

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 25, 2024

9:00 AM

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

Zoom Link: <https://us06web.zoom.us/j/85977206265>

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 25, 2024

9:00 a.m.

A regular meeting of the Board of Directors will be held at 9:00 a.m. on Thursday, April 25, 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 859 7720 6265; logging in to Zoom.com and entering access code 859 7720 6265; or typing the following Zoom link into your web browser:
<https://us06web.zoom.us/j/85977206265>

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 24, 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 859 7720 6265, 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 859 7720 6265, and use the raise hand feature; or join the Board Meeting via the Zoom link (<https://us06web.zoom.us/j/85977206265>) 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. BART "Take Our Kids to Work Day" Participants.

2. REPORT OF THE BOARD PRESIDENT3. BOARD COMMITTEE REPORTS

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

4. BOARD MATTERS - PART I

- A. Discussion Regarding Filling the District 5 Vacancy. [24-190](#)
For information and possible action.

5. CONSENT CALENDAR

- A. Approval of Minutes of the Meeting of March 14, 2024. [24-188](#)
Board requested to authorize.
- B. Revision to Succession Resolution. [24-192](#)
Board requested to adopt.
- C. Travel Stipend for Audit Committee Public Members. [24-157](#)
Board requested to authorize.
- D. Resolution Authorizing the Submittal of BART to Antioch Operating Funds (Year 6) Application, and Supporting Documents, for the Fiscal Year 2023-2024 Low Carbon Transit Operations Program (LCTOP). [24-183](#)
Board requested to adopt.
- E. Agreement with Oracle America Inc. for Oracle Support Services. [24-184](#)
Board requested to authorize.

- F. Relocation Assistance for Chief Maintenance Officer. [24-185](#)
Board requested to authorize.
- G. BART Police Department 2023 Use of Specialized or Military Equipment Annual Report. [24-171](#)
Board requested to authorize and approve.
- H. Appointment of BART Accessibility Task Force Members. [24-189](#)
Board requested to appoint.
- I. Extension of the Exclusive Negotiating Agreement for Transit-Oriented Development with Holliday Development, LLC, and The Related Companies of California, LLC, at the El Cerrito Plaza BART Station. [24-181](#)
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. Fiscal Year 2025 and Fiscal Year 2026 Preliminary Capital Budget Overview. [24-182](#)
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). [24-166](#)
For information and possible action.

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

C. CONFERENCE WITH LEGAL COUNSEL- EXISTING LITIGATION

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

Case No.: 22-cv-06119

Government Code Section: 54956.9(a)

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

Case No.: 22-cv-09193

Government Code Section: 54956.9(a)

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

Case No.: 22-cv-07720

Government Code Section: 54956.9(a)

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 19, 2024

FROM: District Secretary

SUBJECT: Discussion Regarding Filling the District 5 Vacancy

At the regular Board Meeting on April 25, 2024, the Board of Directors will have an opportunity to discuss the progress of the process to fill the District 5 vacancy. As the application period closes at 5:00 p.m. on April 25, 2024, staff will provide an update on the District 5 applications received, if any, and be available to answer questions.

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

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 1,952ND MEETING THURSDAY, MARCH 14, 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 March 14, 2024, convening at 9:07 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 9:07 a.m.

A. Roll Call.

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

Directors Present via Teleconference: None.

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

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

C. Introduction of Special Guests.

- i. Bryan Carmel, Co-Founder, Oakland Ballers. (Bryan Carmel was unable to attend the Meeting.)
- ii. Paul Freedman, Co-Founder, Oakland Ballers.

President Dufty called for Introduction of Special Guests. Director Simon introduced and welcomed Paul Freedman, Co-Founder, Oakland Ballers, and Timothy Koide, Vice President of Business Operations, Oakland Ballers, and gave remarks regarding the Oakland Ballers.

Oakland Ballers Co-Founder Freedman and Business Operations Vice President Koide addressed the Board.

A special audio announcement was made by JT Snow, former San Francisco Giants first baseman and coach of the Oakland Ballers, expressing gratitude to BART employees and highlighting the convenience of using BART to attend games.

President Dufty introduced the following members of the UC Berkely Transportation Graduate Students Organizing Committee (TRANSOC), who completed a BART speed run, broke the record for the total time it takes to visit all 50 BART stations, and applied to the Guinness World Record to make this event an official category:

Winnie Zhuang
Melody Tsao
Ameen DaCosta
Paul Liu
Jacob Champlin

Mike Santos
Chance Wen

Winnie Zhuang, Co-President, (TRANSOC), addressed the Board.

Director Saltzman congratulated the TRANSOC members on their achievement.

A photo of the TRANSOC members and Board Members was taken.

Public Comment

Aleta Dupree addressed the Board.

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

3. BOARD COMMITTEE REPORTS

Item 3 was heard after Item 1, Call to Order, due to technical difficulties.

President Dufty called for Board Committee Reports and indicated that there were no Board Committee Reports, although the Special Personnel Committee had met.

Public Comment

No comments were received.

4. CONSENT CALENDAR

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

- A. Approval of Minutes of the Meetings of November 16, 2023, December 7, 2023, and January 25, 2024.
- B. Recruitment and Relocation Assistance for Assistant General Manager, Administration.
- C. Change Orders to Contract No. 11IA-112, Civic Center Scissor Stairs Project, with Wickman Development and Construction.
 - i. For Realignment of Full Height Barrier.
 - ii. For Painting and Repairs to Temporary Barriers.
 - iii. For Installation of Two Closure Rails on Existing Stairs.
 - iv. For Delays and Impacts Due to Delayed Site Access, Changes to Temporary Barriers, Hazardous Material Removal, and Changes to Terrazzo Flooring.
- D. Award of Contract No. 15QJ-121, Roof Replacement at Bayfair & Fremont Stations Platform Canopies.
- E. Award of Contract No. 15QL-111, A-Line Site Improvement at Bayfair Station Parking Lot.
- F. Award of Invitation for Bid No. 9132, High Rail Inspection Crew Truck.

- G. Sole Source Agreement with CORYS for Hardware and Software Update to the D-Car Train Simulator to Reflect Communications Based Train Control Modifications.
- H. Change Order to Contract No. 40FA-110, Procurement of Transit Vehicles, with Alstom (formerly Bombardier Transit Corporation), for Train to Wayside and Wi-Fi System.
- I. Change Order to Contract No. 40FD-110, Procurement of Transit Vehicles, with Alstom (formerly Bombardier Transit Corporation), for Train to Wayside and Wi-Fi System.
- J. Rescission of Prior Award and New Award of Invitation for Bid No. 9134, Taylor-Dunn Bigfoot Carts.
- K. Amendment to the Pleasant Hill BART Station Leasing Authority Ground Lease to Allow Residential Use on Block D of the Pleasant Hill/Contra Costa Centre BART Station Transit Village.
- L. Declaration of Property as Exempt Surplus Land at North Berkeley BART Station for Transit-Oriented Development Project.

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

Vice President Foley seconded the motion.

Public Comment

No comments were received.

Action

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

Vote Summary:

Moved / Seconded: Director Saltzman / Vice President Foley

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

No: 0.

Abstain: 0.

Absent: Directors Allen and McPartland.

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

- A. The Minutes of the Meetings of November 16, 2023, December 7, 2023, and January 25, 2024, were approved. (*Vote: 7-0*)
- B. The General Manager or his designee was authorized to execute a national recruitment and relocation assistance agreement, if necessary, to assist the District in the identification of qualified candidates both inside and outside of California for the position of Assistant General Manager, Administration in conformance with established District procedures. (*Vote: 7-0*).
- C. The General Manager was authorized to execute Change Orders to Contract No. 11IA-112, Civic Center Station Scissor Stairs, in an amount not to exceed \$1,574,563.00. (*Vote: 7-0*)

- D. The General Manager was authorized to award Contract No. 15QJ-121, Roof Replacement at Bay Fair and Fremont Stations Platform Canopies, to Stronger Building Services of San Leandro, California, for the Total Bid Price of \$3,581,200.00. *(Vote: 7-0)*
- E. The General Manager was authorized to award Contract No. 15QL-111, Bay Fair Station Pavement Rehabilitation, to Tri-Valley Excavation Co. Inc. of Sunol, California for the Total Base Bid amount of \$819,251.00. Additionally, the General Manager was authorized to exercise the option, pending availability of funding and at the District's sole discretion, for an additional \$51,055.00, bringing the total authorization to \$870,306.00. *(Vote: 7-0)*
- F. The General Manager was authorized to award Invitation for Bid (IFB) No. 9132, Hi-Rail Inspection Crew Trucks, to Custom Truck One Source of Kansas City, MO, for the amount of \$1,657,235.00 (includes all applicable sales taxes), pursuant to notification to be issued by the General Manager, and subject to compliance with the District's Protest Procedures and Federal Transit Administration (FTA) procedures related to protest. *(Vote: 7-0)*

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

- G. The General Manager was authorized to execute Agreement No. 6M3697 for communications based train control (CBTC) Modifications to the D-Car Train Simulator with CORYS in an amount not to exceed \$1,743,088.00 including all applicable taxes to provide hardware and software updates for the train simulators. *(Vote: 7-0)*
- H. The General Manager was authorized to execute Change Order No. 062 for changes to the Technical Specification 15.10 - Train to Wayside and Wifi System under Contract No. 40FA- 110, Procurement of Transit Vehicles. *(Vote: 7-0)*
- I. The General Manager was authorized to execute Change Order No. 006 for changes to the Technical Specification 15.10 - Train to Wayside and Wifi System under Contract No. 40FD- 110, Procurement of Transit Vehicles. *(Vote: 7-0)*
- J. The Board rescinded its prior action authorizing award of IFB No. 9134 to TMHNC. The General Manager was authorized to award IFB No. 9134 for Taylor-Dunn Bigfoot Carts to RKU Distributing Inc., Redding, CA, for an amount of \$602,489.31 (includes all taxes), pursuant to notification to be issued by the General Manager and subject to the District's Protest Procedures. *(Vote: 7-0)*

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

- K. The BART Board of Directors authorized the General Manager or his designee to enter into an amendment to the Pleasant Hill BART Station Leasing Authority (JPA) Ground Lease to allow residential use on Block D (APN 148-221-043) and to execute any and all agreements and other documents in order to effectuate the foregoing amendment. *(Vote: 7-0)*
- L. Resolution No. 5581, In the matter of declaring land owned by the San Francisco Bay Area Rapid Transit District to be exempt surplus land pursuant to Government Code section 54221(f)(1)(F)(ii), was adopted. *(Vote: 7-0)*

5. CLOSED SESSION

A. PUBLIC EMPLOYEE EMPLOYMENT/APPOINTMENT

Title: General Counsel

Government Code Section: 54957(b)(1)

B. CONFERENCE WITH LABOR NEGOTIATORS

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

Title: General Counsel

Government Code Section: 54957.6

President Dufty brought the item before the Board and indicated that the Board would enter into Closed Session.

Public Comment

Aleta Dupree addressed the Board.

The Board Meeting recessed at 9:31 a.m.

The Board reconvened in Closed Session at approximately 9:32 a.m.

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

Directors Present via Teleconference: None.

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

Director McPartland entered the Meeting in Oakland.

The Board Meeting recessed at approximately 11:15 a.m.

6. OPEN SESSION

The Board reconvened in Open Session at 11:16 a.m.

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

Directors Present via Teleconference: None.

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

A. Announcements from Closed Session, if any.

President Dufty announced that the Board had concluded its Closed Session under Items 5-A and 5-B and that the Board had unanimously voted to appoint Jeana Zelan Peterson as General Counsel, effective March 14, 2024.

Director Raburn entered the Meeting in Oakland.

B. Compensation and Benefits for General Counsel.

President Dufty brought the item before the Board.

Director Simon moved that the Board approve the following terms of employment for Jeana Zelan Peterson, effective March 14, 2024, which shall be incorporated in a mutually satisfactory written employment agreement for execution by Ms. Zelan Peterson and the Board President:

Service for an indefinite term at the pleasure of the Board; base salary of \$340,000.00 per year; twelve months' severance pay for involuntary termination unless a result of death or gross misconduct; mandatory arbitration of employment disputes, benefits afforded non-represented management employees and retirees; and, upon retirement, option to participate in an alternative retiree medical, dental or vision plan if Ms. Zelan Peterson relocates to an area which is not within the service area of a District-sponsored plan, provided the alternative plan is comparable in both cost and coverage to the District-sponsored plan.

Vice President Foley seconded the motion.

Action

Upon motion by Director Simon and second by Vice President Foley, the Board approved, by unanimous roll call vote, the following terms of employment for Jeana Zelan Peterson, effective March 14, 2024, which shall be incorporated in a mutually satisfactory written employment agreement for execution by Ms. Zelan Peterson and the Board President:

Service for an indefinite term at the pleasure of the Board; base salary of \$340,000.00 per year; twelve months' severance pay for involuntary termination unless a result of death or gross misconduct; mandatory arbitration of employment disputes, benefits afforded non-represented management employees and retirees; and, upon retirement, option to participate in an alternative retiree medical, dental or vision plan if Ms. Zelan Peterson relocates to an area which is not within the service area of a District-sponsored plan, provided the alternative plan is comparable in both cost and coverage to the District-sponsored plan.

Vote Summary:

Moved / Seconded: Director Simon / Vice President Foley

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

No: 0.

Abstain: 0.

Absent: Director Allen.

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

Board Members and staff applauded General Counsel Zelan Peterson.

General Counsel Zelan Peterson expressed gratitude for the opportunity and acknowledged her commitment to serving BART and the Bay Area community.

President Dufty congratulated General Counsel Zelan Peterson, noting the historic appointment.

Robert Powers, General Manager, also congratulated General Counsel Zelan Peterson and expressed excitement about future collaboration.

Director Simon highlighted the significance of General Counsel Zelan Peterson's appointment during Women's History Month, praising her dedication and resilience and highlighting her as the first woman to be appointed BART's General Counsel.

2. REPORT OF THE BOARD PRESIDENT

Item 2 was heard before Item 7, General Manager's Report.

President Dufty brought the item before the Board and expressed gratitude for the opportunity to discuss BART's recent visit to Washington, D.C. President Dufty noted that six directors, along with the General Manager and External Affairs staff members, met with elected officials and the Federal Transit Administration officials. President Dufty also reported on the positive reception from Congressional members and staff, noting that this reception reflects their recognition of BART's efforts to enhance safety and cleanliness and increase ridership.

Discussion

The item was discussed, with the following highlights:

General Manager Powers emphasized the effectiveness of the recent meetings in Washington, D.C., noting the constructive and strategic nature of the meetings, and underscoring the importance of BART's regular engagement with federal officials. General Manager Powers also expressed confidence in the direction of BART and thanked the Board Members for their leadership in the discussions.

Director Ames highlighted the importance of building relationships and sharing information with federal representatives. Director Ames also underscored the importance of conveying the essential role of transit, especially during uncertain times, and expressed confidence that the message was effectively communicated to federal officials.

Director Saltzman emphasized the importance of continued communication with federal representatives, especially regarding the regional measure, as there is ongoing interest from them in the matter.

Director McPartland highlighted the effectiveness of returning to Washington, D.C. promptly and reinforcing previous discussions, noting that the officials they met with were well-prepared and engaged, demonstrating knowledge of previous interactions, and showing enthusiasm for the agency's initiatives.

Director Simon emphasized the significance of BART's transit-oriented development (TOD) projects, which aim to house individuals and stimulate economic growth locally, noting that every person they met with acknowledged BART's positive trajectory.

Director Raburn highlighted the importance of liaising with elected officials in Washington, D.C. and mentioned a comment made by U.S. Representative Nancy Pelosi regarding the importance of regional cooperation for transit success, a sentiment echoed by the former Secretary of Transportation, Norman Mineta.

President Dufty expressed gratitude to BART staff for their efforts to facilitate the visit to Washington, D.C.

Public Comment

Aleta Dupree addressed the Board.

7. **GENERAL MANAGER'S REPORT**

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

General Manager Powers reported on National Transit Employee Appreciation Day; the retirement ceremony and last train ride of the legacy train fleet; the ongoing track shutdown between the Richmond and El Cerrito Del Norte BART stations for infrastructure work; BART's participation in the National Society of Black Engineers event in Atlanta, Georgia, aiming to provide professional and personal development opportunities; BART's participation in the Bach in the Subway celebration; and ridership.

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

Director Raburn, Chairperson

Item 9 was heard before Item 8, Public Comment.

- A. BART Transit-Oriented Development Program Work Plan Update.

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

Carli Paine, Group Manager of Transit-Oriented Development, and Kamala Parks, Principal Planner, presented the item.

Public Comment

James Coleman addressed the Board.

Discussion

The item was discussed, with the following highlights:

Director Simon expressed concern about the challenge of securing funds for affordable housing projects, especially in her district, and acknowledged the efforts of the BART team in navigating these complexities, particularly in West Oakland and South Berkeley.

Director Raburn expressed the need for more staff resources to process additional projects related to transit-oriented development (TOD).

President Duffy indicated that there is a focus on engaging with local leaders such as South San Francisco Mayor James Coleman and Senator Josh Becker to address the housing needs in areas such as South San Francisco.

Director Li highlighted the importance of TOD in meeting Regional Housing Needs Allocation (RHNA) goals and in securing state funding and suggested exploring policies to prioritize TOD sites and leveraging relationships with state legislators to increase funding opportunities.

Director Saltzman commended staff for their efforts in developing the TOD work plan, acknowledging the challenges posed by economic factors, and inquired about the plan to disseminate the information further and ensure that elected officials are aware of the details.

Director Ames expressed desire to see more robust development around BART stations, akin to Millbrae Station, highlighting the importance of diversifying land use beyond housing and limited retail options, while advocating for a more blended housing income mix to mitigate the impact of escalating market-rate housing prices.

Director Simon exited the Meeting.

Vice President Foley inquired about staffing capacity to handle near-term and mid-term projects, the timeline for the North Concord Station project, the North Concord Station project's alignment with Brookfield's projected phase 3 work, and whether any unsolicited proposals had been received for the properties.

Director Raburn commended the thorough process involved in advancing projects to development solicitation and expressed optimism about meeting affordability targets in the future.

Action

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

B. Update on 2024 Bay Area Regional Housing Bond.

Director Raburn brought the item before the Board.

Val Menotti, Chief Planning and Development Officer, introduced Kate Hartley, Director of the Bay Area Housing Finance Authority (BAHFA), who presented the item.

Public Comment

No comments were received.

Discussion

The item was discussed, with the following highlights:

Director Li inquired about the timeline for developing county-specific expenditure plans, how transit districts are incorporated in the expenditure plan creation process, re-allocating funding, and ensuring a balance in distributing funds to counties and jurisdictions.

Director Saltzman highlighted the importance of a housing bond in meeting BART's goals, noting that the funding would incentivize areas that have not built housing previously to do so, particularly in counties such as Contra Costa where local funding for affordable housing has been lacking.

Director Raburn emphasized the significance of addressing the housing needs of the 3.5 million low-income residents in the Bay Area and inquired whether there will be compliance requirements for allocation of funds.

Director Ames inquired about using funding to add average median income homes on BART property; highlighted the importance of the jobs-housing nexus; and noted that by not building housing for average median income residents, people become super commuters from areas like the Central Valley, impacting quality of life and creating environmental problems.

President Dufty expressed gratitude for the regional housing measure's impact on regional transportation planning and highlighted how the housing measure will inform future regional transportation efforts.

Action

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

8. **PUBLIC COMMENT**

Item 8 was heard before Item 10, Administration Items.

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.

Aleta Dupree addressed the Board.

The Board Meeting recessed at 1:11 p.m.

The Board reconvened at 1:33 p.m.

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

Directors Present via Teleconference: None.

Absent: Directors Allen and Simon.

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

A. Fiscal Year 2024 Second Quarter Financial Report.

Director Li, Chairperson of the Administration Committee, brought the item before the Board. Pamela Herhold, Assistant General Manager, Administration; Christopher Simi, Director of Budgets; and Christopher Gan, Interim Controller-Treasurer, presented the item.

Public Comment

Aleta Dupree addressed the Board.

Discussion

The item was discussed, with the following highlights:

Vice President Foley inquired about net passenger revenue and debt service payments and the impact of recognizing individuals as operating rather than capital expenses on the cost neutrality of service changes and energy costs.

Director Ames sought clarification on the optimization of work schedules and its impact on emergency operations.

Director Li expressed appreciation for the transparency in the budget presentation and thanked the presenters.

President Dufty commended the presenters for their work and the discussants for leading a positive and productive conversation.

Action

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

11. **ENGINEERING AND OPERATIONS ITEMS**

Director Simon, Chairperson

A. Surveillance Impact Reports for Multiple Projects: BART Closed Circuit Television and Public Emergency Phone Towers.

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

Mariana Parreiras, Project Manager, Stations, presented the item.

Public Comment

Aleta Dupree addressed the Board.

Discussion

The item was discussed, with the following highlights:

Director Ames expressed support for the use of technology.

President Dufty requested that staff discuss the emergency phone towers and highlighted the positive experience with a trial installation at Coliseum Station in the East Bay.

Director Raburn mentioned the presentation of a SMART grant request for unmanned aerial systems during the legislative advocacy trip in Washington, D.C., suggesting it falls under the surveillance and use report.

Director Raburn moved to approve the staff recommendation.

President Dufty seconded the motion.

Action

Upon motion by Director Raburn and second by President Dufty, the Board took the following actions by unanimous roll call vote:

For the Dublin/Pleasanton Access Improvements Project (Project #57RR202), the Board found that the benefits of the proposed new BART Closed Circuit Television (BCCTV) and the Public Emergency Phone Towers (PEPT) technologies outweigh the costs and concerns hereto. The General Manager or his designee was authorized to proceed with their use as described in the attached Surveillance Impact Report with Document Control Numbers ME-BCCTV- SIR-03 and ME-BPEPT-SIR-02, which we found will reasonably safeguard civil liberties and civil rights.

