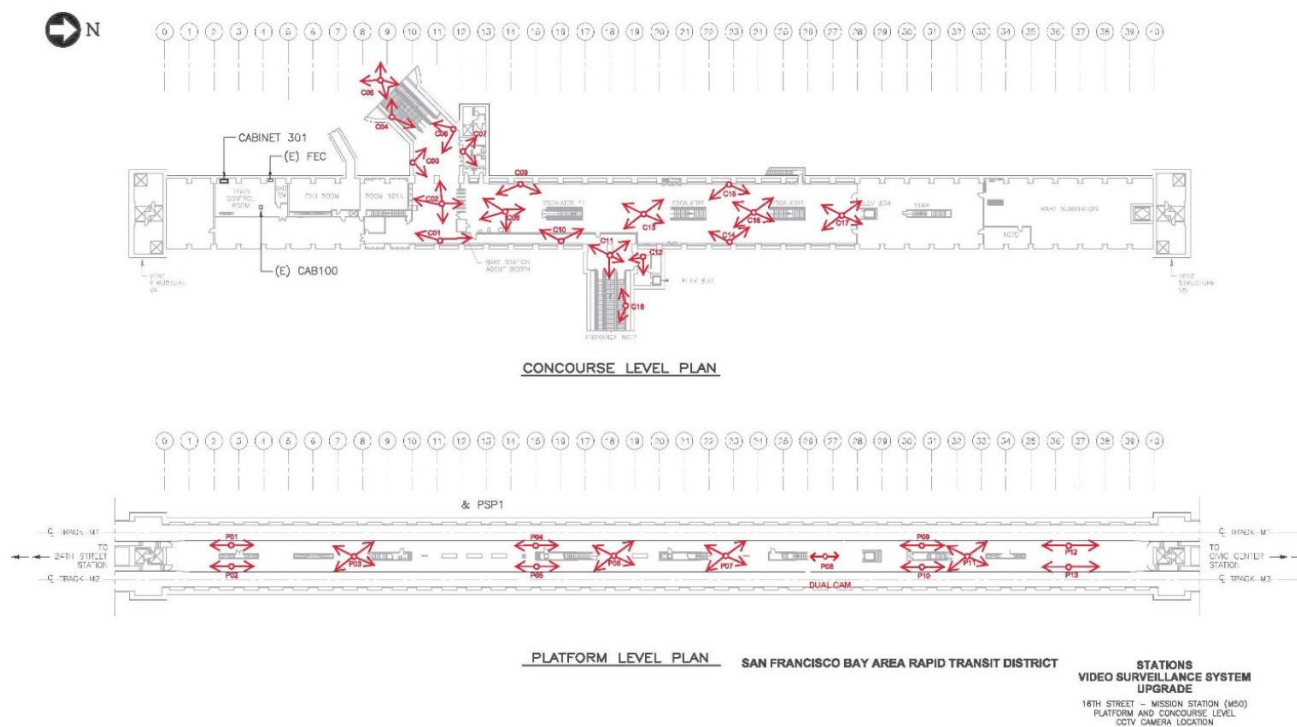


M40, CIVIC CENTER STATION



Anticipated Surveillance Impact Report – BART Station Closed Circuit Television (CCTV)

M50, 16TH STREET/ MISSION



Surveillance Impact Report

BART Closed Circuit Television (CCTV)

Project 79PD000

In-Stations CCTV Cameras
(31 Stations, Phased)

Office of Infrastructure Delivery

ME-BCCTV-SIR-08

21 Day BART Board Notice – February 21, 2024

15 Day Public Notice – February 28, 2024

BART Board Meeting – March 14, 2024



Introduction

BART Closed Circuit Television (CCTV) Project 79PD000 for Stations Video Surveillance System Upgrade consists of upgrading and replacing existing communications equipment and CCTV Internet Protocol (IP) Cameras in thirty-one (31) District Stations. The project work will be completed in phases as funding becomes available. Cameras located in each of the station locations will capture video of the general public in areas such as concourses, platforms, stairwells/ escalators, and parking lots within District's station proper.

All cameras currently available in the market for the necessary replacement of end of life, obsolete legacy equipment are upgraded with industry's latest CCTV technology. In order to procure, install, and commission the new equipment, the Project is in need of Board approval for the implementation and use of CCTV equipment.

In accordance with Ordinance No. 2018-1, an ordinance of the San Francisco Bay Area Rapid Transit District Codifying Its Surveillance Technology Policy, the Project hereby submits this Surveillance Impact Report as the first step taken seeking Board approval to commission and start up the new cameras which include the CCTV surveillance technology.

