

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 with an option for public participation via teleconference. Please note that attachments have been added to Item 10-A.

Thursday, April 11, 2024

9:00 AM

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

Zoom Link: <https://us06web.zoom.us/j/84877084292>

Board of Directors

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

BOARD MEETING AGENDA

April 11, 2024

9:00 a.m.

A regular meeting of the Board of Directors will be held at 9:00 a.m. on Thursday, April 11, 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 848 7708 4292; logging in to Zoom.com and entering access code 848 7708 4292; or typing the following Zoom link into your web browser:

<https://us06web.zoom.us/j/84877084292>

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 April 10, 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 848 7708 4292, 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 848 7708 4292, and use the raise hand feature; or join the Board Meeting via the Zoom link (<https://us06web.zoom.us/j/84877084292>) 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. Damon Covington, Fire Chief, Oakland Fire Department.

2. REPORT OF THE BOARD PRESIDENT

3. BOARD COMMITTEE REPORTS

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

4. BOARD MATTERS - PART I

- A. Discussion Regarding the District 5 Vacancy. [24-172](#)
For information and possible action.

5. CONSENT CALENDAR

- A. Approval of Minutes of the Meeting of February 22, 2024. [24-158](#)
Board requested to authorize.
- B. Resolution Consolidating 2024 District Elections. [24-138](#)
Board requested to adopt.
- C. Change Order to Contract No. 15IF-140, Powell Street Station Modernization Project, with Proven Management, Inc., for Global Settlement of Delay Costs, Pending Notices of Potential Claims, and Protested Change Notices and Change Orders. [24-159](#)
Board requested to authorize.
- D. Award of Agreement No. 6M4830 with Spare Labs Inc., for Paratransit Software Services. [24-085](#)
Board requested to authorize.

6. GENERAL MANAGER'S REPORT

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

7. PUBLIC COMMENT

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

8. ADMINISTRATION ITEMS.

Janice Li, Chairperson

- A. (CONTINUED from the March 28, 2024 Board Meeting) [24-161](#)
Award of Agreement No. 6M4858 with Athens Administrators, for
Workers' Compensation Third Party Administration and Related
Services.
Board requested to authorize.
- B. Fiscal Year 2025 and Fiscal Year 2026 Preliminary Budget Overview. [24-160](#)
For information.

9. ENGINEERING AND OPERATIONS ITEMS.

Lateefah Simon, Chairperson

NO ITEMS.

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

Robert Raburn, Chairperson

- A. State Legislation - Senate Bill 1031 (Wiener and Wahab). [24-165](#)
For information and possible action.
- B. El Cerrito Plaza BART Station Transit-Oriented Development Update. [24-132](#)
For information.

11. BOARD MATTERS - PART II

- 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.)

12. CLOSED SESSION

A. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Property: Property located at El Cerrito Plaza BART Station, 6699 Fairmount Avenue, El Cerrito, CA 94530, including APNs 504-050-012-5, 504-121-017-9, 504-122-010-3, and 504-130-031-9, as well as the City of El Cerrito-owned property labeled "A.T. & S.F. R.R." as shown on Contra Costa County Assessor's Map Book 504, Page 12, and a portion of Oak Street as shown on Contra Costa County Assessor's Map Book 504, Page 13

District Negotiators: Val Menotti, Chief Planning and Development Officer; Matt Lewis, 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, City of El Cerrito, Holliday Development, LLC, and The Related Companies of California, LLC

Under Negotiation: Price and Terms

Government Code Section: 54956.8

B. CONFERENCE WITH LABOR NEGOTIATORS

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

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

Government Code Section: 54957.6

13. OPEN SESSION

A. Announcements from Closed Session, if any.

14. ADJOURNMENT

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Board of Directors

DATE: April 5, 2024

FROM: District Secretary

SUBJECT: Discussion Regarding the District 5 Vacancy

In follow-up to President Dufty's announcement on March 28, 2024, regarding the vacancy of the seat representing District 5 on the Board of Directors, Board Members will be provided with an opportunity to discuss the District 5 vacancy at its regular Board Meeting on April 11, 2024.

The Notice of Vacancy regarding District 5 was posted on April 4, 2024, pursuant to the requirements of California Government Code Section 1708. A copy of the Notice of Vacancy is attached for your review. Additionally, a [District 5 Vacancy](#) webpage has been created on bart.gov and information and updates about this matter will be posted on the webpage regularly.

To support the Board's discussion on April 11th, we have attached the following documents for review and consideration:

1. Chapter 3, Article 2.2 of the District Act (the section pertaining to the District Board of Directors);
2. Sample Application for Appointment to the Board of Directors – District 5 Seat; and
3. Request, Authorization, Consent and Release for Background Information form to accompany the Application for Appointment.

If the Board decides to fill the District 5 vacancy by appointment, the Sample Application for Appointment, attached herein, includes suggested application language, questions, submission deadline, and materials. This information will be edited and finalized by staff as directed by the Board.

Please contact me at (510) 464-6080 or President Dufty with any questions about this matter.

Thank you.

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

cc: Board Appointed Officers
Deputy General Manager
Executive Staff



NOTICE OF VACANCY

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT BOARD OF DIRECTORS

Notice is hereby given that a vacancy exists on the Board of Directors for the seat representing District 5. District 5 lies in Alameda County and its boundaries currently include the cities/regions of Castro Valley, Cherryland, Dublin, Fairview, Hayward, Livermore, Pleasanton, and Sunol. The vacancy is due to the resignation of John McPartland, effective March 28, 2024.

Pursuant to California Government Code Section 1780, the BART Board of Directors will fill the vacancy by either appointment or by calling an election. The Board of Directors is scheduled to discuss the process that will be used to fill the seat at its regular Board Meeting on April 11, 2024, at 9:00 a.m. in the BART Board Room, 2150 Webster Street, Oakland, CA 94612. The agenda for the April 11th Board Meeting will be posted on the District's webpage at bart.legistar.com.

Please contact the Office of the District Secretary via phone at (510) 464-6083 or email at boardofdirectors@bart.gov, or visit bart.gov/district5vacancy for information and updates about the process to fill the seat representing District 5.

The individual who ultimately fills the District 5 seat must be a registered voter and resident of the geographical boundaries of District 5. Eligibility can be verified by contacting the Alameda County Registrar of Voters located at 1225 Fallon Street, Rm. G-1, Oakland, CA 94612 (phone: 510-272-6973). You may review district boundaries on the District's webpage at bart.gov/about/bod/districts.

Regular meetings of the Board of Directors are generally held on the second and fourth Thursday of each month beginning at 9:00 a.m. Additionally, duties include service on Board Committees, representing BART on various external Boards and Committees, and attendance at special meetings and other meetings as required. Board Members that meet attendance requirements receive a monthly stipend of approximately \$2,026.91. Board Members are also eligible to receive medical, dental, vision, and other benefits.

Pursuant to California Government Code Section 1780, a copy of this NOTICE OF VACANCY is being posted in three or more conspicuous places in the District as follows: BART Headquarters in Oakland; Castro Valley Station in Castro Valley; Dublin/Pleasanton Station in Pleasanton; Hayward Station in Hayward; and West Dublin/Pleasanton Station in Dublin. This NOTICE OF VACANCY is also being posted on the District's webpage at bart.gov/district5vacancy.

I, April B. A. Quintanilla, District Secretary of the San Francisco Bay Area Rapid Transit District, hereby declare that I have caused to be posted a NOTICE OF VACANCY on Thursday, April 4, 2024.

April B. A. Quintanilla
April B. A. Quintanilla
District Secretary



Scan the QR Code above to access information and updates regarding the District 5 vacancy.

CHAPTER 2. CREATION OF DISTRICT:

§ 28600. There is hereby created the San Francisco Bay Area Rapid Transit District, comprising the territory lying within the boundaries of the Counties of Alameda, Contra Costa, Marin, San Francisco, and San Mateo.

District.

§ 28601. Through compliance with the provisions for withdrawal set forth in Chapter 10 of this part, the territory of any of the Counties of Alameda, Contra Costa, Marin, San Francisco, and San Mateo may be withdrawn from the district.

Withdrawal.

§ 28602. Through compliance with the provisions for annexation set forth in Chapter 9 of this part, the territory of all or any of the Counties of Napa, Santa Clara, Solano, or Sonoma may be included within the district.

Annexation.

CHAPTER 3. GOVERNMENT OF DISTRICT:

Article 2.2. – District Board of Directors

§ 28745. On and after November 29, 1974, the governing body of the district shall be a board of directors consisting of nine members elected by election districts, except as provided in Section 28752.6.

**District Board
of Directors**

The nine election districts shall be established within the district as provided in this article by resolution adopted by the board.

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§ 28745.4. The board, in dividing the district into election districts, shall establish and define the boundaries of the nine election districts within the territory of the district, and shall number the election districts from 1 to 9, inclusive. The boundaries of the election districts shall be defined so that the districts shall be as nearly equal in population as practicable, considering the factors specified in Section 28745.6.

Boundaries.

§ 28745.6. In establishing the election districts, consideration shall be given to the following factors:

**Factors
Regarding
Establishment.**

(a) Community of interest of the population within an election district.

(b) Cohesiveness, contiguity, integrity, and compactness of territory.

(c) Topography.

(d) Geography.

Boundaries of the election districts need not conform to the boundaries of counties, cities, cities and counties, or districts, or of wards or election districts established for the nomination or election of any officers thereof, or of Assembly, Senate, or congressional districts.

§ 28745.8. The establishment of election districts shall be made on the basis of the population in the district as shown or estimated from the most recent of any of the following: the last federal decennial census; any census of a county, taken as provided in Section 26203 of the Government Code, or census of a city, taken as provided in Chapter 17 (commencing with Section 40200), Part 2, Division 3, Title 4 of the Government Code; any census or population estimate of a city or of a city and county, taken or made as provided in Section 2107.1 or 2107.2 of the Streets and Highways Code; or population estimates contained in any official document prepared by the Department of Finance and issued to the public.

**Population as
Basis.**

§ 28746. The resolution establishing the election districts shall describe the boundaries of the election districts by reference to a map or maps on file with the district secretary. Immediately upon adoption of the resolution, the secretary shall file a certified copy of the map or maps describing all nine-election districts with the Secretary of State and with the county elections official of each county with territory within the boundaries of the district.

**Boundaries
Map.**

§ 28746.2. All cities, counties, and cities and counties within the district shall provide such information, services, and facilities as may be required in apportioning the district into the nine election districts.

**Information re
Apportioning
District.**

§ 28746.4. Until the election and qualification of the first elected board, the members of the board in office on January 1, 1974, shall remain in office, shall receive the compensation and expenses prescribed in this part for the office, and shall be the governing body of the district. The term of office of the nonelected board shall end at noon on November 29, 1974.

**Nonelected
Board — Term
of Office.**

§ 28746.6. A general district election for the election of directors whose terms are to expire in that year shall be held and conducted on the first Tuesday after the first Monday in November of each even-numbered year and shall be consolidated, where possible, with the general election held on that date.

**Election of
Directors;
Conduct;
Consolidation.**

§ 28746.8. Except as otherwise provided in this article, candidates for the board shall be nominated, the election held and conducted, and the ballots canvassed in accordance with the provisions of the Uniform District Election Law.

**Uniform
District Election
Law**

§ 28747. Each candidate for the board shall file a declaration of candidacy in the form and manner prescribed in the Uniform District Election Law (Part 4 (commencing with Section 10500) of Division 10 of the Elections Code) with the county elections official of the county in which the candidate resides. Candidates for the board shall be residents and voters of the district and of the geographical area making up the election district from which they are to be elected.

**Filling of
Declaration of
Candidacy.**

§ 28747.2. A candidate for election from any of the election districts shall be nominated and elected by the voters residing within the election district from which he is elected.

**Voter
Requirement.**

§ 28747.4. The county elections official of each county within the boundaries of the district shall conduct the election and canvass the returns for those election districts or portions of election districts which are within the county of his or her jurisdiction as county elections official. After the official canvass has been taken, the county elections official shall report the returns, by election district number, to the board. The board shall declare the results of the election. The secretary of the district shall issue certificates of election, signed by him or her and duly authenticated, to each candidate declared elected, immediately following determination of the results of the election by the board.

**Conduct
Election.**

§ 28747.6. Members of the board shall be residents and voters of the district and of the geographical area making up the election district from which they are elected. The office shall be deemed to be vacant if a member ceases to meet these requirements.

**Residency
Requirement.**

§ 28747.8. The candidate from each election district receiving the highest number of votes cast for the board in that election district shall be declared elected.

**Candidate
Declared
Elected.**

§ 28748. If a tie vote makes it impossible to determine which of two or more candidates has been elected, the existing board shall resolve the tie by lot and declare the results thereof as provided in Section 10551 of the Elections Code.

Tie Vote.

§ 28748.2. Each member of the first elected board shall take office at noon on November 29, 1974. The term of office of the elected directors shall be four years, except that the term of office of the first elected board shall be either two years or four years. At the first regular meeting of the first elected board, the board shall determine, by lot, whether the directors elected from the even- or odd-numbered election districts shall have terms of office expiring at noon on the last Friday in November 1976 or November 1978, as the case may be.

Term of Office.

§ 28748.4. Until November 29, 1974, any vacancy on the board shall be filled for the remainder of the unexpired term in the same manner as the vacating member was appointed. Thereafter, any vacancy on the board shall be filled by appointment for the remainder of the unexpired term by the remaining members of the board. Any person so appointed shall meet the requirements set forth in Section 28747.6.

**Vacancy on
Board.**

§ 28748.8. (a) The board may by ordinance or resolution provide that each director shall be paid a sum that shall not exceed one thousand dollars (\$1,000) for each calendar month that he or she serves as a director. The board may, by ordinance or resolution, provide for an adjustment to the monthly compensation based upon the percentage increase in the California Consumer Price Index, as calculated by the Department of Finance, for each calendar year following the operative date of the last adjustment. The adjustment shall not become effective until the next regular election of the directors following the adoption of the ordinance or resolution.

**Compensation
and Expenses.**

(b) The ordinance or resolution to authorize a monthly stipend pursuant to subdivision (a), in lieu of per-meeting compensation, shall include a requirement that a member can receive a monthly stipend for a given month only if he or she attends all scheduled and noticed regular board meetings for that month. For those members meeting this attendance requirement, the amount of one hundred dollars (\$100) shall be deducted from the stipend for failure to attend each meeting of a committee on which he or she serves that month. In any month that a member fails to meet these attendance requirements, that member may be compensated at the rate of one hundred dollars (\$100) per board or committee meeting attended, not to exceed five hundred dollars (\$500) for that month.

(c) For the purpose of this section, a member who misses a scheduled and noticed meeting of the board or a committee while attending to official district business pursuant to authorization shall be construed as having attended the meeting.

(d) The ordinance or resolution may provide for not more than two excused absences during a calendar year without disqualifying the member for a monthly stipend.

(e) In addition to the compensation otherwise provided for in this section, each director may be allowed necessary traveling and personal expenses incurred solely as a result of the performance of his or her duties, in amounts as may be authorized by the board.¹ Reimbursement for these expenses is subject to Sections 53232.2 and 53232.3 of the Government Code.

(Amended by Stats. 2007, c.213 (A.B. 490), § 4, effective January 1, 2008.)

Article 2.4. – Redistricting of Election Districts

§ 28750. Following each federal decennial census and using the census as a basis, the board shall, by resolution, adjust the boundaries of the election districts so that the districts shall be as nearly equal in population as practicable, considering the factors specified in Section 28745.6.

**Adjustment of
Boundaries.**

§ 28750.2. The boundaries of the election districts shall be adjusted by the board before November 1 of the year next succeeding the year in which each federal decennial census is taken.

**Date of
Boundary
Adjustment.**

Notwithstanding Section 28745, if the board fails to adjust election district boundaries pursuant to this article before the December 31 of the year next succeeding the year in which each federal decennial census is taken, each director to be elected at that election shall have the qualifications required in Section 28747.6, but shall be elected at large. Directors shall continue to be so elected until the board adjusts the election district boundaries.

§ 28750.4. The resolution reestablishing the election districts shall describe the new boundaries of the election districts by reference to a map or maps on file with the secretary of the district. Immediately upon adoption of the resolution, the secretary shall file a certified copy of the resolution and the map or maps describing all election districts with the Secretary of State and with the county elections official of each county with territory within the boundaries of the district.

**New
Boundaries.**

¹ See Public Utilities Code § 99156 regarding board compensation and travel expenses enacted 1988, reprinted at Appendix C. See also Board Rules, Chapter V, Section 3.2, regarding rules for travel and personal expense.



APPLICATION FOR APPOINTMENT TO THE BART BOARD OF DIRECTORS – DISTRICT 5 SEAT DUE BY 5:00 P.M. ON WEDNESDAY, APRIL 17, 2024

The BART Board of Directors is comprised of nine elected officials from the nine BART districts. A vacancy exists on the Board of Directors for the seat representing District 5. District 5 lies in Alameda County and its boundaries currently include the cities/regions of Castro Valley, Cherryland, Dublin, Fairview, Hayward, Livermore, Pleasanton, and Sunol.

The successful applicant will serve as the representative for District 5 through the unexpired portion of the current term. If the appointed candidate wishes to continue serving on the Board of Directors after the current term expires, they will need to run for election to the seat in the general election to be held in November 2024.

Regular meetings of the Board of Directors are generally held on the second and fourth Thursday of each month beginning at 9:00 a.m. Additionally, duties include service on Board Committees, representing BART on various external Boards and Committees, and attendance at special meetings and other meetings as required. Board Members that meet attendance requirements receive a monthly stipend of approximately \$2,026.91. Board Members are also eligible to receive medical, dental, vision, and other benefits.

Board Member Requirements

Pursuant to California Government Code Section 1780, Board Member vacancies may be filled by appointment by a majority of the Board of Directors.

Board Members must be registered voters and residents of the geographical boundaries of the district for which they represent. For the District 5 seat, the applicant must be a registered voter and resident of the current geographical boundaries of District 5. Eligibility can be verified by contacting the Alameda County Registrar of Voters located at 1225 Fallon Street, Rm. G-1, Oakland, CA 94612 (phone: 510-272-6973). You may review district boundaries on the District's webpage at bart.gov/about/bod/districts.

Board Members are subject to conflict-of-interest laws and must file an Assuming Office Statement of Economic Interests (Form 700) upon assumption of Office, an annual Form 700, and a Leaving Office Form 700 upon leaving Office with the Fair Political Practices Commission.

Application Requirements

All interested applicants must submit complete application packets. Application packets are due by **5:00 p.m. on Wednesday, April 17, 2024**. The application materials outlined below must be submitted by the stated deadline to the Office of the District Secretary via email at boardofdirectors@bart.gov or in person/via courier at BART Headquarters, 2150 Webster Street, Oakland, CA 94612. Failure to complete all parts of the application form or to submit all required application materials may result rejection of the application. All finalists are subject to a background check prior to appointment.

1. Completed Application
2. Completed Background Check Form
3. Cover Letter
4. Resume
5. Two (2) References

The Board of Directors may conduct interviews and/or appoint the selected applicant at its regular Board Meeting on April 25, 2024. Please plan accordingly and contact the District Secretary with any questions via phone at (510) 464-6080 or email at boardofdirectors@bart.gov.

I. **Personal Information**

First, Last Name:		Residence Address:	
Mailing Address		County of Residence:	
Main Phone:	() -	Alternate Phone:	() -
Email Address:		Occupation:	

II. **Contact Information for References** (you must provide **two** references)

Please provide the contact information for the individuals who may be contacted as your references.

First Name:		Last Name:	
Mailing Address	/	City & Zip:	/
Phone:	() -	Email Address:	
First Name:		Last Name:	
Mailing Address	/	City & Zip:	/
Phone:	() -	Email Address:	

III. **Current and Past Board Experience**

Please briefly outline your current and past experience with serving on a Board of Directors, particularly a Board that presides over a government agency. You may attach additional pages, if needed.

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IV. **Skills and Expertise**

Please summarize your relevant skills and expertise. You may attach additional pages, if needed.

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V. **Board and Staff Collaboration**

Please provide a response to the following question: What do you feel is essential to ensure that the Board of Directors and staff are successful in achieving the goals of the District? You may attach additional pages, if needed.

VI. **Conflicts of Interest**

Within the past ten (10) years, have you had any affiliation with the District or with a firm that has done business with the District? Please answer “yes” or “no,” and explain the nature of the affiliation below if you answered “yes.” You may attach additional pages, if needed.

VII. **Organizations/Group Membership**

Please list any organizations or groups that you belong to or are involved with that you believe bear relevance to your application for service on the BART Board of Directors as a representative of District 5. You may attach additional pages, if needed.

Organization Name:		Position:	
Organization Name:		Position:	
Organization Name:		Position:	
Organization Name:		Position:	

Applicant's Signature: _____ **Date:** _____



REQUEST, AUTHORIZATION, CONSENT AND RELEASE FOR BACKGROUND INFORMATION
PLEASE TYPE OR PRINT

I: _____
LAST NAME (PLEASE INCLUDE Jr., Sr., II, III Etc.) FIRST NAME MIDDLE NAME

Understand that in conjunction with my application for appointment, the **SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT** will use the services of an outside agency to research and verify the information I have provided on my application including my personal background, character, professional standing, work history and qualifications. This agency will provide a report to the **SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT**. The **SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT** uses *Backgrounds Online*, a consumer-reporting agency, as an agent to perform background verifications.

Backgrounds Online will utilize various sources of information it deems appropriate including but not limited to: credit reporting agencies, Workers Compensation records, Department of Motor Vehicle records, criminal conviction records, current and former employers, military records, education records, professional and personal references. I request, authorize and consent to the release and disclosure of any and all information including but not limited to the above to the **SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT** and *Backgrounds Online*.

I request, authorize and consent to the procurement of an Investigative Consumer Report and understand that it may contain information about my background, mode of living, character, personal characteristics and general reputation. This authorization in original copy form shall be valid for one year from the date indicated next to my signature. According to the Fair Credit Reporting Act, I will be notified by the **SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT** if appointment is denied because of information obtained from a Consumer Reporting Agency. Additionally, I understand that if requested within 60 days, I will be given a full and accurate disclosure as to the nature and substance of all information provided to the **SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT**. I further understand that when requesting a copy of the report, proper identification will be required, and I should direct my request to: *Backgrounds Online*, 1821 Q Street, Sacramento, CA 95814, phone: 800.838.4804.

LAW ENFORCEMENT AGENCIES AND OTHER ENTITIES FOR POSITIVE IDENTIFICATION PURPOSES REQUIRE THE FOLLOWING INFORMATION WHEN CHECKING PUBLIC RECORDS. IT IS CONFIDENTIAL AND WILL NOT BE USED FOR ANY OTHER PURPOSES. I HEREBY RELEASE SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT AND ITS AGENTS, BACKGROUNDS ONLINE AND ALL PERSONS, AGENCIES, AND ENTITIES PROVIDING INFORMATION OR REPORTS ABOUT ME FROM ANY AND ALL LIABILITY ARISING OUT OF THE REQUEST FOR OR RELEASE OF ANY OF THE ABOVE-MENTIONED INFORMATION OR REPORTS.

Signed

Today's Date

Printed Name

Position Applied For



REQUEST, AUTHORIZATION, CONSENT AND RELEASE FOR BACKGROUND INFORMATION
PLEASE TYPE OR PRINT

I:		
LAST NAME (PLEASE INCLUDE Jr., Sr., II, III Etc.)	FIRST NAME	MIDDLE NAME

LAW ENFORCEMENT AGENCIES AND OTHER ENTITIES FOR POSITIVE IDENTIFICATION PURPOSES REQUIRE THE FOLLOWING INFORMATION WHEN CHECKING PUBLIC RECORDS. IT IS CONFIDENTIAL AND WILL NOT BE USED FOR ANY OTHER PURPOSES. I HEREBY RELEASE SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT AND ITS AGENTS, BACKGROUNDS ONLINE AND ALL PERSONS, AGENCIES, AND ENTITIES PROVIDING INFORMATION OR REPORTS ABOUT ME FROM ANY AND ALL LIABILITY ARISING OUT OF THE REQUEST FOR OR RELEASE OF ANY OF THE ABOVE-MENTIONED INFORMATION OR REPORTS.

Signed _____ Today's Date _____

Printed Name	Position Applied For
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_____/_____/_____
Social Security Number Date of Birth Driver's License Number State

Other names you have used or are also known as: _____

PLEASE PROVIDE ALL RESIDENTIAL ADDRESSES FOR THE PAST 7 YEARS

Current Address:					
Street	Apt.#	City	State	Zip Code	How long here?

Former Address:					
Street	Apt.#	City	State	Zip Code	How long here?

Former Address:

Street	Apt.#	City	State	Zip Code	How long here?
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Telephone Number: _____ - _____ - _____ Email Address: _____

May we contact your current employer? ☐ Yes ☐ No

Would you like a copy of this report? ☐ Yes ☐ No

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 1,951ST MEETING THURSDAY, FEBRUARY 22, 2024

Members of the Board of Directors
Bevan Dufty, President (District 9)
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)
Janice Li (District 8)

MEETING DESCRIPTION

A Regular Meeting of the Board of Directors was held on February 22, 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, Simon, and Dufty.

Directors Present via Teleconference: None.

Absent: None. Director Allen entered the Meeting later.

April B. A. Quintanilla, District Secretary, reminded the Board Members about the implementation of electronic voting for the Meeting.