For the Market Street Entry Canopies Project (Project #15LK001), the Board found that the benefits of the proposed new BART Closed Circuit Television (BCCTV) technology outweigh the costs and concerns hereto. The General Manager or his designee was authorized to proceed with its use as described in the attached Surveillance Impact Report with Document Control Number ME-BCCTV-SIR-04, which we found will reasonably safeguard civil liberties and civil rights.

For the Balboa Park Station East Side Improvement & Plaza Project (Project #11OG002), the Board found that the benefits of the proposed new BART Closed Circuit Television (BCCTV) technology outweigh the costs and concerns hereto. The General Manager or his designee was authorized to proceed with its use as described in the attached Surveillance Impact Report with Document Control Number ME-BCCTV-SIR-05, which we found will reasonably safeguard civil liberties and civil rights.

For the Colton Vent Structure Site (Permit #M-09.2-010-SF), the Board found that the benefits of the proposed new BART Closed Circuit Television (BCCTV) technology outweigh the costs and concerns hereto. The General Manager or his designee was authorized to proceed with its use as described in the attached Surveillance Impact Report with Document Control Number ME-BCCTV-SIR-06, which we found will reasonably safeguard civil liberties and civil rights.

For the In-Station CCTV Cameras (3 San Francisco stations) (Project #79PB000), the Board found that the benefits of the proposed new BART Closed Circuit Television (BCCTV) technology outweigh the costs and concerns hereto. The General Manager or his designee was authorized to proceed with its use as described in the attached Surveillance Impact Report with Document Control Number ME-

BCCTV-SIR-07, which we found will reasonably safeguard civil liberties and civil rights.

For the In-Station CCTV Cameras (31 stations, phased) (Project #79PD000), the Board found that the benefits of the proposed new BART Closed Circuit Television (BCCTV) technology outweigh the costs and concerns hereto. The General Manager or his designee was authorized to proceed with its use as described in the attached Surveillance Impact Report with Document Control Number ME-BCCTV-SIR-08, which we found will reasonably safeguard civil liberties and civil rights.

Vote Summary:

Moved / Seconded: Director Raburn / President Dufty

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

No: 0.

Abstain: 0.

Absent: Directors Allen and Simon.

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

B. BART Employee Safety Update.

Director Ames brought the item before the Board.

Michael Jones, Deputy General Manager, and Kevin Franklin, Chief of Police, presented the item.

Public Comment

The following individuals addressed the Board:

Olivia Spicer

Jesse Hunt

Aleta Dupree

Discussion

The item was discussed, with the following highlights:

Director Saltzman suggested involving local officials from Oakland and Alameda in safety coordination efforts and inquired about the use of shuttles, advocating for prioritizing walking and biking to promote a safer environment.

Director McPartland expressed interest in completing the online de-escalation training and inquired about the costs and timelines associated with implementing additional staffing for high-visibility patrols around BART Headquarters.

Vice President Foley commended the collaborative effort of various departments in devising a thorough plan to address the issue and inquired about the coverage during weekend day shifts for employees who need to report to work.

Director Li emphasized the importance of prioritizing employee safety and highlighted the larger issue of safety in downtown Oakland, suggesting that it is ultimately a responsibility shared by government agencies and companies alike.

President Dufty noted that the initiatives presented are part of a toolbox, indicating that they are not set in stone and may require adjustments based on their effectiveness; commended the efforts of all involved; and expressed confidence that the Board will continue to monitor and refine the strategies as needed.

Action

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

12. BOARD MATTERS

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

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

Director Ames expressed gratitude for being included in the recent trip to Washington, D.C.

Director Saltzman mentioned that she would be working on potential changes to the BART Board Rules based on issues that arose during the Washington, D.C. trip, and invited interested Board Members to advise her if they have any changes they wish to pursue.

Vice President Foley highlighted an upcoming Concord City Council meeting regarding the development of the Concord Naval Weapons Station and proposed seeking grant funding for platform screening design.

President Dufty commended and recognized the team responsible for broadcasting Board Meetings and thanked them for their efforts in making the meetings accessible to the public.

Director Raburn reported on attending the Hayward State of the City Address and the trip to Washington, D.C., and requested that the Meeting be adjourned in honor of Maurilio León, a respected community leader and Chief Executive Officer of the Tenderloin Neighborhood Development Corporation.

13. ADJOURNMENT

The Meeting adjourned at 2:54 p.m. in honor of Maurilio León.

April B. A. Quintanilla
District Secretary

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Board of Directors

DATE: April 19, 2024

FROM: District Secretary

SUBJECT: Revision to Succession Resolution

At the regular Board Meeting on April 25, 2024, staff will present a revised succession resolution for the Board of Directors' review and adoption. The purpose of the revised resolution is to update the Board of Directors' existing succession plan for vacancies in District Offices to accomplish the following:

1. Update Shane Edwards' title as the Assistant General Manager – Operations; and
2. Reflect new incumbents in the Assistant District Secretary position, Deputy Assistant District Secretary position, General Counsel position, and Associate General Counsel position.

Resolution No. 5493 outlines the existing succession plan for the District in the event of the absence or disability of designated District officers. Resolution No. 5493 lists the names and positions of those who shall act for the officer in the event of absence or disability, and these designations need to be updated to reflect the new position titles and individuals who now hold the above-mentioned positions.

Accordingly, Resolution No. 5493 should be repealed, and a new resolution should be adopted to ensure the orderly administration of District business. A draft motion to repeal Resolution No. 5493 and adopt a new succession resolution is outlined below for the Board of Directors' consideration.

Please contact me via phone at (510) 464-6080 or email at aandra2@bart.gov if you have any questions about this matter.

DRAFT MOTION:

That the Board of Directors adopts the attached resolution to repeal Resolution No. 5493 and update the Board of Directors' succession plan.

Thank you.

Attachment

cc: Board Appointed Officers
Deputy General Manager
Executive Staff

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

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

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

Resolution No. _____

WHEREAS, Public Utilities Section 28810 provides in part:

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

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

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

WHEREAS, Public Utilities Code Section 28817 provides:

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

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

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

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

**Members of the Board of Directors
President of the Board
Vice President of the Board
Secretary**

General Manager
General Counsel
Controller-Treasurer
Assistant District Secretary
Deputy Assistant District Secretary
Associate General Counsel
Deputy General Manager
Assistant General Manager – Operations
Assistant Controller
Assistant Treasurer
Independent Police Auditor
Independent Police Investigator
and

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

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

<u>INCUMBENT</u>	<u>POSITION</u>	<u>OFFICE</u>
Louis Ósémwegie	Assistant District Secretary	Secretary
Angel Rodriguez	Deputy Assistant District Secretary	Secretary (in the absence of Louis Ósémwegie)
Amelia Sandoval-Smith	Associate General Counsel	General Counsel
Todd Morgan	Assistant Treasurer	Controller-Treasurer
Patrick Caceres	Independent Police Investigator	Independent Police Auditor

and

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

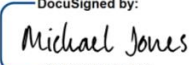
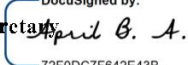
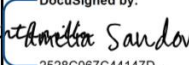
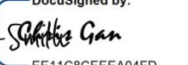
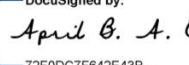
BE IT FURTHER RESOLVED that Resolution No. 5493 is hereby repealed; and

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

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EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:		GENERAL MANAGER ACTION REQ'D:		
DocuSigned by:  47000790F2D7463...				
DATE: 3/25/2024		BOARD INITIATED ITEM: No		
Originator/Prepared by: April Quintanilla		General Counsel	Controller/Treasurer	District Secretary
Dept: District Secretary DocuSigned by:  72F0DC7F642E43B...		DocuSigned by:  2528C067C44147D...	DocuSigned by:  EE11C8CEEEA04FD...	DocuSigned by:  72F0DC7F642E43B...
Signature/Date: 4/18/2024		4/18/2024	4/18/2024	4/19/2024
[]		[]	[]	[]

Travel Stipend for Audit Committee Public Members

PURPOSE:

To request authorization for a travel stipend (reimbursement) for public members of the Audit Committee to offset the reasonable expense of travel on public transportation to attend Audit Committee meetings in person.

DISCUSSION:

The BART Audit Committee Charter requires that the Audit Committee, a standing committee of the BART Board of Directors, include two qualified members of the public. Audit Committee public members are individuals who volunteer their time and expertise to conduct the work of the BART Audit Committee. Providing a travel stipend for public committee members promotes the use of public transportation and facilitates public engagement in BART policy matters by mitigating the cost of such engagement. On January 13, 2011, the Board of Directors authorized travel reimbursement in the amount of \$15.00 per eligible meeting to offset the reasonable expense of citizen advisory committee members' travel on public transportation to attend committee meetings.

Recently, on July 27, 2023, the Board of Directors authorized the Controller-Treasurer or a designee to increase the \$15.00 travel stipend (reimbursement) by the same percentage as the productivity-adjusted inflation-based fare increases each time a passenger fare increase occurs at BART. Providing a travel stipend (reimbursement) for Audit Committee public members will also bring these committee members in alignment with similarly situated BART advisory committee members.

Within fifteen days after the end of each calendar quarter, staff supporting the Audit

Committee will submit to the Finance Department a copy of meeting agendas and a list of the members who attended each meeting in person during the subject quarter. To receive a travel stipend (reimbursement) check or, in the alternative, transit value via the regional Clipper® Card Program, each Audit Committee public member must file an Internal Revenue Service (IRS) Form W-9 with the District.

FISCAL IMPACT:

The BART Audit Committee Charter requires that the Committee meet at least four times per year and authorizes additional meetings as needed. The Audit Committee met six times in 2022 and five times in 2023. The Audit Committee is expected to meet at least seven times in 2024.

The District increased fares by 5.5% on January 1, 2024, and will increase fares again on January 1, 2025 by 5.5%. The original stipend (reimbursement) amount of \$15.00 increased by 5.5% on January 1, 2024, to \$15.85, and will increase again by another 5.5% on January 1, 2025, up to \$16.70.

Based on the expected 2024 Audit Committee meeting schedule, the annual cost of providing a travel stipend (reimbursement), or the equivalent transit value via the regional Clipper® Card Program, to public members of the Audit Committee to offset the reasonable expense of travel on public transportation to attend committee meetings in person is estimated as follows:

2024: \$221.90 (\$15.85 per public member (two) multiplied by seven expected meetings)

2025 and beyond until adjusted: \$233.80 (\$16.70 per public member (two) multiplied by six potential meetings based on the average number of meetings for 2022-2024)

Funding will come from the Operating Budget of the District Secretary's Office (0401141). The fiscal impact for future years will be determined by the rate of increase of passenger fares. The increase in the travel stipend (reimbursement) will be rounded off to the nearest nickel.

ALTERNATIVES: Do not authorize the \$15.85 (for calendar year 2024) and \$16.70 (for calendar year 2025 and beyond until adjusted) per meeting travel stipend (reimbursement) or the equivalent transit value via the regional Clipper® Card Program for Audit Committee public members to offset the reasonable expense of travel on public transportation to attend committee meetings in person, or authorize a different per meeting stipend (reimbursement) or the equivalent transit value via the regional Clipper® Card Program.

RECOMMENDATION: That the Board of Directors adopt the motion outlined below.

MOTION:

That the Controller-Treasurer or a designee be authorized to (1) process payments or the equivalent transit value via the regional Clipper® Card Program for Audit Committee public members in the amount of \$15.85 (for calendar year 2024) and \$16.70 (for calendar year 2025 and beyond until adjusted) per eligible meeting to offset the reasonable expense of travel on public transportation for their in-person attendance at Audit Committee meetings; (2) increase the travel stipend (reimbursement) amount for Audit Committee public members by the same percentage as the productivity-adjusted inflation-based fare increases each time a passenger fare increase occurs at BART to offset the reasonable expense of travel on public transportation for their in-person attendance at Audit Committee meetings; and (3) process payments or the equivalent transit value via the regional Clipper® Card Program for Audit Committee public members in the amount of \$15.85 per eligible meeting to offset the reasonable expense of travel on public transportation for their in-person attendance at Audit Committee meetings that occurred in January 2024, February 2024, and April 2024.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <div style="float: right; text-align: right;"> <small>DocuSigned by:</small> <small>47000790F2D7463...</small> </div>		GENERAL MANAGER ACTION REQ'D:		
DATE: 4/12/2024 4/19/2024		BOARD INITIATED ITEM: No		
Originator/Prepared by: Richard Fuentes Dept: Capital Financial Planning <small>DocuSigned by:</small> <small>8013FEB0DE28432...</small> Signature/Date: <div style="text-align: right;">4/16/2024</div>	General Counsel <small>DocuSigned by:</small> <small>2528C067C44147D...</small> <div style="text-align: right;">4/17/2024 []</div>	Controller/Treasurer <small>DocuSigned by:</small> <small>EE11C8CEEEA04FD...</small> <div style="text-align: right;">4/17/2024 []</div>	District Secretary <div style="text-align: right;">[]</div>	BARC <small>DocuSigned by:</small> <small>3BB24D65B8724F5...</small> <div style="text-align: right;">4/17/2024 []</div>

Resolution Authorizing the Submittal of BART to Antioch Operating Funds (Year 6) Application, and Supporting Documents, for the FY 23-24 Low Carbon Transit Operations Program (LCTOP)

PURPOSE: To obtain Board approval of a Resolution Authorizing the Submittal of a BART to Antioch Operating Funds (Year 6) Application, and Supporting Documents, for the FY 23-24 Low Carbon Transit Operations Program (LCTOP).

DISCUSSION: The Low Carbon Transit Operations Program (LCTOP) is one of several programs established by the California Legislature through Senate Bill 862 in 2014 and further amended in 2016 through Senate Bill 824. Drawing funds from the state's Cap-and-Trade Program annual proceeds, LCTOP was created to provide operating and capital assistance for transit agencies to reduce greenhouse gas emissions and improve mobility, with a priority on serving disadvantaged communities.

Projects eligible to receive LCTOP funding would need to meet certain criteria including demonstrating greenhouse gas emissions reduction. In addition, 50% of the total funds received by a transit agency whose service area includes disadvantaged communities must be expended on projects that benefit disadvantaged communities within the agency's service area, subject to waiver for certain projects. LCTOP funds can be used for either operating or capital programs or projects, including new or expanded bus or rail services, expanded intermodal facilities, equipment acquisition, maintenance, and other operating costs.

BART's application identifies operating expenses for the BART to Antioch extension as the project for which these funds would be used. This proposed project meets the guidelines for LCTOP and has been awarded LCTOP funds in the past, including in the previous year.

LCTOP is a formula-based program administered by the California Department of Transportation (Caltrans). BART receives the funds directly from the state once the application is approved. For FY 23-24, BART is eligible to receive \$11,008,728.

LCTOP guidelines require transit agencies that receive LCTOP funds to authorize, by Board resolution, its agents to execute application documents and provide certain certifications and assurances.

FISCAL IMPACT: If the proposed project is approved by Caltrans, the funds will be applied to the operating budget for BART to Antioch service.

By adopting this Resolution Authorizing the Submittal of a BART To Antioch Operating Funds (Year 6) Application and Supporting Documents for FY 23-24 LCTOP funding, BART may receive \$11,008,728 on or before June 30, 2024.

This action will have no fiscal impact on unprogrammed District Reserves.

ALTERNATIVES: Do not approve the Resolution Authorizing the Submittal of a BART To Antioch Operating Funds (Year 6) Application and Supporting Documents for FY 23-24 LCTOP funding. BART could choose another project.

RECOMMENDATION: Adoption of the following motion.

MOTION: The BART Board approves adoption of the attached Resolution “In the Matter of Authorizing the Submittal of BART to Antioch Operating Funds (Year 6) Application, and Supporting Documents, for FY 23-24 Low Carbon Transit Operations Program (LCTOP).”

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

**In the Matter of Authorizing the Submittal of BART
To Antioch Operating Funds (Year 6) Application, and
Supporting Documents, for FY 23-24 Low Carbon Transit
Operations Program (LCTOP)**

Resolution No. _____

AUTHORIZATION FOR THE EXECUTION OF THE CERTIFICATIONS AND
ASSURANCES AND AUTHORIZED AGENT FORMS FOR THE LOW CARBON TRANSIT
OPERATIONS PROGRAM (LCTOP) FOR THE FOLLOWING PROJECT:

BART TO ANTIOCH OPERATING FUNDS (Year 6) / \$11,008,728

WHEREAS, the San Francisco Bay Area Rapid Transit District is an eligible project sponsor and may receive state funding from the Low Carbon Transit Operations Program (LCTOP) for transit projects; and

WHEREAS, the statutes related to state-funded transit projects require a local or regional implementing agency to abide by various regulations; and

WHEREAS, Senate Bill 862 (2014) named the California Department of Transportation (Department) as the administrative agency for the LCTOP; and

WHEREAS, the Department has developed guidelines for the purpose of administering and distributing LCTOP funds to eligible project sponsors (local agencies); and

WHEREAS, the San Francisco Bay Area Rapid Transit District wishes to delegate authorization to execute these documents and any amendments thereto to Robert Powers, General Manager; and

WHEREAS, the San Francisco Bay Area Rapid Transit District wishes to implement the following LCTOP project listed above.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the San Francisco Bay Area Rapid Transit District that the fund recipient agrees to comply with all conditions and requirements set forth in the Certification and Assurances and the Authorized Agent documents and applicable statutes, regulations and guidelines for all LCTOP funded transit projects.

NOW, THEREFORE, BE IT FURTHER RESOLVED that Robert Powers, General Manager, be authorized to execute all required documents of the LCTOP program and any Amendments thereto with the California Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the San Francisco Bay Area Rapid Transit District that it hereby authorizes the submittal of the following project nomination and allocation request to the Department in FY 2023-2024 LCTOP funds:

Project Name: BART to Antioch Operating Funds (Year 6)

Amount of LCTOP funds requested: \$11,008,728

Short Description of project: The service between the Pittsburg/Bay Point Station and Antioch is 10 miles long, adds two new stations, and provides much needed congestion relief on California State Route 4.

Benefit to a Priority Populations: Yes

Amount to Benefit Priority Populations: \$11,008,728

Contributing Sponsors (if applicable): None

AGENCY BOARD DESIGNEE

BY: _____

DULY PASSED AND ADOPTED by the San Francisco Bay Area Rapid Transit District Board of Directors on _____, 2024.

Certification

I, April B. A. Quintanilla, District Secretary, do hereby certify that the above is a true and correct copy of a resolution passed and approved by the Board of Directors of the San Francisco Bay Area Rapid Transit District on the _____ day of _____, 2024.

April B. A. Quintanilla, District Secretary

Date: _____



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <div style="float: right; border: 1px solid black; padding: 2px;"> <small>DocuSigned by:</small> <small>47000790F2D7463...</small> </div>		GENERAL MANAGER ACTION REQ'D:		
DATE: 2/28/2024 4/19/2024		BOARD INITIATED ITEM: Yes		
Originator/Prepared by: Monina Salonga Dept: CIO Administration <div style="border: 1px solid black; padding: 2px; margin-top: 10px;"> <small>DocuSigned by:</small> <small>230636236DDC46F...</small> </div> Signature/Date: <div style="text-align: right;">4/15/2024</div>	General Counsel <div style="border: 1px solid black; padding: 2px; margin-top: 10px;"> <small>DocuSigned by:</small> <small>2528C067C44147D...</small> </div> <div style="text-align: right;">4/15/2024 []</div>	Controller/Treasurer <div style="border: 1px solid black; padding: 2px; margin-top: 10px;"> <small>DocuSigned by:</small> <small>EE11C8CEEEA04FD...</small> </div> <div style="text-align: right;">4/15/2024 []</div>	District Secretary <div style="text-align: right;">[]</div>	BARC <div style="border: 1px solid black; padding: 2px; margin-top: 10px;"> <small>DocuSigned by:</small> <small>3BB24D65B8724F5...</small> </div> <div style="text-align: right;">4/15/2024 []</div>

Oracle Support Services

PURPOSE:

To request that the Board authorize the General Manager to execute a one (1) year maintenance and support agreement in an amount not to exceed \$906,745 and three (3) single year options to renew, each in an amount not to exceed \$1,200,000, with Oracle America Inc. for Oracle Support Services.

DISCUSSION:

The District uses Oracle Support Services to maintain critical Oracle PeopleSoft Enterprise Business Applications. These business applications are used to process and manage the District's financials, Human Resources, Procurement, projects, contracts, assets, and vendor information. These support services enable the District to safeguard and keep computer systems ("Systems") running efficiently in support of business operations.

Oracle has the unique expertise and capabilities to support Oracle program licenses. Oracle creates the proprietary program updates that Oracle provides to the District as technical support services.

Pursuant to the District's Non-Federal Small Business Program, the District conducted an analysis and determined that there are no certified Small Businesses certified by the California Department of General Services available for proposing this Agreement. Therefore, no Small Business Prime Preference was set for this Agreement.

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

Percentages for this Agreement are 5.5% for Minority Business Enterprises (MBEs) and 2.8% for Women Business Enterprises (WBEs). Oracle 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 Office of General Counsel will approve the agreement as to form prior to execution.