A. Information describing the proposed surveillance technology and how it generally works.

CCTV (closed-circuit television) is a TV system in which signals are not publicly distributed but are monitored, primarily for surveillance and security purposes. CCTV relies on strategic placement of cameras, and observation of the camera's input on monitors. Because the cameras communicate with monitors and/or video recorders across private communication links, they gain the designation "closed-circuit" to indicate that access to their content is limited by design only to those able to see it.

The various types of cameras that are employed for public surveillance purposes include visible and semi-visible, each having its own purpose. Visible cameras are intentionally designed to be visible to the public and for the most part, one can easily detect what is being recorded by the direction of the camera. Semi-visible cameras have become increasingly more common. These cameras have a dome-shaped covering that prevents the public from identifying the direction the camera is facing. For crime prevention efforts, this type of camera is more effective for deterrence purposes because would-be offenders are unable to determine whether they are being recorded and may therefore refrain from criminal activity due to fear of apprehension.

The CCTV system selected for the project will include fixed semi-visible dual (i.e. set of 2) and quad (i.e. set of 4) cameras.

Sample Image of Semi-Visible CCTV Camera



B. Information on the proposed purpose(s) for the surveillance technology.

The use of cameras based on closed-circuit television (CCTV) technology has proven effective in increasing the confidence of the community in public transport and improving the protection of patrons, employees, railcars, and critical infrastructure. The CCTV system captures and records video images of Passengers. It serves the following key purposes:

- Reduces the fear of crime and reassures the public and employees
- Prevents, deters, and detects crime, damage to infrastructure and vehicles, public disorder, unlawful behavior and inappropriate conduct.
- Acts as a risk management tool and as a defense against fraudulent claims, particularly for individuals alleging injury during accidents.
- Aids in dispute mediation, complaint resolution, accident investigation, employee monitoring, etc.
- Used to monitor, identify, apprehend and prosecute offenders for criminal offences, criminal damage, public disorder, roadway accidents, and harassment.
- Used to investigate complaints or offences and provide evidence upon which to take criminal, civil and disciplinary actions.
- Used to collect passenger and transport data to monitor and support network planning objectives and initiatives.

C. If applicable, the general location(s), it may be deployed.

The project will provide approximately thirty (30) IP cameras in both existing and new locations in each of the stations within public areas such as concourses, platforms, and stairwells/escalators, and parking lots. Cameras located at stairwell/escalator locations are pointed to street level and are directed towards the escalators. The detailed scope and final design remain preliminary at this time and may be subject to change.

The following is a list of the stations in the current scope of the project based on priority of work to be completed. Work will be completed as funding becomes available to the project.

Priority	Station ID	Station Name	Priority	Station ID	Station Name	Priority	Station ID	Station Name
1	A20	Fruitvale	11	C60	Concord	21	L10	Castro Valley
2	A30	Coliseum	12	C70	North Concord	22	L30	Dublin/Pleasanton
3	A40	San Leandro	13	C80	Pittsburg	23	M70	Glen Park
4	A50	Bay Fair	14	M60	24th St	24	M80	Balboa Park
5	A60	Hayward	15	M90	Daly City	25	R30	North Berkeley
6	R10	Ashby	16	A70	South Hayward	26	R40	El Cerrito Plaza
7	R50	El Cerrito Del Norte	17	A90	Fremont	27	W10	Colma
8	R60	Richmond	18	C10	Rockridge	28	W20	South San Francisco
9	C20	Orinda	19	C40	Walnut Creek	29	W30	San Bruno
10	C30	Lafayette	20	C50	Pleasant Hill	30	W40	Millbrae
						31	S20	Warm Springs

D. Crime statistics for any location(s), if the equipment is used to deter or detect crime.

The Closed-Circuit Television System is intended as a District wide security system having amongst other functions the purpose of prevention, deterrence and detections. The system will target crimes as measured by the BART Police Performance Measurements monthly report and the reported data from the BART official monthly FBI Uniform Crime Reporting (UCR) program.

Crimes Statistics for the 31 applicable stations for Project 79PD000 are as follows:

Station	Type of Crime					Station Totals
	Violent	Property	Select Vehicle	Electronic	Other	
A20, Fruitvale	20	98	48	12	16	194
A30, Coliseum	15	244	136	6	15	416
A40, San Leandro	13	87	60	2	12	174
A50, Bay Fair	14	48	15	6	33	116
A60, Hayward	19	85	49	7	17	177
A70, South Hayward	5	58	38	0	11	112
A90, Fremont	4	22	8	1	11	46
C10, Rockridge	1	23	16	0	4	44
C20, Orinda	2	27	18	1	2	50
C30, Lafayette	0	32	24	2	10	68
C40, Walnut Creek	4	15	8	0	12	39
C50, Pleasant Hill	5	45	32	0	11	93
C60, Concord	6	25	10	2	13	56
C70, North Concord	1	26	19	1	7	54
C80, Pittsburg	7	35	14	1	11	68
L10, Castro Valley	3	20	8	0	8	39
L30, Dublin/Pleasanton	7	45	21	5	19	97
M60, 24th St	32	14	0	18	14	78
M70, Glen Park	6	8	1	6	6	27
M80, Balboa Park	8	8	1	4	8	29
M90, Daly City	12	84	53	8	8	165
R10, Ashby	4	16	4	1	10	35
R30, North Berkeley	1	22	4	0	16	43
R40, El Cerrito Plaza	2	17	6	0	12	37
R50, El Cerrito Del Norte	7	33	14	2	16	72
R60, Richmond	3	57	41	1	8	110
S20, Warm Springs	0	20	8	2	5	35
W10, Colma	0	12	3	0	4	19
W20, South San Francisco	0	6	3	2	6	17
W30, San Bruno	0	8	1	1	9	19
W40, Millbrae	0	21	10	0	4	35
Totals by Crime	201	1261	673	91	338	2564

E. An assessment identifying any potential impact on privacy rights and discussing any plans to safeguard the rights of the public.

CCTV cameras will be used in strict compliance with their Use Policy adopted by the Board in 2018.

BART recognizes that all people have an inalienable right to privacy and is committed to protecting and safeguarding this right. Through the placement of these CCTV cameras, no still or video footage or audio of persons will be captured in areas where there is an expectation of privacy, such as restrooms; and will not be used to harass, intimidate, or discriminate against any individual or group. BART's use of CCTV cameras will not include facial recognition or other biometric data collection.

Authorized Use: The CCTV security cameras and the images/video/audio they capture will be used in a lawful manner for BART business purposes only, including the uses identified in Section I of the CCTV Surveillance Use Policy, and not for personal use or other non-BART uses.

Data Access: Access to images and video footage will be restricted to the designated BART departments and staff.

Data Protection: BART will maintain data collected by CCTV System in a secure location where physical access is limited to authorized individuals and includes physical access protections and/or firewall protections from external intrusion.

Data Retention: BART will retain/stored data collected from the CCTV system per BART Police Department Policy 707. Relatively short retention periods will avoid the unnecessary over-accumulation of data.

Public Access: BART will grant Public access to data collected from the CCTV system per BART Police Department Policy 707. All video images/data will be used for District operations, law enforcement or public safety purposes only; except as required by law, subpoenas or other court process, such data will not otherwise be disclosed/released by the BART Police Department without the consent of the Chief of Police.

Third Party Data Sharing: BART will share data with third parties as follows:

- In response to subpoenas issued by a defendant
- Pursuant to a Court Order
- To assist criminal Investigations by Law Enforcement Agencies
- In adherence to the District's Safe Transit Policy.

F. The fiscal costs for the surveillance technology, including initial purchase, personnel and other ongoing costs, and any current or potential sources of funding.

Initial Purchase Costs:

Camera	\$/Unit	QTY	Total
Dual, AXIS P3715	~\$700	465	~\$325,500
Quad, AXIS P3727-PLE	~\$1,500	465	~\$697,500
			~\$1,023,000

Anticipated Surveillance Impact Report – BART Station Closed Circuit Television (CCTV)

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Anticipated Surveillance Impact Report – BART Station Closed Circuit Television (CCTV)

of the equipment.

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SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Board of Directors

DATE: March 6, 2024

FROM: General Manager

SUBJECT: Enhancing Security for BART Employees

Attached is the “**Enhancing Security for BART Employees**” presentation that will be presented at the March 14, 2024, meeting as an information item.

If you have any questions about the document, please contact Kevin Franklin, Chief of Police at (510) 464-7080.

DocuSigned by:
Michael Jones
47000790F2D7463...

Robert M. Powers

cc: Board Appointed Officers
Deputy General Manager
Executive Staff



▶ Enhancing Security for BART Employees

March 14, 2024

Prioritizing Employee Safety

- The safety of our employees is of the utmost importance to BART.
- When our employees say they feel unsafe commuting to work, we take those concerns seriously.
- We are taking proactive steps that build upon our ongoing commitment to safety.