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 indicated that he had no report and acknowledged Directors’ busy schedule of meetings and responsibilities.

3. BOARD COMMITTEE REPORTS

President Dufty called for Board Committee Reports. Director Saltzman, Chairperson of the Audit Committee, provided a report of the February 15th Audit Committee meeting. Director Saltzman indicated that the Committee discussed three main items and briefly summarized each item: (1) the Inspector General's limited report on BART contractors potentially subject to penalties and damages; (2) a presentation of the Inspector General's Fiscal Year 2024 semi-annual report; and (3) an update from Internal Audit on their recent activities.

Director Saltzman also indicated that the Audit Committee meetings have been irregularly scheduled in recent years, and that she plans to work with the District Secretary to establish a consistent schedule for the upcoming year to help streamline preparation and ensure the availability of committee members and staff.

President Dufty thanked staff in the Media, Communications, and Information Technology (IT) departments for their effort to facilitate meetings and named several individuals, including a contractor, who are involved in facilitating communication and technology within the agency. President Dufty noted that this act of acknowledgment is intended to become a tradition at the end of future meetings, emphasizing the importance of the team's work in enabling the Board's activities.

4. CONSENT CALENDAR

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

- A. Approval of Minutes of the Meeting of December 21, 2023.
- B. Procurement with ePlus Technology Inc., as the Official National Association of State Procurement Officials (NASPO) Provider, for Enterprise Log Management and Security Automation Orchestration Response (SOAR) Software and License Subscription.
- C. Procurement with ePlus Technology Inc., as the Official National Association of State Procurement Officials (NASPO) Provider, for F5 Firewall and Networking Software Products and Services.
- D. Award of Agreement No. 6M4848 with Milliman, Inc., for Actuarial Consulting Services.
- E. District Base Pay Schedule.
- F. Special Compensation Provisions for Non-Represented Sworn Employees.
- G. Authorization to Establish Non-Represented Professional/Management Pay Band 16.
- H. Fourth Amendment to Use, Operating, and Maintenance Agreement for Millbrae.
- I. Award of Agreement No. 6M3678 with Diamond Tool & Die, Inc. and Agreement No. 6M3679 with Yost Metal Fabricators, LLC for Electrical and Mechanical Components Repair Services.
- J. Award of Invitation for Bid No. 9129, Aggregate Materials
- K. Sole Source Procurement with MagWatt, LLC for 1000VDC Power Supply Units.
- L. Award of Invitation for Bid No. 9134, Taylor-Dunn Bigfoot Carts.
- M. Affordable Housing and Sustainable Communities Applications Agreements - Round 8.
- N. Change Order to Agreement No. 6M4771, BHQ Building Engineering Services, with ABM Industry Groups, LLC, to Include Building Engineering Services for 101 8th Street, Oakland, CA 94607 (MET Building).
- O. Amendment to Agreement No. 6M2087, with District Works, LLC, to Extend the Pilot End Date for Restroom Attendant Services.
- P. Award of Agreement No. 6M2094 with MGT of America Consulting, LLC, for On-Call Performance and Fraud Examination Services.

President Dufty inquired whether there were any items that colleagues wished to discuss individually.

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

Director Li seconded the motion.

Director Allen entered the Meeting in Oakland.

Public Comment

Aleta Dupree addressed the Board.

Action

Upon motion by Director Raburn and seconded by Director Li, the Board took the following actions by unanimous roll call vote, as technical difficulties prevented the use of the electronic voting system.

Vote Summary:

Moved / Seconded: Director Raburn / Director Li

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

No: 0.

Abstain: 0.

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

- A. The Minutes of the Meeting of December 21, 2023, were approved. *(Vote: 9-0)*
- B. The General Manager was authorized to purchase an Enterprise log management security automation and orchestration response (SOAR) software license subscription term from ePlus for an amount not to exceed \$1,147,220.00. *(Vote: 9-0).*
- C. The General Manager or his designee was authorized to enter into a contract to purchase F5, Inc. network and firewall products, including associated configuration and implementation services, from ePlus ("ePlus Technology Inc."), a reseller for such software and services, for a one year duration not to exceed \$404,704.28. *(Vote: 9-0)*
- D. The General Manager was authorized to award Agreement No. 6M4848 to Milliman, Inc. for actuarial consulting services in an amount not-to-exceed \$2,000,000.00, pursuant to notification to be issued by the General Manager and subject to compliance with the District's Protest Procedures. *(Vote: 9-0)*
- E. The Board approved the base pay schedule in effect January 1, 2024. *(Vote: 9-0)*
- F. The Board approved the attached special compensation provisions for Non-Represented sworn employees effective January 1, 2024. (The Special Compensation Provisions for Non-Represented Sworn Employees is attached and hereby made a part of these Minutes.) *(Vote: 9-0)*
- G. The Board authorized the General Manager to establish Non-Represented Professional/Management Pay Band 16, with an annual salary minimum of \$233,322.00 and a maximum of \$353,484.00, effective February 22, 2024. *(Vote: 9-0)*
- H. The General Manager was authorized to execute the Fourth Amendment to the Use, Operating, and Maintenance (UOM) Agreement to put in place a new payment schedule for Fiscal Year (FY) 24 through FY28, with the option to extend this agreement annually after FY28, in one-year increments, for an additional period of up to five years. *(Vote: 9-0)*

I. The General Manager was authorized to award Agreement No. 6M3678 to Diamond Tool & Die, Inc. of Oakland, California, and Agreement No. 6M3679 to Yost Metal Fabricators, LLC of Hayward, California to provide Electrical and Mechanical Components Repair in an amount not-to-exceed \$1,125,000.00 each, pursuant to notification to be issued by the General Manager and subject to compliance with the District's Protest Procedures. The General Manager was also authorized to exercise up to two (2) one-year options for Agreement No. 6M3678 for an amount not-to-exceed \$375,000.00 (option year 1) and \$375,000.00 (option year 2), and up to two (2) one-year options for Agreement No. 6M3679 for an amount not-to-exceed \$375,000.00 (option year 1) and an amount not-to-exceed \$375,000.00 (option year 2), for a total amount for two base Agreements and four options not-to-exceed \$3,750,000.00. The exercise of all options is subject to the availability of funding. *(Vote: 9-0)*

J. The General Manager was authorized to award Invitation for Bid (IFB) No. 9129 to S&S Trucking of Oakland, CA, in the amount of \$2,311,961.63 (includes taxes), pursuant to notification to be issued by the General Manager, subject to compliance with the District's Protest Procedures. *(Vote: 9-0)*

(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.)

K. Pursuant to California Public Contract Code Section 20227, the Board of Directors found that MagWatt LLC is the single source for the procurement of 1000VDC Power Supply Units for the sole purpose of replacing Power Supply Units within the District's facilities. The General Manager was authorized to award a sole source procurement contract to MagWatt LLC to procure 1000VDC Power Supply Units for an amount not to exceed \$1,150,000.00. *(Vote: 9-0)*

L. The General Manager was authorized to award IFB No. 9134 for Taylor-Dunn Bigfoot Carts to Toyota Material Handling Northern California, Livermore, CA, for an amount of \$574,072.63 (includes all taxes), pursuant to notification to be issued by the General Manager. *(Vote: 9-0)*

(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.)

M. The General Manager or his designee was authorized to enter into agreements required to apply for Round 8 of the Affordable Housing and Sustainable Communities grant program, including but not limited to Memoranda of Understanding and Pass-Through Agreements to receive funds. Agreements would be with some or all of the following parties:

- BRIDGE Housing Corporation (who would be party to two separate applications and agreements)
- Pacific West Communities, Inc. & the City of San Leandro
- The Related Companies of California LLC, Satellite Affordable Housing Associates & the City of El Cerrito
- The Related Companies of California LLC & Affordable Housing Access
- Resources for Community Development

(Vote: 9-0)

- N. The General Manager, or his designee, was authorized to execute a change order to Agreement No. 6M4771 with ABM Industry Groups, LLC to include building engineering services for 101 8th St., Oakland (MET) through FY26 (three years), with two (2) one-year options, in the amount of \$2,596,148.00. *(Vote: 9-0)*
- O. The Board authorized the General Manager to execute amendment No. 3 to Professional Service Agreement No. 6M2087 with District Works, LLC in an amount not to exceed \$4,210,000.00 for FY24-25 Restroom Attendant Services. *(Vote: 9-0)*
- P. The General Manager was authorized to execute an agreement with MGT of America Consulting, LLC to provide on-call performance audit and/or fraud examination services, for the amount not to exceed \$1,000,000.00 pursuant to notification to be issued by the General Manager and subject to the District's Protest Procedures. *(Vote: 9-0)*

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

6. **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

President Dufty brought the item before the Board.

Public Comment

Aleta Dupree addressed the Board.

President Dufty indicated that the Board would enter into Closed Session under Items 6-A (Public Employee Employment/Appointment) and 6-B (Conference with Labor Negotiators) 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 9:14 a.m.

The Board reconvened in Closed Session at 9:20 a.m.

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

Directors Present via Teleconference: None.

Absent: None.

The Board Meeting recessed at 1:36 p.m.

7. OPEN SESSION

The Board reconvened in Open Session at 1:42 p.m.

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

Directors Present via Teleconference: None.

Absent: Director Saltzman. Vice President Foley entered the Meeting later.

A. Announcements from Closed Session, if any.

President Dufty announced that the Board had concluded its Closed Session under Items 6-A and 6-B and that there were no announcements to be made.

8. 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 successful completion of a weekend shutdown project that involved track installation and tree removal along the Richmond line; the completion of the MUX project, aimed at improving system reliability; and ridership.

Vice President Foley entered the Meeting in Oakland.

General Manager Powers also addressed concerns about employee safety, particularly during late-night and early-morning hours and indicated that measures such as increased police patrols, shuttle services, and strategic patrols would be implemented. General Manager Powers emphasized the importance of employee safety and noted ongoing efforts to ensure it.

Public Comment

The following individuals addressed the Board:

Jesse Hunt
Aleta Dupree
Sal Cruz

Discussion

The item was discussed, with the following highlights:

President Dufty requested that the General Manager agendaize the issue for the March 14th Board Meeting to provide an update on the progress made.

Vice President Foley seconded President Dufty's request, emphasizing the importance of continually addressing the issue. Vice President Foley also underscored the importance of prioritizing the protection of all BART employees and encouraged the exploration of any viable safety recommendations.

Director Simon emphasized the importance of hearing directly from representatives, such as Amalgamated Transit Union President Jesse Hunt, to shed light on employee safety concerns and highlighted the significance of discussing and prioritizing employee safety alongside rider safety.

Director Raburn stressed the importance of taking action to protect both BART employees and passengers; emphasized the potential consequences of not addressing safety concerns; and urged executive staff members to provide a list of actions to enhance safety.

Director Ames highlighted the fear and vulnerability experienced by BART staff and requested an update on the situation regarding teenagers potentially being killed while riding trains, as constituents were concerned and seeking information on how BART is addressing the issue.

Director Allen emphasized the urgent need for more police officers within the BART system and highlighted that the current number of sworn police officers is at an all-time low, stressing that adding more police officers is essential for improving safety.

9. 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.

The following individuals addressed the Board:

Rachel Miranda
Leopoldo Ruiz
Aleta Dupree
Raul Maldonado
Olivia Spicer

10. ADMINISTRATION ITEMS **Director Li, Chairperson**

Director Li, Chairperson of the Administration Committee, had no report and no items were presented.

11. **ENGINEERING AND OPERATIONS ITEMS**

Director Simon, Chairperson

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

Director Simon, Chairperson of the Engineering and Operations Committee, brought the item before the Board.

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

Public Comment

Aleta Dupree addressed the Board.

Director Simon exited the Meeting and Director Ames, Vice Chairperson of the Engineering and Operations Committee, presided over the remainder of the Engineering and Operations section.

Discussion

The item was discussed, with the following highlights:

Director Raburn highlighted some positive aspects of the Quarterly Service Performance Review (QPR), such as high customer satisfaction and increased police presence, and emphasized the need to address delays caused by slow speeds, particularly for passengers taking longer trips.

Director Li praised the QPR; highlighted the importance of friendly faces like station agents during service disruptions; and acknowledged the positive impact of collective investments and efforts in improving service quality, expressing gratitude for the visible improvements seen by riders.

Vice President Foley expressed concern about weather-related delays and the impact on service reliability, emphasizing the need to improve timed train meets, which currently have a 77% success rate. Vice President Foley also inquired how the average rider can report conditions that need attention, particularly those related to cleanliness.

Director Ames indicated that the metrics on cleaning need improvement; commented on the on-time performance measurement; suggested that more nuanced metrics would be beneficial; and inquired about the approach to improving escalator maintenance.

President Dufty noted the significant improvements in various areas of BART operations, despite challenges such as inclement weather.

Action

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

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

Director Raburn, Chairperson

Director Raburn, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, had no report and no items were presented.

5. BOARD MATTERS - PART I

Item 5 was heard before Item 13, Board Matters – Part II.

A. Resolution Commending Nuria I. Fernandez, Administrator, Federal Transit Administration.

President Dufty brought the item before the Board and recognized Nuria Fernandez, Federal Transit Administrator, for her contributions to transportation and engineering, particularly as the former Chief Executive Officer of the Santa Clara Valley Transportation Authority and the Administrator of the Federal Transit Administration. President Dufty also noted that Federal Transit Administrator Fernandez's background in civil engineering made her a trailblazer and an inspiration for countless individuals, including women and people of color, pursuing careers in the transportation and engineering fields.

President Dufty thanked Rodd Lee, Assistant General Manager, External Affairs, and his team for drafting the resolution.

Director Raburn moved that Resolution No. 5580, Resolution Commending Nuria I. Fernandez, be adopted.

Director McPartland seconded the motion.

Public Comment

Aleta Dupree addressed the Board.

Discussion

The item was discussed, with the following highlight:

Director Raburn shared an anecdote about Federal Transit Administrator Fernandez's commitment to fulfilling promises, emphasizing her effectiveness.

Action

Upon motion by Director Raburn and second by Director McPartland, Resolution No. 5580, Resolution Commending Nuria I. Fernandez, was adopted.

Vote Summary:

Moved / Seconded: Director Raburn / Director McPartland

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

No: 0.

Abstain: 0.

Absent: Directors Saltzman and Simon.

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

13. BOARD MATTERS – PART II

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

President Dufty called for Items 13-A, Board Member Reports; 13-B, Roll Call for Introductions; and 13-C, In Memoriam.

President Dufty commented on efforts to remove social media content promoting dangerous behavior, such as train surfing, and thanked staff for their efforts in reaching out to social media companies.

Director Raburn reported on his “Safe and Clean” presentation to the Alameda County Mayors' Conference and his attendance at an Oakland Chamber of Commerce discussion with Senator Nancy Skinner and Assemblymember Mia Bonta. Director Raburn also shared a recent experience he had with riders and requested that clocks be added to train cars.

Director Allen noted that she has submitted a request for clocks to be added to train cars as well.

Director McPartland reported on attending the Capitol Corridor Joint Powers Authority Board Meeting at BART Headquarters.

14. ADJOURNMENT

The Meeting adjourned at 3:11 p.m.

April B. A. Quintanilla
District Secretary

San Francisco Bay Area Rapid Transit District
Special Compensation Provisions for Non-Represented Sworn Employees
As of January 1, 2024
ATTACHMENT A

Non-Represented Sworn Employees

Education Allowance

The District shall pay the following Education Allowance to the Police Chief:

- A. Employee shall receive four percent (4.0%) of their base rate of pay for an B.A. or B.S. degree.

The District shall pay the following Education Allowance to Deputy Police Chiefs:

- A. Employees shall receive two percent (2.0%) of their base rate of pay for an A.A. or A.S. degree.
- B. Employees shall receive four percent (4.0%) of their base rate of pay for a B.A. or B.S. degree.
- C. Employees shall receive eight percent (8.0%) of their base rate of pay for a M.A. or M.S. degree.

The effective date of the Education Allowance shall be the pay period following when an employee notifies the District, in accordance with Department procedure, that the qualifications, as cited above, have been met.

Skill Allowance

The District shall pay the following Skill Allowance to eligible Deputy Police Chiefs:

- A. Employees shall receive one percent (1.0%) of their base rate of pay for an Advanced POST certificate.
- B. Employees shall receive two percent (2.0%) of their base rate of pay for a Supervisory POST certificate.

The effective date of the Skill Allowance shall be the pay period following when an employee notifies the District, in accordance with Department procedure, that the qualifications, as cited above, have been met.

Longevity Pay

The District shall pay the following Longevity Pay to eligible Deputy Police Chiefs:

- a. Upon the completion of 10 years of District service, the employee shall receive longevity pay in the amount of three and one-half percent (3.5%) of their base rate of pay.
- b. Upon the completion of 14 years of District service, the employee shall receive longevity pay in the amount of seven (7.0%) of their base rate of pay.
- c. An employee completing twenty-five (25) years of District service, or twenty-five (25) years of safety service with a minimum of ten (10) years of District service, shall have eight and four-tenths percent (8.4%) longevity incentive pay added to their base salary.

This pay shall not be used for the purpose of comparing, adjusting, or setting salaries.

The employee shall notify the Chief of Police in writing within ninety (90) days of eligibility. The memo shall contain the required District and/or safety service dates. The Chief of Police will concur with the employee's eligibility and forward the memo to the Classification & Compensation Division of Human Resources for review and approval.



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> 47000790F2D7463... </div>		GENERAL MANAGER ACTION REQ'D:		
DATE: 3/25/2024 4/4/2024		BOARD INITIATED ITEM: No		
Originator/Prepared by: April Quintanilla Dept: District Secretary <div style="float: right; border: 1px solid black; padding: 2px; margin-top: 5px;"> DocuSigned by: <i>April B. A. Quintanilla</i> 72F0DC7F642E43B... </div> Signature/Date: 4/2/2024	General Counsel <div style="float: right; border: 1px solid black; padding: 2px; margin-top: 5px;"> DocuSigned by: <i>Michael Sandoval</i> 2528C067C44147D... </div> Signature/Date: 4/2/2024 <div style="text-align: right;">[]</div>	Controller/Treasurer <div style="float: right; border: 1px solid black; padding: 2px; margin-top: 5px;"> DocuSigned by: <i>Shirley Gan</i> EE11C8CEEEA04FD... </div> Signature/Date: 4/2/2024 <div style="text-align: right;">[]</div>	District Secretary <div style="float: right; border: 1px solid black; padding: 2px; margin-top: 5px;"> DocuSigned by: <i>April B. A. Quintanilla</i> 72F0DC7F642E43B... </div> Signature/Date: 4/4/2024 <div style="text-align: right;">[]</div>	BARC <div style="float: right; border: 1px solid black; padding: 2px; margin-top: 5px;"> DocuSigned by: <i>Barbara K. Herhold</i> 3BB24D65B8724F5... </div> Signature/Date: 4/2/2024 <div style="text-align: right;">[]</div>

Consolidation of 2024 District Elections

PURPOSE:

To adopt a resolution requesting that the Boards of Supervisors of Alameda County, Contra Costa County, and the City and County of San Francisco consolidate the District election of members of the Board of Directors for districts 1, 3, 5, 7, and 9 with the State of California general election to be held on November 5, 2024.

DISCUSSION:

In anticipation of the election of Directors whose terms are to expire in December 2024 and in order to comply with the California State Elections Code and the California Public Utilities Code, the District must request that the Boards of Supervisors of the Counties of Alameda, Contra Costa, and the City and County of San Francisco consolidate the San Francisco Bay Area Rapid Transit District election with the State of California general election, to be held on November 5, 2024. The attached resolution has been drafted to accomplish this.

FISCAL IMPACT:

Funding in the amount of \$2,825,000.00 is allocated in the preliminary Fiscal Year 2025 Operating Budget (Department 0401141, Account 606090) to fund both the District's share of the cost of the election and the cost of printing, handling, translating, and mailing the candidates' statements.

Some of the costs for the candidates' statements will be paid by the candidates and the remaining balances will be paid by the District. The preliminary Fiscal Year 2025 Operating Budget allocation applies to both election consolidation and Candidates' Statements of Qualifications. Board Resolution No. 4652, adopted by the Board of Directors on March 27, 1997 (attached), established the rules governing candidates' Statements of Qualifications for

District elections.

ALTERNATIVES: None.

RECOMMENDATION:

That the Board of Directors adopt the attached resolution requesting that the Boards of Supervisors of Alameda County, Contra Costa County, and the City and County of San Francisco consolidate the District election with the State of California general election, to be held on November 5, 2024.

MOTION: That the Board of Directors adopt the attached resolution to consolidate the District election of members of the Board of Directors for districts 1, 3, 5, 7, and 9 with the State of California general election to be held on November 5, 2024.

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

Resolution of the Board of Directors of
the San Francisco Bay Area Rapid Transit
District Establishing the District Rules
Governing Candidates' Statement of
Qualifications for District Elections /

Resolution No. 4652

WHEREAS, Section 13307 of the Elections Code of the State of California provides, among other things, that candidates for District office may prepare a candidate's Statement of Qualifications of up to 200 words; the Board may authorize an increase in the limitation on words for the statement from 200 to 400 words; the Board may require each candidate filing a statement to pay in advance his or her estimated pro rata share of the total cost of producing and mailing the candidate's statement; and that, before the nomination period opens, the Board shall determine whether a charge shall be levied against that candidate for the candidate's statement, and

WHEREAS, it is the intent of the Board of Directors of the San Francisco Bay Area Rapid Transit District to adopt rules governing candidates' Statements of Qualifications for District elections.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the San Francisco Bay Area Rapid Transit District, as follows:

1. Each candidate for the BART Board of Directors who prepares a candidate's Statement of Qualifications pursuant to California Elections Code Section 13307 shall be required to pay a total election fee of \$750 at the time of filing as part of the cost to the District of printing, handling, translating, and mailing the candidate's statement, including the cost of foreign language translations.
2. The limit on the length of the candidate's Statement of Qualifications shall be 200 words.

BE IT FURTHER RESOLVED that the District Secretary is authorized to adopt procedures consistent with Section 13309 of the Elections Code for relieving indigent candidates from paying the requisite fee; and

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BE IT FURTHER RESOLVED that each candidate filing as a candidate for BART Director must complete the State of California Fair Political Practices Commission's disclosure form entitled: "Statement of Economic Interests" and to file said form with the District Secretary of the San Francisco Bay Area Rapid Transit District; and

BE IT FURTHER RESOLVED that the provisions of this resolution shall govern the 1998 election and all subsequent elections for the District's Board of Directors unless otherwise modified by this Board.

Supersedes Resolution No. 4622, adopted June 27, 1996.

#

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

Resolution of the Board of Directors of the
San Francisco Bay Area Rapid Transit District
requesting the Boards of Supervisors of Alameda
County, Contra Costa County, and the City and
County of San Francisco to provide for the
consolidation of a District election, electing
members of the Board of Directors,
with the State of California general election, to
be held on November 5, 2024 /

Resolution No. _____

WHEREAS, Section 28746.6 of the Public Utilities Code of the State of California provides:

“A general district election for the election of directors whose terms are to expire in that year shall be held and conducted on the first Tuesday after the first Monday in November of each even-numbered year and shall be consolidated, where possible, with the general election held on that date”; and

WHEREAS, Section 28746.8 of the Public Utilities Code of the State of California provides:

“Except as otherwise provided in this article, candidates for the board shall be nominated, the election held and conducted, and the ballots canvassed in accordance with the provisions of the Uniform District Election Law”; and

WHEREAS, Section 28747.2 of the Public Utilities Code of the State of California provides:

“A candidate for election from any of the election districts shall be nominated and elected by the voters residing within the election district from which he is elected”; and

WHEREAS, Section 28747.4 of the Public Utilities Code of the State of California in part provides:

“The county elections official of each county within the boundaries of the district shall conduct the election and canvass the returns for those election districts or portions of election districts which are within the county of his or her jurisdiction as county elections official. After the official canvass has been taken, the county elections official shall report the returns, by election district number, to the board”; and

WHEREAS, a State of California general election will be held on Tuesday, November 5, 2024; and

WHEREAS, the California State Legislature has established nine election districts within the San Francisco Bay Area Rapid Transit District as provided in Section 28745 of the Public Utilities Code of the State of California; and

WHEREAS, pursuant to Section 10522 of the Elections Code and 28750.4 of the Public Utilities Code of the State of California, the District has filed with the county elections official of each affected County a certified copy of Resolution No. 5509 of the Board of Directors of the San Francisco Bay Area Rapid Transit District which provides a map showing the boundaries of the District and the boundaries of the election districts and maps of the election districts prepared in accordance with Article 2.4 of Chapter 3 of Part 2 of Division 10 of the Public Utilities Code of the State of California; and

WHEREAS, the territory in which said election is to be held is, to wit, all of the territory of said Districts Nos. 1, 3, 5, 7, and 9 lying within the County of Alameda, the County of Contra Costa, and the City and County of San Francisco (hereinafter called the "Counties");

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the San Francisco Bay Area Rapid Transit District, as follows:

Section 1.

That the Boards of Supervisors of the Counties are hereby requested to order the consolidation of said District elections with said State of California general election, which will be held on Tuesday, November 5, 2024, and to further provide that within the territory affected by said order of consolidation, to wit, the Counties, that except as otherwise provided in Article 2.2 of Chapter 3 of Part 2 of Division 10 of the Public Utilities Code of the State of California, the election shall be held and conducted and the ballots canvassed in accordance with the provisions of said Uniform District Election Law.

Section 2.