FISCAL IMPACT:

Last year's renewal for support services was \$863,567. The subject EDD proposes a one (1) year agreement at a total cost of \$906,745 (about a \$43,000 increase from last year) for support services from May 14, 2024 – May 13, 2025. Option years are not to exceed \$1,200,000 per year. Funds will be budgeted in the Office of the Chief Information Officer operating budget (Dept 0504464, Account 681355) as follows:

Fiscal Year	Amount:	Funding Source
Year 1	\$906,745	OCIO Operating Budget, Account #: 681355
Option Year 2	\$952,082	OCIO Operating Budget, Account #: 681355
Option Year 3	\$999,687	OCIO Operating Budget, Account #: 681355
Option Year 4	\$1,049,671	OCIO Operating Budget, Account #: 681355
Total FY24-27	\$ 3,908,185	

* Option Years – Budgetary estimate

Funding for support services in this Fiscal Year are included in the Department's existing operating budget. Funding for subsequent years will be included in the proposed annual operating budget, which is subject to Board approval.

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

ALTERNATIVES:

Decline to authorize the execution of this agreement. Oracle support services will be terminated. District will not have access to Oracle assistance and software maintenance necessary to keep Systems running efficiently for business operations.

RECOMMENDATION:

Approve the following motion.

MOTION:

The General Manager or his designee is authorized to execute a one (1) year maintenance and support agreement in an amount not to exceed \$906,745, and three (3) single year options to renew, each in an amount not to exceed \$1,200,000, with Oracle America Inc. for Oracle Support Services



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <div style="float: right; border: 1px solid black; padding: 2px; margin-top: 5px;"> <small>DocuSigned by:</small> <i>Michael Jones</i> <small>47000790F2D7463...</small> </div>		GENERAL MANAGER ACTION REQ'D:		
DATE: 4/11/2024 4/19/2024		BOARD INITIATED ITEM: No		
Originator/Prepared by: Diane Iwata Dept: Benefits <div style="border: 1px solid black; padding: 2px; margin-top: 5px;"> <small>DocuSigned by:</small> <i>Diane Iwata</i> <small>B2B28E38D3F14F1...</small> </div> Signature/Date: <div style="text-align: right;">4/15/2024</div>	General Counsel <div style="border: 1px solid black; padding: 2px; margin-top: 5px;"> <small>DocuSigned by:</small> <i>Amelia Sandoval</i> <small>2528C067C44147D...</small> </div> <div style="text-align: right;">4/15/2024 []</div>	Controller/Treasurer <div style="border: 1px solid black; padding: 2px; margin-top: 5px;"> <small>DocuSigned by:</small> <i>Shirley Gan</i> <small>EE11C8CEEEA04FD...</small> </div> <div style="text-align: right;">4/15/2024 []</div>	District Secretary <div style="text-align: right;">[]</div>	BARC <div style="border: 1px solid black; padding: 2px; margin-top: 5px;"> <small>DocuSigned by:</small> <i>Pamela Herhold</i> <small>3BB24D65B8724F5...</small> </div> <div style="text-align: right;">4/15/2024 []</div>

Relocation Assistance for Chief Maintenance Officer

DISCUSSION:

On March 11, 1993, the Board adopted Resolution 4487, which states that no relocation or moving expenses should be offered to new employees without prior Board approval.

The District is currently conducting a recruitment to fill the position of Chief Maintenance Officer, a senior management level position. In the event that the successful candidate is not from the immediate area, the ability to offer relocation assistance will enhance the District's competitive posture to fill this position. The Board's action will allow staff to execute a relocation assistance agreement within the parameters of current District practice as provided in Management Procedure 70. This procedure does not allow for reimbursement for loss on sale of residence.

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

FISCAL IMPACT:

The relocation cost (up to \$18,000, if needed) will come from the existing FY24 Operating Budget of Rolling Stock and Shops (Cost Center 0803631, Account 681300).

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

ALTERNATIVES:

Offer the position without relocation assistance which could result in losing the selected candidate.

RECOMMENDATION:

Adopt the following motion:

MOTION:

That the General Manager is authorized to enter into a relocation assistance agreement, if necessary, for the position of Chief Maintenance Officer in conformance with established District procedures.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <div style="border: 1px solid black; padding: 2px; display: inline-block;"> DocuSigned by: <i>Michael Jones</i> 47000790F2D7463... </div>		GENERAL MANAGER ACTION REQ'D:		
DATE: 3/18/2024 4/19/2024		BOARD INITIATED ITEM: No		
Originator/Prepared by: Olivia Jackson Dept: Office of the Chief <div style="border: 1px solid black; padding: 2px; display: inline-block;"> DocuSigned by: <i>Olivia Jackson</i> 5A906366B7C145F... </div> Signature/Date: <div style="text-align: right;">4/17/2024</div>	General Counsel <div style="border: 1px solid black; padding: 2px; display: inline-block;"> DocuSigned by: <i>Amelia Sandoval</i> 2528C067C44147D... </div> <div style="text-align: right;">4/17/2024 []</div>	Controller/Treasurer <div style="border: 1px solid black; padding: 2px; display: inline-block;"> DocuSigned by: <i>Shirley Gan</i> EE11C8CEEEA04FD... </div> <div style="text-align: right;">4/17/2024 []</div>	District Secretary <div style="text-align: right;">[]</div>	BARC <div style="border: 1px solid black; padding: 2px; display: inline-block;"> DocuSigned by: <i>Shane Edwards</i> 8128A2EB2F014F3... </div> <div style="text-align: right;">4/17/2024 []</div>

BART Police Department Use of Specialized or Military Equipment Annual Report

PURPOSE:

To make annual findings and determinations as required by BART Ordinance No. 2022-1, and to obtain Board approval of the continued use of specialized or military equipment identified in the 2023 Military Equipment Annual Report for an additional one-year period.

DISCUSSION:

On September 8th, 2022, The Board of Directors adopted Ordinance No. 2022-1, approving the BART Police Department's (BART PD) Military Equipment Policy 711, in compliance with Assembly Bill (AB 481) 481. AB 481, codified as Government Code (GC) sections 7070 through 7075, places requirements on California law enforcement agencies relating to the funding, acquisition, or use of "military equipment" as defined in GC §7070.

Pursuant to Ordinance No. 2022-1, staff must bring a Military Equipment Annual Report (Annual Report) to the Board regarding the use of the approved specialized or military equipment, the maintenance and use costs, internal audits, and the quantity of military equipment if the agency intends to acquire additional military equipment in the next year.

The Annual Report is intended to allow the Board of Directors an opportunity to determine whether the benefits to the community of the use of specialized or military equipment utilized by BART PD outweigh the costs and that civil rights are appropriately safeguarded by the policies in place to use them.

The Police Department discussed the Annual BART Police Department Use of Specialized

or Military Equipment with the community by presenting it to BPD's community partners, at least thirty (30) days prior to the Board of Directors' consideration of the agenda item in compliance with GC section 7071. This was to encourage public participation, transparency, and community partnership. Any proposed or final Annual Report will be posted on the District website page as long as the military equipment is available for use. The Annual Report to the Board will include how the equipment is being used, the maintenance and use costs, internal audits, community feedback on the use, and the quantity of military equipment if the agency intends to acquire additional military equipment in the next year.

Ordinance No. 2022-1 requires the Board to make four findings annually:

First, military equipment is necessary because no reasonable alternative can achieve the same officer and civilian safety objective.

Second, the proposed military equipment use policy will safeguard the public's welfare, safety, civil rights, and civil liberties.

Third, if purchasing the equipment, the equipment is reasonably cost-effective compared to available alternatives that can achieve the same objective of officer and civilian safety.

Fourth, prior military equipment use complied with the military equipment use policy that was in effect at the time, or if previous uses did not abide by the accompanying military equipment use policy, corrective action has been taken to remedy nonconforming uses and ensure future compliance.

FISCAL IMPACT:

Approval of the proposed Annual Specialized or Military Equipment Report will have no fiscal impact on the District.

ALTERNATIVES:

Do not approve the uses of military or specialized equipment proposed in the Annual Report. In that case, the BART PD must cease using the identified specialized or military equipment until it receives approval from the Board.

RECOMMENDATION:

Approve the following motion.

MOTION:

Consistent with the requirements of BART Ordinance No. 2022-1, the Board of Directors of the San Francisco Bay Area Rapid Transit District makes the following findings for the 2023-2024 Military Equipment Annual Reporting period:

First, the specialized or military equipment listed in the Annual Report is necessary because no reasonable alternatives can achieve the same officer and civilian safety objectives.

Second, the existing military equipment use policy will safeguard the public's welfare, safety, civil rights, and civil liberties in regard to the specialized or military equipment listed.

Third, the listed equipment continues to be reasonably cost-effective compared to available alternatives that can achieve the same objective of officer and civilian safety.

Fourth, prior specialty or military equipment use complied with the military equipment use policy that has been in effect during the prior year.

Consistent with the findings made above, BART's Board of Directors has determined, based on the information provided in the 2023 Military Equipment Annual Report, that the benefits to the community of using the specialized or military equipment described in the report outweigh the costs associated with their use and that civil liberties and civil rights are, concurrent with their use, adequately safeguarded by the policies adopted within BART Police Policy 711. The Board of Directors therefore authorizes and approves of the continued use of the specialized or military equipment identified in the 2023 Military Equipment Annual Report for an additional one-year period.



BART Police Department Annual Military Equipment Report

CALENDAR YEAR 2023



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Executive Summary

On September 30, 2021, the Governor of the State of California approved AB-481, requiring law enforcement agencies to obtain approval (for the funding, acquisition, or use of military equipment) of the applicable governing body (BART Board of Directors) by adoption of a military equipment use policy. As a result, the BART Police Department is now required to seek the BART Board of Directors' approval of their military equipment use procedure by ordinance at a regular open meeting prior to taking certain actions relating to the funding, acquisition, or use of military equipment, as defined.

The bill allows the governing body to approve the funding, acquisition, or use of military equipment within its jurisdiction only if it determines that the military equipment meets specified standards. The ordinance is subject to an annual Board of Directors review to determine whether, based on an annual military equipment report and a public meeting for community input, the standards set forth in the military equipment ordinance have been met. The BART Board of Directors may renew the authorizing ordinance, disapprove authorization for approved equipment where standards have not been met, or require modifications to the military equipment use policy. The military equipment ordinance also requires that the BART Police Department, within 30-days of submitting the annual report, shall hold a well-publicized and conveniently located community engagement meeting, at which the general public may discuss and ask questions regarding the annual Military Equipment Report and the law enforcement agency's funding, acquisition, or use of military equipment. The BART Police Department works in collaboration with the BART Citizen's Review Board (CRB) to hold the required public meeting as part of a regularly scheduled CRB meeting.

Finally, the bill requires the Department's website to publish the military equipment use policy and the annual military equipment report. The policy and report must be posted at least 30 days before they are presented to the BART Board of Directors.

AB-481, Section 7072 states the following:

(a) A law enforcement agency that receives approval for a military equipment use policy pursuant to Section 7071 shall submit to the governing body an annual military equipment report for each type of military equipment approved by the governing body within one year of approval, and annually thereafter for as long as the military equipment is available for use. The law enforcement agency shall also make each annual military equipment report required by this section publicly available on its internet website for as long as the military equipment is available for use. The annual military equipment report shall, at a minimum, include the following information for the immediately preceding calendar year for each type of military equipment:

- (1) A summary of how the military equipment was used and the purpose of its use.
- (2) A summary of any complaints or concerns received concerning the military equipment.

(3) The results of any internal audits, any information about violations of the military equipment use policy, and any actions taken in response.

(4) The total annual cost for each type of military equipment, including acquisition, personnel, training, transportation, maintenance, storage, upgrade, and other ongoing costs, and from what source funds will be provided for the military equipment in the calendar year following submission of the annual military equipment report.

(5) The quantity possessed for each type of military equipment.

(6) If the law enforcement agency intends to acquire additional military equipment in the next year, the quantity sought for each type of military equipment.

(b) Within 30 days of submitting and publicly releasing an annual military equipment report pursuant to this section, the law enforcement agency shall hold at least one well-publicized and conveniently located community engagement meeting, at which the general public may discuss and ask questions regarding the annual military equipment report and the law enforcement agency's funding, acquisition, or use of military equipment.

In addition to maintaining the highest levels of public safety, the BART Police Department is committed to transparency, public trust, community partnerships, and compliance with the law. As such, the Department has authored the following 2023 Annual Military Equipment Report in accordance with annual reporting requirements set forth in AB-481.

Introduction

The BART Police Department (BART PD) retains and employs a variety of military equipment, as defined by California State law, to assist with achieving the furtherance of its mission statement: "To ensure a safe environment within our transit system, reduce crime through a highly visible police presence, and proactive enforcement of the law, and to promote public confidence by working in partnership with our stakeholders and the communities we serve."

The BART Police Department recognizes that critical incidents are unpredictable and can be very dynamic in nature. A variety of military equipment options can greatly assist incident commanders, officers, and specific units in bringing those incidents to a swift resolution in a safe manner. The use of military equipment is restricted to use only in certain instances and, in some cases, only by certain units. The use of the Department's military equipment is continuously evaluated, and the use of such equipment by department personnel is influenced by the totality of the circumstances, public safety, officer safety, civil rights, State law, and information available at the time of use.

The BART Police Department policies and training give incident commanders, supervisors, individual officers, and specialized teams the tools to recognize the particular circumstances wherein military equipment should be employed to enhance the safety of the public and officers and bring a critical incident to a safe resolution.

This Annual Military Equipment Report outlines a summary of military equipment usage guidelines, inventory, fiscal impact, and complaints for 2023.

In addition, the BART Police Department conducted internal audits during 2023. While there were no known violations of the Specialized or Military Equipment Use policy, there were four inventory amounts that were determined to have minor errors from the previous year, resulting in an increase of two rifles and a quantity of two types of 40mm ammunition that were not included in the original inventory. Those inventory amounts were corrected in this report.

During the calendar year 2023, the BART Police Department received no complaints concerning Specialized or Military Equipment and/or their use by members of the department.

Summary of Military Equipment

The inventory of military equipment, particularly consumable material (ammunition, diversionary devices, chemical agents, etc.) fluctuates regularly. This is based on a variety of factors, including but not limited to operational usage, operational deterioration, training, maintenance, and expiration and replenishment guidelines. The BART Police Department is committed to transparency in disclosing its military equipment inventory and related information to our community and elected officials in compliance with the law. The Department strives its utmost to provide the most accurate military equipment inventory and information at the time of this report's publication.

Military equipment – Includes but is not limited to the following:

- Unmanned, remotely piloted, powered aerial or ground vehicles (Category 1).
- Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers. However, police versions of standard consumer vehicles are specifically excluded (Category 2).
- High mobility multipurpose wheeled vehicles (HMMWV), two-and-one-half-ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached. However, unarmored all-terrain vehicles (ATVs) and motorized dirt bikes are excluded (Category 3).
- Tracked armored vehicles that provide ballistic protection to their occupants and utilize a tracked system instead of wheels for forward motion (Category 4).
- Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units (Category 5).
- Weaponized aircraft, vessels, or vehicles of any kind (Category 6).
- Battering rams, slugs, and breaching apparatuses that are explosive in nature. However, items designed to remove a lock, such as bolt cutters, or a handheld ram designed to be operated by one person, are specifically excluded (Category 7).
- Firearms and ammunition of .50 caliber or greater. However, standard issue shotguns are specifically excluded (Category 8).
- Ammunition of .50 caliber or greater. However, standard issue shotgun ammunition is specifically excluded (Category 9).
- Specialized firearms and ammunition of less than .50 caliber, including assault weapons as defined in Penal Code § 30510 and Penal Code §30515, with the exception of standard-issue service weapons and ammunition of less than .50 caliber that are issued to officers (Category 10).

- Any firearm or firearm accessory that is designed to launch explosive projectiles (Category 11).
- “Flashbang grenades and explosive breaching tools, “tear gas,” and “pepper balls,” excluding standard, service issued pepper spray (Category 12).
- TASER® Shockwave, microwave weapons, water cannons, and long-range acoustic devices (LRADs) (Category 13).
- The following projectile launch platforms and their associated munitions: 40mm projectile launchers, “bean bag,” rubber bullets, and specialty impact munition (SIM) weapons (Category 14).
- Any other equipment as determined by a governing body or a state agency to require additional oversight (Category 15).

Qualifying Equipment Owned/Utilized by the Bay Area Rapid Transit Police Department

1. AR-15 Style Semiautomatic Rifle – CA Government Code 7070(c)(10) (Category 10)

a. ~~Equipment Capabilities, Quantity and Lifespan:~~

AR-15 style firearms owned by this department that can fire .223/5.56mm caliber projectiles accurately over 100 yards.

Quantity Owned: 93—The current policy shows 92 in error. One rifle was in transit during the original audit and discovered during the 2023 inventory audit.

Price Per Unit: Approximately \$1,500 dollars

Lifespan: Approximately 15 Years

b. ~~Manufacturer Product Description:~~

The AR-15 style rifles the department owns are the Colt LE 6920 and Sig Sauer M400. It features a 16" barrel and a free-float M-Lok Handguard. The Sig Sauer M400 also features ambidextrous controls for right-handed and left-handed users. It is topped with a Sig Sauer Romeo Red Dot sight, which aids in achieving accurate shots.

c. ~~Purpose/Authorized Uses:~~

Members may deploy the patrol rifle in any circumstance where the member can articulate a reasonable expectation that the rifle may be needed. Examples of some general guidelines for deploying the patrol rifle may include, but are not limited to:

- a. Situations where the member reasonably anticipates an armed encounter.
- b. When a member is faced with a situation that may require accurate and effective fire at long range.
- c. Situations where a member reasonably expects the need to meet or exceed a suspect's firepower.
- d. When a member reasonably believes that there may be a need to fire on a barricaded person or a person with a hostage.
- e. When a member reasonably believes that a suspect may be wearing body armor.

- f. When authorized or requested by a supervisor.
- g. When needed to euthanize an animal.

d. Fiscal Impacts:

Replacement parts required for regular maintenance are expected to cost less than \$1,000 per year. In calendar year 2023, costs for operating and maintaining this equipment were \$0.00.

e. Legal/Procedural Rules Governing Use:

All applicable federal, state, and local laws governing police use of force, and various Bay Area Rapid Transit Police Department (BART PD) policies regarding use of force and firearms. Refer to BART PD Policies 312 and 432, for more information on the use and training of Patrol Rifles.

f. Training Required:

Any officer authorized to use an AR-15-style rifle must complete a CA POST-certified Patrol Rifle Operator Course and regular departmental training and qualifications as required by law, policy, and accreditation guidelines.

g. Other Notes:

For clarification purposes only, these rifles are standard issue service weapons for members of the BART Police Department. As such, ~~they are exempted~~ from this Military Equipment Use Policy per CA Gov't Code §7070 (c)(10). They have been included in the District's Military Equipment Ordinance in the interest of transparency.

2. Bolt Action Precision Rifles - CA GC §7070(c)(10) (Category 10)

a. ~~Equipment Capabilities, Quantity and Lifespan:~~

Bolt action style rifles chambered in .308/7.62mm x 51 caliber, can fire rounds accurately out to 1,000 yards.

Quantity Owned: 7—The current policy shows 6 in error. One rifle was in transit during the original audit and discovered during the 2023 inventory audit.

Price Per Unit: Approximately \$5,000 dollars with accessories

Lifespan: Approximately 15 Years

b. ~~Manufacturer Product Description:~~

The department owns the Remington Model 700 SPS Tactical bolt-action rifles. The Remington 700 Sniper Rifle is a bolt-action, precision-fire weapon system that fires 7.62 x 51mm (.308 caliber) ammunition. It is capable of firing at greater distances and with greater accuracy than department-issued patrol rifles.

c. ~~Purpose/Authorized Uses:~~

SWAT members are allowed to utilize firearms chambered in .308. SWAT members may deploy the rifle in any circumstance where the member can articulate a reasonable expectation that the rifle may be needed. Examples of some general guidelines for deploying the bolt action rifle may include, but are not limited to:

- a. Situations where the member reasonably anticipates an armed encounter.
- b. When a member is faced with a situation that may require accurate and effective fire at long range.
- c. Situations where a member reasonably expects the need to meet or exceed a suspect's firepower.
- d. When a member reasonably believes that there may be a need to fire on a barricaded person or a person with a hostage.
- e. When a member reasonably believes that a suspect may be wearing body armor.
- f. When authorized or requested by a supervisor.

d. Fiscal Impacts:

Replacement parts required for the regular maintenance are expected to be less than \$1,000 per year. The calendar year 2023 costs were \$0.00 for the operation and maintenance of this equipment during this reporting period.

e. Legal/Procedural Rules Governing Use:

All applicable federal, state, and local laws governing police use of force, and various BART PD policies regarding use of force and firearms. Refer to BART Police Department Policies 300 and 312, for more information on the use and training of Bolt Action Precision Rifles.

f. Training Required:

Any SWAT officer authorized to use the bolt-action style rifle must complete a CA POST-certified Basic SWAT Operator Course and a CA POST-certified Basic SWAT Sniper/Designated Marksman Course. Additionally, SWAT snipers attend monthly training and must successfully complete a bi-annual qualification course, as well as any training and qualifications required by law, policy, and accreditation guidelines.

g. Other Notes: None.

3. Suppressors (Surefire SOCOM556 & SOCOM762) - CA GC §7070(c)(15) (Category 15)

a. ~~Equipment Capabilities, Quantity and Lifespan:~~

Reduces the visual and audible sound signatures of rifles, protecting the hearing of the user.