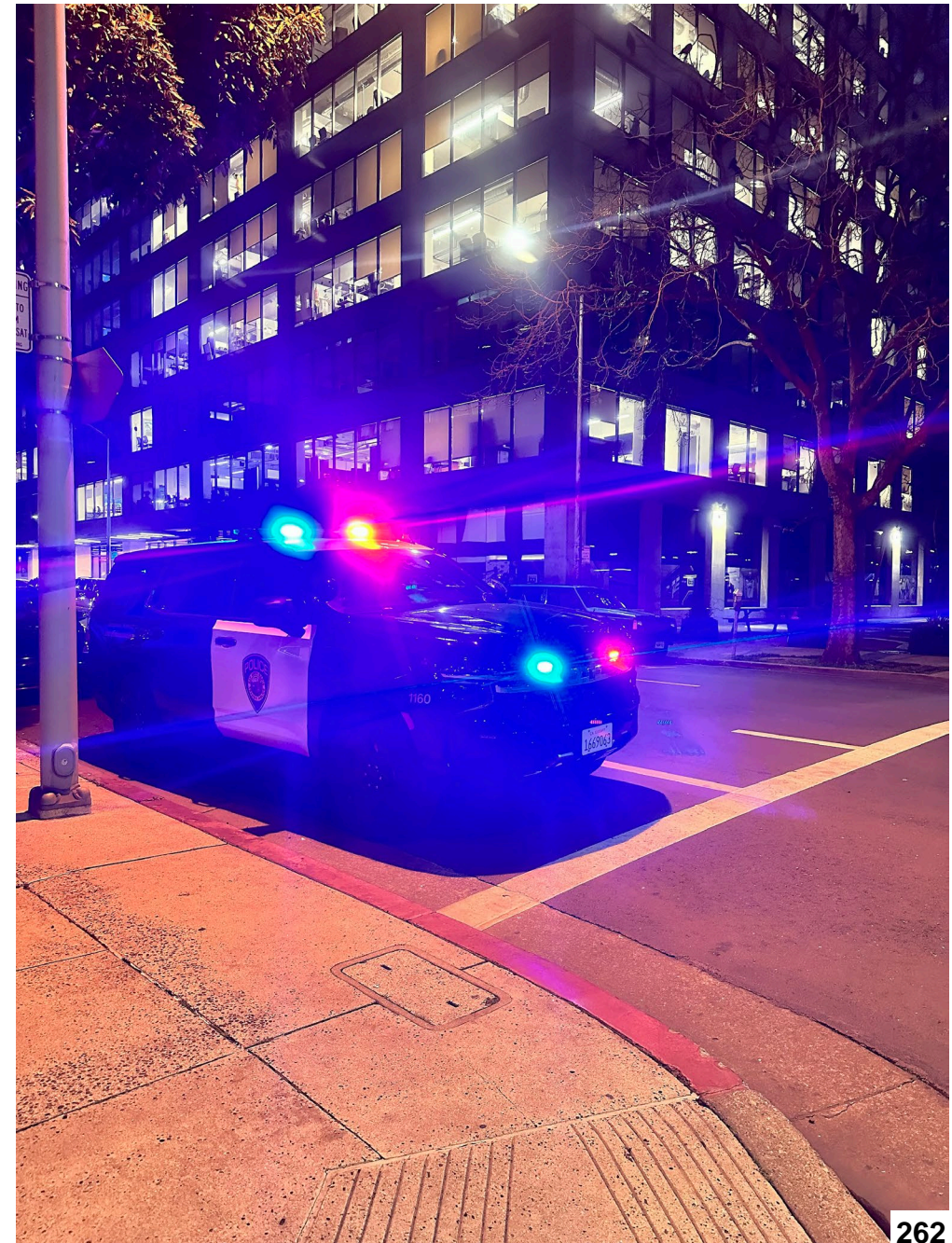
Existing Security Enhancements in the District

- Coordinated effort with Transportation Department to have a police officer assist opening station agents at select locations
- Strategic deployment of portable observation towers
- Locking access gates at yard facilities
- Installation of mechanized gates and additional fencing
- Enhanced lighting and CCTV coverage



Boosting Our Visible Presence

- Added high visibility patrols around the area of BART Headquarters (BHQ):
 - Dedicated Community Service Officers assigned to weekday patrols at BHQ during various hours ranging from 6:00am to 4:00pm
 - Dedicated sworn officer assigned to nightly patrols at BHQ from 10:30pm to 7:00am
- Increased presence through a dedicated workstation at BHQ where BART PD officers assigned to Oakland can write reports.



Other Implemented Safety and Security Efforts

- District Works offers Ambassadors for escorts to/from BART and parking areas
 - To **request a buddy escort**, call 15 minutes in advance at **510-898-8592**.
 - The ambassadors operate from 7:00am – 11:00pm from Monday to Sunday.
- BART is providing a mandatory Conflict Management and De-Escalation training course for all District employees.