That the Secretary of the District is hereby authorized and directed to certify the due adoption of this resolution and to file copies hereof, so certified, with the Board of Supervisors and with the county elections official of each of the Counties.

#



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> 47000790F2D7463... </div>		GENERAL MANAGER ACTION REQ'D:		
DATE: 3/20/2024 4/4/2024		BOARD INITIATED ITEM: No		
Originator/Prepared by: Rachel Russell Dept: PM/CM - Facilities <div style="float: right; border: 1px solid black; padding: 2px; margin-top: 5px;"> DocuSigned by: <i>Rachel Russell</i> 99E33FCEC0A147D... </div> Signature/Date: <div style="text-align: right;">4/3/2024</div>	General Counsel <div style="float: right; border: 1px solid black; padding: 2px; margin-top: 5px;"> DocuSigned by: <i>Amelia Sandoval</i> 2528C067C44147D... </div> Signature/Date: <div style="text-align: right;">4/3/2024 []</div>	Controller/Treasurer <div style="float: right; border: 1px solid black; padding: 2px; margin-top: 5px;"> DocuSigned by: <i>Shirley Gan</i> EE11C8CEEEA04FD... </div> Signature/Date: <div style="text-align: right;">4/3/2024 []</div>	District Secretary <div style="text-align: right;">[]</div>	BARC <div style="float: right; border: 1px solid black; padding: 2px; margin-top: 5px;"> DocuSigned by: <i>Shane Edwards</i> 8128A2EB2F014F3... </div> Signature/Date: <div style="text-align: right;">4/3/2024 []</div>

Authorize the General Manager to Execute Change Order Powell Street Station Modernization Project Change Order for Global Settlement for Contract Close-out

PURPOSE:

To authorize the General Manager to execute final Change Order for Powell Street Station Modernization Project, in an amount not to exceed \$300,000.00 for the global settlement of delay costs, Notices of Potential Claims (NOPCs), and protested Change Notices and Change Orders.

DISCUSSION:

Powell Street Station Modernization Project, is a comprehensive station reconfiguration and safety project which calls for demolition of existing staff offices in Hallidie Plaza, relocation of existing ticket vending machines to newly constructed areas against the station walls and construction of a new ceiling and circular light box art piece in their place, relocation of existing art walls, replacement of all platform and track lighting, construction of new staff offices and breakrooms with new electrical, plumbing, and HVAC systems, renovation of two restrooms, upgrades to existing power and communications cables, relocation of existing facilities, and mandated life-safety code upgrades, such as fire sprinklers.

The Contract was awarded to ProVen Management (PMI) of Oakland, CA on December 20th, 2019. As the project started construction, multiple differing site conditions and unforeseen conditions were encountered. Numerous design issues were discovered as well. Substantial Completion for this project was issued on June 13, 2023. The District conducted several meetings with the Contractor to evaluate and determine the causes and ownership of the delay. Consequently, the District offered \$300,000 as global settlement to

resolve delay costs, pending NOPCs, and protested change notices and Change Orders, which the Contractor accepted.

This Contract Change Order will resolve and settle the delay costs, pending Contractor NOPCs and protested Change Notices and Change Orders, including all pending issues with its sub-contractors.

FISCAL IMPACT:

Funding in the amount of \$300,000 for Change Order 92 for Contract No. 15IF-140 is included in the total project budget for 15IF003, Powell Street Station Modernization Project.

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:

Source	Fund Description	Amount
State	State Prop 1B - PTMISEA	10,364,433
Local	SFMTA (MUNI)	6,681,375
Local	CCSF Prop K	1,000,000
BART	Measure RR GOB	8,324,885
BART	Capital Allocation	187,795
	Total:	26,558,488

As of February 21, 2024, \$26,558,488 is the total budget for BART for this project. BART has expended \$23,985,990, committed \$576,179 and reserved \$0 to date for other actions. This action will commit \$300,000 leaving an available fund balance of \$1,696,319 in these fund resources for this project.

The Office of the Controller/Treasurer certifies that funds are currently available to meet this obligation. This action is not anticipated to have any Fiscal Impact on unprogrammed District reserves.

ALTERNATIVES:

The Board can elect to not authorize a global settlement amount for the approval of this Change Order. However, the protested change orders and NOPCs would still need to be resolved for closing out the Contract this would likely mean a protracted and costly

negotiation process that would likely require a mediator and legal involvement and would significantly delay the closeout of this project.

RECOMMENDATION:

Recommend that the Board approve the following Motion:

MOTION:

The General Manager is authorized to execute final Change Order for the Powell Street Station Modernization Project, in an amount not to exceed \$300,000.00 for the global settlement of delay costs, pending Notices of Potential Claims (NOPCs), and protested Change Notices and Change Orders.



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: yes		
DATE: 3/26/2024 4/4/2024		BOARD INITIATED ITEM: Yes		
Originator/Prepared by: Robert Franklin Dept: Customer Dev & Station Access <div style="border: 1px solid black; padding: 2px; margin-top: 5px;"> <small>DocuSigned by:</small> <small>AFF4529E1F0D45C...</small> </div> Signature/Date: <div style="text-align: right;">4/2/2024</div>	General Counsel <div style="border: 1px solid black; padding: 2px; margin-top: 5px;"> <small>DocuSigned by:</small> <small>2528C067C44147D...</small> </div> Signature/Date: <div style="text-align: right;">4/2/2024 []</div>	Controller/Treasurer <div style="border: 1px solid black; padding: 2px; margin-top: 5px;"> <small>DocuSigned by:</small> <small>EE11C8CEEEA04FD...</small> </div> Signature/Date: <div style="text-align: right;">4/2/2024 []</div>	District Secretary <div style="border: 1px solid black; padding: 2px; margin-top: 5px;"> <small>DocuSigned by:</small> <small>AA8F1409A8F748E...</small> </div> Signature/Date: <div style="text-align: right;">[] 4/2/2024 []</div>	BARC <div style="border: 1px solid black; padding: 2px; margin-top: 5px;"> <small>DocuSigned by:</small> <small>AA8F1409A8F748E...</small> </div> Signature/Date: <div style="text-align: right;">4/2/2024 []</div>

Authorization to Award RFP 6M4830 for Software Services for East Bay Paratransit Consortium

Purpose:

To seek Board authorization for the General Manager, acting jointly with Alameda-Contra Costa Transit District (AC Transit), to execute Contract No. 6M4830 with Spare Labs Inc. to provide software services for the East Bay Paratransit Consortium (EBPC) for a seven-year term, inclusive of an up to two-year implementation period and a five-year operational period for a total not-to-exceed project amount of \$5,246,000 (BART's share is \$1,626,000 and AC Transit's share is \$3,620,000).

Discussion:

EBPC is a partnership between BART and AC Transit to provide federally mandated paratransit services as required under the Americans with Disabilities Act (ADA) in the overlapping service areas of the two agencies. EBPC expenses are split 69% and 31% between AC Transit and BART, respectively. The paratransit service is operated by a contracted broker firm, which subcontracts with various service providers.

EBPC has been utilizing the paratransit software solution ADEPT by Stratagen to manage eligibility and certifications, store user profiles, schedule rides for passengers, create route and trip manifests, and generate reports. ADEPT is nearing its end-of-life and will soon be unsupported by the vendor.

This software procurement to replace ADEPT was undertaken jointly by BART and AC Transit, with BART taking the procurement lead. AC Transit is scheduled to consider this

item at its April 24, 2024 Board meeting. The Request for Proposals (“RFP”) sought a software-as-a-service platform that requires minimal development and customization and satisfies all features, functions, and services identified in the Paratransit Software Replacement Scope of Services and Technical Requirements of the RFP. The new software will provide innovative features such as dynamic vehicle routing to improve efficiency and reduce costs; expanded customer support and self-service functions such as trip booking and cancellation; improved efficiencies in the call center features and functions; and the ability to integrate with BART’s contactless paratransit fare payment app. The system will be flexible and scalable to support new technologies, will integrate with existing EBPC systems, and will be designed to adapt to rapidly changing processes and standards.

The RFP was issued on August 25, 2023 and a Notice to Proposers was emailed to eighteen potential proposers and 463 certified Small Businesses. A Pre-Proposal Meeting was held with interested parties on September 7, 2023, with ten firms in attendance. Proposals were received on October 17, 2023 from four firms:

1. RideCo
2. Spare Labs Inc.
3. Stratagen Systems
4. Trapeze Software Group, Inc.

For the selection committee, BART and AC Transit enlisted the expertise and assistance of several technical advisors, including personnel from New York City Transit (Department of Paratransit), Transdev (current paratransit broker), and Transsight (a technology firm) to review and evaluate the proposals. The committee determined that two firms – Spare Labs Inc. and Trapeze Software Group, Inc. - scored within a competitive range. Trapeze withdrew from the scheduled oral interview and was therefore disqualified from participation. The Selection Committee determined that Spare Labs Inc.’s product provided the best value to BART, AC Transit, and EBPC’s paratransit riders. Negotiations began in January 2024 between EBPC and Spare Labs Inc. A Best and Final Offer (BAFO) request was issued at the conclusion of negotiations in March 2024. Spare Labs Inc. adjusted its price according to its discussions with EBPC and its BAFO fell below the Independent Cost Estimate of \$6,400,000.

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

Pursuant to the District’s Non-Discrimination Program for Subcontracting, the Availability

Percentages for this Agreement are 8.4% for Minority Business Enterprises (MBEs) and 5.7% for Women Business Enterprises (WBEs). Spare Labs 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.

The total project cost will be \$5,246,000: \$1,520,000 covers implementation costs for the first two years of the implementation; \$2,554,000 covers operations and maintenance costs over the remaining five years of the contract; and \$680,000 covers risk reserve. The total project cost also includes a \$492,000 option to use Spare's text-messaging (SMS) and interactive voice response (IVR) system if desired.

Fiscal Impact:

Funding for Contract No. 6M4830 for the amount of \$5,246,000 with Spare Labs Inc. to provide software services for EBPC is partially funded from project 65MB001 (\$4,928,000). The balance of \$318,000 (\$26,000 in FY28, \$146,000 in FY29, and \$146,000 in FY30) will be included in BART's proposed Customer Access and Accessibility Department's annual operating budget (Department 1102492, Account 686630), subject to Board approval. These expenses in FY28-FY30 comprise BART's share of the operations and maintenance costs in the last two-plus years of the contract. AC Transit will transfer its share of the project costs to BART in advance of expenditures.

The table below lists funding assigned to the referenced project 65MB001 and is included to track funding history against spending authority. Funds needed to meet this request will be expended from the sources listed.

Type	Description	Amount
LOCAL	AC Transit	3,620,000
BART	Capital Allocations	1,334,550
	Total of Project 65MB001	\$4,954,550

As of March 29, 2024, \$4,954,550 is the total budget for this project. BART has expended \$0, committed \$0, and reserved \$0 to date. This action will commit \$4,928,000, leaving an available fund balance of \$26,550 in these fund sources for this project.

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

There is no fiscal impact on available un-programmed District Reserves.

Alternatives:

Reject all proposals and rebid the contract. Doing so is not anticipated to result in additional or better quality proposers.

Recommendation:

Adopt the following motion.

Motion:

The General Manager, acting jointly with AC Transit, is authorized to execute Contract No. 6M4830 with Spare Labs Inc. to provide software services for the East Bay Paratransit Consortium for a seven-year term, inclusive of an up to two-year implementation period and a five-year operational period for a not to exceed amount of \$5,246,000 (BART's share is \$1,626,000 and AC Transit's share is \$3,620,000). In addition, the General Manager, acting jointly with AC Transit, is authorized to exercise a \$492,000 option, included in the not to exceed amount of \$5,246,000, for the text messaging and interactive voice response systems.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <div style="float: right; border: 1px solid black; padding: 2px; margin-top: 5px;"> <small>DocuSigned by:</small> <small>47000790F2D7463...</small> </div>		GENERAL MANAGER ACTION REQ'D:		
DATE: 3/7/2024 3/21/2024		BOARD INITIATED ITEM: No		
Originator/Prepared by: Rod Maplestone Dept: Leave & Absence Mgmt <div style="border: 1px solid black; padding: 2px; margin-top: 5px;"> <small>DocuSigned by:</small> <small>397087B9BAB946F...</small> </div> Signature/Date: <div style="text-align: right;">3/19/2024</div>	General Counsel <div style="border: 1px solid black; padding: 2px; margin-top: 5px;"> <small>DocuSigned by:</small> <small>AC4833F2CF9B4C5...</small> </div> Signature/Date: <div style="text-align: right;">3/19/2024 []</div>	Controller/Treasurer <div style="border: 1px solid black; padding: 2px; margin-top: 5px;"> <small>DocuSigned by:</small> <small>EE11C8CEEEA04FD...</small> </div> Signature/Date: <div style="text-align: right;">3/19/2024 []</div>	District Secretary <div style="border: 1px solid black; padding: 2px; margin-top: 5px;"> <small>DocuSigned by:</small> <small>3BB24D65B8724F5...</small> </div> Signature/Date: <div style="text-align: right;">[]</div>	BARC <div style="border: 1px solid black; padding: 2px; margin-top: 5px;"> <small>DocuSigned by:</small> <small>3BB24D65B8724F5...</small> </div> Signature/Date: <div style="text-align: right;">3/19/2024 []</div>

Award of Agreement No. 6M4858 for Workers' Compensation Third Party Administration and Related Services

PURPOSE:

To obtain Board authorization for the General Manager to award Agreement No. 6M4858 to Athens Administrators to provide Workers' Compensation Third Party Administration and related services.

DISCUSSION:

This Agreement is for Workers' Compensation Third Party Administration and related services. These services fall into three separate categories:

Workers' Compensation Third Party Administration Services. The Third Party Administrator (TPA) assumes overall responsibility for the administration of the Workers' Compensation (WC) program, including the processing of WC claims in accordance with State law and legislation, providing procedural oversight, recordkeeping, administrative functions, and coordinating all ancillary services necessary to effectively address an injured worker's claim.

Medical Case Management Services. Medical case management services provide oversight and proactive management of medical treatment with the objective of assuring timely and appropriate treatment for employees that also remains focused on their return to work. Specifically, these services include recommending and coordinating treatment plans that are medically appropriate, defensible, improve the quality of care, control long-term costs, and facilitate a prompt return to work.

Utilization and Bill Review Services. Utilization and bill review services assure that procedures and treatments ordered are supported by peer-review and objective medical

guidelines, and that billing is for services actually rendered, at rates that are consistent with the fee schedule.

A Best Value Memo was approved by the GM on June 6, 2023. Under the Best Value approach, the District retained the right to award any of the three services, above, individually to other than the lowest cost proposals, based upon a determination that certain technical advantages available from a proposal will equate to added value to the District.

A Request for Proposals (RFP) utilizing the District's Small Business Program provisions was advertised in 10 newspapers on February 6, 2024. Advanced Notices were given to 102 certified Small Businesses via the B2Gnow database throughout the State of California, with 12 planholders downloading the RFP. A Pre-Proposal Meeting was held on February 12, 2024, and was attended by four (4) firms. Under the three (3) separate categories, one (1) proposal was received for Workers' Compensation Third Party Administration Services, four (4) proposals were received for Medical Case Management Services, and four (4) proposals for Utilization and Bill Review Services. In total, nine (9) proposals were received for the Workers' Compensation Third Party Administration and related services RFP as follows:

Workers' Compensation Third Party Administration Services:

1. Athens Administrators

Medical Case Management Services:

1. Athens Administrators
2. CareWorks Managed Care Services, Inc.
3. EK Health Services, Inc.
4. Genex Services, LLC

Utilization and Bill Review Services:

1. Athens Administrators
2. CareWorks Managed Care Services, Inc.
3. EK Health Services, Inc.
4. Genex Services, LLC

The District's Selection Committee, chaired by Contract Administration, consisted of representatives from Human Resources and the Office of Civil Rights. All proposals were found to be responsive to the RFP requirements and were in the competitive range. Oral interviews were held on Thursday, March 14, 2024, and Friday March 15, 2024. Based on the written and oral evaluations using the best value method, the Committee determined that Athens Administrators was the most qualified firm to provide all three (3) services.

Pursuant to the District's Non-Federal Small Business Program, the Office of Civil Rights

set a 5% Small Business Prime Preference for this Agreement for Small Businesses certified by the California Department of General Services ("DGS"). It was determined that there were no certified Small Businesses certified by the DGS among the responsive Proposers and, therefore, the Small Business Prime Preference is not applicable.

Pursuant to the District's Non-Discrimination Program for Subcontracting, the Availability Percentages for this Agreement are 8.4% for Minority Business Enterprises ("MBEs") and 5.7% for Women Business Enterprises ("WBEs"). Athens committed to 0% MBE and 0% WBE participation. Athens did not meet either the MBE or WBE Availability Percentages; therefore, Athens was requested to provide the Office of Civil Rights with supporting documentation to determine if it had discriminated on the basis of race, national origin, color, gender or ethnicity. Based on the review of the information submitted by Athens, the Office of Civil Rights found no evidence of discrimination.

FISCAL IMPACT:

The proposed Agreement has a three-year term with options to renew for two additional one-year periods. The maximum compensation for Workers' Compensation Third Party Administration Services will be \$3,495,663 for the 3-year base period and \$6,019,596, including all option years. This Agreement will be funded by the Leave and Absence Management Division (0502421, Account 681300, Professional and Technical Services). Funding for the current Fiscal year is included in the existing operating budget. Funding for subsequent years will be included in future proposed annual operating budgets, which are subject to Board approval.

The maximum compensation for Medical Case Management Services will be \$3,372,925 for the base three years and \$5,821,075, including all option years. The maximum compensation for Utilization and Bill Review Services will be \$1,676,914 for the base three years and \$2,873,518, including all option years. Funding for Medical Case Management and Utilization and Bill Review services will come from the District's Workers' Compensation reserve fund which is funded by the General Fund.

In total, all services under this Agreement will not exceed \$14,714,189. This action is not anticipated to have any fiscal impact on unprogrammed District reserves in the current Fiscal year.

ALTERNATIVES:

The alternative is to not award this Agreement and re-bid the services. Re-issuing the RFP could cause delays in the production of required documents and impact reporting. Not providing these services would result in the District not meeting its statutory obligation to provide Workers' Compensation benefits to employees.

RECOMMENDATION:

Adopt the following motion.

MOTION:

The General Manager is authorized to award Agreement No. 6M4858 to Athens Administrators for Workers' Compensation Third Party Administration and related services in an amount not-to-exceed \$14,714,189 pursuant to notification to be issued by the General Manager and subject to compliance with the District's Protest Procedures.



6M4858 Workers' Compensation Third Party Administration & Related Services

April 11, 2024

The District's Workers' Compensation Program

- The program is guided by the California Labor Code and governed by the California Division of Workers' Compensation (DWC).
- The District maintains self-insured status through the Department of Industrial Relations (DIR) Office of Self-Insurance Plans (OSIP).
- Our program is self-funded to a \$4M per claim retention with only one claim exceeding our retention in the past five years.
- FY-23 resulted in 1,038 new WC claims filed (with an average of 800 open claims).

Workers' Compensation Program Components

- Third Party Administration: Provides overall administration of the WC claim including determining claim allowance, payment of all bills, maintaining claim records, and coordination of services.
- Medical Case Management: Facilitates medical management of the claim through assignment of telephonic and field-based nurses who coordinate treatment and return to work for employees.
- Utilization & Bill Review: Ensures that treatment recommendations are supported by objective medical guidelines and confirms all bills submitted are correctly billed within the California fee schedule.

Selection Process

- Our unbundled program consists of three separate scopes of work: (TPA, MCM, UR/BR).
- Posted in 10 publications.
- Advanced Notices were given to 102 certified Small Businesses throughout the State of California via the B2Gnow database.
- Responses received for each scope:
 - TPA Services (1)
 - Medical Case Management (4)
 - Utilization & Bill Review (4)
- Evaluation consisted of written proposals and interviews.
 - All vendors interviewed
- Best Value Method used.

Athens Administrators

- Each scope of service was evaluated separately.
- Athens Administrators received the highest scores from the panel, comprised of Leave Management, Labor Relations, and the Office of Civil Rights.
- Athens Administrators was selected as the best partner for the District in the administration of its comprehensive Workers' Compensation program for each separate scope of work.
- Athens Administrators has been a reliable partner to the District since 2005.

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

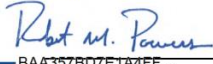
MEMORANDUM

TO: Board of Directors **DATE:** April 5, 2024

FROM: General Manager

SUBJECT: Fiscal Years 2025 and 2026 Preliminary Budget Overview

At the April 11, 2024 BART Board of Directors meeting, the District's "Fiscal Year 2025 and Fiscal Year 2026 Preliminary Budget Overview" will be presented as an information item. If you have any questions about this presentation, please contact Pamela Herhold, Assistant General Manager, Performance & Budget, at Pherhol@bart.gov, or (510) 464-6168.

DocuSigned by:

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Robert Powers

cc: Board Appointed Officers
Deputy General Manager
Executive Staff



Fiscal Year 2025 & Fiscal Year 2026 Preliminary Budget Overview

BART Board of Directors

April 11, 2024

AGENDA

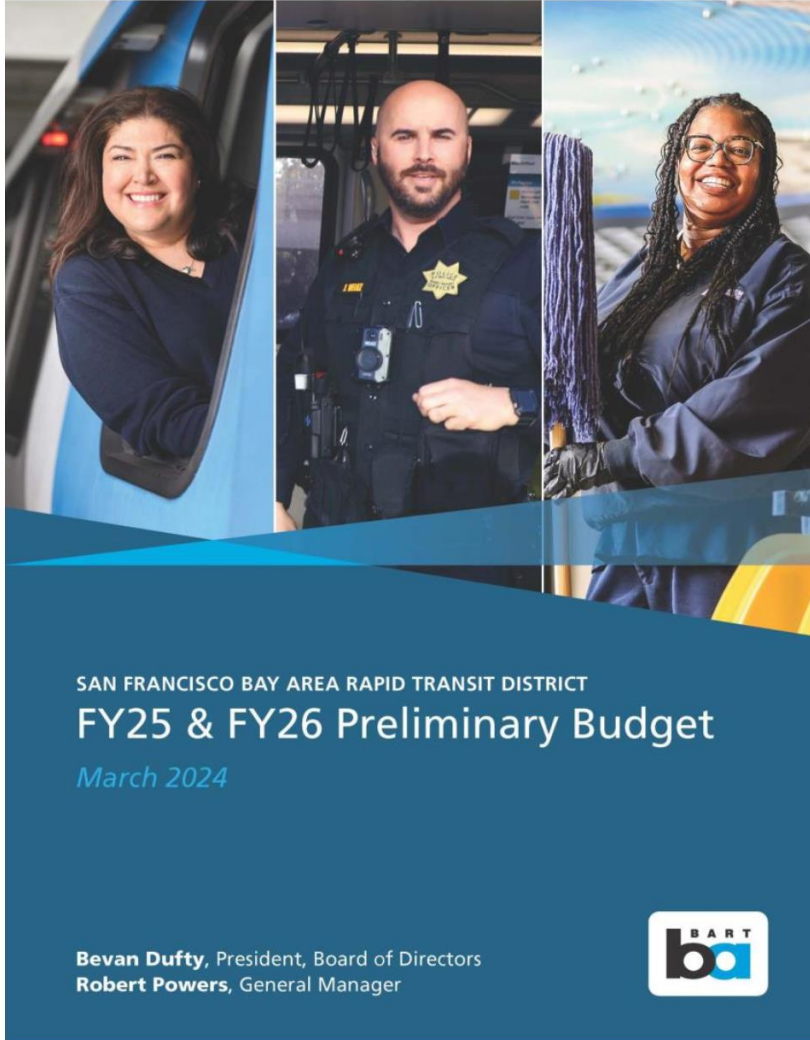
- FY24 Year-End Estimate
- FY25 & FY26 Preliminary Budget Memo (PBM) Overview
 - Changes since Board Workshop
 - Revenues
 - Expenditures
 - Fiscal runway update
- FY25 & FY26 Capital Budget Overview
- Calendar
 - New Board presentation schedule – operating, capital, rail service plan

FY24 Year-End Estimate

Second Quarter Financial Report (QFR): presented to Board on March 14; third quarter financial report scheduled for May 9 Board meeting

- Through 12/31/2023, BART used \$9.7M less emergency assistance than budgeted
- Total Sources are projected to be \$47.6M above budget by year-end
- Total Uses are projected to be \$27.4M above budget by year-end, driven primarily by projected \$49.5M negative variance in operating labor, offset by \$22.1M positive variance in non-labor and allocations
- BART currently projects \$20.2M less emergency assistance need than budgeted in FY24

FY25 & FY26 Preliminary Budget Overview



Executive Summary

- Confronting an extremely challenging fiscal environment
 - Medium- and long-term financial uncertainty
 - Pursuing new revenues
- Maintaining safe, frequent, reliable service
 - Focus on hiring frontline staff
 - Transportation Department staffing increased
 - Re-alignment of selected Maintenance positions