Quantity Owned: 6 (4 SOCOM556 & 2 SOCOM762)

Price Per Unit: \$1,099 dollars (SOCOM556), \$1,199 dollars (SOCOM762)

Lifespan: 15 years

b. ~~Manufacturer Product Description:~~

The SureFire Mini has maximum sound attenuation and employs SureFire Total Signature Reduction® technology to virtually eliminate the first round flash and reduce sound and dust signatures.

c. ~~Purpose/Authorized Uses:~~

The SureFire SOCOM suppressors are authorized for use by SWAT operators in training, patrol, and tactical scenarios.

d. ~~Fiscal Impacts:~~

These items will be requested to be replaced as needed when damaged or at the end of the functional life cycle. There were no expenses for the operation and maintenance of this equipment during this reporting period.

e. ~~Legal/Procedural Rules Governing Use:~~

All applicable federal, state, and local laws governing police use of force, and various BART Police Department policies regarding use of force and firearms. Refer to BART PD Policies 300, 312, and 432 for more information.

f. ~~Training Required:~~

Any officer authorized to use an AR-15-style rifle must complete a CA POST-certified Patrol Rifle Operator Course and regular departmental training and qualifications as required by law, policy, and accreditation guidelines.

g. ~~Other Notes:~~ None.

4. Suppressors (Sig Sauer SRD556) - CA GC §7070(c)(15) (Category 15)

a. ~~Equipment Capabilities, Quantity and Lifespan:~~

Reduces the visual and audible sound signatures of rifles, protecting the hearing of the user.

Quantity Owned: 42 (Change due to error in 2022. 41)

Price Per Unit: Approximately \$600 dollars

Lifespan: Varies, depending on usage and handling.

b. ~~Manufacturer Product Description:~~

The SRD556 is an Inconel 718 direct thread suppressor. Inconel 718, a nickel alloy stainless steel, provides the highest level of durability, particularly with short-barreled hosts using supersonic ammunition. The 1/2x28tpi threads match the vast majority of modern rifles in .223/5.56mm on the market today. The rear mount has wrench flats to torque the suppressor to the barrel. These wrench flats can be used as a location to "pin and weld" the suppressor to make a shorter barrel over 16" in total length.

c. ~~Purpose/Authorized Uses:~~

The Sig Sauer SRD556 suppressors are a direct thread attachment to the Sig Sauer M400 patrol rifles and are authorized for use in training, on patrol, and in tactical scenarios.

d. ~~Fiscal Impacts:~~

These items were included in the price of the Sig Sauer M400 patrol rifles. These items will be requested to be replaced as needed when damaged or at the end of the functional life cycle. There were no expenses for the operation and maintenance of this equipment during this reporting period.

e. ~~Legal/Procedural Rules Governing Use:~~

All applicable federal, state, and local laws governing police use of force, and various BART Police Department policies regarding use of force and firearms. Refer to BART PD Policies 300, 312, and 432 for more information.

f. ~~Training Required:~~

Any officer authorized to use an AR-15-style rifle must complete a CA POST-certified Patrol Rifle Operator Course and regular departmental training and qualifications as required by law, policy, and accreditation guidelines.

g. ~~Other Notes:~~ None.

5. .223/5.56mm Ammunition - CA GC §7070(c)(10) (Category 10)

a. ~~Equipment Capabilities, Quantity and Lifespan:~~

To be used with AR-15 style firearms owned by this department that can fire .223/5.56mm caliber projectiles accurately over 100 yards.

Quantity Owned: 194 Cases (200 cases when fully stocked, but the amounts may vary due to training)

Price Per Unit: (Case of 1,000) Approximately \$760

Lifespan: N/A

b. ~~Manufacturer Product Description:~~

.223 Remington: (5.56×45mm), also known as .223 Rem or .223, is a small-bore, high-powered, intermediate rifle cartridge. The bullet is approximately .224 inches (5.56 mm) in diameter, and 45 mm in length.

5.56mm Nato: The 5.56 NATO cartridge is visually nearly identical to the .223 Remington cartridge, with the exception of the casing headstamp, which usually bears the NATO insignia. It can be fired in some of the same weapons. The 5.56 can use the same projectiles as .223, as well as projectiles developed specifically for 5.56. It is a small-bore, high-powered, intermediate rifle cartridge.

c. ~~Purpose/Authorized Uses:~~

Members may deploy the patrol rifle in any circumstance where the member can articulate a reasonable expectation that the rifle may be needed. Examples of some general guidelines for deploying the patrol rifle may include, but are not limited to:

- a. Situations where the member reasonably anticipates an armed encounter.
- b. When a member is faced with a situation that may require accurate and effective fire at long range.
- c. Situations where a member reasonably expects the need to meet or exceed a suspect's firepower.
- d. When a member reasonably believes that there may be a need to fire on a barricaded person or a person with a hostage.
- e. When a member reasonably believes that a suspect may be wearing body armor.
- f. When authorized or requested by a supervisor.
- g. When needed to euthanize an animal.

d. Fiscal Impacts:

The ongoing costs for munitions will vary depending on usage and ammunition pricing at the time of purchase. The calendar year 2023 costs were \$55,523.36 for the purchase of this ammunition. The source of the funds is the operational budget.

e. Legal/~~Procedural~~ Rules Governing Use:

All applicable federal, state, and local laws governing police use of force, and various BART PD policies regarding use of force and firearms. Refer to BART PD Policies 312 for more information.

f. Training Required:

Officers must successfully complete a CA POST Academy, which is certified by the Commission on Peace Officer Standards and Training (POST) to present a basic course to peace officers. Additionally, officers must complete a CA POST Patrol Rifle Operator Course and departmental training and qualification courses.

g. Other Notes:

For clarification purposes only, this ammunition is for rifles that are standard issue service weapons for members of the BART Police Department. As such, ~~they are exempted~~ from this Military Equipment Use Policy per CA Gov't Code §7070 (c)(10). They have been included in the District's Military Equipment Ordinance in the interest of transparency.

6. .308/7.62x51 (Ruag Swiss P Armour Piercing) - CA GC §7070(c)(10) (Category 10)

a. ~~Equipment Capabilities, Quantity and Lifespan:~~

It provides an accurately fired projectile out to 1,000 yards with the increased capability of defeating hard targets such as reinforced glass and body—and light vehicle armor.

Quantity owned: 200 – last year's amount was 1000 (Amounts may vary, due to training)

Price Per Unit: Approximately \$2.03 dollars per round

Lifespan: N/A

b. ~~Manufacturer Product Description:~~

To be prepared for every scenario, snipers require a round with high penetration power on hard targets such as reinforced glass and body and light vehicle armor. Because the core stays intact during penetration, it transfers extremely effective residual energy to hard targets. The bullet jacket provides the best accuracy, protects the barrel, and is stripped off upon impact.

c. ~~Purpose/Authorized Uses:~~

Ruag Swiss P Armour Piercing ammunition is authorized for use in extreme tactical scenarios when the “open-air” round is not believed to be enough to defeat the intended target and for training use.

d. ~~Fiscal Impacts:~~

The ongoing costs for munitions will vary depending on usage and ammunition pricing at the time of purchase. There were no expenses for the ammunition during this time. The source of the funds is the operational budget.

e. ~~Legal/Procedural Rules Governing Use:~~

All applicable federal, state, and local laws governing police use of force, and various BART Police Department policies regarding use of force and firearms. Refer to BART PD Policies 300 and 312 for more information.

f. ~~Training Required:~~

Any SWAT officer who is authorized to use the bolt action style rifle may use the above ammunition. Said members must complete a CA POST-certified Basic SWAT Operator Course as well as a CA POST-certified Basic SWAT Sniper/Designated Marksman Course. Additionally, SWAT snipers attend monthly training and must successfully complete a bi-annual qualification course as well as any trainings and qualifications as required by law, policy, and accreditation guidelines.

g. Other Notes: None.

7. .308/7.62x51mm (Ruag Swiss P Styx Action – “Open Air”) - CA GC §7070(c)(10) (Category 10)

a. ~~Equipment Capabilities, Quantity and Lifespan:~~

Provides an accurately fired projectile out to 1,000 yards.

Quantity Owned: 1,200 – (Change due to error in 2022. 1000)

Price Per Unit: Approximately \$2.03 dollars per round

Lifespan: N/A

b. ~~Manufacturer Product Description:~~

The shot which is taken as a last resort requires the highest hit probability and an absolutely reliable effect on the target (as in hostage rescue situations etc.). The Styx Action (and Final) rounds were specifically designed to transfer maximum energy in the first few centimeters after striking a soft target and reducing the risk of over penetration, and possible collateral damage.

c. ~~Purpose/Authorized Uses:~~

R Ruag Swiss P Styx Action ammunition is authorized for use in tactical scenarios when patrol rifle ammunition is not believed to be enough to solve the ballistic problem.

d. ~~Fiscal Impacts:~~

The ongoing costs for munitions will vary depending on usage and ammunition pricing at the time of purchase. For the calendar year 2023, the cost of purchasing this ammunition was \$2685.69. The source of the funds is the operational budget.

e. ~~Legal/Procedural Rules Governing Use:~~

All applicable federal, state, and local laws governing police use of force, and various BART Police Department policies regarding use of force and firearms. Refer to BART PD Policies 300 and 312 for more information

f. ~~Training Required:~~

Any SWAT officer who is authorized to use the bolt action style rifle may use the above ammunition. Said members must complete a CA POST-certified Basic SWAT Operator Course as well as a CA POST-certified Basic SWAT Sniper/Designated Marksman Course. Additionally, SWAT snipers attend monthly training and must successfully complete a bi-annual qualification course as well as any trainings and qualifications as required by law, policy, and accreditation guidelines.

g. ~~Other Notes:~~ None.

8. Flashbang/Noise Flash Distraction Devices (NFDD) - CA GC Code §7070(c)(12) (Category 12)

a. ~~Equipment Capabilities, Quantity and Lifespan:~~

The flashbang, sometimes referred to as “stun grenade,” is a diversionary device that delivers a bright flash and loud explosive-type noise when deployed to distract and disorient. This is a non-lethal handheld grenade that does not fragment or produce any shrapnel.

Quantity Owned: 13 - (Consumable item, amounts may vary. One operator left and turned in issued equipment. 2022 amount was 12)

Price Per Unit: Approximately \$50 dollars

Lifespan: 5 Years

b. ~~Manufacturer Product Description:~~

The distraction device utilizes a standard military-style M201A1 fuse and produces 175 dB of sound output at 5 feet and 6-8 million candelas for 10 milliseconds.

c. ~~Purpose/Authorized Uses:~~

Flashbangs/NFDDs are designed to distract and disorient occupants of a given location to allow officers to enter a location in the safest manner possible for all involved parties, given the circumstances surrounding an event. They are most often used in tactical scenarios or situations by tactical officers (i.e., SWAT Officers).

d. ~~Fiscal Impacts:~~

Due to NFDD being consumable items, fiscal impacts will vary based on usage. There were no expenses for the operation and maintenance of this equipment during this reporting period for the calendar year 2023.

~~Legal/Procedural Rules Governing Use:~~

Flashbangs/NFDDs can only be deployed in accordance with all applicable federal, state, and local laws and department policies governing police use of force. For more information, refer to BART PD Policy 312.3.7.

e. ~~Training Required:~~

Officers must complete a CA POST-certified Basic SWAT Operator Course before being issued flashbangs/NFDDs. Additionally, the Central County SWAT Team provides internal training for members on the use of flashbangs/NFDDs.

f. **Other Notes:** None.

9. 40mm Less than Lethal Impact Munitions Systems (LLIMS) Launchers - CA GC Code §7070(c)(14) (Category 14)

a. ~~Equipment Capabilities, Quantity and Lifespan:~~

The Defense Technology 40mm LMT is a single-shot launcher capable of firing 40mm kinetic energy munitions, also commonly referred to as specialty impact munitions (SIM), which are less-lethal projectiles.

Quantity Owned: 32 – The new total includes previously approved and purchased launchers.

Price Per Unit: Approximately \$1939.73 dollars

Lifespan: Approximately 15 Years

b. ~~Manufacturer Product Description:~~

Defense Tech 40mm LMT Single Launcher: Manufactured exclusively for Defense Technology®, the 40LMTS is a tactical single shot launcher that features an expandable ROGERS Super Stoc and an adjustable Integrated Front Grip (IFG) with light rail. The ambidextrous Lateral Sling Mount (LSM) and QD mounting systems allow both a single and two-point sling attachment. The 40LMTS will fire standard 40mm less lethal ammunition, up to 4.8 inches in cartridge length. The Picatinny Rail Mounting System will accept a wide array of enhanced optics/sighting systems.

c. ~~Purpose/Authorized Uses:~~

This department is committed to reducing the potential for violent confrontations when uncooperative suspects are encountered. LLIMS projectiles, when used properly, are less likely to result in death or serious physical injury.

LLIMS are fired from Defense Technology Single Shot 40 mm launchers. Munitions can be used in an attempt to de-escalate a potentially deadly situation, with a reduced potential for death or serious physical injury.

Approved munitions may be used to compel an individual to cease his or her actions when such munitions present a reasonable option for resolving a situation. LLIMS may also be used when dealing with vicious animals.

Officers are not required, or compelled, to use approved munitions in lieu of other reasonable tactics if the involved officer(s) determine that deployment of these munitions cannot be done safely. The safety of hostages, innocent persons, and officers takes priority over the safety of subjects engaged in criminal or suicidal behavior. Operators shall advise dispatch via radio when LLIMS is deployed. If not on scene, sergeants shall respond immediately to assume control of the deployment and use. When an officer is deploying LLIMS, he/she is the officer in charge until the arrival of a supervisor.

Before discharging projectiles, the officer should consider the following factors:

- a. Severity of the crime or incident.
- b. Subject's capability to pose an imminent threat to the safety of officers or others.
- c. If the subject is actively resisting arrest or attempting to evade arrest by flight.
- d. The credibility of the subject's threat, as evaluated by the officers present, and the subject's physical capacity/capability.
- e. The proximity of weapons available to the subject.
- f. The officer's, versus the subject's, physical factors (e.g., age, size, relative strength, skill level, injury/exhaustion, the number of officer(s) versus subject(s)).
- g. The availability of other force options and their possible effectiveness.
- h. Distance and angle to target.
- i. Type of munitions employed.
- j. Type and thickness of subject's clothing.
- k. The subject's actions dictate the need for an immediate response, and the use of control devices appears appropriate.

d. Fiscal Impacts:

\$38,000 dollars has been approved from the operational budget to purchase 15 additional LLIMS Launchers and ammunition. This purchase was approved by the Board of Directors on the prior Military Equipment request. With the additional LLIMS launchers, the department plans to train all its Police Officers in the use and deployment of LLIMS. There were no expenses for the operation and maintenance of this equipment during this reporting period. The source of the funds is the operational budget.

e. Legal/Procedural Rules Governing Use:

LLIMS launchers may only be used in accordance with all federal, state, and local laws and department policies regarding police use of force. For more information, refer to BART PD Policies 300, 308, and 459.

f. Training Required:

All officers who are allowed to use the LLIMS launcher and approved munitions, must successfully complete the 3-hour department training course and a 2-hour training/qualification course annually.

g. Other Notes: None.

10. 40mm CS Ferret Barricade Round - CA GC Code §7070(c)(12) (Category 12)

a. ~~Equipment Capabilities, Quantity and Lifespan:~~

The equipment listed in this section is designed to temporarily distract or temporarily incapacitate an individual through the introduction of a chemical irritant impacting the eyes, nose, and skin. To be used with LLIMS Launcher to effect a less than lethal point-of aim, point of impact direct-fire capability as an intermediate force option.

Quantity Owned: 8 – last year's amount was 13 (Consumable item, amounts may vary. ACSO Academy requires one per recruit)

Price Per Unit: \$52.50 dollars

Lifespan: 5 Years

b. ~~Manufacturer Product Description:~~

The Ferret 40mm Barricade Penetrating Round is filled with CS powder chemical agent.

It is a frangible projectile that is spin-stabilized utilizing barrel rifling. It is non-burning and designed to penetrate barriers. Primarily used to dislodge barricaded subjects, it can also be used for area denial. Primarily used by tactical teams, it is designed to penetrate barriers, such as windows, hollow core doors, wallboards, and thin plywood. Upon impact, the nose ruptures and instantaneously delivers the agent payload inside a structure or vehicle.

c. ~~Purpose/Authorized Uses:~~

40mm CS Ferret Barricade rounds are used for barricaded subjects in efforts to use non-lethal force to affect an arrest in a tactical environment or in crowd control and civil disobedience situations. This department is committed to reducing the potential for violent confrontations when suspects are encountered. LLIMS projectiles, when used properly, are less likely to result in death or serious physical injury. LLIMS projectiles are approved by the department and are fired from Defense Technology Single Shot 40 mm launchers. Certain munitions can be used in an attempt to de-escalate a potentially deadly situation, with a reduced potential for death or serious physical injury.

d. ~~Fiscal Impacts:~~

Ongoing costs will vary depending on usage and training. The calendar year 2023 costs were \$0.00 for the purchase of this equipment. There were no expenses for the ammunition during this time. The source of the funds is the operational budget.

e. Legal/Procedural Rules Governing Use:

All applicable federal, state, and local laws governing police use of force, and various BART PD policies regarding use of force and firearms. Refer to BART PD Policies 300, 308, and 459 for more information.

f. Training Required:

Officers assigned to SWAT must complete a CA POST-certified Basic SWAT Operator course and a Chemical Munitions Instructor Course.

g. Other Notes: None.

11. 40mm eXact iMPact Sponge Rounds (Blue Tip) - CA GC Code §7070(c)(14) (Category 14)

a. ~~Equipment Capabilities, Quantity and Lifespan:~~

40mm eXact iMPact rounds offer a less-than-lethal point-of-aim, point-of-impact direct-fire capability as an intermediate force option. To be used with LLIMS Launcher to effect a less than lethal point-of-aim, point-of-impact direct-fire capability as an intermediate force option.

Quantity Owned: 117—Previously, the amount was 670. Consumable item. In 2023, the entire department and trainees were trained in LLIMS.

Price Per Unit: Approximately \$19.60 dollars

Lifespan: 5 Years

b. ~~Manufacturer Product Description:~~

The eXact iMPact 40mm Sponge Round is a point-of-aim, point-of-impact direct-fire round. This lightweight, high-speed projectile consists of a plastic body and sponge nose that is spin-stabilized via the incorporated rifling collar and the 40mm launcher's rifled barrel. The round utilizes smokeless powder as the propellant and, therefore, has extremely consistent velocities. It is used for Crowd Control, patrol, and Tactical Applications.

c. ~~Purpose/Authorized Uses:~~

40mm eXact iMPact rounds offer a less-than-lethal point-of-aim, point-of-impact direct-fire capability as an intermediate force option for patrol, crowd control, and tactical officers. This department is committed to reducing the potential for violent confrontations when uncooperative suspects are encountered.

LLIMS projectiles, when used properly, are less likely to result in death or serious physical injury. LLIMS projectiles are approved by the department and are fired from Defense Technology Single Shot 40 mm launchers. Certain munitions can be used in an attempt to de-escalate a potentially deadly situation, with a reduced potential for death or serious physical injury.

d. ~~Fiscal Impacts:~~

Due to 40mm eXact iMPact Sponge Rounds being consumable items, fiscal impacts will vary based on usage and training. There were no expenses for the ammunition during this time.

e. ~~Legal/Procedural Rules Governing Use:~~

All applicable federal, state, and local laws governing police use of force, and various BART PD policies regarding use of force and firearms. Refer to BART PD Policies 300, 308, and 459 for more information.

f. Training Required:

All officers who are allowed to use the LLIMS launcher and approved munitions, must successfully complete the 3-hour department training course and a 2-hour training/qualification course annually.

g. Other Notes: None.

12. 40mm Foam Baton - CA GC Code §7070(c)(14) (Category 14)

a. ~~Equipment Capabilities, Quantity and Lifespan:~~

To be used with LLIMS Launcher to effect a less than lethal point-of-aim, point-of-impact direct-fire capability as an intermediate force option.

Quantity Owned: 11 - Last year's amount was 12 (Consumable item, amounts may vary. ACSO Academy requires one per recruit)

Price Per Unit: \$25 dollars

Lifespan: 5 Years

b. ~~Manufacturer Product Description:~~

The 40 mm Multiple Foam Baton Round is most widely used as a crowd management tool where stand-off distances are limited. It may also prove valuable in riot situations where police lines and protestors are in close proximity. The round contains three foam projectiles. It utilizes smokeless powder and has more consistent velocities and tighter patterns compared to its 37 mm counterpart. The foam projectile allows for closer deployment, while minimizing injury.

c. ~~Purpose/Authorized Uses:~~

40mm Foam Baton rounds offer a less than-lethal point-of-aim, point-of-impact direct-fire capability as an intermediate force option for patrol, crowd control, and tactical officers. This department is committed to reducing the potential for violent confrontations when uncooperative suspects are encountered. LLIMS projectiles, when used properly, are less likely to result in death or serious physical injury.

LLIMS projectiles are approved by the department and are fired from Defense Technology Single Shot 40 mm launchers. Certain munitions can be used in an attempt to de-escalate a potentially deadly situation, with a reduced potential for death or serious physical injury.

d. ~~Fiscal Impacts:~~

These items are purchased for training purposes for recruits attending Police Academies. Fiscal impacts will vary based on usage and training. There were no expenses for the operation and maintenance of this equipment during this reporting period for calendar year 2023.

e. Legal/Procedural Rules Governing Use:

All applicable federal, state, and local laws governing police use of force, and various BART PD policies regarding use of force and firearms. Refer to BART PD Policies 300, 308, and 459 for more information.

f. Training Required:

This munition is primarily used in the police training academy, where all academy recruits are trained in various less lethal impact munitions.

g. Other Notes: None.

13. 40mm Bean Bag- CA GC Code §7070(c)(14) (Category 14)

a. **Equipment Capabilities, Quantity and Lifespan:**

This weapon is to be used with the LLIMS Launcher to effect a less-than-lethal point-of-aim, point-of-impact direct-fire capability as an intermediate force option.