Exploring Retired Police Annuitant Program



Working in collaboration with the BART Police Officers' Association to explore the possibility of instituting a retired annuitant program.

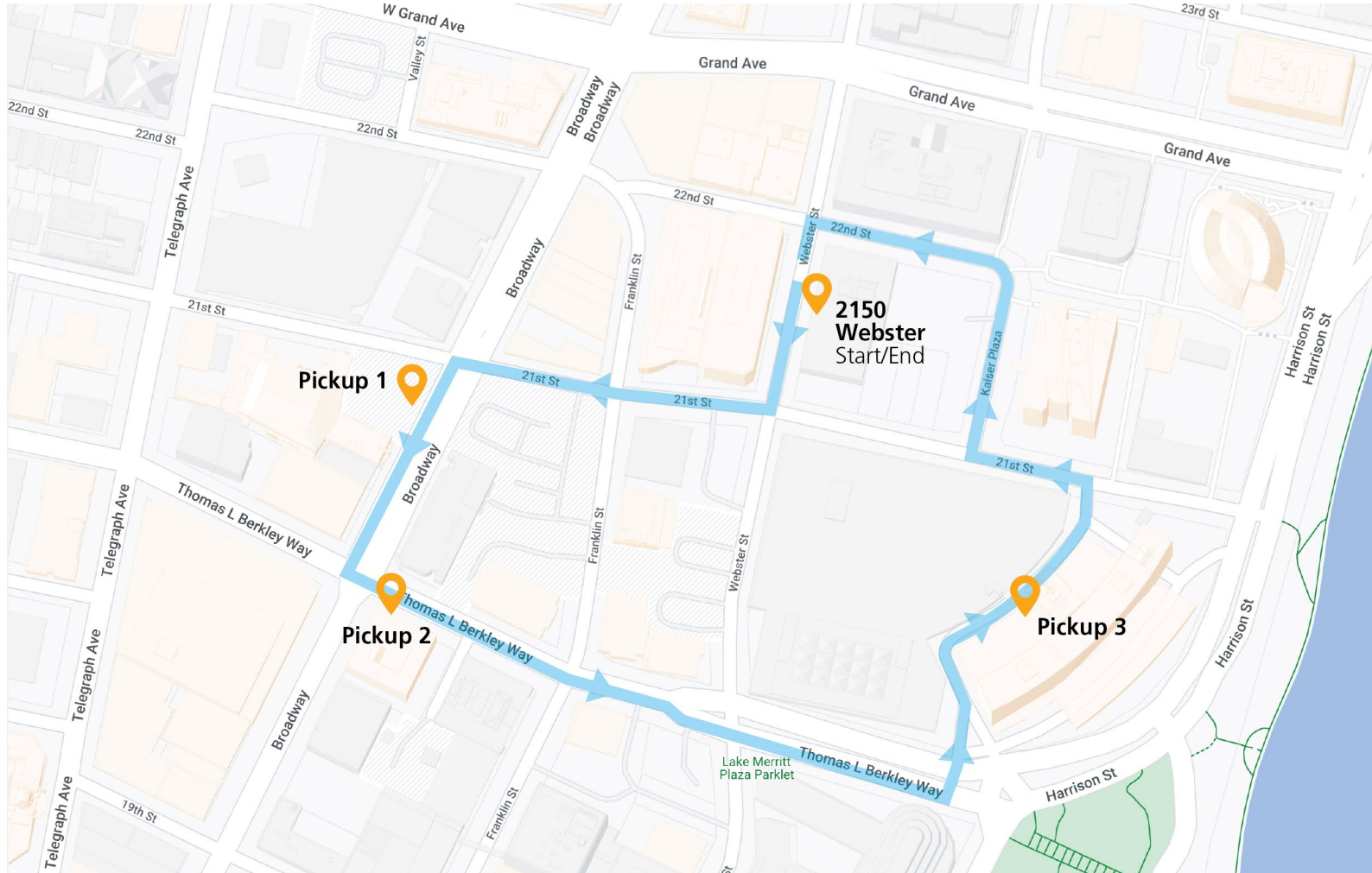
- Highly visibility patrols around BHQ and other BART facilities
- Ability to provide security for employees at District projects offsite

Enhancing Safe Travel for Employees

- Shuttle bus routes for employees at BHQ and the MET.
- Coordinating walking with co-workers.
- Collaboration with other local employers in the area for shared security efforts.
- Requests for the City of Oakland