To access full PBM, please visit www.bart.gov/budget

Five-Year Outlook

(\$Millions)	FY25 Prelim	FY26 Prelim	FY27	FY28	FY29
Operating Revenues	305	325	359	385	405
Financial Assistance	504	514	517	533	548
Total Regular Revenues	808	839	875	918	954
Operating Expense	1,032	1,051	1,085	1,112	1,146
Debt Service & Allocations	102	97	139	125	118
Total Uses	1,134	1,148	1,224	1,237	1,264
<i>Operating Result</i>	<i>(326)</i>	<i>(309)</i>	<i>(349)</i>	<i>(319)</i>	<i>(311)</i>
Total Federal Assistance	326	283	0	0	0
<i>Total Net Result</i>	0	(26)	(349)	(319)	(311)
Board Workshop Deficit	0	(16)	(318)	(292)	(281)
<i>Change since Board Workshop</i>	0	(10)	(31)	(27)	(30)

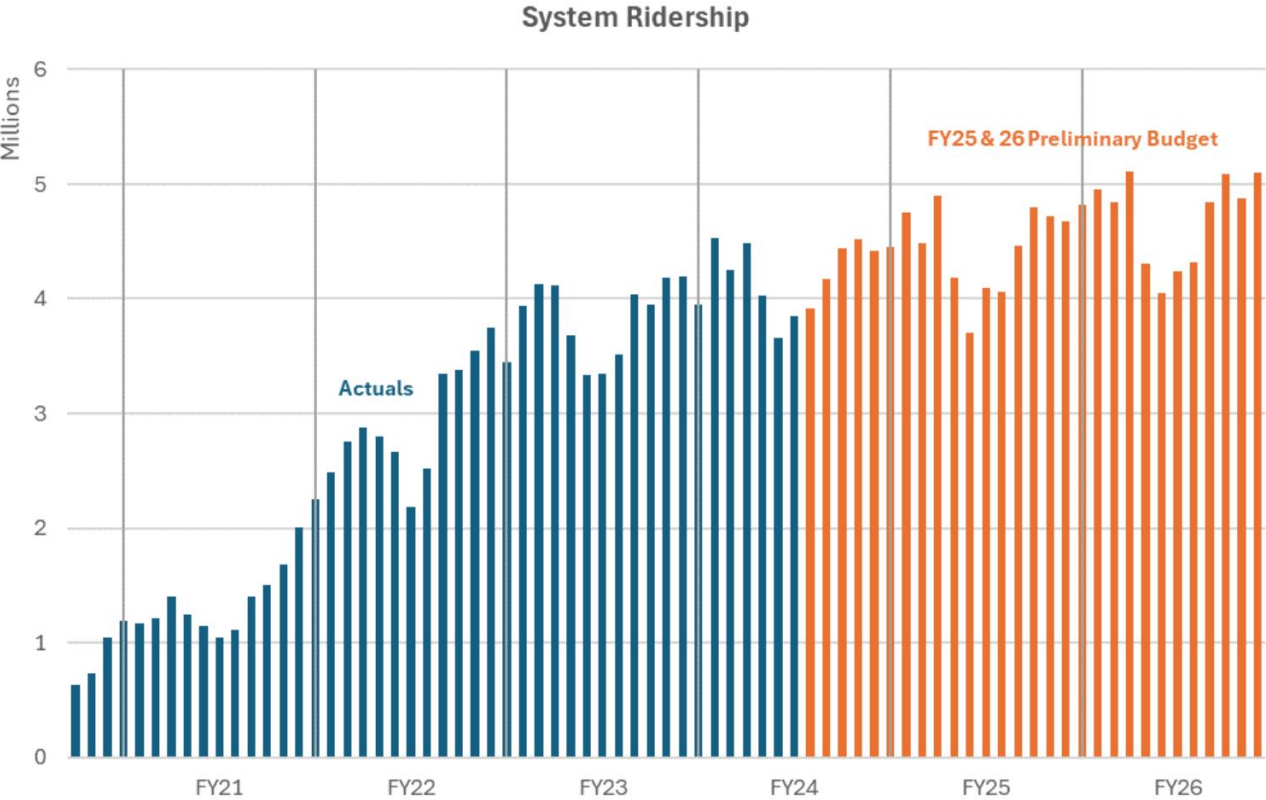
- FY26 deficit increases by \$10M, to \$26M
- Cumulative deficit increases by \$98M through FY29

FY25 & FY26 Preliminary Sources and Uses Summary

SOURCES & USES	FY24	FY24	FY25	Change		FY26	Change	
(\$Millions)	Adopted	Projected	Prelim	\$	%	Prelim	\$	%
Operating Revenue	264.2	278.0	304.6	26.6	10%	324.7	20.1	7%
Financial Assistance	469.2	503.1	503.5	0.4	0%	514.3	10.8	2%
<i>Total Sources</i>	<i>733.4</i>	<i>781.1</i>	<i>808.2</i>	<i>27.1</i>	<i>3%</i>	<i>839.1</i>	<i>30.9</i>	<i>4%</i>
Operating Expense	933.5	982.2	1,032.4	50.2	5%	1,051.0	18.6	2%
Debt Service & Allocations	150.6	129.3	101.8	(27.5)	(21%)	97.3	(4.5)	(4%)
<i>Total Uses</i>	<i>1,084.1</i>	<i>1,111.5</i>	<i>1,134.2</i>	<i>22.7</i>	<i>2%</i>	<i>1,148.3</i>	<i>14.1</i>	<i>1%</i>
Net Result Before Federal Emergency Assistance	(350.7)	(330.4)	(326.0)	4.4	1%	(309.2)	16.8	5%
Federal Emergency Assistance	350.7	330.4	326.0	(4.4)	(1%)	283.1	(43.0)	(13%)
Net Result After Federal Emergency Assistance	0.0	0.0	0.0	0.0	-	(26.2)	(26.2)	-

- The following slides show detail on each category in above chart
- Information is consistent with Preliminary Budget Memo released on March 29
- Revised revenue & expense and FY24 year-end projections will be presented at FY24 & FY25 Sources and Uses presentation, scheduled for May 9th Board meeting

FY25 & FY26 Ridership Outlook



- FY24 ridership 1% below budget as of the end of February
- Return-to-office no longer forecast to be major driver in ridership growth
- Modest growth attributed to mode shift to transit and generalized growth in all trip types

	FY24 Projected	FY25 Prelim	FY26 Prelim
Total Trips (M)	50.3	53.3	56.5
Average Weekday	164,800	176,900	188,400
Average Saturday	90,800	95,200	99,100
Average Sunday	68,400	72,300	76,100

FY25 & FY26 Preliminary Sources: Operating Revenue

OPERATING REVENUE	FY24	FY24	FY25	Change		FY26	Change	
(\$Millions)	Adopted	Projected	Prelim	\$	%	Prelim	\$	%
Rail Passenger Revenue	225.0	220.2	240.4	20.2	9%	262.0	21.6	9%
ADA Passenger Revenue	0.5	0.5	0.6	0.1	22%	0.6	0.0	5%
Parking Revenue	14.8	16.4	16.5	0.1	0%	16.0	(0.5)	(3%)
Other Operating Revenue	23.9	40.9	47.2	6.2	15%	46.1	(1.0)	(2%)
Total - Operating Revenue	264.2	278.0	304.6	26.6	10%	324.7	20.1	7%

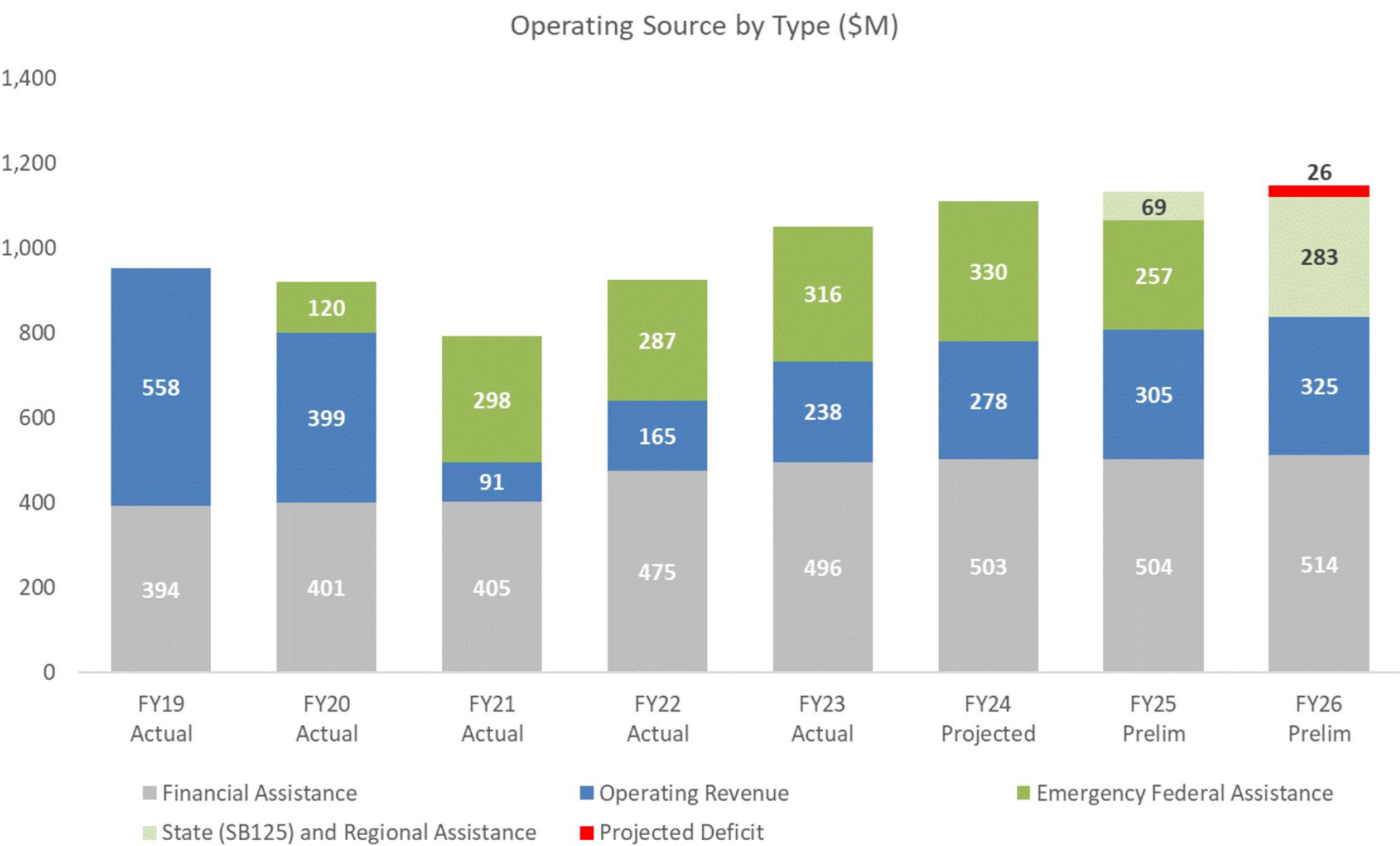
- FY24 fare revenue projected to be \$4.5M (2%) below budget
- FY25 preliminary operating revenue budget reflects a 10% increase over FY24 year-end estimate of \$278.0M; FY26 budget reflects a further 7% increase
- Fare and parking revenue estimates based on FY25 & FY26 ridership forecast
- Large increase in Other Operating Revenue driven by investment revenue returns under high interest conditions

FY24 & FY25 Preliminary Sources: Financial Assistance

FINANCIAL ASSISTANCE	FY24	FY24	FY25	Change		FY26	Change	
(\$Millions)	Adopted	Projected	Prelim	\$	%	Prelim	\$	%
Sales Tax Proceeds	319.8	318.1	323.5	5.4	2%	332.3	8.9	3%
Property Tax Proceeds	61.2	61.2	64.3	3.1	5%	65.9	1.6	2%
VTA Financial Assistance	34.7	33.9	35.3	1.3	4%	35.2	(0.1)	0%
State Transit Assistance	23.5	57.4	48.8	(8.6)	(15%)	49.3	0.6	1%
Low Carbon Funding Programs	16.8	17.1	17.0	(0.1)	(1%)	17.8	0.8	5%
Local & Other Assistance	13.1	15.3	14.7	(0.6)	(4%)	13.8	(0.9)	(6%)
Total – Financial Assistance	469.2	503.1	503.5	0.4	0%	514.3	10.8	2%

- State Transit Assistance FY24 year-end estimate is increased due to a \$17M payment that was expected to come in FY23; FY25 & FY26 budget is based on MTC's fund estimate
- Sales tax FY24 year-end estimate is ~\$1.7M (1%) below FY24 budget
- Property tax reflects county estimates
- Low Carbon Fuel Standard revenues (part of Low Carbon Funding Programs) stabilizing after several years of declining credit sales due to market conditions

Change in Operating Sources Since COVID



FY25 & FY26 Preliminary Uses: Labor

LABOR & BENEFITS	FY24	FY24	FY25	Change		FY26	Change	
(\$Millions)	Adopted	Projection	Prelim	\$	%	Prelim	\$	%
Wages	513.6	496.7	528.4	31.7	6%	544.1	15.7	3%
Overtime	76.8	78.9	77.0	(1.9)	(2%)	78.6	1.5	2%
CalPERS Pension	148.7	141.8	160.5	18.7	13%	160.1	(0.5)	0%
Active Employee Medical Insurance	84.8	81.7	89.2	7.5	9%	90.1	0.9	1%
Retiree Medical	44.9	44.9	45.6	0.7	2%	46.2	0.7	1%
Workers' Compensation	20.7	20.7	21.5	0.8	4%	21.5	0.0	0%
Other Benefits and Temp Help*	27.1	25.4	29.8	4.4	17%	30.3	0.4	1%
Subtotal – Gross Labor	916.5	890.1	952.1	62.0	7%	970.8	18.8	2%
Capital Reimbursement Wages	(128.7)	(73.4)	(96.4)	(23.0)	31%	(98.8)	(2.4)	3%
Capital Fringe	(63.5)	(50.7)	(55.3)	(4.5)	9%	(55.1)	0.2	0%
Capital Overtime	(23.9)	(16.0)	(20.0)	(4.0)	25%	(20.4)	(0.4)	2%
Subtotal – Reimbursements	(216.0)	(140.1)	(171.6)	(31.5)	23%	(174.3)	(2.7)	2%
Net - Labor & Benefits	700.5	750.0	780.5	30.5	4%	796.6	16.1	2%

*Other benefits includes Vision, Dental, Medicare, Life Insurance, Disability, Unemployment, Meal and Uniform Allowances

- Budgeted wages increase due to negotiated wage increases
- Vacancy factor remains 5% for operating and 18% for capital (reflects current vacancy rates)
- Most benefit costs dictated by outside entities or projected by independent third-party experts

FY24 to FY25 Preliminary Budget FTE Changes

FY24 to FY25 FTE Summary			
	Operating	Capital/ Reimbursable	Total FTEs
FY24 Adopted Budget	3,544.5	1,039.5	4,584.0
Re-alignment of Frontline Staff			
Additions/Adjustments	61.4	1.9	63.3
Maintenance Funding Conversions	186.3	(186.3)	0.00
Vacancy Eliminations	(25.0)	(2.0)	(27.0)
Other Adjustments			
Midyear Additions	3.0	5.0	8.0
Funding Conversions	(1.8)	1.8	0.0
Technical Adjustments	6.8	0.0	6.8
Reductions	(4.0)	(1.0)	(5.0)
Total Adjustments	226.7	(180.6)	46.1
FY25 Preliminary Budget	3,771.1	858.9	4,630.0

- Additions / Adjustments are primarily in Transportation (partially offset by Vacancy Eliminations)
- Maintenance Funding Conversions reflects actual charging patterns and District work needs for mostly-filled existing positions

FY25 & FY25 Preliminary Uses: Non-Labor

NON-LABOR	FY24	FY24	FY25	Change		FY26	Change	
(\$Millions)	Adopted	Projection	Prelim	\$	%	Prelim	\$	%
Clipper, Ticket Sales & Bank Fees	10.1	9.1	13.8	4.7	51%	7.3	(6.4)	(47%)
Insurance	9.9	11.3	10.9	(0.5)	(4%)	9.9	(1.0)	(9%)
Materials & Supplies	47.5	38.6	51.0	12.4	32%	50.5	(0.5)	(1%)
Professional & Technical Fees	50.4	50.5	51.4	0.9	2%	51.2	(0.2)	0%
Repairs & Maintenance	11.2	10.9	11.7	0.8	7%	11.7	0.0	0%
Rent	3.9	4.3	4.0	(0.4)	(9%)	13.0	9.0	227%
Power	59.0	59.0	61.6	2.6	4%	65.0	3.4	5%
ADA Paratransit	18.8	20.5	22.5	2.0	10%	23.0	0.5	2%
Purchased Transportation	7.9	7.9	8.5	0.6	7%	8.5	0.0	0%
Utilities	9.1	9.1	9.1	0.0	-	9.1	0.0	0%
Other Miscellaneous	5.3	11.0	7.6	(3.4)	(31%)	5.2	(2.3)	(31%)
Total - Non-Labor	233.0	232.2	251.9	19.7	8%	254.4	2.5	1%

- FY25 Non-Labor ongoing increases primarily in Traction Power and Paratransit, reflecting anticipated cost increases
- One-time cost increases for Clipper 2 (C2) transition, Board election costs, and insurance
- FY26 Rent line includes \$9M placeholder for anticipated expenses related to new BART Police Department Headquarters; staff continue to pursue federal financing programs

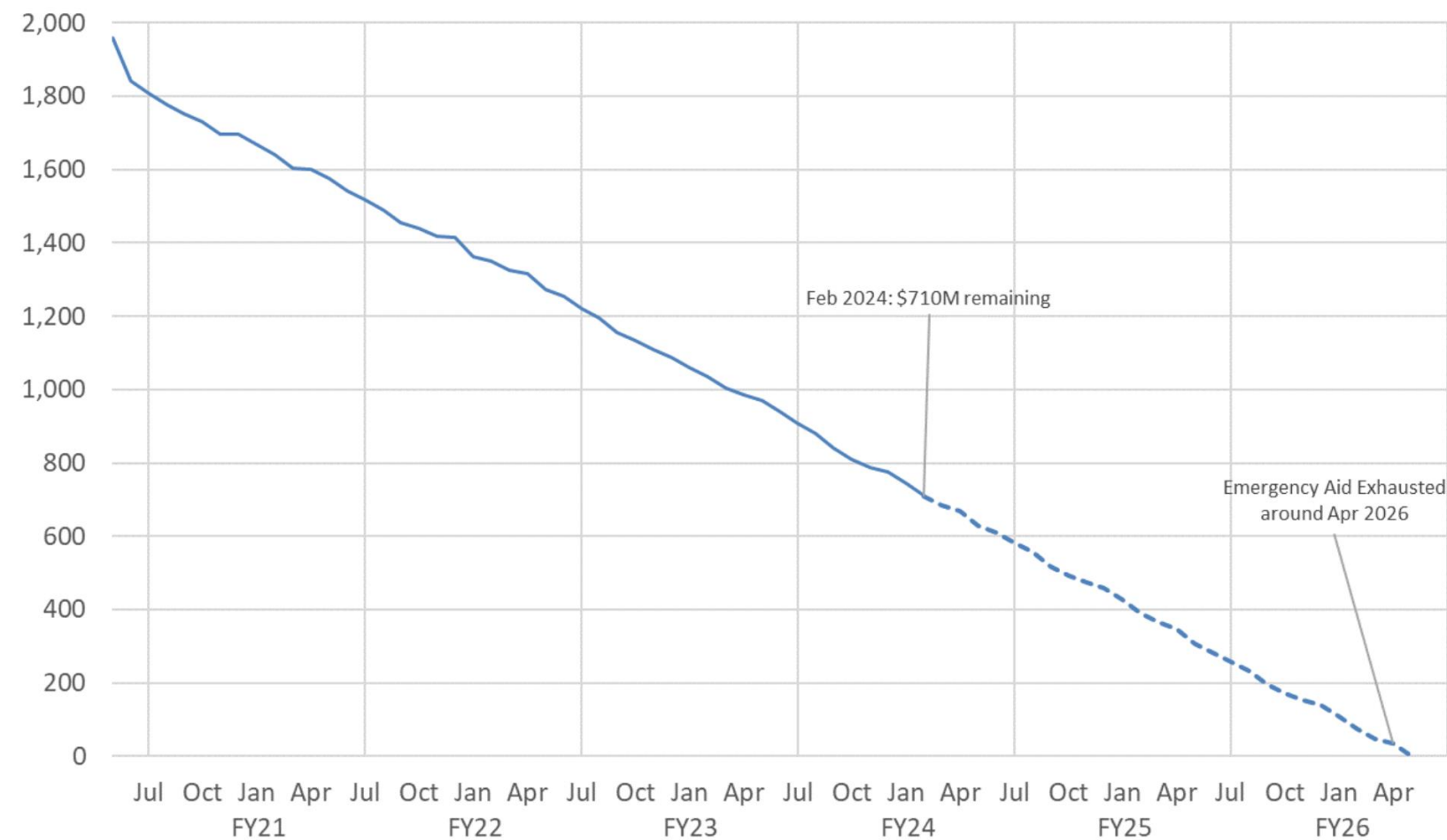
FY25 & FY25 Preliminary Uses: Debt Service & Allocations

DEBT SERVICE & ALLOCATIONS	FY24	FY24	FY25	Change		FY26	Change	
(\$Millions)	Adopted	Projection	Prelim	\$	%	Prelim	\$	%
Debt Service	60.1	60.1	60.2	0.0	0%	60.2	0.0	0%
Capital Reinvestment	38.6	38.9	38.6	(0.3)	(1%)	34.2	(4.5)	(12%)
Priority Capital Projects/Programs	50.0	28.0	-	(28.0)	(100%)	-	-	-
Other	1.9	2.3	3.0	0.6	27%	3.0	0.0	0%
Sustainability	-	-	-	-	-	-	-	-
Pension	-	-	-	-	-	-	-	-
Total - Debt Service & Allocations	150.6	129.3	101.8	(27.6)	(21%)	97.3	(4.5)	(4%)

- Priority Capital deferred in FY25 and FY26 based on anticipated project cashflow needs
- Sustainability and Pension allocations suspended in FY24, continued suspension in FY25 and out
 - All CalPERS obligations are fully funded in FY25 and FY26

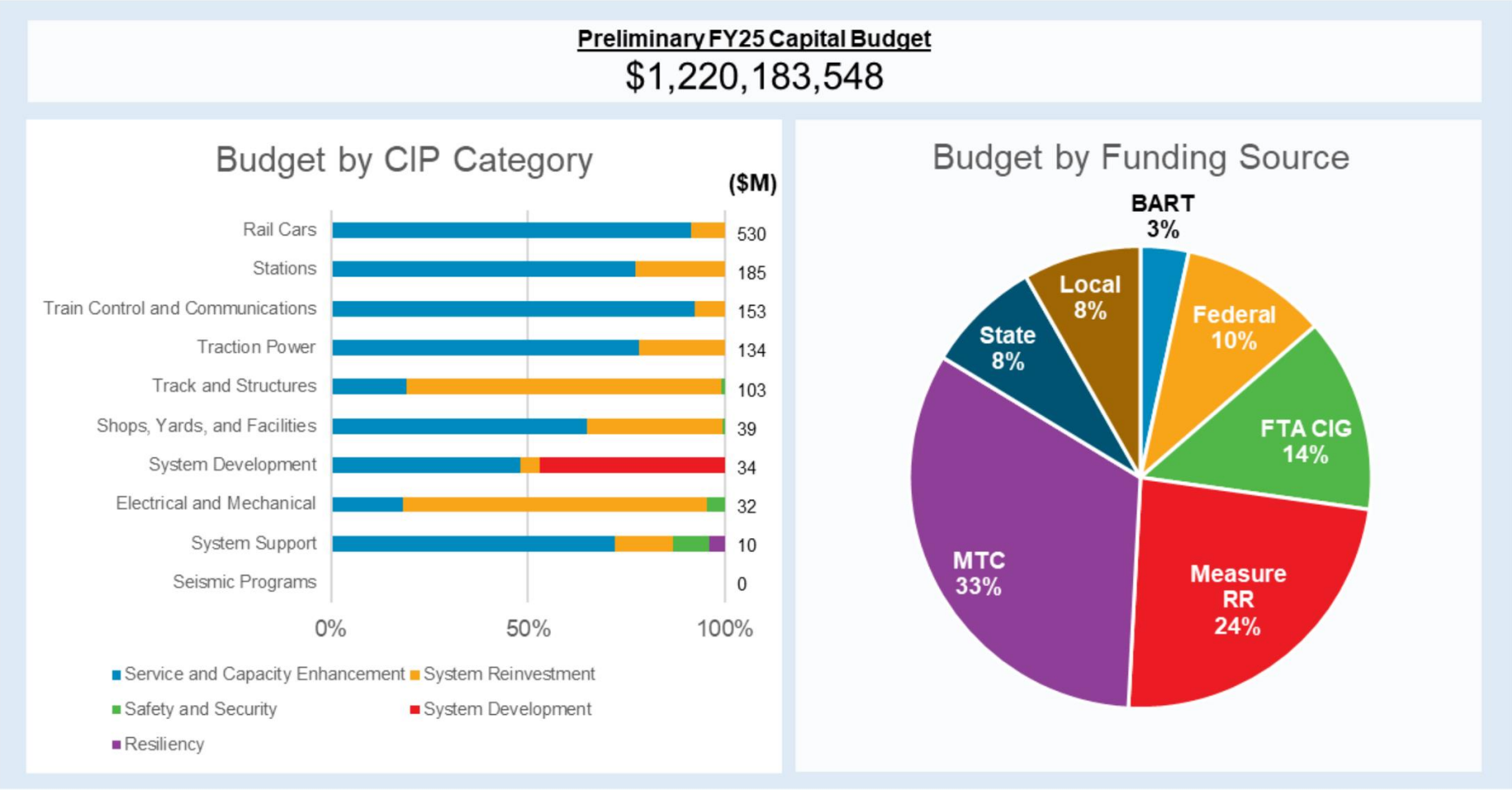
Projected Fiscal Runway

Emergency Aid Expenditure Forecast (\$M)