Quantity Owned: 0 – Previously, the amount was 5 (Consumable item; amounts may vary. ACSO Academy requires one per recruit)

Price Per Unit: Approximately \$25.55 dollars

Lifespan: 5 Years

b. **Manufacturer Product Description:**

The 40 mm Bean Bag Round is most widely used as a crowd management tool by Law Enforcement and Corrections when there is a need to target individual instigators. It has also been successfully used as a dynamic, high-energy single subject round for incapacitation or distraction. The round contains one silica sand-filled bag. It utilizes smokeless powder as the propellant and has more consistent velocities and tighter patterns compared to its 37 mm black powder counterpart.

c. **Purpose/Authorized Uses:**

40mm Bean Bag rounds offer a less-than-lethal point-of-aim, point-of-impact direct-fire capability as an intermediate force option for patrol, crowd control, and tactical officers. This department is committed to reducing the potential for violent confrontations when uncooperative suspects are encountered. LLIMS projectiles, when used properly, are less likely to result in death or serious physical injury.

This department is committed to reducing the potential for violent confrontations when suspects are encountered. LLIMS projectiles, when used properly, are less likely to result in death or serious physical injury.

LLIMS projectiles are approved by the department and are fired from Defense Technology Single Shot 40 mm launchers. Certain munitions can be used in an attempt to de-escalate a potentially deadly situation, with a reduced potential for death or serious physical injury.

d. **Fiscal Impacts:**

These items are purchased for training purposes for recruits attending Police Academies. Fiscal impacts will vary based on usage and training. In calendar year 2023, there were no expenses for the ammunition during this time.

e. ~~Legal/Procedural Rules Governing Use:~~

All applicable federal, state, and local laws governing police use of force, and various BART PD policies regarding use of force and firearms. Refer to BART PD Policies 300, 308, and 459 for more information.

f. ~~Training Required:~~

This munition is primarily used in the police training academy, where all academy recruits are trained in various less lethal impact munitions.

g. ~~Other Notes:~~ None.

14. 40mm Stinger 60-Caliber - CA GC Code §7070(c)(14) (Category 14)

a. **Equipment Capabilities, Quantity and Lifespan:**

This weapon is to be used with the LLIMS Launcher to effect a less-than-lethal point-of-aim, point-of-impact direct-fire capability as an intermediate force option.

Quantity Owned: 19 - Previously, the amount was 23 (Consumable item, amounts may vary. ACSO Academy requires one per recruit)

Price Per Unit: Approximately \$30 dollars

Lifespan: 5 Years

b. **Manufacturer Product Description:**

The Stinger® 40 mm 60-Caliber Round is most widely used as a crowd management tool by Law Enforcement and Corrections. The round contains approximately eighteen 60-Caliber rubber balls. It utilizes smokeless powder as the propellant and has more consistent velocities and tighter patterns compared to its 37 mm counterpart. It is suitable for administering a means of pain compliance over a greater distance than its 32-Caliber Stinger® counterpart. They are used for routing crowds or groups that are mildly resistive.

c. **Purpose/Authorized Uses:**

40mm Stinger rounds offer a less-than-lethal point-of-aim, point-of-impact direct-fire capability as an intermediate force option for patrol, crowd control, and tactical officers. This department is committed to reducing the potential for violent confrontations when uncooperative suspects are encountered. LLIMS projectiles, when used properly, are less likely to result in death or serious physical injury.

LLIMS projectiles are approved by the department and are fired from Defense Technology Single Shot 40 mm launchers. Certain munitions can be used in an attempt to de-escalate a potentially deadly situation, with a reduced potential for death or serious physical injury.

d. **Fiscal Impacts:**

These items are purchased for training purposes for recruits attending Police Academies. Fiscal Impacts will vary based on usage and training. The calendar year 2023 costs: there were no expenses for the ammunition during this time.

e. **Legal/Procedural Rules Governing Use:**

All applicable federal, state, and local laws governing police use of force, and various BART PD policies regarding use of force and firearms. Refer to BART PD Policies 300, 308, and 459 for more information.

f. Training Required:

This munition is primarily used in the police training academy, where all academy recruits are trained in various less lethal impact munitions.

g. Other Notes: None.

Projected Military Equipment Acquisition (2024)

1) The Police Department is requesting that 30 additional rifles and suppressors be approved to purchase. The department has elected to transition away from the shotgun for patrol officer use and utilize a more accurate and precise weapon system, the patrol rifle, for sworn personnel use. It is the intention of the department to assign each patrol officer a suppressed rifle for equipment care and accountability. The department owns 93 rifles, as listed in the current Military Equipment List. There are currently at least 17 rifles that are nearing the end of their service lives. For the 2023 calendar year, the BART Police Department purchased 25 rifles and suppressors which fall under Category 10, Specialized Firearms; those rifles will be added to existing inventory. They are still in transit. With the addition of those units, the total number of rifles owned by the department would increase to 118. The purchase of 30 additional rifles and suppressors in the calendar year 2024 would increase the total number of rifles owned by the department to 148, which would equip approximately 68% of the department's sworn personnel.

The estimated purchase price of this equipment is approximately \$75,000. This equipment's operating costs, which include acquisition, personnel time, training facilities, transportation and storage of equipment, equipment upgrades, and other ongoing expenses, are accounted for within the Department's operating budget.

2) The Police Department is requesting the following specialty munitions to be approved for purchase: 100 units of smoke grenades, 100 units of stingball grenades, 100 units of 40mm CS ferret rounds, 100 units of 40mm bean bag rounds, and 100 units of 40mm rubber baton rounds. Each munition has a five-year expiration date.

The Alameda County Sheriff's Office (ACSO) Regional Training Center (RTC) offers a POST-certified (POST Plan IV) Basic Academy course. The academy is about 1,064 hours in length. A portion of the academy includes crowd control tactics and techniques where less lethal munitions are utilized as part of the training. The academy requires each recruit to be supplied specialty less lethal munitions to be supplied by their respective agency. ACSO specifies this in a document provided to BART PD titled, "Academy Ammunition Requirements NO SLUG". According to this document, each student must be supplied with one from each type of specialty munition. ACSO is the only police academy that requires these specialty munitions. Currently, inventory shows these munitions have been depleted. The Police Department anticipates sending 16+ recruits to ACSO each year. To satisfy the academy requirements for the next five years, 100 units of each munition is requested. The estimated purchase price of this request is approximately \$16,687.

In addition to these munitions, the Police Department is also requesting 2805 units of 40mm Exact Impact rounds. This munition has a five-year expiration date. The 40mm Exact Impact rounds are munitions designed to be shot out of a 40mm Less Lethal Impact Munitions System (LLIMS) launcher. These are high-energy sponge rounds designed to target single subjects only, causing temporary incapacitation and/or distraction to violent offenders. Currently, BART PD deploys this munition in the field. The LLIMS is an additional tool used by police officers to help keep the community, as well as themselves, safe. The extended range capabilities of the LLIMS allows officers to engage violent offenders with a less lethal force option from a safe distance. The ability to engage violent offenders from a safe distance helps reduce potential injuries to officers who might otherwise get into a physical altercation with these subjects. Utilizing a LLIMS also helps with de-escalation of violent encounters and helps reduce the likelihood of officers having to resort to lethal force to end a violent confrontation. The estimated purchase price for 2805 units is approximately \$52,565.70. 2805 units should supply patrol and training needs for up to five years or more.

Currently, the LLIMS program requires both Exact Impact sponge rounds and Exact Impact sponge practice rounds. The Exact Impact sponge practice rounds closely duplicate the performance of a normal Exact Impact sponge round but at a lower price point. Exact Impact sponge practice rounds are only authorized for use during training. The estimated purchase price for 5610 units is approximately \$65,087.68. 5610 units are estimated to supply training requirements for up to five years or more.

The Police Department is requesting approval for the purchase of 360 units of 40mm Exact Impact round containing an Oleoresin Capsicum (OC pepper) and marking payload. The Police Department is looking to expand its less lethal force options by adding the 40mm Exact Impact round containing an Oleoresin Capsicum (OC pepper) and marking payload to its current inventory for patrol. The OC/Marking Exact Impact round duplicates the performance and capabilities of the current Exact Impact round, but with an additional incapacitation/distraction element (OC pepper). This round will add a useful tactical option to enhance effectiveness against armed and combative subjects. An additional benefit to this round would be for violent offenders who have barricaded themselves into a vehicle, train car, room, etc. Officers would have the capability to introduce a chemical agent (OC) into the area from a safe distance where traditional handheld/hand thrown chemical agents would not be an option. This round will only be authorized on single subject offenders where they have been isolated away from other bystanders. This round will not be authorized to be deployed in a crowd control setting. The marking round will also assist with identifying subjects if they flee the scene as well as identify where on the body the impact was made by a colored

non-toxic marking agent. The estimated purchase price for 360 units is approximately \$8,514. 360 units are estimated to supply patrol and training requirements for up to five years or more.

These specialty munitions operating costs, which include acquisition, personnel time, training facilities, transportation and storage of equipment, equipment upgrades, and other ongoing expenses, are accounted for within the Department's operating budget.

The equipment, resources, and training outlined in this report allow the BART Police Department's officers to better serve and protect the BART District, passengers, stakeholders, and enhance the safety of officers and the overall BART community by bringing critical incidents to a swift and safe resolution.

Conclusion

This Annual Military Equipment Report reaffirms the BART Police Department's commitment to providing transparency and information to our riders, communities, and elected officials in addition to ensuring compliance with the law. The equipment, resources, and training outlined in this report allow BART Police Officers to better protect our transit system, communities, and enhance the safety of the public and officers. Additionally, it helps bring critical incidents to a safe resolution. The equipment listed within this report, along with the required training, gives our officers the skills, capability, and capacity to address critical incidents when called upon to do so.

The public has a right to know about any funding, acquisition, or use of military equipment by elected officials, as well as a right to participate in the decision to fund, acquire, or use such equipment. When making decisions regarding how military equipment is funded, acquired, or used, the BART Police Department gives strong consideration to the public's welfare, safety, civil rights, and civil liberties.

In conclusion, this military equipment report has comprehensively analyzed the various types of equipment, their capabilities, and the potential impact on the Bay Area Rapid Transit District. Through the evaluation, we have provided valuable insights into our military equipment. Equipment used at the BART Police Department has significantly enhanced its effectiveness and efficiency, allowing for greater precision, reduced collateral damage, and improved situational awareness.

Furthermore, the report emphasizes the BART Police Department's willingness and commitment to transparency and communication with our elected officials and the community we serve. With the department's growth, there will be a continued need to update this report. To stay ahead in an ever-evolving landscape, the BART Police Department must continually adapt its strategies and equipment. This includes a focus on sharing the knowledge, resources, and technologies we use to enhance public safety with the community we serve.

Lastly, the annual report complies with and exceeds what is required by AB 481. This annual report also shows the readiness and effectiveness of the BART Police Department to face the evolving threats and challenges faced in the communities we serve, now and in the future.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: DocuSigned by: <i>Michael Jones</i> 47000790F2D7463...		GENERAL MANAGER ACTION REQ'D: Yes		
DATE: 4/1/2024 4/19/2024		BOARD INITIATED ITEM: Yes		
Originator/Prepared by: Elena Van Loo Dept: Customer Access & Accessibility Department DocuSigned by: <i>Elena Van Loo</i> 0439BDB546734D2... Signature/Date: 4/16/2024	General Counsel DocuSigned by: <i>Amelia Sandoval</i> 2528C067C44147D... 4/16/2024 []	Controller/Treasurer DocuSigned by: <i>Shirley Gan</i> EE11C8CEEEA04FD... 4/16/2024 []	District Secretary []	BARC DocuSigned by: <i>Val Menotti</i> AA8F1409A8F748E... 4/16/2024 []

BART Accessibility Task Force (BATF) Member Appointments

PURPOSE:

To request the BART Board of Directors appoint nominated candidates, Christine Arseneault and Herb Hastings, to the BART Accessibility Task Force (BATF) beginning April 25, 2024 through June 30, 2025, or until the Board makes new appointments and/or reappointments for a new term, whichever occurs later.

DISCUSSION:

The BATF has been in existence since 1975 to advise the BART Board and BART staff on accessibility issues at BART. The BATF by-laws provide for the committee to be composed of up to eighteen members who live in the BART District. The BATF by-laws also state that to become a member of the committee, an interested candidate must attend three of four consecutive meetings and then apply for membership. If the candidate is endorsed by the members of the BATF through a majority vote of those members present, then the appointment to the BATF is submitted to the BART Board of Directors for consideration.

Candidates for BATF membership:

1. Christine Arseneault, a candidate for membership to the BATF, was endorsed by a 10-0 vote by the members of the BATF who were present at the March 28, 2024 BATF meeting.
2. Herb Hastings, a candidate for membership to the BATF, was endorsed by a 10-0 vote by the members of the BATF who were present at the March 28, 2024 BATF meeting.

Attached are the applications submitted by Christine Arseneault (Attachment “1”) and Herb Hastings (Attachment “2”).

These BATF membership recommendations are being submitted to the BART Board for consideration. Prospective candidates, if approved by the BART Board, will be officially seated as members of the BATF on April 25, 2024 for a term through June 30, 2025, or until the BART Board announces appointments and/or re-appointments, whichever comes later. If approved, the BATF will be comprised of 14 members.

FISCAL IMPACT:

Members currently receive a \$15.85 stipend as reimbursement for travel on public transportation for each regularly scheduled committee meeting that they attend in-person. The travel stipend amount will increase by the same rate as passenger fares increase in future years, as per Board policy established at its July 27, 2023 meeting. Members are also eligible to be reimbursed for the actual cost of travel for additional pre-approved meetings.

Funds will be budgeted in the Customer Access Department operating budget (Dept. 1102491, Account 681500-Other Non-Professional Services). Funding for Fiscal Year 2024 and Fiscal Year 2025 are included in the Department's existing operating budget. Funding for subsequent years will be included in the proposed annual operating budget, which is subject to Board approval.

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

ALTERNATIVES:

Do not make the appointments.

RECOMMENDATION:

Appoint Christine Arseneault and Herb Hastings to the BATF.

MOTION:

The BART Board accepts the recommendations of the BATF and appoints the nominated candidates, Christine Arseneault and Herb Hastings, for membership to the BATF for a term beginning April 25, 2024 through June 30, 2025, or until the Board makes new appointments and/or reappointments for a new term, whichever occurs later.

BART ACCESSIBILITY TASK FORCE (BATF) MEMBERSHIP APPLICATION FORM

The BART Accessibility Task Force advises the BART Board of Directors and staff on disability-related issues and advocates on behalf of people with disabilities and seniors to make the BART system accessible to all.

Individuals applying for membership to the BART Accessibility Task Force must fill out an application form. Applicants must be endorsed by the members of the BATF through a majority vote after attending three out of four consecutive months. Their names are submitted by the BATF staff liaison to the BART Board of Directors for final approval.

1. APPLICANT BACKGROUND

Name: Christine Arseneault

3. EXPERIENCE AND SKILLS

3.a. Names and purposes of boards, commissions, or task forces you currently serve on or have served on and its relevancy to serving on BART's Task Force (BATF). Please indicate dates of service and the positions you held, if any:

2017-present: Muscular Dystrophy Association advocate. Raise awareness, educate the community and elected officials about employment, therapies, transportation and empowering independence for people living with neuromuscular disease.

3.b. Why do you want to serve on and what skills do you bring to the BART Accessibility Task Force (BATF):

Serving would bring insight on the challenges of users with different needs and understand how decisions are made to serve the public. As a wheelchair user, I can communicate the challenges faced by individuals with limited mobility when using BART. As an advocate, I will use my problem-solving and collaboration skillsets to improve transportation access.

3.c. How would your membership assist in establishing communication with the disability community:

As an active member of the disability community, my membership would be instrumental in communicating and engaging in accessibility initiatives (meetings, focus groups), and maintaining communication channels between the community and the Task Force.

Signature of Applicant: Christine Arseneault

Date: 3/8/2024

BART ACCESSIBILITY TASK FORCE (BATF) MEMBERSHIP APPLICATION FORM

The BART Accessibility Task Force advises the BART Board of Directors and staff on disability-related issues and advocates on behalf of people with disabilities and seniors to make the BART system accessible to all.

Individuals applying for membership to the BART Accessibility Task Force must fill out an application form. Applicants must be endorsed by the members of the BATF through a majority vote after attending three out of four consecutive months. Their names are submitted by the BATF staff liaison to the BART Board of Directors for final approval.

1. APPLICANT BACKGROUND

Name: Herb Hastings

3. EXPERIENCE AND SKILLS

3.a. Names and purposes of boards, commissions, or task forces you currently serve on or have served on and its relevancy to serving on BART's Task Force (BATF). Please indicate dates of service and the positions you held, if any:

Alameda County Transportation Commission Paratransit Advisory Committee (PAPCO), Wheels Tri Valley Advisory Committee, BATF member, Cal Trans Equity Advisory, California Department of Aging Transportation Sub Committee. All these groups I have been involved with over a period of 25 years.

3.b. Why do you want to serve on and what skills do you bring to the BART Accessibility Task Force (BATF):

To assist with improving access of BART for all passengers. Assist with any ongoing and new Capital Projects that are being considered or already planned. Improve quality of BART service system wide. To better communicate between BATF and BART Staff.

3.c. How would your membership assist in establishing communication with the disability community:

My involvement and connections I have been involved within local and state transportation committees for the past 25 years.

Signature of Applicant: Herb Hastings

Date: 02-26-2024



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: 4/15/2024 4/19/2024		BOARD INITIATED ITEM: No		
Originator/Prepared by: Matt Lewis Dept: Transit Oriented Development <div style="border: 1px solid black; padding: 2px; margin-top: 5px;"> <small>DocuSigned by:</small> <small>E17FFBF60783459...</small> </div> Signature/Date: <div style="text-align: right;">4/17/2024</div>	General Counsel <div style="border: 1px solid black; padding: 2px; margin-top: 5px;"> <small>DocuSigned by:</small> <small>2528C067C44147D...</small> </div> <div style="text-align: right;">4/17/2024 []</div>	Controller/Treasurer <div style="border: 1px solid black; padding: 2px; margin-top: 5px;"> <small>DocuSigned by:</small> <small>EE11C8CEEEA04FD...</small> </div> <div style="text-align: right;">4/17/2024 []</div>	District Secretary <div style="text-align: right;">[]</div>	BARC <div style="border: 1px solid black; padding: 2px; margin-top: 5px;"> <small>DocuSigned by:</small> <small>AA8F1409A8F748E...</small> </div> <div style="text-align: right;">4/17/2024 []</div>

Authorization for an Extension of Exclusive Negotiating Agreement with Holliday Development, LLC and The Related Companies of California, LLC for El Cerrito Plaza BART Station Transit-Oriented Development

PURPOSE: To obtain Board authorization to extend the term of the Exclusive Negotiating Agreement among BART, Holliday Development, LLC and The Related Companies of California, LLC for transit-oriented development at the El Cerrito Plaza BART Station by six months, with an option to extend for an additional six months.

DISCUSSION:

On November 19, 2020, the Board of Directors authorized the General Manager or her designee to enter into an Exclusive Negotiating Agreement (“ENA”) with Holliday Development and The Related Companies of California (the “ECP TOD Developers”) for a transit-oriented development project at the El Cerrito Plaza BART Station (the “El Cerrito Plaza TOD Project” or “Project”). The Board authorized a two-year ENA, with a one-year extension at staff’s discretion. The ENA was executed by staff on August 3, 2021, and staff granted a one-year extension on August 3, 2023. The ENA currently expires on August 3, 2024.

Staff is requesting the authority to extend the ENA term by six months, with an option to extend it another six months, to allow enough time to complete a Lease Option agreement

and related agreements for the El Cerrito Plaza TOD Project. Staff are now engaged in negotiating the Project term sheet with the TOD Developers. If the BART Board approves a term sheet, staff will proceed with negotiating a lease option agreement that includes ground leases for all six phases as well as other agreements that may be necessary in connection with the Project. Based on past negotiations for TOD projects and the complexity of the El Cerrito Plaza TOD Project, staff expect that the lease option negotiations will extend past the current term of the ENA.

The ECP TOD Developer's project achievements warrant a further extension. The ECP Developer's activities and accomplishments in the three years since the Board's authorization of the ENA include:

- Entitlement of Parcel A South, the first phase of the TOD.
- Significant progress on the entitlements for the master plan, including securing ministerial approval rights that must be granted by July 2024, per State law AB 2923.
- In partnership with BART and City of El Cerrito staff, securing \$50 million in grant funds for the development of affordable housing and station access-related infrastructure, including two awards of State grants of over \$20 million.
- Finalizing master plan designs to the satisfaction of BART staff.
- Submitting two Affordable Housing and Sustainable Communities (AHSC) grant applications for Parcel A South.
- Finalizing a station access plan to guide implementation of new station access infrastructure as each TOD phase is developed.
- Negotiating a financial term sheet as the basis of the ground lease payments for each phase.
- Coordinating with the City of El Cerrito to develop a term sheet for building out a new City library within the El Cerrito Plaza TOD.

Staff updated the Board and the public on the latest project plans and access plans at the April 11th, 2024 meeting. The proposed Project now includes 743 residences, 47% of which would be rent and income-restricted at varying levels of affordability, including 118 units serving the "missing middle" demographic that is typically not eligible for subsidized affordable housing. The development consists of six independent buildings that will be built in separate phases. Assuming favorable market conditions and access to affordable housing financing, all phases are scheduled to move forward into construction as early as 2027.

If authorized by the Board, the Office of the General Counsel will approve the amendments to the ENA as to form.