Employee Shuttle Service to BHQ



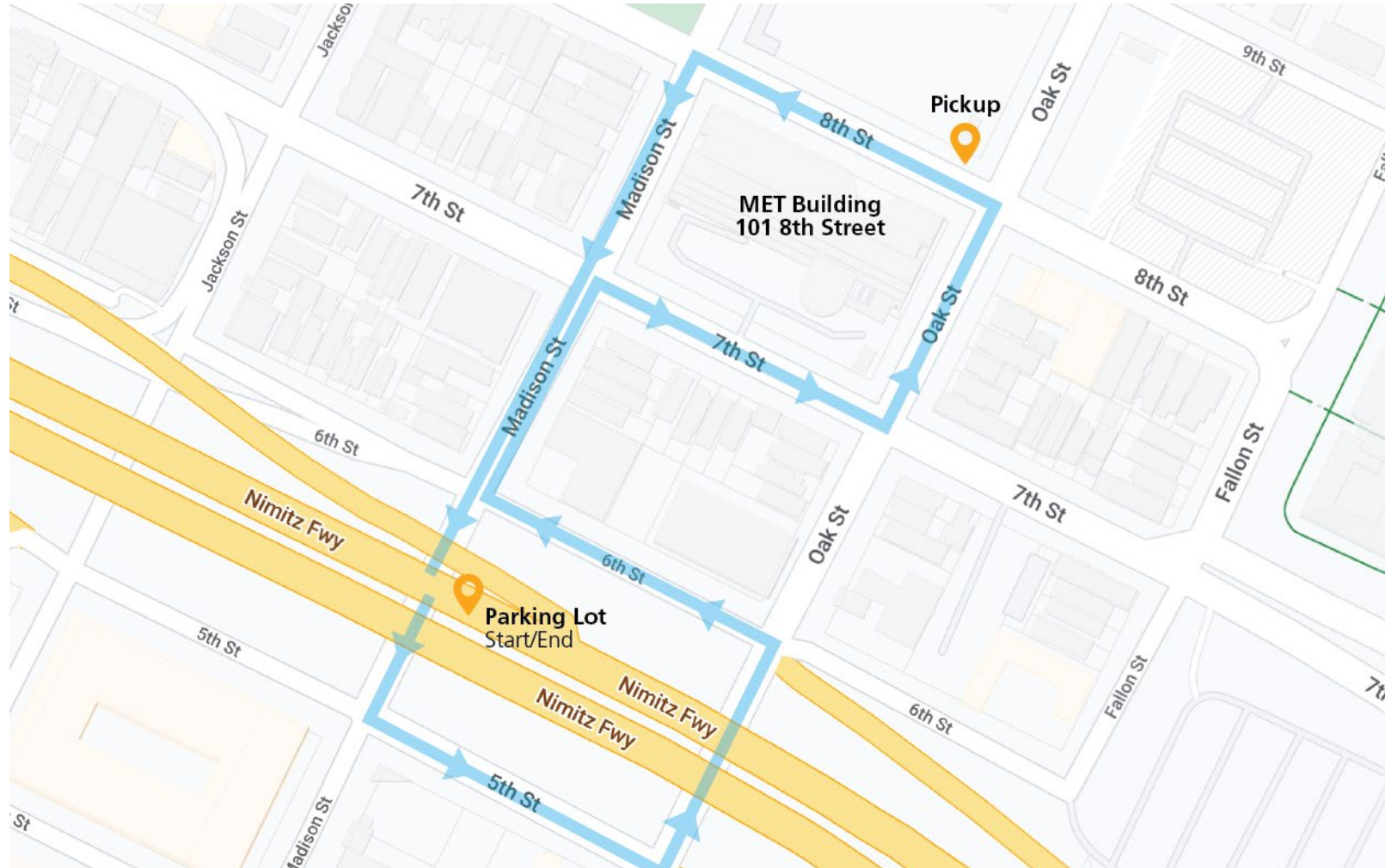
Employee BHQ Schedule:

Monday – Friday
5:45am to 9:30am **and**
4:00pm to 6:15pm.

Route:

Pick-up and drop-off service
between BHQ, Paramount Lot,
19th Street Station, and the
Lakeside garage.