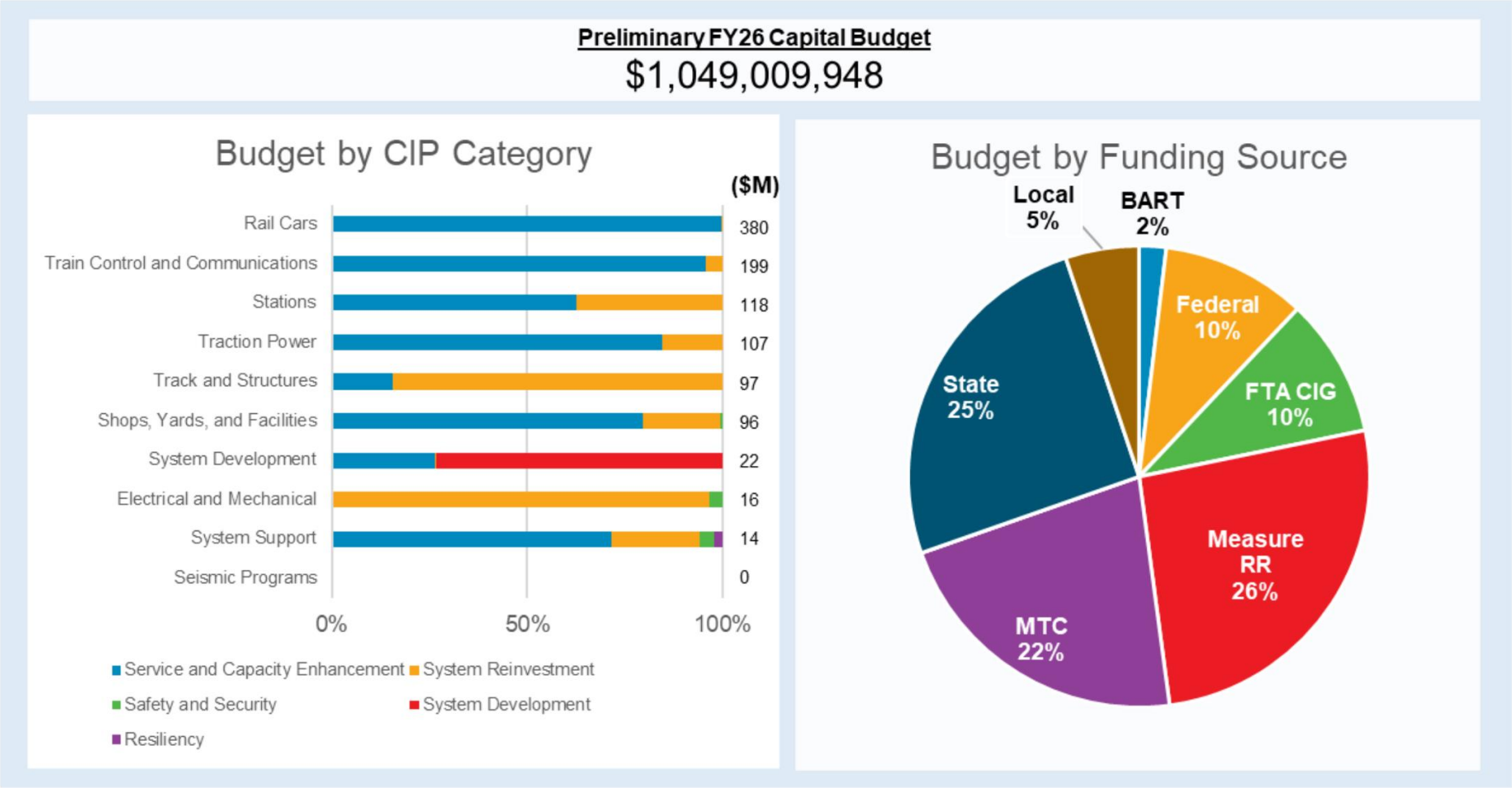


- Forecast now includes \$352M of anticipated State (SB125) and Regional Assistance
- Emergency Aid expected to be exhausted around April 2026
- First \$300M+ annual deficit is projected in FY27
- Permanent operating revenue source unlikely before FY28

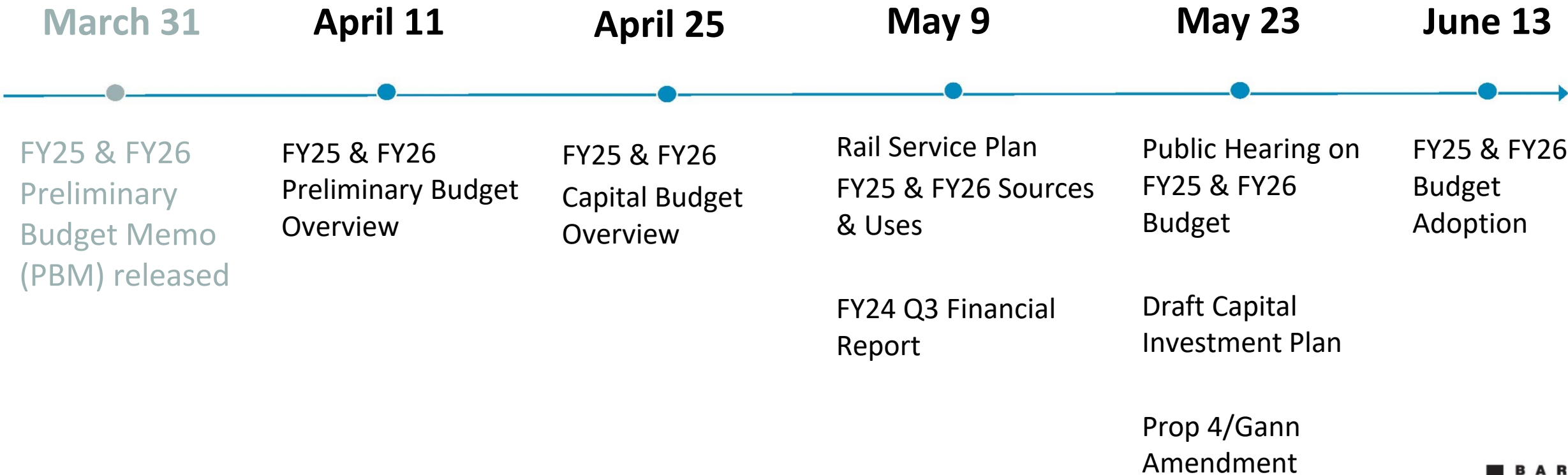
FY25 Preliminary Capital Sources & Uses



FY26 Preliminary Capital Sources & Uses



Timeline and Next Steps



Discussion

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Board of Directors

DATE: April 5, 2024

FROM: General Manager

SUBJECT: State Legislation – Senate Bill 1031 (Wiener and Wahab)

On March 28, 2024, the Board of Directors took a Support if Amended position on Senate Bill (SB) 1031 by Senator Scott Wiener and Senator Aisha Wahab.

At the April 11, 2024, Board of Directors meeting, staff will present requested amendments to SB 1031 for information and possible action.

As staff continue to work with the Metropolitan Transportation Commission, Bay Area transit agencies, and additional stakeholders on amendments to SB 1031, the staff presentation will be added to the Board agenda packet prior to the Board meeting.

If you have any questions, please contact Rodd Lee, Assistant General Manager of External Affairs, at (510) 464-6235.



Robert M. Powers

cc: Board Appointed Officers
Deputy General Manager
Executive Staff

AMENDED IN SENATE MARCH 18, 2024

SENATE BILL

No. 1031

Introduced by ~~Senator~~ *Senators Wiener and Wahab*
(Principal coauthor: Assembly Member Ting)

February 6, 2024

An act to amend ~~Section 9146 of the Government Code, relating to the Legislature. Sections 65081 and 66516 of, to add Section 13978.9 to, to add the heading of Division 1 (commencing with Section 66500) to Title 7.1 of, and to add Division 2 (commencing with Section 66538) to Title 7.1 of, the Government Code, to amend Section 99270.5 of the Public Utilities Code, to add Section 976.9 to the Unemployment Insurance Code, and to add Section 9250.3 to the Vehicle Code, relating to transportation.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 1031, as amended, Wiener. ~~Legislative review of state agency action.~~ *San Francisco Bay area: local revenue measure: transportation improvements.*

(1) Existing law creates the Metropolitan Transportation Commission as a local area planning agency for the 9-county San Francisco Bay area with comprehensive regional transportation planning and other related responsibilities. Existing law creates various transit districts located in the San Francisco Bay area, with specified powers and duties relating to providing public transit services.

This bill would authorize the commission to raise and allocate new revenue and incur and issue bonds and other indebtedness, as specified. In this regard, the bill would authorize the commission to impose a retail transactions and use tax, a regional payroll tax, a parcel tax, and a regional vehicle registration surcharge in all or a subset of the 9

counties of the San Francisco Bay area, in accordance with applicable constitutional requirements. The bill would require the parcel tax to be collected by counties and the other 3 taxes to be collected by specified state agencies, and would require the net revenues from those taxes to be remitted to the commission, as prescribed. The bill would require the revenue generated pursuant to these provisions to be used for transportation improvements in the San Francisco Bay area, including for various transit purposes, and would require the commission to distribute those revenues in accordance with specified requirements and expressions of legislative intent.

By adding to the duties of local officials with respect to elections procedures for revenue measures on behalf of the commission, this bill would impose a state-mandated local program.

(2) Existing law establishes the Transportation Agency, consisting of various state agencies under the supervision of an executive officer known as the Secretary of Transportation, who is required to develop and report to the Governor on legislative, budgetary, and administrative programs to accomplish comprehensive, long-range, and coordinated planning and policy formulation in the matters of public interest related to the agency.

This bill would require the Transportation Agency to select a transportation institute, as defined, to conduct an assessment of the associated advantages and disadvantages of consolidating all of the transit agencies, as defined, that are located in the 9-county San Francisco Bay area, as specified. The bill would require that assessment to be completed on or before January 1, 2026, and would require, as part of that assessment, the transportation institute to provide recommendations on how to consolidate those transit agencies and to include certain information in the assessment. Based on the findings of the assessment, the bill would require the Transportation Agency, on or before January 1, 2027, to recommend a comprehensive plan to consolidate all of the transit agencies located in the San Francisco Bay area, as provided. The bill would establish the Bay Area Transit Consolidation Technical Assistance Fund in the State Treasury for the deposit of moneys that can be used for specified purposes, including paying for the cost of conducting the assessment and preparing the comprehensive plan, as specified. The bill would require the assessment and the comprehensive plan to be submitted to the Legislature upon completion.

(3) Existing law requires the Metropolitan Transportation Commission to adopt rules and regulations to promote the coordination of fares and schedules for all public transit systems within its jurisdiction, as specified.

This bill would revise and recast this provision by, among other things, providing that the commission is responsible for implementing a seamless transit rider experience across the San Francisco Bay area and requiring those rules and regulations to also promote the coordination of mapping and wayfinding, real-time transit information, and other customer-facing operating policies, as specified. The bill would also declare that it is intent of the Legislature that the commission implement and sustain specified outcomes in undertaking these responsibilities. The bill would require the commission to submit an annual report to the Legislature on the status of those outcomes and the status of transit ridership in the San Francisco Bay area. By imposing additional duties on the commission, the bill would create a state-mandated local program.

(4) Under existing law, a transit operator within the jurisdiction of the commission is not eligible to receive funding allocated by the commission pursuant to the State Transit Assistance Program unless it has complied with the above-described rules and regulations adopted by the commission.

This bill would also make a transit operator ineligible to receive an allocation from the commission of the revenues generated by the new taxing authority authorized by the bill or to make a claim pursuant to the Transportation Development Act for an allocation of funds from a local transportation fund if the operator is not in compliance with those rules and regulations.

(5) Existing law authorizes the commission and the Bay Area Air Quality Management District to jointly adopt a commute benefit ordinance that requires covered employers operating within the common area of the 2 agencies with a specified number of covered employees to offer those employees certain commute benefits, as specified.

This bill would also authorize one of those commute benefit options to include an employer-provided regional transit pass.

This bill would authorize the commission, as part of a measure to impose a tax described above, to propose a ballot measure that would require a covered employer that is located in proximity to transit to purchase a regional transit pass for each of its employees and to require a covered employer that is not located in proximity to transit to provide

a subsidy to each of its employees corresponding in financial value to the regional transit pass, as specified. If the ballot measure is approved by the voters, the bill would require the commission and the district to update the ordinance accordingly.

(6) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

~~Existing law requires a state agency, as specified, to notify the Joint Legislative Budget Committee not less than 60 days prior to the effective date on which the state agency will establish or change a federal aid allocation formula to a local agency. If the chairman of the committee informs committee members of his intention to waive the 60-day notification period, existing law permits the chairman to grant a waiver of that notification period after receipt of the notification. Under existing law, upon the request of the chairman or any member of the committee, the committee must schedule a hearing on the proposed allocation formula to be established or changed.~~

~~This bill would make technical, nonsubstantive changes to those provisions to use gender-neutral language.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

- 1 *SECTION 1. The Legislature finds and declares all of the*
- 2 *following:*
- 3 *(a) The San Francisco Bay area needs a world-class, reliable,*
- 4 *affordable, efficient, and connected transportation network that*
- 5 *meets the needs of bay area residents, businesses, and visitors*
- 6 *while also helping combat the climate crisis.*
- 7 *(b) A world-class transportation network will enhance access*
- 8 *to opportunity, lower greenhouse gas emissions, strengthen the*
- 9 *region's economy, and improve quality of life.*
- 10 *(c) To achieve that vision, the San Francisco Bay area needs*
- 11 *all of the following:*

1 (1) *A public transit network that offers safe, clean, frequent,*
2 *accessible, easy-to-navigate, and reliable service that gets transit*
3 *riders where they want and need to go safely, affordably, quickly,*
4 *and seamlessly.*

5 (2) *Local roads that are well maintained.*

6 (3) *Transit, biking, walking, and wheeling options that are safe,*
7 *convenient, and competitive alternatives to driving.*

8 (d) *Regional funding and reforms are necessary to create a*
9 *climate-friendly transportation system that is safe, accessible, and*
10 *convenient for all, including through doing all of the following:*

11 (1) *Protecting and enhancing transit service.*

12 (2) *Making transit faster, safer, and easier to use.*

13 (3) *Enhancing mobility and access for all.*

14 SEC. 2. *This act shall be known, and may be cited as, the _____*
15 *Act of 2024.*

16 SEC. 3. *Section 13978.9 is added to the Government Code, to*
17 *read:*

18 13978.9. (a) *For purposes of this section, the following*
19 *definitions apply:*

20 (1) *“Commission” means the Metropolitan Transportation*
21 *Commission.*

22 (2) *“San Francisco Bay area” means the region comprising*
23 *the commission’s jurisdiction, as prescribed by Section 66502.*

24 (3) *“Transit agency” has the same meaning as “public*
25 *transportation operator” as defined in subdivision (b) of Section*
26 *99312.2 of the Public Utilities Code.*

27 (4) *“Transportation institute” means either the University of*
28 *California Institute of Transportation Studies or the Mineta*
29 *Transportation Institute at San José State University.*

30 (b) (1) *The Transportation Agency shall select a transportation*
31 *institute to conduct an assessment of the associated advantages*
32 *and disadvantages of consolidating all of the transit agencies that*
33 *are located within the San Francisco Bay area, and shall oversee*
34 *the transportation institute in that regard. The transportation*
35 *institute shall complete the assessment on or before January 1,*
36 *2026, and upon completion, shall submit the assessment to the*
37 *Legislature in compliance with Section 9795, and to the*
38 *commission and each of the transit agencies located in the San*
39 *Francisco Bay area.*

1 (2) *In undertaking the duties set forth in paragraph (1), the*
2 *Transportation Agency shall consult with impacted stakeholders,*
3 *included, but not limited to, impacted transit agencies, transit*
4 *unions, transit riders, and local governments.*

5 (3) *If the Transportation Agency selects the University of*
6 *California Institute of Transportation Studies to complete the*
7 *assessment, the requirement to complete the assessment shall only*
8 *apply to the University of California to the extent that the Regents*
9 *of the University of California, by appropriate resolution, make*
10 *that requirement applicable.*

11 (4) *In conducting the assessment, the transportation institute*
12 *shall also study the impact that regional consolidation would have*
13 *on wages, work conditions, pension, and retirement benefits of*
14 *workers covered by collective bargaining agreements at relevant*
15 *agencies.*

16 (5) *As part of the assessment, the transportation institute shall*
17 *provide recommendations on how to consolidate those transit*
18 *agencies in a manner that does all of the following:*

19 (A) *Prioritizes cost savings to the public, the adoption of*
20 *advanced technology, and other efficiencies.*

21 (B) *Meets and exceeds climate goals.*

22 (C) *Improves the speed of transit and the seamlessness of*
23 *transfers.*

24 (D) *Advances any other improvements to transit operations.*

25 (6) *The transportation institute shall identify, at a minimum, all*
26 *of the following information in the assessment:*

27 (A) *Each transit agency, and each agency that has authority to*
28 *create policy or assess charges with regard to transit, that is*
29 *located in the San Francisco Bay area and whether the governing*
30 *body of those agencies is appointed or elected.*

31 (B) *The size of the membership, terms of service of the members,*
32 *and whether the members are voting members, for each governing*
33 *body of an agency described in subparagraph (A).*

34 (C) *Whether the governing body of an agency described in*
35 *subparagraph (A) was created pursuant to state statute, local*
36 *ordinance, city charter, federal law, or ballot measure or initiative.*

37 (D) *The county where each agency described in subparagraph*
38 *(A) and its governing body is located.*

39 (E) *Any qualifications required to serve as a member of the*
40 *governing board of an agency described in subparagraph (A).*

1 (F) *The funding structures, including any tax assessments, and*
2 *revenue mechanisms, including any temporary or permanent state*
3 *or federal support, or both, established for each agency described*
4 *in subparagraph (A).*

5 (G) *The fares or other fees imposed on riders by each transit*
6 *agency and the available routes provided by each transit agency.*

7 (H) *The fleet type and size of each transit agency.*

8 (I) *The programs and services offered to riders by each transit*
9 *agency, including any subsidies offered to riders.*

10 (J) *The workforce size and type of each agency described in*
11 *subparagraph (A), whether there are any applicable labor*
12 *contracts for that workforce, and the socioeconomic makeup of*
13 *that workforce.*

14 (K) *The socioeconomic makeup of the riders of each transit*
15 *agency.*

16 (L) *The continuity of travel between public transit systems*
17 *operated by different transit agencies and between different*
18 *services or programs operated by the same transit agency.*

19 (M) *Infrastructure gaps between routes of regional travel.*

20 (N) *Service gaps between routes of travel.*

21 (O) *Existing and planned regional network management efforts,*
22 *including efforts to modify and improve the commission's regional*
23 *network management authority, and how consolidation would*
24 *relate to, or impact, those efforts.*

25 (c) *Based on the findings of the assessment conducted pursuant*
26 *to subdivision (b), the Transportation Agency shall recommend a*
27 *comprehensive plan to consolidate all of the transit agencies that*
28 *are located in the San Francisco Bay area. The Transportation*
29 *Agency shall complete the plan on or before January 1, 2027, and,*
30 *upon completion, shall submit the plan to the Legislature in*
31 *compliance with Section 9795, and to the commission and each*
32 *of the transit agencies located in the San Francisco Bay area. In*
33 *the plan, the Transportation Agency shall do all of the following:*

34 (1) *Design the plan in a manner that provides benefits to riders,*
35 *including paratransit riders, and that does all of the following:*

36 (A) *Improves access to routes and services, including across*
37 *city and county boundaries, and improves connections to regional*
38 *and interregional transit service in a manner that competes with*
39 *private automobile travel.*

1 (B) Maintains affordable fares and reliable, safe, and efficient
2 service.

3 (C) Improves and simplifies the accountability of the
4 transportation system to the public and riders.

5 (D) Supports greater efficiency and cost-effectiveness, and
6 reduces administrative costs.

7 (E) Provides more equitable access to quality, connected transit
8 services to communities throughout the region.

9 (2) (A) Identify opportunities to consolidate agencies and
10 provide specific recommendations for the consolidation or
11 elimination of transit agencies and their governing bodies without
12 resulting in the elimination of programs and transportation
13 services.

14 (B) For the purposes of this paragraph, “consolidation” may
15 include reforms to transit agencies that include one or more of the
16 following:

17 (i) Combining staffs of transit agencies.

18 (ii) Replacing multiple governing boards with a unified
19 governing board representing a broader jurisdiction.

20 (iii) Creating an umbrella structure under which existing transit
21 agencies are brought together but still operate as distinct divisions
22 with separate governing boards.

23 (3) Recommend a new governing structure and governing board
24 member qualifications, as appropriate, for a new consolidated
25 agency or agencies based on research of effective international
26 models of transit delivery excellence, and consideration of recent
27 regional and state studies of effective transit governance. In making
28 these recommendations, the Transportation Agency shall do both
29 of the following:

30 (A) Identify any future legislative steps required to implement
31 the recommended governing structure.

32 (B) Consider other reforms necessary to ensure that commission
33 policy is democratically accountable and serves the regional
34 welfare.

35 (4) Identify and describe any relationship or impacts of the
36 recommendations or elements of the plan on existing and planned
37 regional network management efforts or structures.

38 (5) Identify necessary local, state, or federal laws that may
39 impact efforts to implement the consolidation of the transit
40 agencies.

1 (6) Identify steps, in consultation with impacted stakeholders,
2 to maintain and transfer labor agreements and bargaining units
3 to maintain employee wages, benefits, protections, and working
4 conditions secured by those agreements.

5 (7) Identify barriers to consolidating or eliminating transit
6 agencies and alternative actions, including memorandums of
7 understanding between transit agencies, for the consolidation of
8 services.

9 (8) Describe the steps necessary for, and the feasibility of,
10 interoffice and interagency coordination of programs, services,
11 and resources for riders if consolidation is not feasible.

12 (9) Recommend opportunities for securing federal, state, and
13 local moneys that can be used to fund consolidation.

14 (10) Recommend a strategy for a public education and outreach
15 program on any proposed consolidation efforts and any proposed
16 coordination services and programs.

17 (d) (1) The Bay Area Transit Consolidation Technical
18 Assistance Fund is hereby established in the State Treasury for
19 the deposit of moneys that can be used for the following purposes:

20 (A) Paying for the cost of conducting the assessment pursuant
21 to subdivision (b) and preparing the comprehensive plan pursuant
22 to subdivision (c).

23 (B) Paying for expenses related to the implementation of the
24 consolidation of transit agencies located in the San Francisco Bay
25 area, if those consolidations occur.

26 (2) Any moneys deposited into the fund, including moneys
27 deposited into the fund pursuant to Section 66538.40, shall be
28 available to the Transportation Agency, upon appropriation by
29 the Legislature, for the purposes described in paragraph (1).

30 (3) The Transportation Agency may accept private donations
31 to be used for the purposes described in this section. Any donations
32 received pursuant to this paragraph shall be deposited into the
33 fund established pursuant to paragraph (1).

34 SEC. 4. Section 65081 of the Government Code is amended to
35 read:

36 65081. (a) It is the intent of the Legislature to encourage
37 metropolitan planning organizations and local air quality
38 management districts or air pollution control districts to work with
39 local employers to adopt policies that encourage commuting by
40 means other than driving alone. To encourage this, the Legislature

1 hereby establishes a program in that regard in the greater San
2 Francisco Bay Area.

3 (b) Notwithstanding Section 40717.9 of the Health and Safety
4 Code, the Bay Area Air Quality Management District and the
5 Metropolitan Transportation Commission with respect to the
6 common area within their respective jurisdictions may jointly adopt
7 a commute benefit ordinance that requires covered employers
8 operating within the common area of the district and commission
9 to offer all covered employees one of the following choices:

10 (1) A pretax option: a program, consistent with Section 132(f)
11 of the Internal Revenue Code, allowing covered employees to elect
12 to exclude from taxable wages employee commuting costs incurred
13 for transit passes or vanpool charges, up to the maximum amount
14 allowed by federal tax law.

15 (2) Employer-paid benefit: a program whereby the covered
16 employer offers employees a subsidy to offset the monthly cost
17 of commuting via public transit or by vanpool, or, in addition, and
18 at the employer's discretion, by bicycle. The subsidy shall be equal
19 to either the monthly cost of commuting via public transit or by
20 vanpool, or seventy-five dollars (\$75), whichever is lower. The
21 seventy-five dollar (\$75) amount shall be adjusted annually
22 consistent with the California Consumer Price Index. If the covered
23 employer chooses to offer a subsidy to offset the monthly cost of
24 commuting by bicycle, the subsidy shall be either the monthly cost
25 of commuting by bicycle or twenty dollars (\$20), whichever is
26 lower.

27 (3) Employer-provided transit: transportation furnished by the
28 covered employer at no cost, or low cost as determined by the
29 district or commission, to the covered employee in a vanpool or
30 bus, or similar multipassenger vehicle operated by or for the
31 employer.