FISCAL IMPACT: The ECP TOD Developers will pay the District a total of \$50,000 for a full year extension of the ENA. \$25,000 would be required for each six month extension. That amount is intended to cover BART staff costs, consultant costs, and outside counsel costs associated with the negotiation of a potential Option Agreement. In addition, any negotiated Option Agreement will require the ECP TOD Developers to reimburse BART for all BART staff costs, consultant costs, and outside counsel costs incurred in connection with the Lease Option.

ALTERNATIVES: Do not authorize an amendment extending the ENA with the ECP Developers. If the amendment is not authorized, direction would be required as to whether and how negotiations would continue.

RECOMMENDATION: Adoption of the following motion.

MOTION: The General Manager or his designee is authorized enter into an amendment to the Exclusive Negotiating Agreement with Holliday Development, LLC and The Related Companies of California, LLC for transit-oriented development at the El Cerrito Plaza BART Station to extend the term of the agreement by six months, with an option to extend the ENA for an additional six-months.

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Board of Directors


DATE: April 19, 2024

FROM: General Manager

SUBJECT: FY25 & FY26 Preliminary Capital Budget Overview

Attached is the “FY25 & FY26 Preliminary Capital Budget Overview” presentation that will be presented as an information item by BART staff at the April 25, 2024 meeting.

If you have any questions about the presentation, please contact Pamela Herhold, Assistant General Manager, Performance & Budget, at (510) 464-6168.

DocuSigned by:

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Robert M. Powers

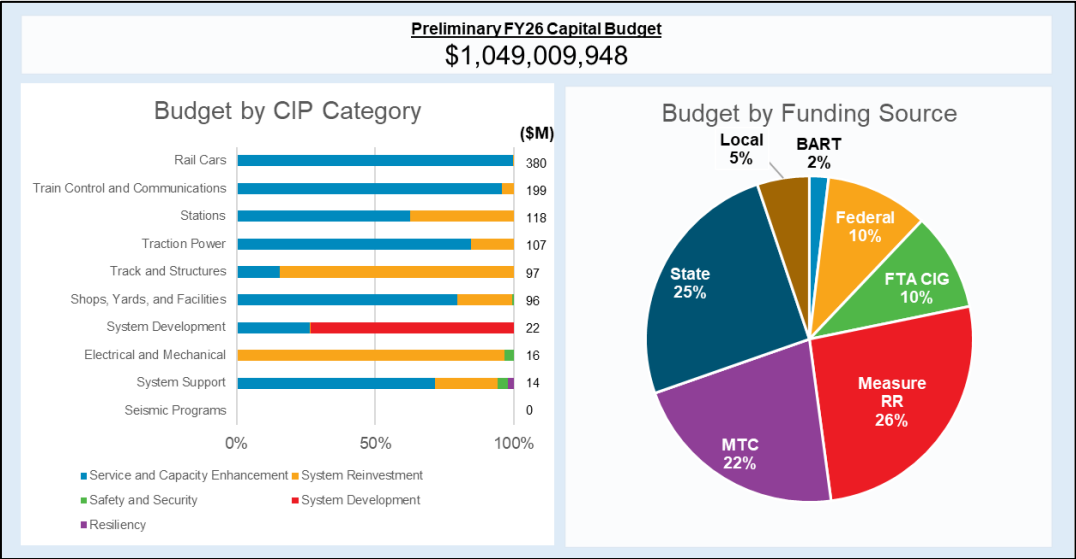
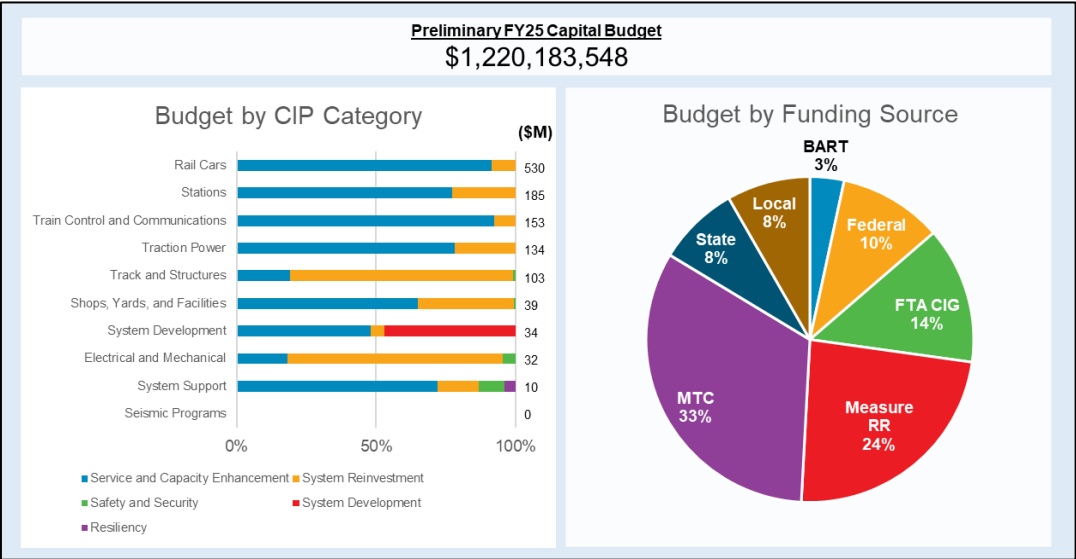
cc: Board Appointed Officers
Deputy General Manager
Executive Staff



FY25 & FY26 Preliminary Capital Budget Overview

April 25, 2024

Preliminary Budget Memo: Capital Budget Overview



Attachment D: FY25 & FY26 Preliminary Capital Budget, by CIP Category

PID	Project Name	CIP Category	Preliminary FY25 Capital Budget	Forecast FY26 Capital Budget
40FA000	Rail Car Procurement Phase 1 Acquisition Planning	Rail Cars	8,792,737	1,064,108
40FA001	Rail Car Procurement Phase 1	Rail Cars	44,647,962	-
40FD001	Rail Car Procurement Phase 2 Contract	Rail Cars	468,491,358	357,008,411
40FD002	Rail Car Procurement Phase 2	Rail Cars	8,011,227	21,777,079
15EK350	Traction Power Substation Installation	Traction Power	790,127	-
15EJRR1	Traction Power Programmatic Support for RR Bonds	Traction Power	3,540,299	2,240,299
15EJRR4	34.5 kV AC Cable Replacement A-Line	Traction Power	11,436,141	1,574,625
15EK600	West Bay Traction Power Substations	Traction Power	20,258,799	30,431
15EJRRR	34.5 kV AC Cable Replacement R-Line	Traction Power	3,810,987	3,957,721
15EK700	PG&E Power feed to MXP Gap Breaker	Traction Power	277,909	207,479
15EG010	Running Rail Monitoring and Efficiency Improvements	Traction Power	1,831,153	650,000
15EI800	Retrofit Negative Grounding Devices System Wide	Traction Power	144,508	119,154
15EKRR1	Traction Power Substations and Switching Station Replacements	Traction Power	3,360,588	4,533,379
15EJRRK	34.5 kV AC Cable Replacement K-Line	Traction Power	3,668,283	3,746,205
15EK201	Portable and Mobile High Voltage Traction Power Substations	Traction Power	11,629,639	1,401,046
15EIRR2	Cast Coil Transformers Replacement	Traction Power	1,752,748	1,908,022
15EK002	Replacement of Traction Power Assets, Relays and Switchgear	Traction Power	9,253	-
15EJRRC	34.5 kV AC Cable Replacement C-Line	Traction Power	11,243,486	7,692,547
15EK601	East Bay Traction Power Substations	Traction Power	29,600,760	32,673,743
15EKRR5	Replacement of CWC Traction Power Substation, Switching Station and Gap Breakers	Traction Power	14,636,385	28,704,491
15EKRR6	Replacement of MPS Traction Power Substation, Switching Station and Gap Breakers	Traction Power	15,860,884	17,540,554
15EKRR2	Design and Replacement of DC Switchgear	Traction Power	300,000	500,000
20LT000	Station Speed Encoding MUX Replacement	Train Control and Communications	743,930	61,341
20AJ003	Trunked Radio Replacement System Wide	Train Control and Communications	1,192,099	-
20LT007	NET.COM Maintenance Support	Train Control and Communications	45,000	-
20LL000	Non-Vital Relay Replacement	Train Control and Communications	1,213,471	-

Capital Program Planning Overview

The **2-Year Capital Budget** provides an estimate of the work planned to be completed in the coming two fiscal years

- The 2-Year Capital Budget is updated annually
- Costs in the Capital Budget are fully funded by grants awards received in prior fiscal years and programmed funds
- The 2-Year Capital Budget is presented as preliminary in the **Preliminary Budget Memo** and finalized in the **Adopted Budget** based on Board input and further Project Manager refinements
- The **Quarterly Capital Programs and Projects Status Report** details spend and project status for all projects in the 2-Year Capital Budget

The **10-Year Capital Investment Plan** is a constrained long term forecast of capital uses and sources

- The 2-Year Capital Budget represents year 1 and year 2 in the Capital Investment Plan
- Includes forecast of total unfunded capital costs (capital needs) for the 10-year period

FY25 & FY26 Preliminary Capital Budget: Sources & Uses

(\$Millions)	FY25 Prelim	FY26 Prelim
BART	41.2	19.8
Measure RR	288.1	273.8
Seismic GO Bond	0.0	0.0
Local	100.7	54.0
MTC	400.8	228.2
State	98.3	264.5
FTA CIG	166.0	102.0
Federal	125.0	106.6
Total Sources	1,220.2	1,049.0
Seismic Programs	0.0	0.0
System Support	10.0	14.5
Electrical and Mechanical	31.6	15.5
System Development	34.4	22.1
Shops, Yards, and Facilities	39.0	96.1
Track and Structures	103.2	96.5
Traction Power	134.2	107.5
Train Control and Communications	153.0	198.7
Stations	184.8	118.3
Rail Cars	529.9	379.8
Total Uses	1,220.2	1,049.0
Total Net Result	0.0	0.0

FY25 & FY26 Preliminary Capital Budget: Highlights

The FY25 & FY26 Preliminary Capital Budget anticipates a maximum investment of **\$1.2B in FY25 and \$1.0B in FY26** in BART's capital assets.

Uses

- **For the capital projects listed in the FY25 and FY26 Capital Budget, nearly 20% of their total cost is planned to be spent in these two fiscal years**
- 98% of planned investments are in System Reinvestment and Service & Capacity Enhancement
- **Continue to leverage BART's Measure RR GO bonds** to significantly invest in system renewal
 - More than 45% of FY25 & FY26 Preliminary Capital Budget invests in system renewal
 - Leverage more than \$187 of other funds for every \$100 of Measure RR

Sources

- Capital Budget funded with sources **secured in prior fiscal years**
- More than 60% of Capital Budget funded with regional, local and BART sources
- Federal and State grants fund nearly 40% of Capital Budget

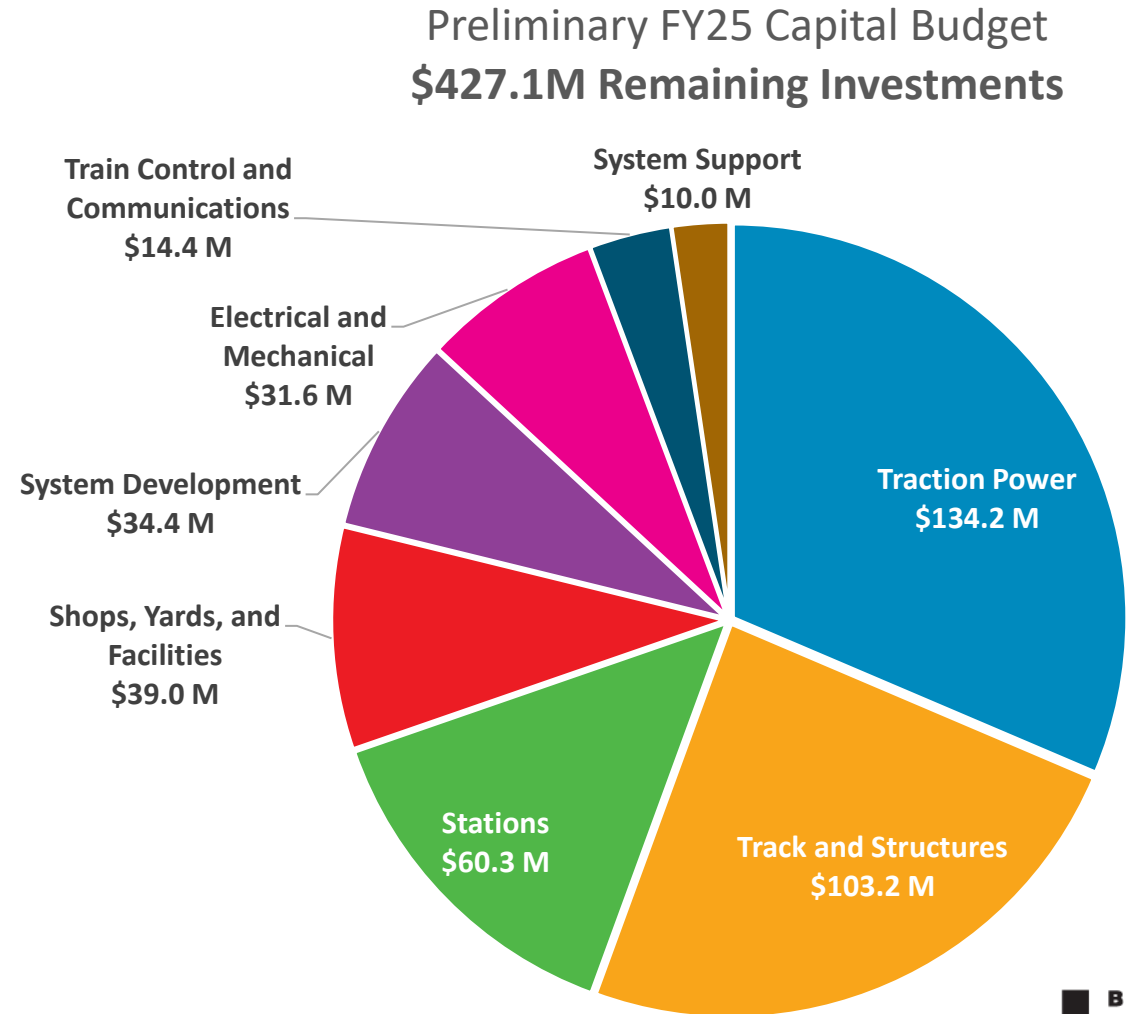
FY25 Preliminary Uses: Top Spenders

Project ID	Project Name	Preliminary FY25 (\$ Millions)	Service & Capacity Enhancement	System Reinvestment
40FD	Rail Car Procurement Phase 2 (Core Capacity Program)	476.5	100%	0%
49GH	Communications-Based Train Control (CCP)	138.6	33%	77%
47CJ112	Next Generation Fare Gates	72.0	100%	0%
40FA	Rail Car Procurement Phase 1	53.4	14%	86%
15LK001/2	Market Street Escalators and Canopies	52.5	67%	33%
	Total	793.1		

- **Top 5 projects with highest capital budgets represent 65%** of total Preliminary FY25 Capital Budget
- Largest investments in the Core Capacity Program, including significant investment in Communications-based Train Control (CBTC) and Rail Cars (RC2)
- Transitioning from Phase 1 of Fleet of the Future Rail Car Procurement (775 rail cars including 669 replacement) to Phase 2 (306 Core Capacity rail cars)
- Significant investment in Next Generation Fare Gates in FY25

FY25 Preliminary Uses: Beyond Top Spenders

- 40% of the remaining Preliminary FY25 Capital Budget invests in System Reinvestment
- Majority of the remaining Preliminary FY25 Capital Budget invests in Traction Power, Track & Structures, and Stations projects
- Traction Power investments include substation renovations (Powell Street and Walnut Creek) and 34.5kV cable installation
- Track & Structures investments include interlocking replacements, water mitigation along key tunnels, and additional key investments to maintain a state of good repair
- Stations investments includes access and accessibility improvements, elevator renovations, and lighting



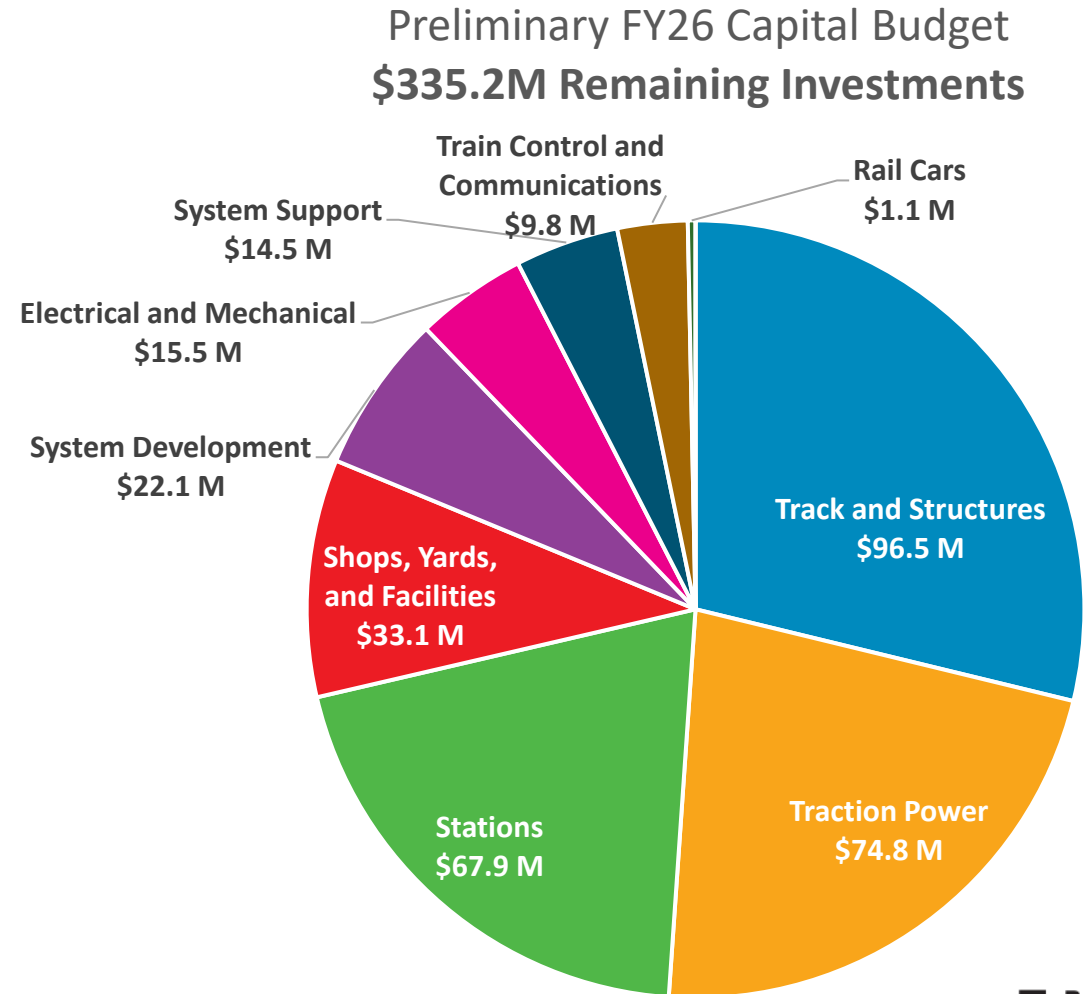
FY26 Preliminary Uses: Top Spenders

Project ID	Project Name	Preliminary FY26 (\$ Millions)	Service & Capacity Enhancement	System Reinvestment
40FD	Rail Car Procurement Phase 2 (Core Capacity Program)	378.8	100%	0%
49GH	Communications-Based Train Control (CCP)	189.0	33%	77%
17AY001	New BART Police Headquarters	63.0	100%	0%
15LK001/2	Market Street Escalators and Canopies	50.3	70%	30%
15EK6	Traction Power Substations (CCP)	32.7	100%	0%
	Total	713.8		

- **Top 5 projects with highest capital budgets represent >65%** of total Preliminary FY26 Capital Budget
- With forecast rail car delivery schedule, FY26 will be last year with significant rail car expenditures
- Largest investments continue to be in the Core Capacity Program, including RC2, CBTC and Traction Power Substations
- The New BART Police Headquarters project will be well underway in FY26

FY26 Preliminary Uses: Beyond Top Spenders

- 46% of the remaining Preliminary FY26 Capital Budget invests in System Reinvestment
- Continued focus on investments in Track & Structures, Traction Power, and Stations
- Next Generation Fare Gates project expected to be completed in FY26

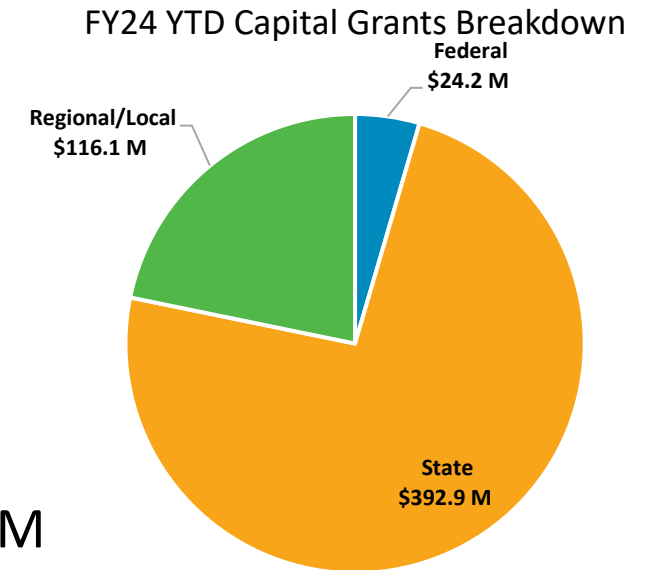


FY25 & FY26 Preliminary Sources

- Capital Budget funded with **sources secured in prior fiscal years**
 - Secured sources include **grants awarded in prior years and secured leveraged funding**, such as BART Measure RR and capital allocations
- More than 60% of Capital Budget funded with regional, local and BART sources
 - Includes Capital Allocations (\$60M), BART Measure RR (\$562M), county contributions (\$50M), and MTC Rail Car Exchange Account (\$275M)
- Federal and State grants fund nearly 40% of Capital Budget
 - Includes State SB1 program funding (\$181M), FTA Capital Investment Grant (\$268M), and Federal Formula Funds (\$115M)