Employee Shuttle Service to the MET



MET Schedule:

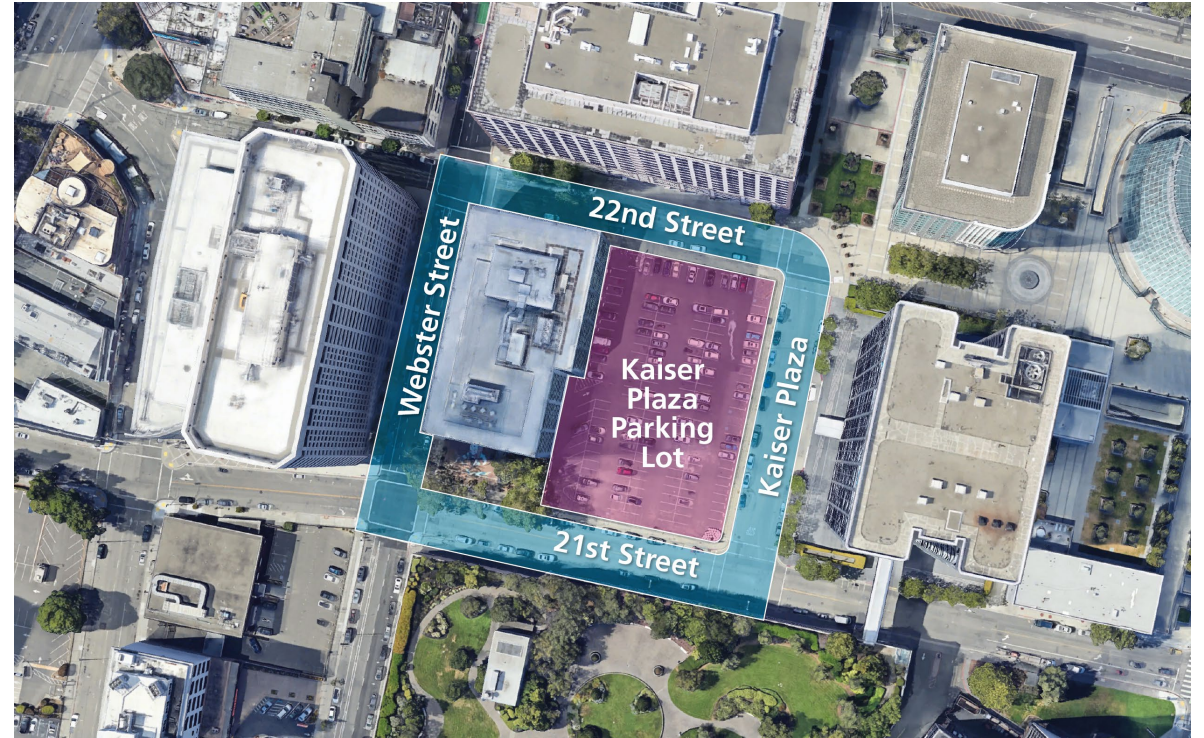
Monday – Friday
4:45am to 7:45am **and**
4:00pm to 5:15pm.

Route:

Pick-up and drop-off service between the MET and the parking structure under the overpass.

Weekend Parking for Employees

BART is evaluating options to provide weekend parking near BHQ in the ACE Kaiser Plaza Parking Lot for employees working outside of the days where the shuttle is available.



Safety in Numbers – Walk with Co-Workers

Coordinate options for employees to walk as a group to and from work:

- BHQ to/from BART or employee parking.
- MET to/from employee parking.
- Designated meeting points for scheduled departures (19th Street BART, Paramount Lot, and Kaiser Garage)
- Standardized meeting times and locations.