32 (4) *Employer-provided regional transit pass: a program*
33 *whereby the covered employer offers covered employees a subsidy*
34 *in the form of a universal regional transit pass to offset the monthly*
35 *cost of commuting via public transit.*

36 (c) Nothing in this section shall prevent a covered employer
37 from offering a more generous commuter benefit that is otherwise
38 consistent with the requirements of the applicable commute benefit
39 ordinance. Nothing in this section shall require employees to
40 change their behavior.

(d) An employer offering, or proposing to offer, an alternative commuter benefit on the employer's own initiative, or an employer otherwise required to offer an alternative commuter benefit as a condition of a lease, original building permit, or other similar requirement, if the alternative is not one of the options identified in subdivision (b), may seek approval of the alternative from the district or commission. The district or commission may approve an alternative if it determines that the alternative provides at least the same benefit in terms of reducing single-occupant vehicle trips as any of the options in subdivision (b). An employer that offers an approved alternative to covered employees in a manner otherwise consistent with this section is not required to offer one of the options in subdivision (b).

(e) The commute benefit ordinance shall provide covered employers with at least six months to comply after the ordinance is adopted.

(f) An employer that participates in or is represented by a transportation management association that provides the employer's covered employees with any of the benefits in subdivision (b), or an alternative benefit determined by the district or commission pursuant to subdivision (d) to provide at least the same benefit in terms of reducing single-occupant vehicle trips as any of the options in subdivision (b), shall be deemed in compliance with the regional ordinance, and the transportation management association may act on behalf of those employers in that regard. The district or commission shall communicate directly with the transportation management association, rather than the participating employers, to determine compliance with the ordinance.

(g) A commute benefit ordinance adopted pursuant to this section shall specify all of the following: ~~(1) how~~

(1) How the implementing agencies will inform covered employers about the ordinance, (2) how ordinance.

(2) How compliance with the ordinance will be demonstrated, (3) the demonstrated.

(3) The procedures for proposing and the criteria that will be used to evaluate an alternative commuter benefit pursuant to subdivision (d), and (4) any (d).

(4) Any consequences for noncompliance.

(h) Nothing in this section shall limit or restrict the statutory or regulatory authority of the commission or district.

(i) The commission shall not use federal planning funds in the implementation of the commute benefit ordinance.

(j) (1) *Notwithstanding subdivisions (b) and (d), the commission may propose a ballot measure as part of a measure proposed pursuant to Division 2 (commencing with Section 66538) of Title 7.1 and subject to the election procedures set forth in that division to update the ordinance adopted pursuant to this section to do both of the following:*

(A) *Require a covered employer that is located in proximity to transit to purchase a regional transit pass for each of its employees that provides universal and unlimited access to transit services provided by transit agencies operating in the common area within the jurisdiction of the district and the commission.*

(B) *Require a covered employer that is not located in proximity to transit to provide a subsidy to each of its employees corresponding in financial value to the regional transit pass described in subparagraph (A) to encourage commuting to work by means other than driving alone.*

(2) *Consistent with subdivision (b) of Section 66538.20, if the update to the ordinance is proposed in a subset of the counties of the San Francisco Bay area, the update to the ordinance authorized in paragraph (1) shall apply only in those counties in which the measure was submitted to the voters.*

(3) *Notwithstanding subdivisions (b) and (d), if a ballot measure described in paragraph (1) is approved, the commission and the district shall update the ordinance adopted pursuant to this section to require covered employers to provide covered employees with the applicable commuting benefit set forth in subparagraphs (A) and (B) of paragraph (1) instead of requiring covered employers to offer the choices described in paragraphs (1) to (4), inclusive, of subdivision (b).*

(j)

(k) As used in this section, the following ~~terms have the~~ following meanings: definitions apply:

(1) “Covered employer” means any employer for which an average of 50 or more employees per week perform work for compensation within the area where the ordinance adopted pursuant to this section operates. In determining the number of employees performing work for an employer during a given week, only employees performing work on a full-time basis shall be counted.

(2) “Covered employee” means an employee who performed at least an average of 20 hours of work per week within the previous calendar month within the area where the ordinance adopted pursuant to this section operates.

(3) “District” means the Bay Area Air Quality Management District.

(4) “Commission” means the Metropolitan Transportation Commission.

SEC. 5. Section 66516 of the Government Code is amended to read:

~~66516. (a) (1) The commission, in coordination with the regional transit coordinating council established by the commission pursuant to Section 29142.4 of the Public Utilities Code, commission shall be responsible for implementing a seamless transit rider experience across the region. To implement this responsibility, the commission shall adopt, and update as necessary, rules and regulations to promote the coordination of fares and schedules fares, including fare payment methods and transit fare integration, schedules, mapping and wayfinding, real-time transit information, and other customer-facing operating policies that would benefit from a regional approach for all public transit systems agencies within its jurisdiction. The~~

~~(2) It is the intent of the Legislature that the commission’s rules and regulations adopted pursuant to paragraph (1) be based on the central goal of increasing transit ridership by improving the customer experience of riding public transit in the San Francisco Bay area and creating a seamless experience across all public transit agencies providing service in the commission’s jurisdiction.~~

~~(3) The commission shall require every system to enter into a joint fare revenue sharing agreement with connecting systems consistent with the commission’s rules and regulations.~~

~~(b) Notwithstanding any other law, each public transit agency within the region shall comply with the commission’s rules and regulations adopted pursuant to subdivision (a) as a condition of receiving any of the following funds:~~

~~(1) Any funds allocated pursuant to Sections 99313 and 99314 of the Public Utilities Code, consistent with Section 99314.7 of the Public Utilities Code.~~

~~(2) Any funds allocated from a local transportation fund administered pursuant to Article 3 (commencing with Section~~

1 99230) of Chapter 4 of Part 11 of Division 10 of the Public Utilities
2 Code, consistent with subdivision (b) of Section 99270.5 of the
3 Public Utilities Code.

4 (3) Any funds allocated pursuant to Division 2 (commencing
5 with Section 66538).

6 (c) In designating the commission with the responsibility set
7 forth in subdivision (a), it is the intent of the Legislature that the
8 commission implement and sustain the following outcomes:

9 (1) A common fare payment system for public transit agencies
10 in the region.

11 (2) A universal regional transit pass that is valid on all public
12 transit agencies in the region.

13 (3) An integrated transit fare structure with common definitions
14 for adults, youth, seniors, persons with disabilities, and other
15 categories of riders.

16 (4) A common fare transfer policy that strives to eliminate any
17 extra fare for using more than one transit system on a single
18 journey.

19 (5) Integrated mapping, signage, and real-time schedule
20 information that makes transit in the region easy to navigate and
21 convenient for both new and existing riders.

22 (6) Transit services in the region that are equitably planned
23 and integrally managed as a unified, efficient, and reliable network,
24 including interagency transfer policies and coordinating schedules
25 at stops or station areas serving more than one public transit
26 agency.

27 (7) Transit services for older adults, people with disabilities,
28 and those with lower incomes that are coordinated efficiently
29 throughout the region.

30 (8) Resources are invested to provide for the comfort and safety
31 of transit riders.

32 (9) The transit network in the region uses its existing resources
33 more efficiently and secures new, dedicated revenue to meet its
34 capital and operating needs.

35 (d) It is the intent of the Legislature to enact legislation that
36 would strengthen regional network management within the region,
37 including the possibility of establishing a body within the
38 commission to guide regional network management efforts.

39 (e) In implementing this section, each public transit agency in
40 the region shall fulfill all applicable requirements under Title VI

of the federal Civil Rights Act of 1964 (Public Law 88-352) regarding service and fare changes.

(f) (1) The commission shall submit a report to the Legislature on or before January 1, 2026, and each year thereafter, on the status of the outcomes described in subdivision (c) and the status of transit ridership in the region. The commission shall submit the annual report to the Legislature in compliance with Section 9795.

(2) The commission shall also post the annual report described in paragraph (1) on its internet website.

(g) For purposes of this section, “public transit agency” has the same meaning as “STA-eligible operator,” as defined in Section 99312.2 of the Public Utilities Code.

SEC. 6. The heading of Division 1 (commencing with Section 66500) is added to Title 7.1 of the Government Code, to read:

DIVISION 1. METROPOLITAN TRANSPORTATION
COMMISSION

SEC. 7. Division 2 (commencing with Section 66538) is added to Title 7.1 of the Government Code, to read:

DIVISION 2. TAXING AUTHORITY AND TRANSPORTATION
FUNDING

CHAPTER 1. DEFINITIONS

66538. For purposes of this division, the following definitions apply:

(a) “Commission” means the Metropolitan Transportation Commission created pursuant to Section 66502.

(b) “Public transit agency” has the same meaning as “STA-eligible operator,” as defined in Section 99312.2 of the Public Utilities Code.

(c) “San Francisco Bay area” has the same meaning as “region,” as defined in Section 66502.

CHAPTER 2. SPECIAL TAXES

66538.20. (a) The commission, either directly or through a qualified voter initiative, may raise and allocate new revenue through all of the following funding mechanisms:

(1) A retail transactions and use tax, as provided in Section 66538.22.

(2) A regional payroll tax, as provided in Section 66538.24.

(3) A parcel tax, as provided in Section 66538.26.

(4) A regional vehicle registration surcharge, as provided in Section 66538.28.

(b) Any funding mechanism or combination of funding mechanisms authorized pursuant to subdivision (a) that requires voter approval pursuant to the California Constitution may be placed on the ballot in all or a subset of the nine counties in the San Francisco Bay area. A measure placed on the ballot in a subset of those nine counties shall apply only in those counties in which the measure was submitted to the voters.

(c) In addition to the procedures set forth in Chapter 4 (commencing with Section 9300) of Division 9 of the Elections Code, if an ordinance containing a tax authorized by this chapter is proposed by an initiative petition, the initiative shall require the proceeds of the tax to be expended consistent with Chapter 4 (commencing with Section 66538.40).

66538.22. (a) The commission may impose a retail transactions and use tax ordinance applicable in the San Francisco Bay area in accordance with this division and Part 1.6 (commencing with Section 7251) of Division 2 of the Revenue and Taxation Code.

(b) The commission, in the ordinance, shall state the nature of the tax to be imposed, shall provide the tax rate or the maximum tax rate, shall specify the period during which the tax will be imposed, and shall specify the purposes for which the revenue derived from the tax will be used. The tax rate shall be in $\frac{1}{4}$ percent increments.

(c) Notwithstanding Section 7251.1 of the Revenue and Taxation Code, the tax rate authorized pursuant to this section shall not be considered for purposes of the combined rate limit established by Section 7251.1 of the Revenue and Taxation Code.

(d) Any transactions and use tax ordinance adopted pursuant to this chapter shall be operative on the first day of the first

1 *calendar quarter commencing more than 110 days after adoption*
2 *of the ordinance.*

3 *(e) Before the operative date of the ordinance, the commission*
4 *shall contract with the California Department of Tax and Fee*
5 *Administration to perform all functions incidental to the*
6 *administration and operation of the ordinance.*

7 66538.24. *(a) The commission may, by ordinance, impose a*
8 *tax on every employer in the San Francisco Bay area, except an*
9 *employer defined by Section 676, 684, or 685 of the Unemployment*
10 *Insurance Code, at a percentage, as determined by the commission,*
11 *of wages paid to an individual.*

12 *(b) If the commission acts pursuant to the authorization in*
13 *subdivision (a), the commission shall contract with the Employment*
14 *Development Department to perform all functions incidental to*
15 *the administration and operation of the tax.*

16 *(c) The tax shall be collected in the same manner and at the*
17 *same time as any contributions required under Sections 977 and*
18 *977.5 of the Unemployment Insurance Code, except as provided*
19 *in this section.*

20 66538.26. *(a) Subject to Section 4 of Article XIII A of the*
21 *California Constitution, the commission may impose, by ordinance,*
22 *a parcel tax within the San Francisco Bay area pursuant to the*
23 *procedures established in Article 3.5 (commencing with Section*
24 *50075) of Chapter 1 of Part 1 of Division 1 of Title 5, Chapter 3*
25 *(commencing with Section 66538.30), and any other applicable*
26 *procedures provided by law.*

27 *(b) For purposes of this section, “parcel tax” means a special*
28 *tax imposed upon a parcel of real property at a rate that is*
29 *determined without regard to that property’s value.*

30 *(c) The commission shall provide notice of any parcel tax*
31 *imposed pursuant to this section in the manner specified in Section*
32 *54930.*

33 *(d) The parcel tax shall be collected in the same manner as*
34 *ordinary ad valorem property taxes are collected and shall be*
35 *subject to the same penalties and the same procedure, sale, and*
36 *lien priority in case of delinquency as is provided for ad valorem*
37 *taxes.*

38 *(e) A parcel tax levied pursuant to this section shall be*
39 *administered in the following manner:*

1 (1) Taxes collected shall be deposited into a separate fund,
2 which shall be established in the treasury of each county and used
3 only as prescribed by this division.

4 (2) The county shall transfer moneys from the fund to the
5 commission periodically as promptly as feasible. The transmittals
6 shall be made at least twice in each calendar quarter.

7 (3) The county may deduct incremental costs associated with
8 administering any taxes approved pursuant to this section from
9 the portion transferred to the commission pursuant to paragraph
10 (2).

11 66538.28. (a) The commission may, by ordinance, impose a
12 regional vehicle registration surcharge on each motor vehicle
13 registered within the San Francisco Bay area. The commission
14 shall not propose a measure to the electors to approve a surcharge
15 pursuant to this section before January 1, 2030.

16 (b) The commission may determine the rate of the regional
17 vehicle registration surcharge subject to all of the following
18 requirements:

19 (1) The surcharge shall be paid on an annual basis and shall
20 be collected by the Department of Motor Vehicles at the same time
21 and same manner as the vehicle registration pursuant to Section
22 9250.3 of the Vehicle Code.

23 (2) The amount of the surcharge shall be based on the market
24 value of the vehicle, as determined by the Department of Motor
25 Vehicles pursuant to Sections 10753, 10753.2, and 10753.5 of the
26 Revenue and Taxation Code, using the same vehicle ranges set
27 forth in the schedule established pursuant to Section 11052 of the
28 Revenue and Taxation Code.

29 (3) The surcharge amount applicable to each vehicle range in
30 the schedule described in paragraph (2) shall be set in amounts
31 that increase based on the increasing value of each vehicle range.

32 (4) Beginning one year after an ordinance imposing a surcharge
33 is approved by the voters, the amount of the surcharge in each
34 vehicle market range shall be adjusted in an amount equal to the
35 increase in the California Consumer Price Index for the prior
36 year, as calculated by the Department of Finance, with amounts
37 equal to or greater than fifty cents (\$0.50) rounded to the highest
38 whole dollar. The incremental change shall be added to the
39 associated fee rate for that year.

(c) If an ordinance imposing a regional vehicle registration surcharge is approved by the voters pursuant to Chapter 3 (commencing with Section 66538.30), the surcharge shall apply to the original vehicle registration occurring on or after six months following the adoption of the ordinance by the voters and to a renewal of registration with an expiration date on or after that six-month period.

CHAPTER 3. ELECTION PROCEDURES

66538.30. (a) If the commission, either directly or through qualified voter initiative, proposes a measure pursuant to Chapter 2 (commencing with Section 66538.20) that requires voter approval pursuant to the California Constitution, the board of supervisors of the county or counties in which the commission has determined to place the measure on the ballot shall call a special election on the measure. The special election shall be held no sooner than November 2026 and shall be consolidated with the next regularly scheduled statewide election. The measure shall be submitted to the voters in the appropriate counties, consistent with the requirements of Articles XIII A, XIII C, and XIII, or Article XVI, of the California Constitution, as applicable.

(b) For the purpose of placement of a measure on the ballot, the commission is a district, as defined in Section 317 of the Elections Code. Except as otherwise provided in this section, a measure proposed by the commission that requires voter approval shall be submitted to the voters of the counties, as determined by the commission, in accordance with the provisions of the Elections Code applicable to districts, including Chapter 4 (commencing with Section 9300) of Division 9 of the Elections Code.

(c) Notwithstanding any provision of the Elections Code, the legal counsel for the commission shall prepare an impartial analysis of the measure. Each county included in the measure shall use the election materials provided by the commission, including the exact ballot question, impartial analysis, and full text of the ballot measure for inclusion in the county voter information guide.

(d) If two or more counties included in the measure are required to prepare a translation of ballot materials into the same language other than English, the county that contains the largest population, as determined by the most recent federal decennial census, among

1 *those counties that are required to prepare a translation of ballot*
2 *materials into the same language other than English shall prepare*
3 *the translation, or authorize the commission to prepare the*
4 *translation, and that translation shall be used by the other county*
5 *or counties, as applicable.*

6 *(e) Notwithstanding Section 13116 of the Elections Code, the*
7 *elections officials of the counties where the measure will appear*
8 *on the ballot shall mutually agree to use the same letter designation*
9 *for the measure.*

10 *(f) The county clerk of each county shall report the results of*
11 *the special election to the commission. If the approval threshold*
12 *required by the California Constitution at the time the election is*
13 *achieved, the measure shall take effect in the counties in which*
14 *the measure appeared on the ballot within the timeframe specified*
15 *in the measure.*

16 *(g) (1) Notwithstanding Section 10520 of the Elections Code,*
17 *for any election at which the commission, either directly or through*
18 *qualified voter initiative, proposes a measure pursuant to*
19 *subdivision (a) of Section 66538.20 that would generate revenues,*
20 *the commission shall reimburse each county in which that measure*
21 *appears on the ballot only for the incremental costs incurred by*
22 *the county elections official related to submitting the measure to*
23 *the voters with proceeds from the measure, or if the measure fails,*
24 *with any eligible funds provided by the commission or other public*
25 *or private entity.*

26 *(2) For purposes of this subdivision, “incremental costs”*
27 *includes both of the following:*

28 *(A) The cost to prepare a translation of ballot materials into a*
29 *language other than English by any county, as described in*
30 *subdivision (d).*

31 *(B) The additional costs that exceed the costs incurred for other*
32 *election races or ballot measures, if any, appearing on the same*
33 *ballot in each county in which the measure appears on the ballot,*
34 *including both of the following:*

35 *(i) The printing and mailing of ballot materials.*

36 *(ii) The canvass of the vote regarding the measure pursuant to*
37 *Division 15 (commencing with Section 15000) of the Elections*
38 *Code.*

39 *(h) If the voters approve new revenues pursuant to this section,*
40 *the commission shall establish an independent oversight committee*

1 *within six months of the effective date of the tax increase to ensure*
2 *that any revenues generated pursuant to this section are expended*
3 *consistent with the applicable requirements set forth in Chapter*
4 *4 (commencing with Section 66538.40). The committee may be*
5 *consolidated with the oversight committee established pursuant*
6 *to subdivision (h) of section 30923 of the Streets and Highways*
7 *Code. Each representative shall be appointed by the applicable*
8 *county board of supervisors. The oversight committee may request*
9 *any documents from the commission to assist the committee in*
10 *performing its functions.*

11
12 *CHAPTER 4. EXPENDITURES*
13

14 *66538.40. (a) Except as provided in subdivision (c), revenues*
15 *generated pursuant to Chapter 2 (commencing with Section*
16 *66538.20) shall only be used to fund any of the following*
17 *transportation improvements in the San Francisco Bay area:*

18 *(1) Investments that support transit transformation, including*
19 *all of the following:*

20 *(A) Sustaining, expanding, and improving transit service for*
21 *current and future transit riders.*

22 *(B) Accelerating customer-focused initiatives outlined in the*
23 *2020 Bay Area Transit Transformation Action Plan or successor*
24 *plan adopted by the commission.*

25 *(C) Transit service improvements that San Francisco Bay area*
26 *transit riders or residents identify as high-priority, including safety,*
27 *cleanliness, and first-mile and last-mile connectivity.*

28 *(D) Zero-emission transit vehicles and infrastructure.*

29 *(2) Investments that support safe streets, including investments*
30 *to transform local roads to support safety, equity, and climate*
31 *goals, including through bicycle and pedestrian infrastructure*
32 *investments, safe routes to transit, other safety enhancements, and*
33 *pothole repair.*

34 *(3) Investments that support connectivity, including mobility*
35 *improvements that close gaps and relieve bottlenecks in the*
36 *transportation network in a climate-neutral manner.*

37 *(4) Investments that support climate resilience, including*
38 *planning, design, and construction activities that protect*
39 *transportation infrastructure and nearby communities from rising*
40 *sea levels, flooding, wildfires, and extreme heat.*

1 (b) (1) *The commission shall annually allocate a minimum of*
2 *seven hundred fifty million dollars (\$750,000,000) of the revenues*
3 *generated pursuant to Chapter 2 (commencing with Section*
4 *66538.20) to fund investments consistent with the purposes set*
5 *forth in subparagraphs (A) to (C), inclusive, of paragraph (1) of*
6 *subdivision (a), including, without limitation, for payment of all*
7 *indebtedness incurred and bonds issued pursuant to Chapter 5*
8 *(commencing with Section 66538.50), and the related costs set*
9 *forth in that chapter.*

10 (2) *Notwithstanding any other law, the allocation made pursuant*
11 *to paragraph (1) shall not impair, limit, or otherwise affect*
12 *payment of any indebtedness incurred or bonds issued pursuant*
13 *to Chapter 5 (commencing with Section 66538.50), and the related*
14 *costs set forth in that chapter.*

15 (c) *Notwithstanding subdivision (a), the commission may*
16 *allocate revenues generated pursuant to Chapter 2 (commencing*
17 *with Section 66538.20) to the Transportation Agency for deposit*
18 *into the Bay Area Transit Consolidation Technical Assistance*
19 *Fund. The revenues allocated pursuant to this subdivision shall*
20 *be used for the purposes specified in subdivision (d) of Section*
21 *13978.9.*

22 (d) *It is the intent of the Legislature to enact legislation that*
23 *would clarify roadway eligibility criteria for revenues generated*
24 *pursuant to Chapter 2 (commencing with Section 66538.20),*
25 *including potential criteria around roadway capacity increases.*

26 (e) *It is the intent of the Legislature that the commission*
27 *prioritize the following focus areas when distributing revenues*
28 *generated pursuant to Chapter 2 (commencing with Section*
29 *66538.20):*

30 (1) *Fund the operations of public transit agencies, including*
31 *through providing resources to address operating shortfalls and*
32 *ensuring existing resources are maintained and used effectively.*
33 *In implementing this paragraph, the commission should prioritize*
34 *the following:*

35 (A) *Maintaining transit service for riders who rely on transit*
36 *as their primary mode of transportation.*

37 (B) *Prioritizing sustaining services used by the greatest number*
38 *of transit riders.*

39 (2) *Enhance frequency of transit service and areas served where*
40 *needed and financially sustainable.*

1 (3) *Create a seamless and convenient San Francisco Bay area*
2 *transit system that attracts far more riders than the number of*
3 *riders that used that system before January 1, 2025, by improving*
4 *public safety on transit and implementing the 2020 Bay Area*
5 *Transit Transformation Action Plan.*

6 (4) *Make it safer and easier for people of all ages and abilities*
7 *to get to where they need to go by preserving and enhancing access*
8 *for all transportation system road users, including people walking,*
9 *biking, and wheeling.*

10 (f) (1) *A public transit agency shall maintain its existing*
11 *commitment of local funds to transit operations in order to be*
12 *eligible for an allocation of funds approved by the voters pursuant*
13 *to Chapter 3 (commencing with Section 66538.30). In order to be*
14 *eligible for funding pursuant to this section, a public transit agency*
15 *shall verify to the commission that it shall not supplant any sources*
16 *of its operating revenue used for transit operations as reported to*
17 *the Controller in the most recent fiscal year pursuant to Section*
18 *99243 of the Public Utilities Code before the election approving*
19 *the revenues imposed pursuant to Chapter 2 (commencing with*
20 *Section 66538.20).*

21 (2) *Notwithstanding paragraph (1), a transit agency may reduce*
22 *the amount of funding contributed towards their operating budget*
23 *in proportion to any reduction in operating costs.*

24 (g) *In addition to the requirement set forth in subdivision (f),*
25 *in order to be eligible for an allocation of funds approved by the*
26 *votes pursuant to Chapter 3 (commencing with Section 66538.30),*
27 *a public transit agency shall be in compliance with the*
28 *commission's rules and regulations adopted pursuant to Section*
29 *66516.*

30 (h) *The commission may retain, for its cost in administering*
31 *this chapter, an amount not to exceed 1 percent of the revenues*
32 *allocated by the commission.*

33 (i) *It is the intent of the Legislature to enact legislation that*
34 *would require the commission to consider need and geographic*
35 *balance in distributing regional transportation revenues.*

36
37 *CHAPTER 5. BONDS*
38

39 66538.50. *The commission may incur indebtedness and issue*
40 *bonds and other securities as follows:*

1 (a) The commission may incur indebtedness and issue securities
2 of any kind or class, and may renew the same, if that indebtedness,
3 howsoever evidenced, is payable solely from revenues of the
4 commission as specified in the indenture, trust agreement, note,
5 bond, lease, loan agreement, or other agreement or evidence of
6 indebtedness relating to those securities.

7 (b) (1) The commission may from time to time issue its
8 negotiable bonds, notes, warrants, debentures, or other securities,
9 hereinafter collectively called “bonds” for purposes of this section,
10 for any purpose specified in this division.