FY24 Grants and Funding Efforts

- Each year, BART actively pursues grant opportunities **to fund future capital and operating budgets**
- In FY24 to date, more than \$1 billion in funding secured or in the works
- \$533 million secured in FY24 to date for capital
- \$360 million secured in FY24 to date flexed for operations
 - Includes \$352M SB125 operating funds, of which MTC approved \$58.2M in March 2024; remainder to be approved in future action
 - Includes \$7M for Station & Elevator Attendant Programs in San Francisco
- \$105 million of grant applications currently pending award decision
- Nearly \$70 million in grant applications currently in development



Capital Programs & Projects Funded with FY24 YTD Grants

Program/Project	Amount
Core Capacity Program	\$ 421 million
Next Generation Fare Gates Project	\$ 39 million
Transit-Oriented Development-related Station Access Improvements	\$ 35 million
Sustainability & Resilience Projects	\$ 19 million
System Reinvestment	\$ 18 million

FY24 Grants Year in Review

Grants Awarded Fiscal Year to-date in FY24

Category	Grant Program	Purpose	Amount
Federal	Federal Transit Administration (FTA) Formula Funds	State of Good Repair	\$ 8,357,478
Federal	Transit Station Public Charging Program (TSPGP)	EV Charging Infrastructure	5,900,000
Federal	One Bay Area Grant, Cycle 3 (OBAG 3)	State of Good Repair	3,144,302
Federal	Strengthening Mobility and Revolutionizing Transportation (SMART)	Sustainability/Technology	2,000,000
Federal	Regional Infrastructure Accelerator (RIA) Grant Program	Capital Projects Prioritization & Selection	1,750,000
Federal	Hazard Mitigation Grant Program (HMGP), 5% Initiative	Resilience	617,480
Federal	2024 Local Public Fleet Electrification Planning Technical Assistance*	EV Charging Planning	400,000
Federal	Congressionally-directed Spending	Next Generation Faregates	2,000,000
State	SB 125 TIRCP & Zero-Emission Transit Capital Program Funds**	Operations	352,048,000
State	Transit & Intercity Rail Capital Program (TIRCP) - Augment 2	Core Capacity Program	350,000,000
State	Affordable Housing & Sustainable Communities (AHSC)	Station Access Improvements	21,550,263
State	STA State of Good Repair Program Funds	State of Good Repair	6,700,000
State	Regional Early Action Planning (REAP)	Transit-oriented Development	3,600,000
State	Local Transportation Climate Adaptation Program	Resilience	6,000,000
State	Convenient, High Visibility, Low Cost, Level 2 Charging (CHILL)	EV Charging Infrastructure	2,280,000
State	STA County Block Grant Funds (SFCTA Lifeline Program)	Elevator Attendant Program	2,058,039
State	HMGP, Advance Assistance	Resilience	1,283,980
State	Earmark	Next Generation Faregates	1,000,000
State	Sustainable Communities Planning Grant	Flooding Resilience Study	515,000
Local	ACTC Measure BB	Railcars & Next Gen Faregates	54,865,335
Local	SFCTA Proposition L	Railcars & Next Gen Faregates	47,850,000
Local	ACTC Capital Investment Program Funds (Msr BB, TFCA, VRF)	Active Transportation	8,405,000
Local	SF Mayor's Office of Economic & Workforce Development	Station Attendants (Operations)	5,000,000
Local	CCTA Measure J	Next Generation Faregates	3,500,000
Local	CCTA/WCCTAC - Subregional Transportation Mitigation Program	Transit-oriented Development	1,500,000
Local	State Transit Assistance (STA) Alameda County Block Grant	Operations	1,100,000
Total Awarded Grants			\$ 893,424,877

*Expected to be approved by MTC on April 28, 2024

**\$58.2M approved in March 2024. Remainder pending future MTC action.

FY24 Grants Year in Review

Grants Submitted, Pending Determination in FY24

Category	Grant Program	Purpose	Amount
Federal	FTA Formula Funds	State of Good Repair	\$ 46,203,936
Federal	Rebuilding American Infrastructure with Sustainability and Equity (RAISE)	Core Capacity Program	25,000,000
Federal	Advanced Transp. Tech. and Innovation (ATTAIN)	Innovation/Technology	4,400,000
Federal	HMGP, Advance Assistance	Resilience	2,719,900
Federal	Promoting Resilient Operations for Transformative, Efficient, and Cost Saving Transportation (PROTECT)	Resilience	2,500,000
State	Affordable Housing and Sustainable Communities (AHSC)	Station Access Improvements	23,748,000
State	Sustainable Communities Planning Grant Program	Sustainability	700,000
Total Pending			\$ 105,271,836

Grants Currently in Development (Pending Submission) in FY24

Category	Grant Program	Purpose	Amount
Federal	Climate Pollution Reduction Grants (CPRG)	Mobility Hubs & Active Transportation	\$ 55,000,000
Federal	HMGP, Advance Assistance	Resilience	1,350,000
Federal	Promoting Access to Crisis Teams	Crisis Intervention & Policing	400,000
Federal	Active Transportation Infrastructure Investment Program (ATIIP)	Active Transportation	TBD
State	Low Carbon Transit Operations Program (LCTOP)	Operations	11,008,728
State	Adaptation Planning Grant	Sustainability	625,000
Local	Transportation Fund for Clean Air (TCFA)	Sustainability	TBD
Total in Development			\$ 68,383,728

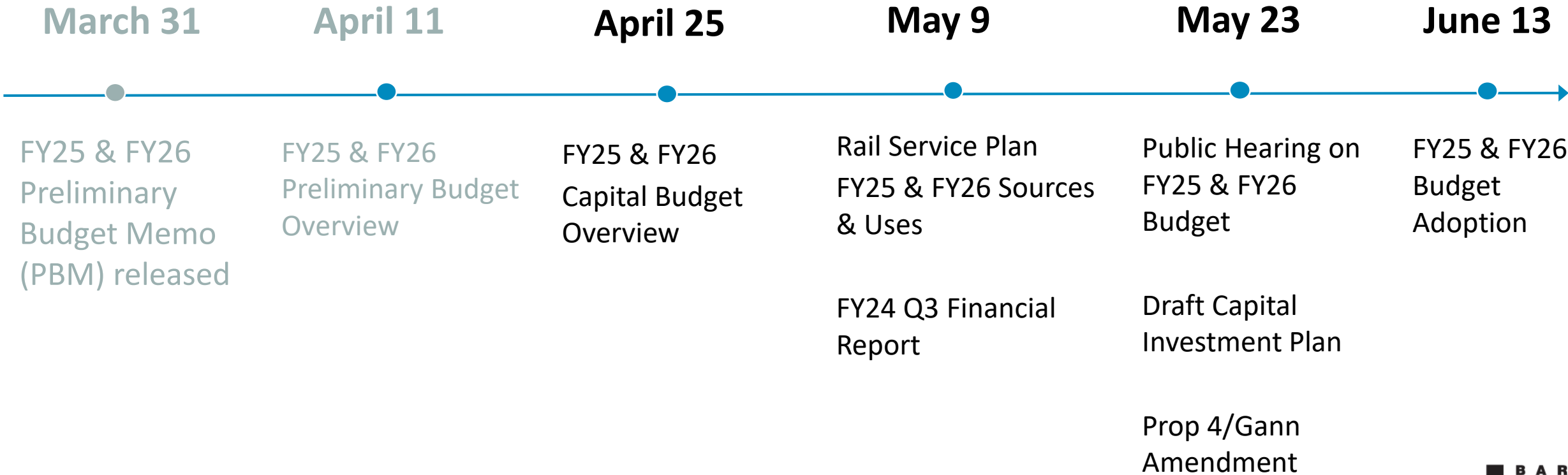
Grants Not Awarded in FY24

Category	Grant Program	Purpose	Amount
Federal	Mega Grants	Link21	\$ 30,000,000
Federal	SMART	Sustainability/Technology	2,000,000
State	Reliable, Equitable, and Accessible Charging (REACH)	EV Charging	2,379,600
State	EV Infrastructure for Heavy- & Medium-Duty Vehicles	EV Charging	217,500
Total Not Awarded			\$ 34,597,100

Grants Look-Ahead

- FY24 FTA Formula Funds – approximately \$81 million
- Transit & Intercity Rail Capital Program (TIRCP) Cycle 7
- Transit Security Grant Program (TSGP)
- State and Federal Earmarks
- Building Resilient Infrastructure & Communities (BRIC)
- Promoting Resilient Operations for Transformative, Efficient, and Cost-saving Transportation Program (PROTECT), Round 2
- Solutions for Congested Corridors Program

Timeline and Next Steps



Discussion



SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Board of Directors

DATE: April 19, 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 25, 2024, Board of Directors meeting, staff will present 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 analyzing the 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.

DocuSigned by:
Michael Jones
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Robert M. Powers

cc: Board Appointed Officers
Deputy General Manager
Executive Staff

AMENDED IN SENATE APRIL 16, 2024

AMENDED IN SENATE MARCH 18, 2024

SENATE BILL

No. 1031

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

February 6, 2024

An act to amend 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. 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.~~ *requirements.*

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~~ *conduct an assessment that analyzes the benefits and disbenefits to riders, and the administrative, financial, legal, contractual, and governance feasibility, of various forms of consolidation, as defined, among transit agencies, as defined, that are located in the 9-county San Francisco Bay area, as specified.* ~~area.~~ 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.~~ *identify specified information about each transit agency and to consider certain topics relating to consolidation.* 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.~~ *develop a report of recommendations that, among other things, identifies opportunities to consolidate 2 or more agencies and provides specific recommendations for the consolidation or elimination of transit agencies and their governing bodies without resulting in the elimination of*

programs and transportation services, as specified. The bill would establish the Bay Area Transit Consolidation *and Coordination* 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, report~~, as specified. The bill would require the assessment and the ~~comprehensive plan report~~ 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 *the* 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.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: 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 all
- 11 of the following:
- 12 (1) A public transit network that offers safe, clean, frequent,
- 13 accessible, easy-to-navigate, and reliable service that gets transit
- 14 riders where they want and need to go safely, affordably, quickly,
- 15 and seamlessly.

(2) Local roads that are well maintained.

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

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

(1) Protecting and enhancing transit service.

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

(3) Enhancing mobility and access for all.

SEC. 2. This act shall be known, and may be cited as, the Connect Bay Area Act of 2024.

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

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

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

(2) “Consolidation” means a reform to transit agencies that includes one or more of the following:

(A) Combining staffs or back office functions of two or more transit agencies while retaining separate governing boards.

(B) Replacing multiple governing boards with a unified governing board representing a broader jurisdiction.

(C) Creating a more effective umbrella structure under which existing transit agencies are brought together but still operate as distinct agencies with separate governing boards.

(D) Increasing coordination across two or more transit agencies to deliver one or more components of a transportation service so the agencies can increase their capacity to provide trips. Coordination may include, but is not limited, to any of the following:

(i) Sharing passenger trips and vehicles.

(ii) Colocation of facilities, programs, or services.

(iii) Collaborating on grant applications, state or local plans, or both, training, vehicle purchasing, or maintenance.

(iv) Joint hiring of a mobility manager.

(v) Federal fund braiding.

(3) “Labor institute” means the University of California, Berkeley Labor Center or the UCLA Labor Center.

(2)

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

~~(3)~~

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

~~(4)~~

(6) “Transportation institute” means either the University of California Institute of Transportation Studies or the Mineta Transportation Institute at San José State University.

(b) The Transportation Agency shall oversee the completion of the assessment required pursuant to subdivision (c) and the report of legislative recommendations required pursuant to subdivision (d) in a manner that emphasizes, across all facets of analysis and recommendations, benefits to riders and disabled riders, including those who use paratransit. The completion of the assessment and report shall include consultation with impacted stakeholders including, but not limited to, impacted transit agencies, transit unions, transit riders, and local governments. It is the intent of the Legislature that the assessment and the report help achieve all of the following goals with regard to the operation of public transit in the San Francisco Bay area:

(1) Improving the speed, efficiency, and reliability of service.

(2) Improving the affordability of fares.

(3) Improving the safety and cleanliness of service.

(4) Promoting the achievement of the state’s climate goals, including through the incorporation and diffusion of zero-emission technologies.

(5) Incorporating other technological changes that improve rider experience and safety.

(6) Improving accessibility of, and connections to, regional and interregional transit service in a manner that competes with private automobile travel, particularly for low-income residents and those residing in equity priority communities, as defined by the commission.

(7) Improving and simplifying the accountability of the transportation systems to the public and riders.

(8) Reducing administrative costs and improving cost efficiencies within and across transit agencies.

~~(b)~~

1 (c) (1) The Transportation Agency shall select a transportation
2 institute to conduct an assessment ~~of the associated advantages~~
3 ~~and disadvantages of consolidating all of the transit agencies that~~
4 ~~are located within the San Francisco Bay area, and shall oversee~~
5 ~~the transportation institute in that regard. in accordance with the~~
6 ~~requirements of this section. The transportation institute shall~~
7 ~~consult with a labor institute, if it chooses to participate, in~~
8 ~~conducting all aspects of the assessment with respect to impacts~~
9 ~~on the workforce and labor relations.~~ The transportation institute
10 shall complete the assessment on or before January 1, 2026, and
11 upon completion, shall submit the assessment to the Legislature
12 in compliance with Section 9795, and to the commission and each
13 of the transit agencies located in the San Francisco Bay area.

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

18 ~~(3) If the Transportation Agency selects the University of~~
19 ~~California Institute of Transportation Studies to complete the~~
20 ~~assessment, the requirement to complete the assessment shall only~~
21 ~~apply to the University of California to the extent that the Regents~~
22 ~~of the University of California, by appropriate resolution, make~~
23 ~~that requirement applicable.~~

24 ~~(4) In conducting the assessment, the transportation institute~~
25 ~~shall also study the impact that regional consolidation would have~~
26 ~~on wages, work conditions, pension, and retirement benefits of~~
27 ~~workers covered by collective bargaining agreements at relevant~~
28 ~~agencies.~~

29 ~~(5) As part of the assessment, the transportation institute shall~~
30 ~~provide recommendations on how to consolidate those transit~~
31 ~~agencies in a manner that does all of the following:~~

32 ~~(A) Prioritizes cost savings to the public, the adoption of~~
33 ~~advanced technology, and other efficiencies.~~

34 ~~(B) Meets and exceeds climate goals.~~

35 ~~(C) Improves the speed of transit and the seamlessness of~~
36 ~~transfers.~~

37 ~~(D) Advances any other improvements to transit operations.~~

38 ~~(6)~~

39 (2) The transportation institute shall ~~identify, identify each~~
40 ~~transit agency that has authority to create policy or assess charges~~

1 *with regard to transit and that is located in the San Francisco Bay*
2 *area and, at a minimum, all of the following information in the*
3 *assessment:*

4 ~~(A) Each transit agency, and each agency that has authority to~~
5 ~~create policy or assess charges with regard to transit, that is located~~
6 ~~in the San Francisco Bay area and whether the governing body of~~
7 ~~those agencies is appointed or elected.~~

8 ~~(B) The size of the membership, terms of service of the~~
9 ~~members, and whether the members are voting members, for each~~
10 ~~governing body of an agency described in subparagraph (A).~~

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

14 ~~(D) The county where each agency described in subparagraph~~
15 ~~(A) and its governing body is located.~~

16 ~~(E) Any qualifications required to serve as a member of the~~
17 ~~governing board of an agency described in subparagraph (A).~~

18 *(A) The county where each transit agency and its governing*
19 *body is located.*

20 *(B) The governance structure of each transit agency, including*
21 *all of the following information:*

22 *(i) The size of the membership, terms of service of the members,*
23 *and whether the members are voting members, and whether the*
24 *governing body of those agencies is appointed or elected.*

25 *(ii) Any qualifications required to serve as a member of the*
26 *governing board of the transit agency.*

27 *(iii) Whether the governing body of the transit agency was*
28 *created pursuant to state law, local ordinance, city charter, federal*
29 *law, or ballot measure or initiative.*

30 ~~(F)~~

31 ~~(C) The funding structures, including any tax assessments, and~~
32 ~~revenue mechanisms, including any temporary or permanent state~~
33 ~~or federal support, or both, established for each agency described~~
34 ~~in subparagraph (A). transit agency.~~

35 ~~(G)~~

36 ~~(D) The fares or other fees imposed on riders by each transit~~
37 ~~agency and the available routes provided by each transit agency.~~

38 ~~(H)~~

39 *(E) The fleet type and size of each transit agency.*

40 ~~(I)~~

1 (F) The programs and services offered to riders by each transit
2 agency, including any subsidies *or discounts* offered to riders.

3 ~~(J)~~

4 (G) The workforce size and type of each ~~agency described in~~
5 ~~subparagraph (A);~~ transit agency, whether there are any applicable
6 labor contracts for that workforce, and the socioeconomic makeup
7 of that workforce.

8 ~~(K)~~

9 (H) The socioeconomic makeup of the riders of each transit
10 agency.

11 ~~(L) The continuity of travel between public transit systems~~
12 ~~operated by different transit agencies and between different services~~
13 ~~or programs operated by the same transit agency.~~

14 ~~(M) Infrastructure gaps between routes of regional travel.~~

15 ~~(N) Service gaps between routes of travel.~~

16 ~~(O) Existing and planned regional network management efforts,~~
17 ~~including efforts to modify and improve the commission's regional~~
18 ~~network management authority, and how consolidation would~~
19 ~~relate to, or impact, those efforts.~~

20 (I) *The number and rate of transfers between public transit*
21 *services operated by different agencies.*

22 (J) *An analysis of existing transit service gaps compared to*
23 *regional travel patterns and how it relates to transit agencies'*
24 *boundaries.*

25 (3) *The assessment shall analyze the benefits and disbenefits to*
26 *riders, and the administrative, financial, legal, contractual, and*
27 *governance feasibility, of various forms of consolidation among*
28 *transit agencies that are located within the San Francisco Bay*
29 *area.*

30 (4) *The assessment shall consider all of the following:*

31 (A) *The impacts of consolidation on all of the following:*

32 (i) *Wages, work conditions, and pension and retirement benefits*
33 *of workers covered by collective bargaining agreements at relevant*
34 *agencies and contracted services.*

35 (ii) *Operating budgets.*

36 (iii) *Existing costs.*

37 (iv) *Costs associated with implementation.*

38 (v) *Governance.*

39 (vi) *The total number of people employed and employment*
40 *opportunities.*

1 (B) Challenges associated with any form of consolidation,
2 including consolidation of transit agencies with different service
3 modes, rolling stock, and technologies, and with other key
4 operational differences across agencies.

5 (C) Regulatory and legal barriers to any form of consolidation.

6 (D) Existing and planned regional network management efforts,
7 including efforts to modify and improve the commission's regional
8 network management authority, and how consolidation would
9 relate to, or impact, those efforts.

10 (5) If the Transportation Agency selects the University of
11 California Institute of Transportation Studies to conduct the
12 assessment, the requirement to conduct the assessment shall only
13 apply to the University of California to the extent that the Regents
14 of the University of California, by appropriate resolution, make
15 that requirement applicable.