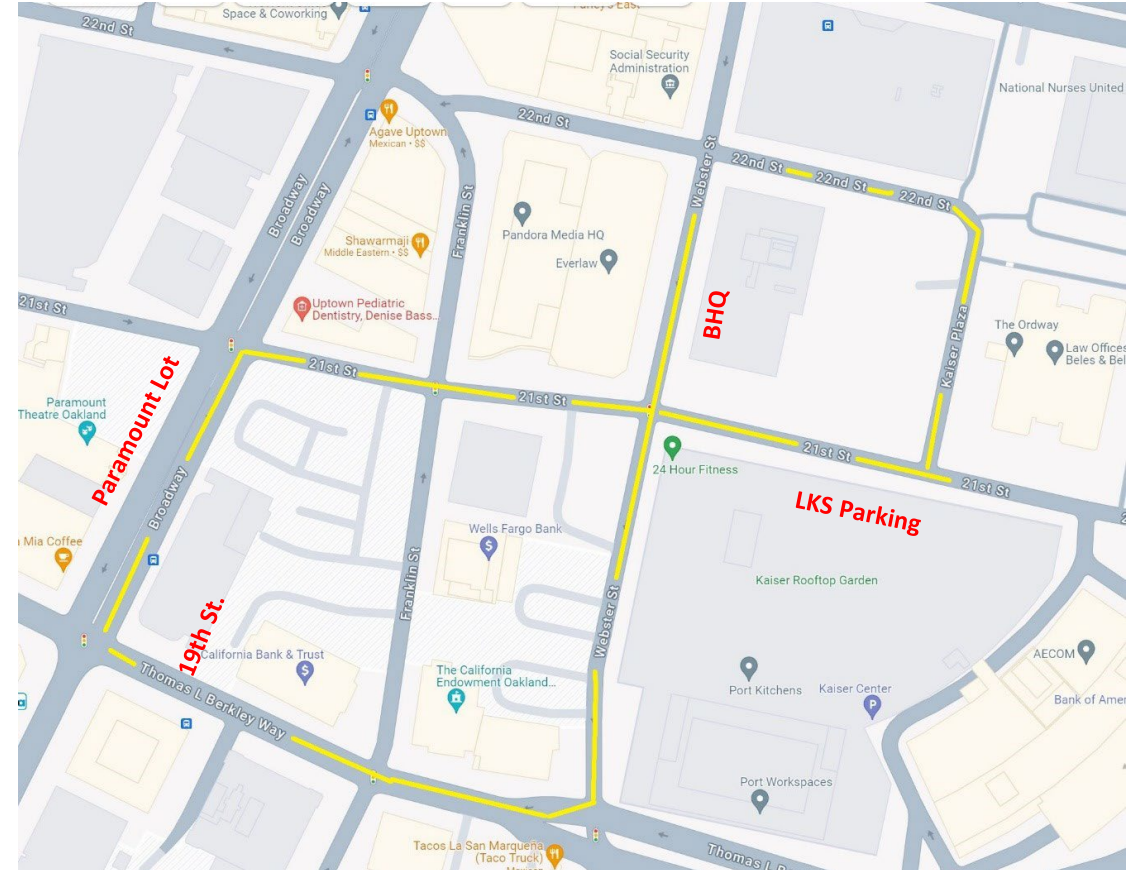


Public Safety Coordination and Collaboration



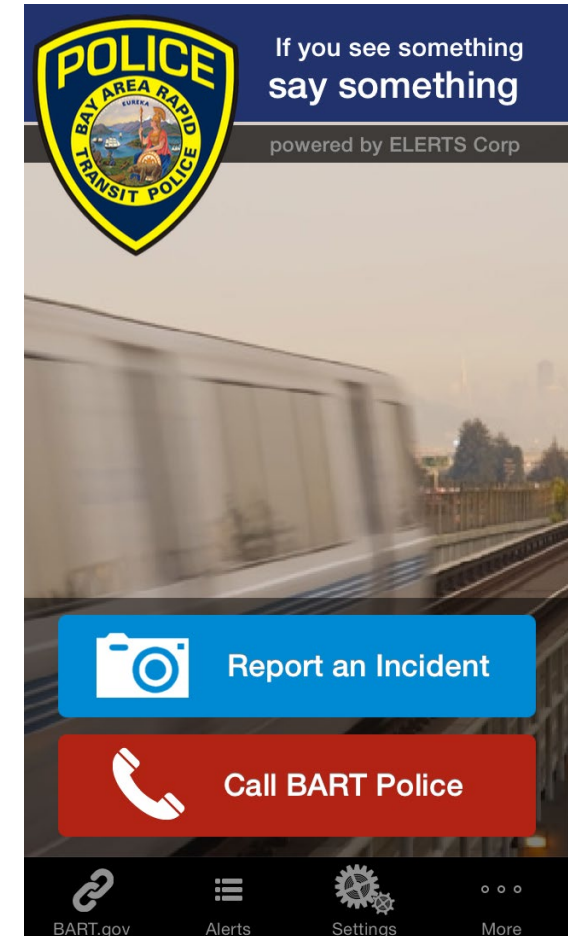
Requests for the City of Oakland

- Creating a permitted parking zone for BART employees on the 2100 block of Webster Street from 6:00pm to 7:59 am.
- Reclosing Webster St. between Grand Ave. and 22nd St. to reduce high-speed auto circulation that can be used to target our employees.
- Improving street lighting near BART Headquarters including along the path of travel to 19th Street Station and the Paramount's parking lot.



Requesting Help

- If you see something, say something
 - Call **911** if you see any suspicious behavior or criminal activity.
 - You can also notify BART PD (BPD) directly by:
 - Calling **510-464-7000**
 - Texting non-emergency needs at **510-200-0992**
 - Download the free **BART Watch** app available on the App Store and Google Play to make a report with your phone.
- Outside the availability of other options, BART Police are available to provide escorts.



Everyone Plays a Role in Safety



- Be alert to your surroundings and the people around you.
- Whenever possible, travel with another person.
- Stay in well-lighted areas as much as possible.
- Walk with purpose, scan the area around you and make casual eye contact with others to display confidence.
- If you carry a bag or purse, carry it securely between your arm and toward the front of your body.
- Do not use or wear anything that will impede your vision or hearing.