11 (2) In anticipation of the sale of the bonds as authorized by this
12 chapter, the commission may issue negotiable bond anticipation
13 notes and may renew the same from time to time. These bond
14 anticipation notes may be paid from the proceeds of sale of the
15 bonds of the commission in anticipation of which they were issued.
16 Bonds, notes, and other agreements relating to those bonds or
17 notes, hereinafter collectively called “bond anticipation notes”
18 for purposes of this section, and the resolution or resolutions
19 authorizing the same may contain any provisions, conditions, or
20 limitations that a bond, agreement relating to that bond, or bond
21 resolution of the commission may contain, except that the bond
22 anticipation note shall mature at a time not exceeding three years
23 from the date of issue or any renewal.

24 (c) At any time that the commission desires to issue bonds or
25 bond anticipation notes, it shall adopt a resolution by two-thirds
26 vote of all members of the commission specifying all of the
27 following:

28 (1) The purposes for which the bonds or bond anticipation notes
29 are to be issued, which may include all costs and estimated costs
30 incidental to, or connected with, the accomplishment of those
31 purposes, including, without limitation, engineering, inspection,
32 legal, fiscal agents, financial consultant and other fees, bond and
33 other reserve funds, credit or liquidity enhancement costs, working
34 capital, bond interest estimated to accrue during any construction
35 period and for a period not to exceed the lesser of 10 years
36 thereafter or the maturity date of the bonds or bond anticipation
37 notes, and expenses of all proceedings for the authorization,
38 issuance, and sale of the bonds or bond anticipation notes.

39 (2) The maximum principal amount of the bonds or bond
40 anticipation notes.

1 (3) *The maximum term for the bonds or bond anticipation notes.*

2 (4) *The maximum rate of interest to be payable upon the bonds*
3 *or bond anticipation notes. That interest rate shall not exceed the*
4 *maximum rate specified in Section 53531. The rate may be either*
5 *fixed or variable and shall be payable at the times and in the*
6 *manner specified in the resolution.*

7 (d) *The pledge of any taxes authorized under this division to*
8 *the bonds or bond anticipation notes authorized under this chapter*
9 *shall have priority over the use of any of those taxes for all other*
10 *purposes, except to the extent that priority is expressly restricted*
11 *in the resolution authorizing the issuance of the bonds or bond*
12 *anticipation notes.*

13 (e) *The bonds or bond anticipation notes may be sold as the*
14 *commission determines by resolution, and the bonds or bond*
15 *anticipation notes may be sold at a price above or below par,*
16 *whether by negotiated or public sale.*

17 (f) (1) *Refunding bonds or bond anticipation notes may be*
18 *issued in a principal amount sufficient to pay all, or any part, of*
19 *any of the following:*

20 (A) *The principal of the outstanding bonds or bond anticipation*
21 *notes.*

22 (B) *The premiums, if any, due upon call and redemption of those*
23 *bonds or bond anticipation notes before maturity.*

24 (C) *All expenses of the refunding, including any costs related*
25 *to credit or liquidity support, reserves, swaps, or similar*
26 *agreements.*

27 (D) *Interest on the refunding bonds or bond anticipation notes*
28 *from the date of sale of the refunding bonds or bond anticipation*
29 *notes to the date of payment of the bonds or bond anticipation*
30 *notes to be refunded out of the proceeds of the sale of the refunding*
31 *bonds or bond anticipation notes or to the date upon which the*
32 *bonds or bond anticipation notes to be refunded will be paid*
33 *pursuant to call or agreement with the holders of the bonds or*
34 *bond anticipation notes.*

35 (E) *The interest upon the bonds or bond anticipation notes to*
36 *be refunded from the date of sale of the refunding bonds or bond*
37 *anticipation notes to the date of payment of the bonds or bond*
38 *anticipation notes to be refunded or to the date upon which the*
39 *bonds or bond anticipation notes to be refunded will be paid*

1 pursuant to call or agreement with the holder of the bonds or bond
2 anticipation notes, and all other costs incident to that refunding.

3 (2) The provisions of this chapter for the issuance and sale of
4 bonds or bond anticipation notes apply to the issuance and sale
5 of refunding bonds or refunding bond anticipation notes.

6 (g) (1) Any bonds or bond anticipation notes issued pursuant
7 to this chapter are a legal investment for all of the following:

8 (A) All trust funds.

9 (B) The funds of insurance companies, commercial and savings
10 banks, and trust companies.

11 (C) State school funds.

12 (2) Whenever any money or funds may, by any law in existence
13 as of January 1, 2025, or later enacted, be invested in bonds of
14 cities, counties, school districts, or other districts within the state,
15 those funds may be invested in the bonds issued pursuant to this
16 chapter, and whenever bonds of cities, counties, school districts,
17 or other districts within this state may, by any law in existence as
18 of January 1, 2025, or later enacted, be used as security for the
19 performance of any act or the deposit of any public money, the
20 bonds issued pursuant to this chapter may be so used.

21 (3) The provisions of this division are in addition to all other
22 laws relating to legal investments and shall be controlling as the
23 latest expression of the Legislature with respect to laws relating
24 to legal investments.

25 CHAPTER 6. MISCELLANEOUS

26
27
28 66538.60. Any action or proceeding to contest, question, or
29 deny the validity of a tax provided for in this division, the financing
30 of the programs and projects contemplated by this division, the
31 issuance of any bonds secured by those taxes, or any of the related
32 proceedings, shall be commenced within 60 days from the date of
33 the election at which the tax is approved. After that date, the
34 financing of the program, the issuance of the bonds, and all related
35 proceedings, including the collection of the taxes, shall be held
36 valid and incontestable in every respect.

37 66538.62. The commission may in its own name to do all acts
38 necessary or convenient for the exercise of its powers under this
39 division and the financing of the programs, projects and purposes

1 *identified in this division, including, but not limited to, all of the*
2 *following:*

- 3 *(a) To make and enter into contracts.*
4 *(b) To employ agents or employees.*
5 *(c) To acquire, construct, manage, maintain, lease, or operate*
6 *any public facility or improvements.*
7 *(d) To sue and be sued in its own name.*
8 *(e) To apply for, accept, receive, and disburse grants, loans,*
9 *and other assistance from any agency of the United States of*
10 *America or of the State of California.*
11 *(f) To invest any money not required for the immediate*
12 *necessities of the commission, as the commission determines is*
13 *advisable.*
14 *(g) To prepare and include any necessary or helpful bond*
15 *authorizations in connection with a ballot measure or other*
16 *proceeding authorized under this division.*
17 *(h) To apply for letters of credit or other forms of financial*
18 *guarantees in order to secure the repayment of bonds and to enter*
19 *into agreements in connection with those letters of credit or*
20 *financial guarantees.*

21 *SEC. 8. Section 99270.5 of the Public Utilities Code is amended*
22 *to read:*

23 *99270.5. (a) In determining whether there is compliance with*
24 *Section 99268.1, 99268.2, 99268.3, 99268.4, 99268.5, or 99268.9,*
25 *as the case may be, by operators serving the area of the San*
26 *Francisco Bay Area Rapid Transit District, excluding the City and*
27 *County of San Francisco, the Metropolitan Transportation*
28 *Commission may make that determination for all or some of the*
29 *operators as a group, if the Metropolitan Transportation*
30 *Commission finds that the public transportation services of the*
31 *operators grouped are coordinated.*

32 *(b) Commencing with claims for the 2025–26 fiscal year, an*
33 *operator providing service within the area under the jurisdiction*
34 *of the Metropolitan Transportation Commission shall not be*
35 *eligible to make a claim pursuant Section 99260 unless the*
36 *operator is in compliance with the commission’s rules and*
37 *regulations adopted pursuant to Section 66516 of the Government*
38 *Code.*

39 *SEC. 9. Section 976.9 is added to the Unemployment Insurance*
40 *Code, to read:*

1 976.9. (a) (1) *The department, if contracted with the*
2 *commission, shall administer and collect the tax imposed pursuant*
3 *to Section 66538.24 of the Government Code.*

4 (2) *The department shall administer and collect the tax in the*
5 *manner set forth in Section 66538.24 of the Government Code.*

6 (b) *The department may use proceeds from the tax collected*
7 *pursuant to Section 66538.24 of the Government Code to offset*
8 *the costs of all functions incidental to the administration and*
9 *operation of the contributions.*

10 (c) *After deducting all costs described in subdivision (b), the*
11 *department shall distribute the net revenues to the commission for*
12 *expenditure pursuant to Chapter 4 (commencing with Section*
13 *66538.40) of Division 2 of Title 7.1 of the Government Code.*

14 (d) *For purposes of this section, “commission” means the*
15 *Metropolitan Transportation Commission created pursuant to*
16 *Section 66502 of the Government Code.*

17 SEC. 10. *Section 9250.3 is added to the Vehicle Code, to read:*

18 9250.3. (a) *The department, if contracted with the commission,*
19 *shall collect the regional vehicle registration surcharge imposed*
20 *pursuant to Section 66538.28 of the Government Code upon the*
21 *registration or renewal of registration of a motor vehicle registered*
22 *in the county, except those vehicles that are expressly exempted*
23 *under this code from the payment of registration fees.*

24 (b) *After deducting all costs incurred pursuant to this section,*
25 *the department shall distribute the net revenues to the commission*
26 *for expenditure pursuant to Chapter 4 (commencing with Section*
27 *66538.40) of Division 2 of Title 7.1 of the Government Code.*

28 (c) *The department shall collaborate with the commission to*
29 *ensure the administration of the surcharge described in subdivision*
30 *(a) can be facilitated after the modernization of the department’s*
31 *technology systems.*

32 (d) *For purposes of this section, “commission” means the*
33 *Metropolitan Transportation Commission created pursuant to*
34 *Section 66502 of the Government Code.*

35 SEC. 11. *If the Commission on State Mandates determines that*
36 *this act contains costs mandated by the state, reimbursement to*
37 *local agencies and school districts for those costs shall be made*
38 *pursuant to Part 7 (commencing with Section 17500) of Division*
39 *4 of Title 2 of the Government Code.*

1 ~~SECTION 1.—Section 9146 of the Government Code is amended~~
2 ~~to read:~~

3 ~~9146.—Any state agency which is required or permitted by~~
4 ~~federal law or regulation to establish or alter a federal aid allocation~~
5 ~~formula to a local agency shall notify the Joint Legislative Budget~~
6 ~~Committee not less than 60 days prior to the effective date of the~~
7 ~~establishment or change in the federal aid allocation formula. The~~
8 ~~chairperson of the Joint Legislative Budget Committee may grant~~
9 ~~a waiver of the 60-day notification period after receipt of the~~
10 ~~notification.~~

11 ~~The chairperson shall inform members of the Joint Legislative~~
12 ~~Budget Committee of the chairperson's intention to waive the~~
13 ~~60-day notification period after such notification. If no objection~~
14 ~~is received within 10 days, the chairperson shall proceed to grant~~
15 ~~the waiver of the 60-day notification period.~~

16 ~~The notification shall contain the federal law or regulation~~
17 ~~necessitating or authorizing the establishment or change, a~~
18 ~~description of the proposed allocation formula to be established~~
19 ~~or changed, as the case may be, and an estimate of the resulting~~
20 ~~increase or decrease in federal aid allocated to the affected local~~
21 ~~agency.~~

22 ~~When requested by the chairperson or by any member of the~~
23 ~~committee, or when the Legislature is in session, when requested~~
24 ~~by the chairperson of the committee, the Joint Legislative Budget~~
25 ~~Committee shall schedule a hearing on the proposed allocation~~
26 ~~formula to be established or changed, as the case may be.~~

27 ~~“Local agency” as used in this section, means any city, county,~~
28 ~~city and county, special district, school district, community college~~
29 ~~district, and county office of education.~~

30 ~~The establishment or changes in federal aid allocation formulas~~
31 ~~affecting less than one hundred thousand dollars (\$100,000) in~~
32 ~~federal aid in any fiscal year shall be exempt from the provisions~~
33 ~~of this section.~~

34 ~~The provisions of this section shall not apply to any reallocation~~
35 ~~of funds by a state agency from or to a local agency if the state~~
36 ~~agency finds that either of the following conditions, or both, exist:~~

37 ~~(a) The local agency cannot spend its entire allocation within~~
38 ~~the period established by the federal government.~~

- 1 ~~(b) The failure to spend the funds could lead to their recapture~~
- 2 ~~by the federal government or to a reduced allocation of federal~~
- 3 ~~funds in subsequent years.~~

O



➤ State Legislation - SB 1031 (Wiener and Wahab)
BART Board of Directors
April 11, 2024

Senate Bill 1031 (Wiener & Wahab) Legislative Update

- Key Dates At-a-Glance
- Summary of Concerns for Future Amendments
- Overview of Draft and Proposed Amendments
 - Transit Agency Consolidation Assessment and Implementation Plan
 - “Guardrails” on MTC authority
 - Maintenance of Effort Language
- Peer Operator Positions
- April 25 Board Update
 - Funding Framework Proposal
 - Return to Source Provisions
 - Committee hearing outcomes

Key Dates At-a-Glance

- March 28 Board adopts a Support if Amended position
- ***April 11*** ***Legislative update to the Board for information and possible action***
- April 12 Joint Metropolitan Transportation Commission (MTC) and Association of Bay Area Government (ABAG) Legislation Committee
- April 23 Senate Transportation Committee Hearing
- April 24 Senate Revenue and Taxation Committee Hearing
- ***April 25*** ***Legislative update to the Board for information and possible action***
- April 26 Last day for policy committees to hear fiscal bills introduced in their house
- ***May 9*** ***Legislative update to the Board for information and possible action***
- May 17 Last day for fiscal committees to hear bills introduced in their house
- ***May 23*** ***Legislative update to the Board for information and possible action***
- May 24 House of origin deadline

BART Concerns to be Addressed in Future Amendments

- Scope of consolidation assessment and implementation plan, associated funding
- Enhanced regional network management
- Retaining transit agency board authority
- Conditioning of new and existing funding
- Maintenance of effort language
- Framework for transportation demand management
- Share of funding for expenditure categories
- Return-to-source provisions
- Highway project eligibility

Transit Consolidation Assessment and Implementation Plan

Core Goals of Amendments

- Language should not predetermine outcome of assessment or implementation plan.
- Simplify current language to be less prescriptive in required information for assessment and implementation plan.
- Set realistic timeframe for completion after ballot measure is approved.
- Clarify who shall pay for assessment and implementation activities.

Transit Consolidation Assessment and Implementation Plan

MTC/Operator Requested Amendments to Intent and Definitions

- Clarify intent is ***not*** a merger of ***all*** transit agencies.
- Revise and expand definition of “consolidation” to include the:
 - Combining or sharing staff or functionalities of transit agencies while retaining separate governing boards.
 - Replacing of multiple boards with a unified board covering a broader jurisdiction.
 - Creation of an umbrella structure under which existing agencies are brought together but still operate with district division and separate governing boards.

Transit Consolidation Assessment and Implementation Plan

MTC/Operator Requested Amendments to Consolidation Assessment

- The State Transportation Agency (CalSTA) shall select a consultant team, which may include a transportation institute, to conduct consolidation assessment.
- Requires individuals working on assessment have expertise in the legal, labor relations, governance, financial and operational aspects of public transportation in California.
- Assessment shall evaluate the potential for enhanced coordination, in addition to consolidation, against key goals.
- Delete exhaustive list of data collection requirements.
- Assessment shall compare consolidation with anticipated outcomes from current coordination under Regional Network Manager framework.
- Revise due date of assessment to 24 months after passage of the revenue measure.

Transit Consolidation Assessment and Implementation Plan

MTC/Operator Requested Amendments to Implementation Plan and Funding

- CalSTA shall develop an implementation plan for recommended actions within one year of the assessment being completed.
- Moves focus away from solely the consolidation of all transit agencies.
- States CalSTA is not authorized to implement any governance changes to transit agencies recommended in implementation plan.
- Deletes exhaustive list of information to be included in implementation plan.
- Clarifies the Bay Area Transit Consolidation Technical Assistance Fund can be used to cover expenses incurred by CalSTA, consultants, MTC, and transit agencies related to the assessment and implementation plan.
- States activities related to the assessment and implementation cannot place an unfunded mandate on transit agencies, consultants, MTC or CalSTA.

Transit Consolidation Assessment and Implementation Plan

Outstanding Areas to be Addressed

- Further definition to stated goals of assessment and implementation plan:
 - Improve rider outcomes
 - Increase transit ridership
 - Improve social equity
 - Create cost efficiencies
- Determine to what extent the revenue measure pays for consolidation activities:
 - State pays for all
 - Region pays for all
 - Split between state and region

“Guardrails” on MTC Authority

Core Goals of Amendments

- In March 2024, transit operators sent a joint letter to Senator Wiener outlining several areas in which agency-level authority should be maintained.
- MTC and transit operators have collaborated on proposed “guardrails” to address agency-level control over:
 - Operating budgets and fare policies
 - Funding sources
 - Bargaining
 - Individual logos/brands
 - Schedule and service planning



March 7, 2024

The Honorable Scott Wiener
California State Senate
1021 O Street, Suite 8620
Sacramento, CA 95814

Re: Development of a Structure for Bay Area Regional Transit Management and Accountability

Dear Senator Wiener:

We appreciate the opportunity to offer ideas and strategy options for reforms as part of the regional transportation funding measure envisioned in SB 925.

Since the beginning of the pandemic, Bay Area transit agencies have been working in close partnership with MTC, strengthening lines of regular communications across all branches of transit, convening weekly meetings of transit executives, and collaborating on multiple initiatives to coordinate fares, schedules, wayfinding, and more to improve the rider experience and encourage ridership growth. This includes the Bay Area’s regional network management structure approved by the MTC in February 2023 and stood up over the last year. It includes the following elements:

- MTC [Regional Network Management Committee](#) (made up of MTC commissioners and some non-voting members with more transit-specific expertise) that sets the regional vision for transit policy and provides leadership on the overall direction of the RNM’s key initiatives.
- MTC [Regional Network Management Council](#) (made up of General Managers of transit agencies and the MTC Executive Director) that provides transit operational expertise and leadership in steering the RNM’s work to ensure regional transit policies are feasible and consider the unique contexts of different operators. The RNM Council also allows operator and MTC executive leadership to proactively resolve potential implementation barriers.
- MTC [Regional Network Management Customer Advisory Group](#) (made up of advocates and stakeholders) that advises the RNM Committee by providing transit rider perspectives and feedback.
- MTC Regional Network Management Section (led by Melanie Choy, the MTC RNM Section Director, who oversees a small section of staff dedicated to carrying out the planning and implementation of the RNM’s regional transit initiatives)

“Guardrails” on MTC Authority

MTC/Operator Draft Amendments Prohibit MTC from:

- Restricting an agency’s access to funds not allocated by MTC.
- Requiring a one-time or ongoing expenditure or policy that a transit agency has found to be unacceptable with respect to its impact on transit service, staffing, maintenance, or other specified operational consideration.
- Requiring an agency to implement policies or programs that would impede or interfere with a transit agency’s right to bargain with transit labor representatives or comply with any legal obligations in existing transit labor contracts.
- Restricting the use of an agency’s logo outside the scope of the commission’s regional mapping and wayfinding standards.
- Requiring that a transit agency modify the schedule or route of a specific local route that the transit agency does not identify as primarily serving regional transit service.

Maintenance of Effort Language

MTC/Operator Draft Amendments

- Clarify a public transit agency shall maintain its existing commitment of local funds under its control and formula-based regional, state, and federal funding contributions for transit operations to be eligible for an allocation of funds approved by the voters.
- Provides method for calculating an agency's "maintenance of effort" regarding existing commitments of local funds to transit operations.
- Allows further flexibility for a transit agency to reduce the amount of funding contributed to operations if they have an expiring voter-approved revenue source or determination an expiring ballot measure lacks sufficient support to warrant placement on the ballot.
- Allows for an exception from MTC for the purpose of transferring operating funds to state of good repair needs for assets owned and operated by the transit agency.

Peer Agency Positions

Agency	Action	Date
SamTrans	Oppose Unless Amended	April 3
Caltrain	Oppose Unless Amended	April 4
VTA	Oppose Unless Amended	April 4
<i>Joint MTC/ABAG Legislation Committee</i>	<i>Support Proposed Amendments</i>	<i>On Agenda for April 12</i>

Next Board Update – April 25

- Funding Framework Proposal
- Return to Source Provisions
- Committee hearing outcomes

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: BART Board of Directors

DATE: April 5, 2024

FROM: General Manager

SUBJECT: El Cerrito Plaza BART Transit Oriented Development Update

At the April 11, 2024 BART Board meeting, staff will provide an update on the activities related to progress on transit-oriented development (TOD) at El Cerrito Plaza BART Station. In November 2020, the BART Board authorized entering into an exclusive negotiating agreement (ENA) with Related California and Holliday Development for mixed-use development.

In Open Session, staff will provide an update on the implementation plan, progress on entitlements and securing funding for housing and infrastructure improvements, a tentative schedule for construction, and on multimodal station access improvements.

A Closed Session item will provide an update on real estate negotiations.

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

DocuSigned by:

47000790F2D7463...

Robert M. Powers

cc: Board Appointed Officers
Deputy General Manager
Executive Staff



El Cerrito Plaza Transit-Oriented Development (TOD) Project Update

BART Board – Open Session

April 11, 2024

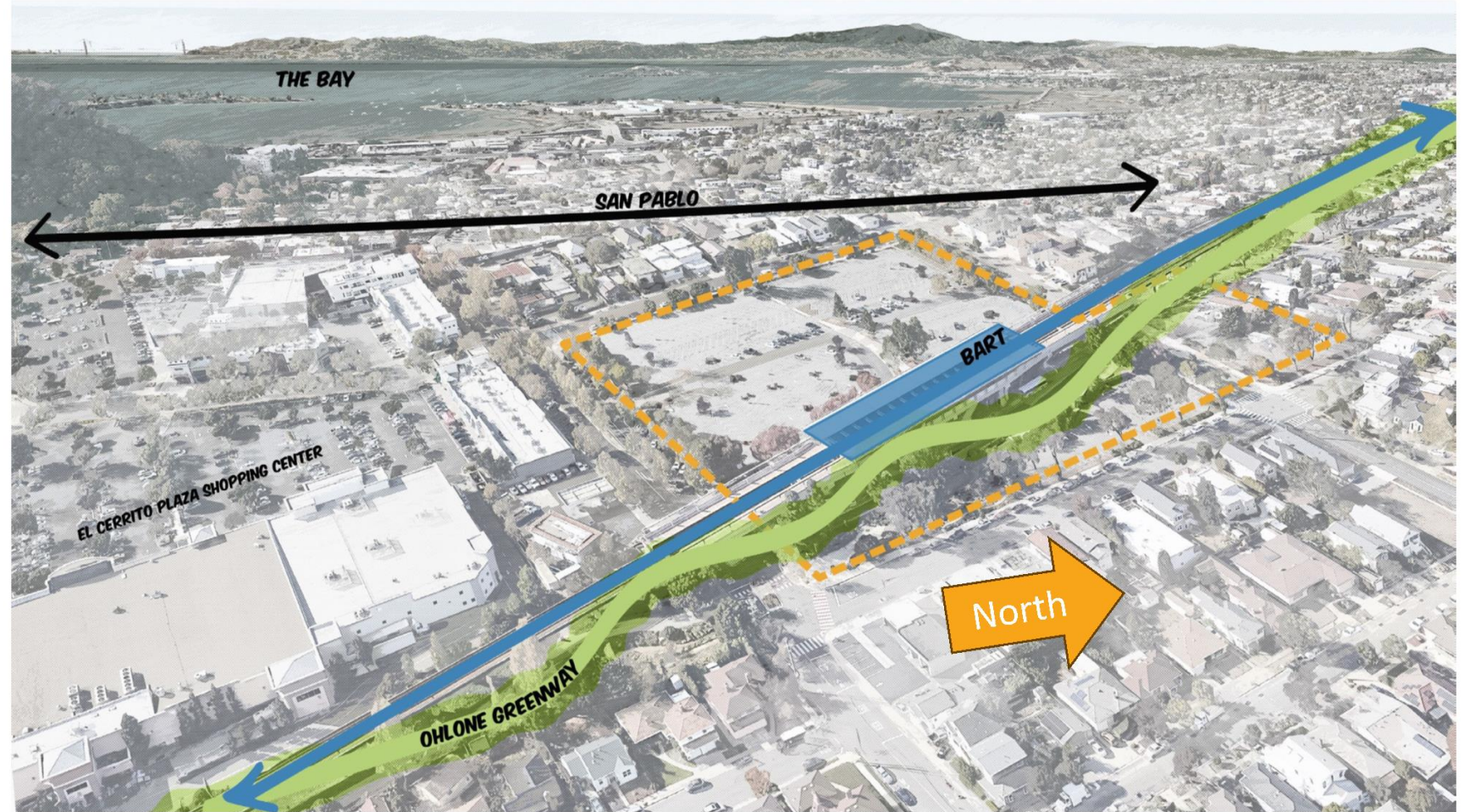
Overview

1. Project Background
2. Current Project Status
3. Station Access Planning Update



Project overview: Existing Conditions

- BART property is ~6 developable acres
- Currently 742 BART rider parking spaces

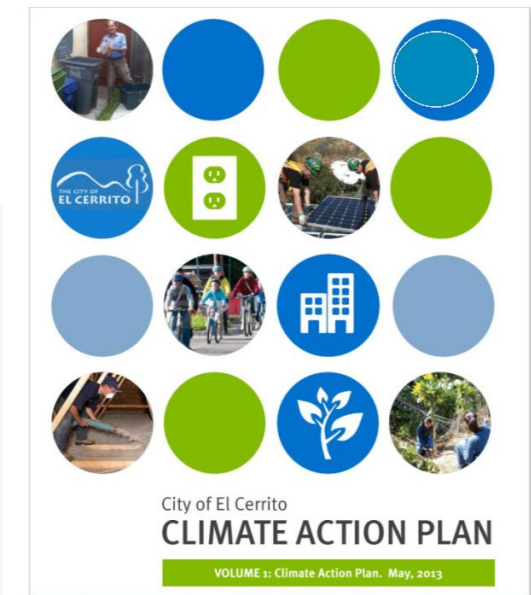
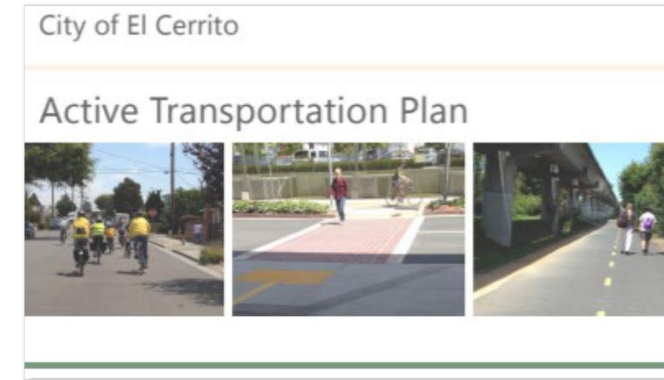


City/BART Goals & Objectives for El Cerrito Plaza BART Development*

- Ridership
 - Increase BART ridership
- Access
 - City to manage area parking
 - Increase % of people who walk, bike and take transit
 - Minimize need for BART rider parking
 - Provide up to 250 BART rider parking spaces
- Site Design
 - Enhance Ohlone Greenway
 - Active ground floor on Fairmount Avenue
- Community
 - Options for integrating public library

* City/BART Goals & Objectives for El Cerrito Plaza BART TOD:

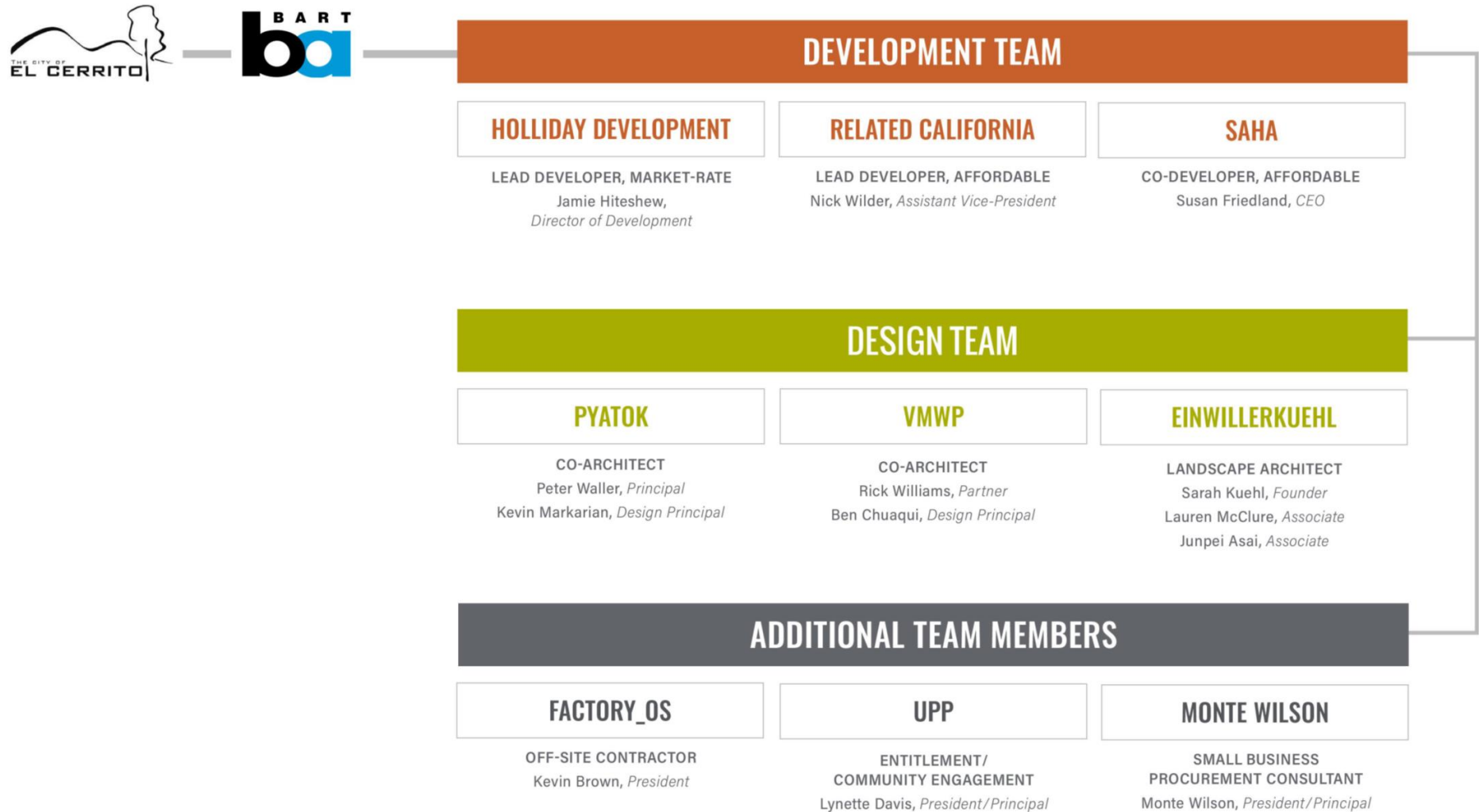
<https://www.bart.gov/about/business/tod/el-cerrito-plaza>



El Cerrito Plaza TOD- BART Process

- **2016:** Memorandum of Understanding with City of El Cerrito
- **2020:**
 - Draft Goals and Objectives
 - BART issued RFQ
- **2021:**
 - Exclusive Negotiating Agreement (ENA) with Holliday Development and the Related Companies of California
 - Adopted maximum BART rider parking, Goals and Objectives
- **2023:** ENA extended until August 2024

Development Team



Progress on Entitlements and Funding

Entitlements nearly complete

- ✓ **March 2023:** Parcel A South entitled separately
- ✓ **July 2023:** Submitted for Master Plan entitlements under AB 2923
- ✓ **June 2024 (estimated):** Master plan entitlements approval

\$50 million in Housing and Infrastructure Funding Awards

- ✓ **2022:** Awarded \$24.2 M in state TIRCP funds
- ✓ **2022-2023:** \$1 M State earmark, \$800k West Contra County funds
- ✓ **2022-2023:** \$350k in City, \$3.5 M in County housing funds
- ✓ **2023:** City secured \$20 M in State funds (\$10 M for housing and \$10 M for infrastructure)

Project Overview

- 743 units (47% affordable)
- High-Density, Mixed-Use Development
 - High density (117 units per acre)
 - Low ratio parking for residents (.35 per unit)
 - 1.6 bike parking spaces per unit
- Attractive public amenities
 - Potential public library (pending voter-passed funding)
 - Public plaza
- Station access improvements
 - \$36 M secured in transportation infrastructure funding
 - 145 spaces of BART rider parking
 - New intermodal, bike station, widened Ohlone Greenway



Project Overview: Community and BART priorities

- Seeks to increase revenue and ridership (station ridership down from pre-pandemic level).
- Placemaking opportunity for downtown El Cerrito
- City targeting the TOD for a 20k sf new library
 - Funding to be voted on in 2025
- Project meets half of City's RHNA allocation for new housing



Project overview: Tentative phasing schedule

2025: Parcel A South

In parallel: Bus Intermodal

2025: Parcel B

Includes BART rider parking

2025/6: Parcel C East

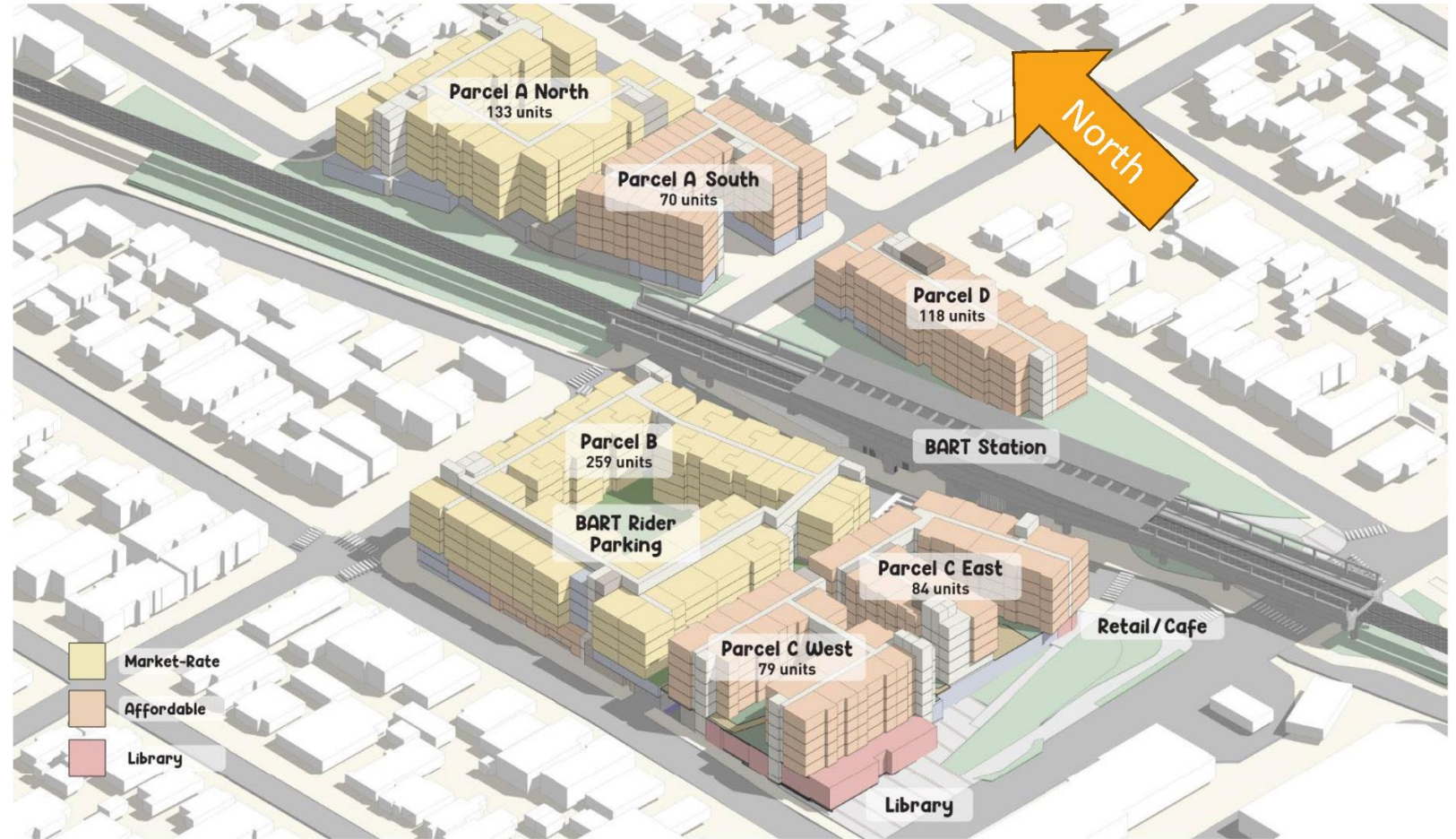
2026: Parcel C West

Includes potential library

2026: Parcel D

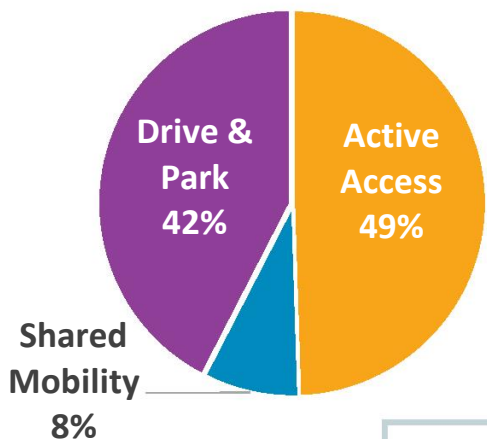
In parallel: expanded Ohlone Greenway

2027: Parcel A North

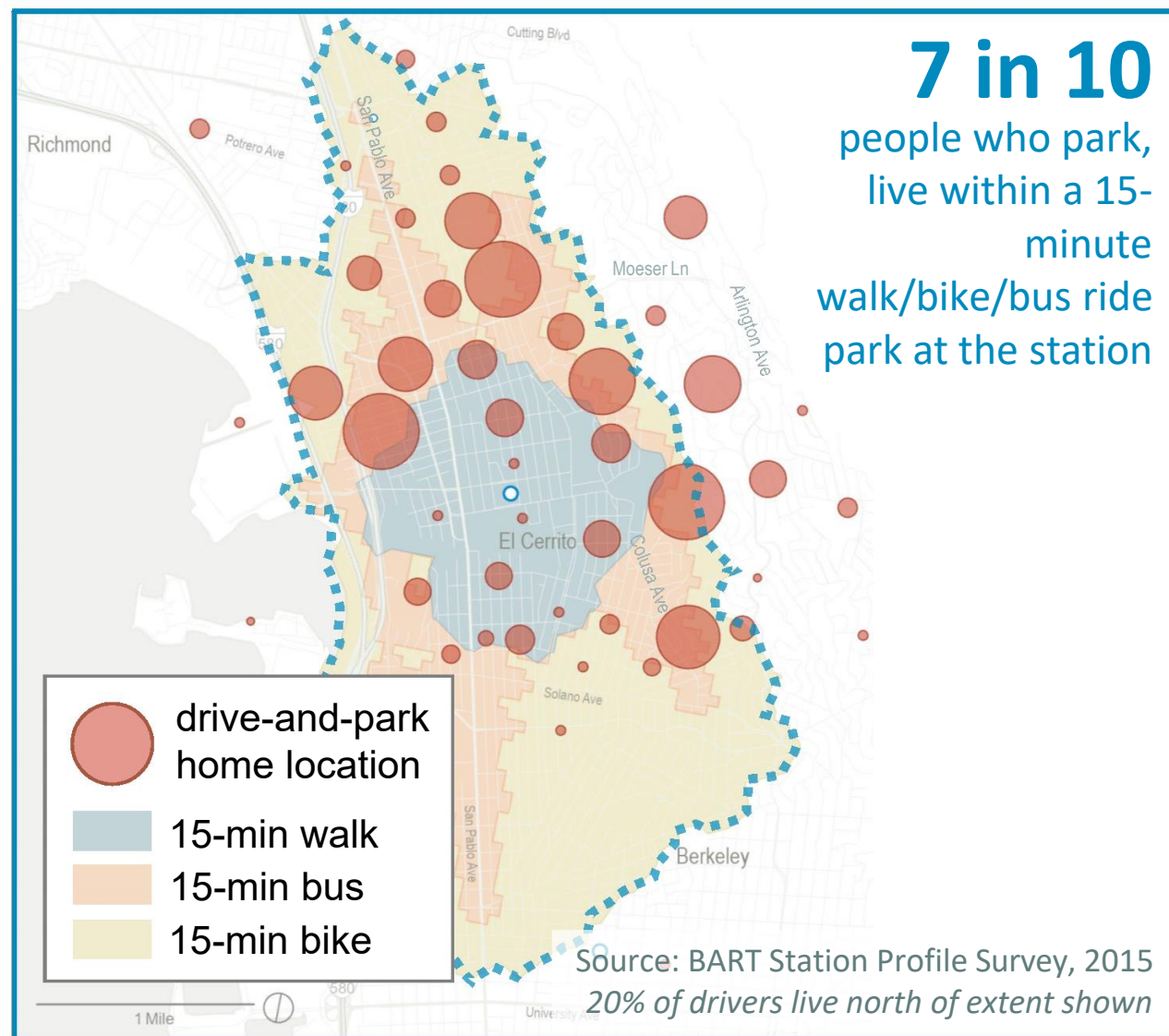
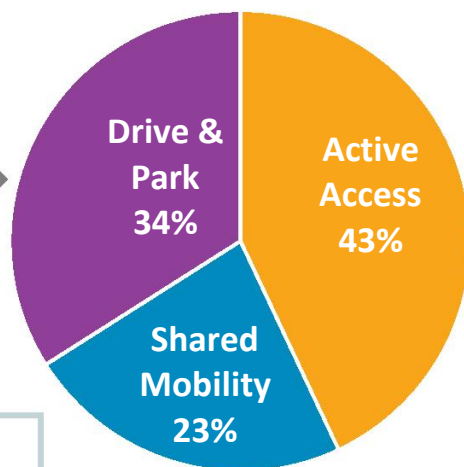


El Cerrito Plaza Station: Access Context

2008 Station Access

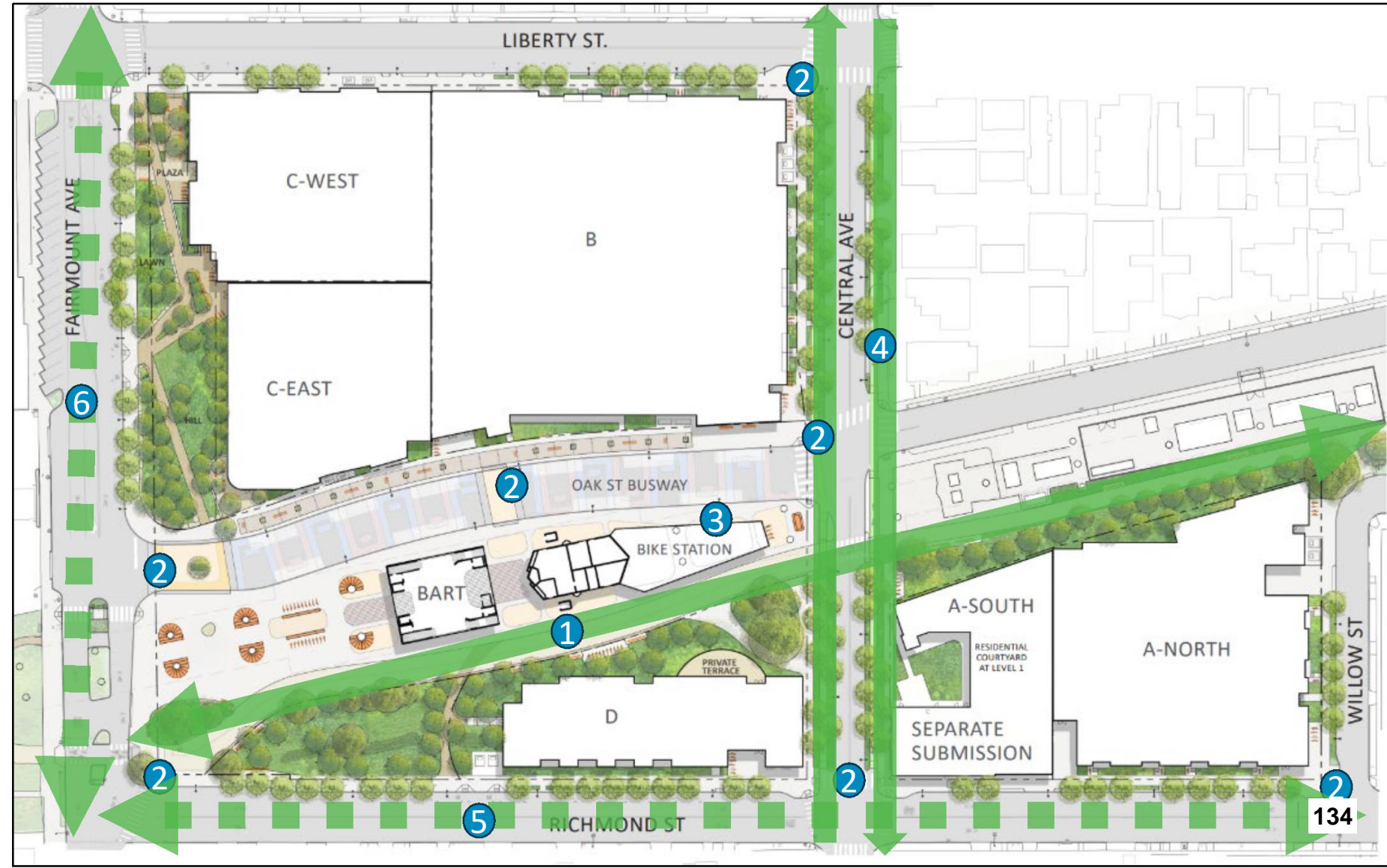


2015 Station Access



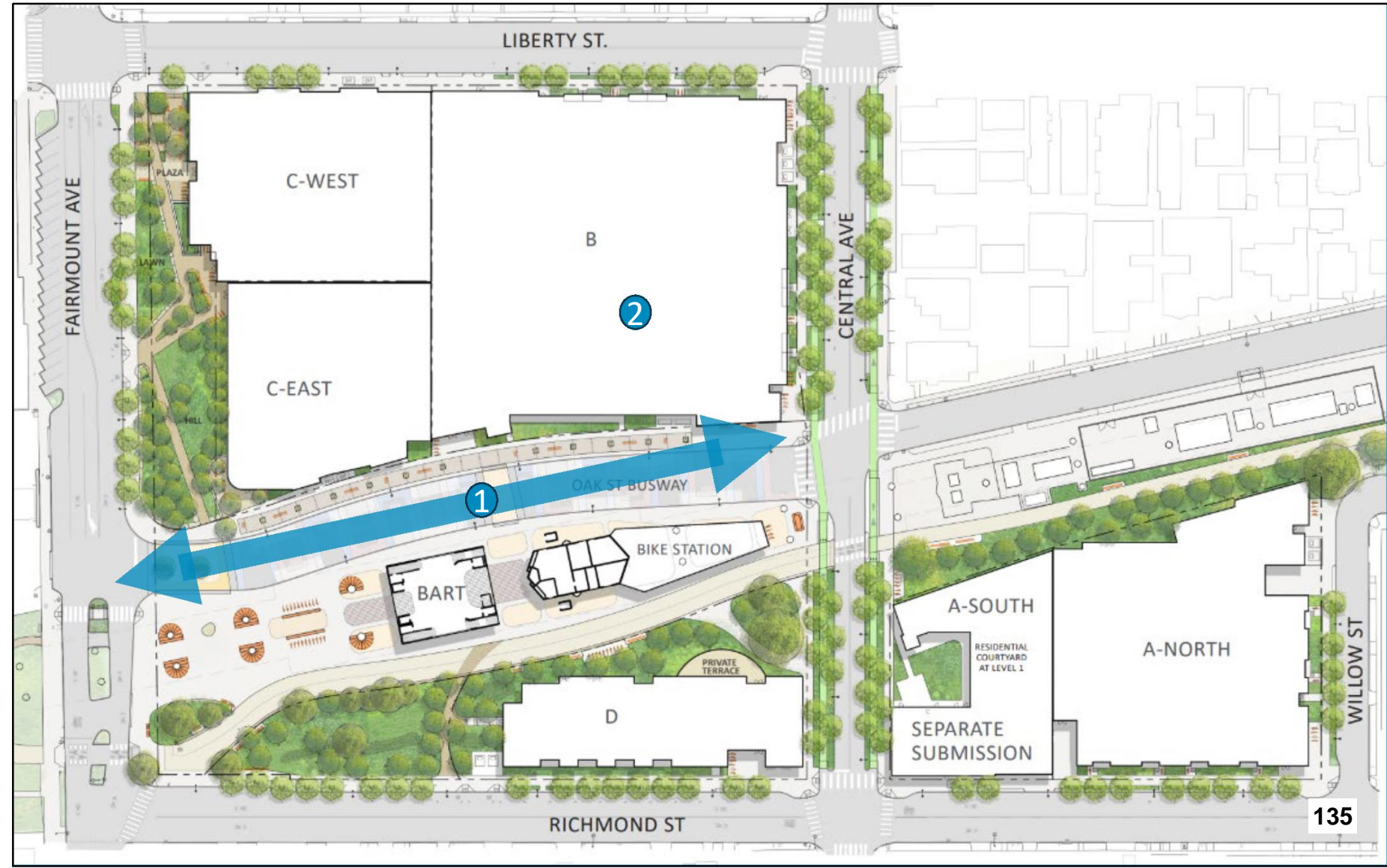
Integrated Station-Specific Access Elements: Walk/Bike

- ① Expanded Ohlone Greenway
- ② Bulbouts and high visibility crosswalks
- ③ Bike Station with 215-275 spaces
- ④ East-West Bikeway on Central Ave.
- ⑤ Class III sharrows on Richmond St. need City approval
- ⑥ Longer term: City to evaluate the feasibility of Class II bike lanes or Class IV separated bikeways on Fairmount



Integrated Station-Specific Access Elements: Transit and Car Access

- 1 Reconfiguration of busway from loop to 2-way configuration including bus stop amenities & more legible waiting areas
- 2 BART rider parking (145 spaces)



Next Steps

- Negotiate term sheet and ground leases
- Seek funding from state Affordable Housing and Sustainable Communities (AHSC) for Parcel A South affordable
- Coordinate with the City on station access (on-street parking, additional bike infrastructure, pedestrian scale lighting, etc.)