16 (e)

17 (d) (1) Based on the findings of the assessment conducted
18 pursuant to subdivision ~~(b)~~, (c), the Transportation Agency shall
19 ~~recommend a comprehensive plan to consolidate all of the transit~~
20 ~~agencies that are located in the San Francisco Bay area. develop~~
21 ~~a report of recommendations to the Legislature.~~ The Transportation
22 Agency shall complete the ~~plan report~~ on or before January 1,
23 2027, and, upon completion, shall submit the ~~plan report~~ to the
24 Legislature in compliance with Section 9795, and to the
25 commission and each of the transit agencies located in the San
26 Francisco Bay area. In the ~~plan~~, ~~report~~, the Transportation Agency
27 shall do all of the following:

28 ~~(1) Design the plan in a manner that provides benefits to riders,~~
29 ~~including paratransit riders, and that does all of the following:~~

30 ~~(A) Improves access to routes and services, including across~~
31 ~~city and county boundaries, and improves connections to regional~~
32 ~~and interregional transit service in a manner that competes with~~
33 ~~private automobile travel.~~

34 ~~(B) Maintains affordable fares and reliable, safe, and efficient~~
35 ~~service.~~

36 ~~(C) Improves and simplifies the accountability of the~~
37 ~~transportation system to the public and riders.~~

38 ~~(D) Supports greater efficiency and cost-effectiveness, and~~
39 ~~reduces administrative costs.~~

1 ~~(E) Provides more equitable access to quality, connected transit~~
2 ~~services to communities throughout the region.~~

3 ~~(2) (A) Identify opportunities to consolidate agencies and~~
4 ~~provide specific recommendations for the consolidation or~~
5 ~~elimination of transit agencies and their governing bodies without~~
6 ~~resulting in the elimination of programs and transportation services.~~

7 ~~(B) For the purposes of this paragraph, “consolidation” may~~
8 ~~include reforms to transit agencies that include one or more of the~~
9 ~~following:~~

10 ~~(i) Combining staffs of transit agencies.~~

11 ~~(ii) Replacing multiple governing boards with a unified~~
12 ~~governing board representing a broader jurisdiction.~~

13 ~~(iii) Creating an umbrella structure under which existing transit~~
14 ~~agencies are brought together but still operate as distinct divisions~~
15 ~~with separate governing boards.~~

16 *(A) Identify opportunities to consolidate two or more agencies*
17 *and provide specific recommendations for the consolidation or*
18 *elimination of transit agencies and their governing bodies without*
19 *resulting in the elimination of programs and transportation*
20 *services, with consideration for existing and planned regional*
21 *network management efforts or structures.*

22 *(B) Identify steps to maintain and transfer labor agreements*
23 *and bargaining units to maintain employee wages, benefits,*
24 *protections, and working conditions secured by those agreements.*

25 *(C) Identify barriers to the consolidation or elimination of*
26 *transit agencies, including local, state, or federal laws, and*
27 *alternative actions to the consolidation or elimination of those*
28 *agencies.*

29 *(D) Recommend opportunities for securing federal, state, and*
30 *local moneys that can be used to fund consolidation.*

31 *(E) Recommend a strategy for a public education and outreach*
32 *program on any proposed consolidation efforts.*

33 ~~(3) Recommend~~

34 *(2) If the Transportation Agency recommends a new governing*
35 *structure and governing board member qualifications, as*
36 *appropriate, for a new consolidated agency or agencies based*
37 *agencies, the Transportation Agency shall base that*
38 *recommendation on research of effective international models of*
39 *transit delivery excellence, and consideration of recent regional*
40 *and state studies of effective transit governance. In making these*

1 ~~recommendations, a recommendation described in this paragraph,~~
2 the Transportation Agency shall do ~~both~~ *all* of the following:

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

5 (B) Consider other reforms necessary to ensure that commission
6 policy is democratically accountable and serves the regional
7 welfare.

8 ~~(4) Identify and describe any relationship or impacts of the~~
9 ~~recommendations or elements of the plan on existing and planned~~
10 ~~regional network management efforts or structures.~~

11 ~~(5) Identify necessary local, state, or federal laws that may~~
12 ~~impact efforts to implement the consolidation of the transit~~
13 ~~agencies.~~

14 ~~(6) Identify steps, in consultation with impacted stakeholders,~~
15 ~~to maintain and transfer labor agreements and bargaining units to~~
16 ~~maintain employee wages, benefits, protections, and working~~
17 ~~conditions secured by those agreements.~~

18 ~~(7) Identify barriers to consolidating or eliminating transit~~
19 ~~agencies and alternative actions, including memorandums of~~
20 ~~understanding between transit agencies, for the consolidation of~~
21 ~~services.~~

22 ~~(8) Describe the steps necessary for, and the feasibility of,~~
23 ~~interoffice and interagency coordination of programs, services,~~
24 ~~and resources for riders if consolidation is not feasible.~~

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

27 ~~(10) Recommend a strategy for a public education and outreach~~
28 ~~program on any proposed consolidation efforts and any proposed~~
29 ~~coordination services and programs.~~

30 (C) *Assess any impact that consolidation would have on wages,*
31 *work conditions, and pension and retirement benefits of workers*
32 *covered by collective bargaining agreements at the relevant transit*
33 *agencies, including paratransit and other contracted services.*

34 (3) *The Transportation Agency may contract with a consultant*
35 *to complete the report required pursuant to this subdivision if the*
36 *Transportation Agency does both of the following:*

37 (A) *Establishes a team to advise the consultant that, at minimum,*
38 *includes a transportation institute and a labor institute, if they*
39 *choose to participate, and that may additionally include, as needed,*

1 *individuals with expertise in the legal, governance, financial, and*
2 *operational aspects of public transportation in the state.*

3 *(B) Oversees the consultant consistent with subdivision (b).*

4 ~~(d)~~

5 *(e) (1) The Bay Area Transit Consolidation and Coordination*
6 *Technical Assistance Fund is hereby established in the State*
7 *Treasury for the deposit of moneys that can be used for the*
8 *following purposes:*

9 *(A) Paying for the cost of conducting the assessment pursuant*
10 *to subdivision ~~(b)~~ (c) and preparing the comprehensive plan report*
11 *pursuant to subdivision ~~(e)~~ (d).*

12 *(B) Paying for administrative expenses related to the*
13 *implementation of the consolidation of transit agencies located in*
14 *the San Francisco Bay area, if those consolidations occur.*

15 *(2) Any moneys deposited into the fund, including moneys*
16 *deposited into the fund pursuant to Section 66538.40, shall be*
17 *available to the Transportation Agency, upon appropriation by the*
18 *Legislature, for the purposes described in paragraph (1).*

19 *(3) The Transportation Agency may accept private donations*
20 *to be used for the purposes described in this section. Any donations*
21 *received pursuant to this paragraph shall be deposited into the fund*
22 *established pursuant to paragraph (1).*

23 SEC. 4. Section 65081 of the Government Code is amended
24 to read:

25 65081. (a) It is the intent of the Legislature to encourage
26 metropolitan planning organizations and local air quality
27 management districts or air pollution control districts to work with
28 local employers to adopt policies that encourage commuting by
29 means other than driving alone. To encourage this, the Legislature
30 hereby establishes a program in that regard in the greater San
31 Francisco Bay Area.

32 (b) Notwithstanding Section 40717.9 of the Health and Safety
33 Code, the Bay Area Air Quality Management District and the
34 Metropolitan Transportation Commission with respect to the
35 common area within their respective jurisdictions may jointly adopt
36 a commute benefit ordinance that requires covered employers
37 operating within the common area of the district and commission
38 to offer all covered employees one of the following choices:

39 (1) A pretax option: a program, consistent with Section 132(f)
40 of the Internal Revenue Code, allowing covered employees to elect

1 to exclude from taxable wages employee commuting costs incurred
2 for transit passes or vanpool charges, up to the maximum amount
3 allowed by federal tax law.

4 (2) Employer-paid benefit: a program whereby the covered
5 employer offers employees a subsidy to offset the monthly cost
6 of commuting via public transit or by vanpool, or, in addition, and
7 at the employer's discretion, by bicycle. The subsidy shall be equal
8 to either the monthly cost of commuting via public transit or by
9 vanpool, or seventy-five dollars (\$75), whichever is lower. The
10 seventy-five dollar (\$75) amount shall be adjusted annually
11 consistent with the California Consumer Price Index. If the covered
12 employer chooses to offer a subsidy to offset the monthly cost of
13 commuting by bicycle, the subsidy shall be either the monthly cost
14 of commuting by bicycle or twenty dollars (\$20), whichever is
15 lower.

16 (3) Employer-provided transit: transportation furnished by the
17 covered employer at no cost, or low cost as determined by the
18 district or commission, to the covered employee in a vanpool or
19 bus, or similar multipassenger vehicle operated by or for the
20 employer.

21 (4) Employer-provided regional transit pass: a program whereby
22 the covered employer offers covered employees a subsidy in the
23 form of a universal regional transit pass to offset the monthly cost
24 of commuting via public transit.

25 (c) Nothing in this section shall prevent a covered employer
26 from offering a more generous commuter benefit that is otherwise
27 consistent with the requirements of the applicable commute benefit
28 ordinance. Nothing in this section shall require employees to
29 change their behavior.

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

1 otherwise consistent with this section is not required to offer one
2 of the options in subdivision (b).

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

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

18 (g) A commute benefit ordinance adopted pursuant to this
19 section shall specify all of the following:

20 (1) How the implementing agencies will inform covered
21 employers about the ordinance.

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

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

26 (4) Any consequences for noncompliance.

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

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

31 (j) (1) Notwithstanding subdivisions (b) and (d), the commission
32 ~~may~~ *may, either directly or through a qualified voter initiative,*
33 *propose a ballot measure in all nine counties of the San Francisco*
34 *Bay area or a subset of those counties* as part of a measure
35 proposed pursuant to Division 2 (commencing with Section 66538)
36 of Title 7.1 and subject to the election procedures set forth in that
37 division to update the ordinance adopted pursuant to this section
38 to do both of the following:

39 (A) Require a covered employer that is located in proximity to
40 transit to purchase a regional transit pass for each of its employees

1 that provides universal and unlimited access to transit services
2 provided by transit agencies operating in the common area within
3 the jurisdiction of the district and the commission.

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

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

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

22 (k) As used in this section, the following definitions apply:

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

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

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

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

37 *SEC. 5. The heading of Division 1 (commencing with Section*
38 *66500) is added to Title 7.1 of the Government Code, to read:*

*DIVISION 1. METROPOLITAN TRANSPORTATION
COMMISSION*

~~SEC. 5.~~

SEC. 6. Section 66516 of the Government Code is amended to read:

66516. (a) (1) The 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, 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 agencies within its jurisdiction.

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

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

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

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

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

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

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

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

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

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

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

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

30 (d) *Nothing in this section authorizes the commission to do any*
31 *of the following:*

32 (1) *Restrict a public transit agency's access to funds not*
33 *allocated by the commission.*

34 (2) *Require a public transit agency to implement policies or*
35 *programs that would impede or interfere with its ability to comply*
36 *with any legal obligations in transit labor contracts.*

37 (3) *Restrict the use of a public transit agency's logo outside the*
38 *scope of the commission's regional mapping and wayfinding*
39 *standards.*

1 (4) *Require that a public transit agency modify the schedule or*
2 *route of a specific local route that the transit agency and the*
3 *commission do not identify as primarily serving regional transit*
4 *service.*

5 (e) (1) *The commission shall not require a public transit agency*
6 *to be subject to a one-time or ongoing policy, or to make a one-time*
7 *or ongoing expenditure, pursuant to subdivision (a) if the public*
8 *transit agency adopts a finding that the policy or expenditure would*
9 *require the agency to take an action that the agency determines*
10 *to be unacceptable with respect to its impact on transit service,*
11 *staffing, maintenance, or other specified operational or state of*
12 *good repair considerations.*

13 (2) *Before adopting a finding pursuant to this subdivision, a*
14 *public transit agency shall conduct an assessment that takes into*
15 *consideration all funding anticipated to be available to the public*
16 *transit agency in the next fiscal year, including, but not limited to,*
17 *any discretionary funding that the commission identifies to help*
18 *offset the cost of the proposed expenditure or policy, any growth*
19 *in fare revenue anticipated as a result of the expenditure or policy,*
20 *and potential adjustments to fares or fare policies the agency could*
21 *make to increase revenue. The public transit agency shall develop*
22 *the assessment in consultation with staff from the commission and*
23 *shall present it to the commission at a public meeting in advance*
24 *of adopting a finding pursuant to this subdivision.*

25 (3) *At the request of the commission, a public transit agency*
26 *may be required to update its assessment conducted pursuant to*
27 *paragraph (2) and make a subsequent finding in future fiscal years.*

28 ~~(d)~~

29 (f) *It is the intent of the Legislature to enact legislation that*
30 *would strengthen regional network management within the region,*
31 *including the possibility of establishing a body within the*
32 *commission to guide regional network management efforts.*

33 ~~(e)~~

34 (g) *In implementing this section, each public transit agency in*
35 *the region shall fulfill all applicable requirements under Title VI*
36 *of the federal Civil Rights Act of 1964 (Public Law 88-352)*
37 *regarding service and fare changes.*

38 ~~(f)~~

39 (h) (1) *The commission shall submit a report to the Legislature*
40 *on or before January 1, 2026, and each year thereafter, on the status*

1 of the outcomes described in subdivision (c) and the status of transit
2 ridership in the region. The commission shall submit the annual
3 report to the Legislature in compliance with Section 9795.

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

6 ~~(g)~~
7 (i) For purposes of this section, “public transit agency” has the
8 same meaning as “STA-eligible operator,” as defined in Section
9 99312.2 of the Public Utilities Code.

10 ~~SEC. 6. The heading of Division 1 (commencing with Section~~
11 ~~66500) is added to Title 7.1 of the Government Code, to read:~~

12
13 ~~DIVISION 1. METROPOLITAN TRANSPORTATION~~
14 ~~COMMISSION~~

15
16 SEC. 7. Division 2 (commencing with Section 66538) is added
17 to Title 7.1 of the Government Code, to read:

18
19 ~~DIVISION 2. TAXING AUTHORITY AND~~
20 ~~TRANSPORTATION FUNDING~~

21
22 ~~CHAPTER 1. DEFINITIONS~~

23
24 66538. For purposes of this division, the following definitions
25 apply:

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

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

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

33
34 ~~CHAPTER 2. SPECIAL TAXES~~

35
36 66538.20. (a) The commission, either directly or through a
37 qualified voter initiative, may raise and allocate new revenue
38 through all of the following funding mechanisms:

39 (1) A retail transactions and use tax, as provided in Section
40 66538.22.

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

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

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

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

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

18 66538.22. (a) The commission ~~may~~ *may, either directly or*
19 *through a qualified voter initiative*, impose a retail transactions
20 and use tax ordinance applicable in the San Francisco Bay area in
21 accordance with this division and Part 1.6 (commencing with
22 Section 7251) of Division 2 of the Revenue and Taxation Code.

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

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

33 (d) Any transactions and use tax ordinance adopted pursuant to
34 this chapter shall be operative on the first day of the first calendar
35 quarter commencing more than 110 days after adoption of the
36 ordinance.

37 (e) Before the operative date of the ordinance, the commission
38 shall contract with the California Department of Tax and Fee
39 Administration to perform all functions incidental to the
40 administration and operation of the ordinance.

1 66538.24. (a) The commission may, *either directly or through*
2 *a qualified voter initiative*, by ordinance, impose a tax on every
3 employer in the San Francisco Bay area, except an employer
4 defined by Section 676, 684, or 685 of the Unemployment
5 Insurance Code, at a percentage, as determined by the commission,
6 of wages paid to an individual.

7 (b) If the commission acts pursuant to the authorization in
8 subdivision (a), the commission shall contract with the
9 Employment Development Department to perform all functions
10 incidental to the administration and operation of the tax.

11 (c) The tax shall be collected in the same manner and at the
12 same time as any contributions required under Sections 977 and
13 977.5 of the Unemployment Insurance Code, except as provided
14 in this section.

15 66538.26. (a) Subject to Section 4 of Article XIII A of the
16 California Constitution, the commission ~~may~~ *may, either directly*
17 *or through a qualified voter initiative*, impose, by ordinance, a
18 parcel tax within the San Francisco Bay area pursuant to the
19 procedures established in Article 3.5 (commencing with Section
20 50075) of Chapter 1 of Part 1 of Division 1 of Title 5, Chapter 3
21 (commencing with Section 66538.30), and any other applicable
22 procedures provided by law.

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

26 (c) The commission shall provide notice of any parcel tax
27 imposed pursuant to this section in the manner specified in Section
28 54930.

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

34 (e) A parcel tax levied pursuant to this section shall be
35 administered in the following manner:

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

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

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

8 66538.28. (a) The commission may, *either directly or through*
9 *a qualified voter initiative*, by ordinance, impose a regional vehicle
10 registration surcharge on each motor vehicle registered within the
11 San Francisco Bay area. The commission shall not propose a
12 measure to the electors to approve a surcharge pursuant to this
13 section before January 1, 2030.

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

17 (1) The surcharge shall be paid on an annual basis and shall be
18 collected by the Department of Motor Vehicles at the same time
19 and same manner as the vehicle registration pursuant to Section
20 ~~9250.3~~ 9250 of the Vehicle Code.

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

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

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

38 (c) If an ordinance imposing a regional vehicle registration
39 surcharge is approved by the voters pursuant to Chapter 3
40 (commencing with Section 66538.30), the surcharge shall apply

1 to the original vehicle registration occurring on or after six months
2 following the adoption of the ordinance by the voters and to a
3 renewal of registration with an expiration date on or after that
4 six-month period.

5
6 CHAPTER 3. ELECTION PROCEDURES
7

8 66538.30. (a) If the commission, either directly or through
9 qualified voter initiative, proposes a measure pursuant to Chapter
10 2 (commencing with Section 66538.20) that requires voter approval
11 pursuant to the California Constitution, the board of supervisors
12 of the county or counties in which the commission has determined
13 to place the measure on the ballot shall call a special election on
14 the measure. The special election shall be held no sooner than
15 November 2026 and shall be consolidated with the next regularly
16 scheduled statewide election. The measure shall be submitted to
17 the voters in the appropriate counties, consistent with the
18 requirements of Articles XIII A, XIII C, and XIII, or Article XVI,
19 of the California Constitution, as applicable.

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

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

34 (d) If two or more counties included in the measure are required
35 to prepare a translation of ballot materials into the same language
36 other than English, the county that contains the largest population,
37 as determined by the most recent federal decennial census, among
38 those counties that are required to prepare a translation of ballot
39 materials into the same language other than English shall prepare
40 the translation, or authorize the commission to prepare the

1 translation, and that translation shall be used by the other county
2 or counties, as applicable.

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

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

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

23 (2) For purposes of this subdivision, “incremental costs”
24 includes both of the following:

25 (A) The cost to prepare a translation of ballot materials into a
26 language other than English by any county, as described in
27 subdivision (d).

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

32 (i) The printing and mailing of ballot materials.

33 (ii) The canvass of the vote regarding the measure pursuant to
34 Division 15 (commencing with Section 15000) of the Elections
35 Code.

36 (h) If the voters approve new revenues pursuant to this section,
37 the commission shall establish an independent oversight committee
38 within six months of the effective date of the tax increase to ensure
39 that any revenues generated pursuant to this section are expended
40 consistent with the applicable requirements set forth in Chapter 4

(commencing with Section 66538.40). The committee may be consolidated with the oversight committee established pursuant to subdivision (h) of ~~section~~ *Section* 30923 of the Streets and Highways Code. Each representative shall be appointed by the applicable county board of supervisors. The oversight committee may request any documents from the commission to assist the committee in performing its functions.

CHAPTER 4. EXPENDITURES

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

~~(1) Investments that support transit transformation, including all of the following:~~

~~(A) Sustaining, expanding, and improving transit service for current and future transit riders.~~

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

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

~~(D) Zero-emission transit vehicles and infrastructure.~~

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

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

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

~~(b) (1) The commission shall annually allocate a minimum of seven hundred fifty million dollars (\$750,000,000) of the revenues generated pursuant to Chapter 2 (commencing with Section~~

~~66538.20) to fund investments consistent with the purposes set forth in subparagraphs (A) to (C), inclusive, of paragraph (1) of subdivision (a), including, without limitation, for payment of all indebtedness incurred and bonds issued pursuant to Chapter 5 (commencing with Section 66538.50), and the related costs set forth in that chapter.~~

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

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

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

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

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

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

~~(B) Prioritizing sustaining services used by the greatest number of transit riders.~~

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

~~(3) Create a seamless and convenient San Francisco Bay area transit system that attracts far more riders than the number of riders that used that system before January 1, 2025, by improving public~~

1 safety on transit and implementing the 2020 Bay Area Transit
2 Transformation Action Plan.

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

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

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

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

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

30 (i) It is the intent of the Legislature to enact legislation that
31 would require the commission to consider need and geographic
32 balance in distributing regional transportation revenues.

33 66538.40. (a) Revenues generated pursuant to Chapter 2
34 (commencing with Section 66538.20) shall only be used to fund
35 transportation improvements in the San Francisco Bay area,
36 consistent with subdivision (c).

37 (b) (1) Revenue measure expenditures shall reflect an equitable
38 allocation of revenues throughout the counties that participated
39 in the election approving the tax measure with not less than 70
40 percent of the revenues generated in each county being invested

1 *in projects and programs that benefit that county, including transit*
2 *operations funding for transit agencies that serves riders of that*
3 *county, over each five-year period that the tax is operative.*

4 *(2) The commission shall prepare and adopt a calculation at*
5 *least once every two years to ensure the allocation of funds*
6 *pursuant to this chapter complies with paragraph (1).*

7 *(c) The commission shall annually allocate revenues generated*
8 *pursuant to Chapter 2 (commencing with Section 66538.20) in a*
9 *manner that achieves the following shares and that is consistent*
10 *with the following requirements:*

11 *(1) Forty-five percent for investments that support transit*
12 *transformation, as follows:*

13 *(A) For purposes of this chapter, transit transformation*
14 *investments shall include all of the following:*

15 *(i) Sustaining, expanding, and improving transit service for*
16 *current and future transit riders.*

17 *(ii) Accelerating customer-focused initiatives outlined in the*
18 *2021 Bay Area Transit Transformation Action Plan or any*
19 *successor plan adopted by the commission.*

20 *(iii) Developing and implementing customer-focused*
21 *improvements, including, but not limited to, safety and cleanliness*
22 *enhancements.*

23 *(iv) Zero-emission transit vehicles and infrastructure.*

24 *(B) The commission shall prioritize the following in allocating*
25 *funds that support transit transformation:*

26 *(i) For the first five-year period of the tax, assisting transit*
27 *operators in preventing service cuts.*

28 *(ii) After the end of the period described in clause (i), sustaining,*
29 *expanding, and improving transit service for current and future*
30 *transit riders, including through implementing the 2021 Bay Area*
31 *Transit Transformation Action Plan and any successor plan*
32 *adopted by the commission.*

33 *(C) The commission shall allocate no less than 40 percent of*
34 *the total revenues required to be allocated pursuant to this*
35 *paragraph to public transit agencies for investments that support*
36 *transit transformation in accordance with the following:*

37 *(i) The commission shall allocate the revenues made available*
38 *pursuant to this subparagraph by county based on the share of the*
39 *revenue generated in each county.*

1 (ii) A public transit agency shall be eligible to request an
2 apportionment from the allocation for each county pursuant to
3 clause (i) in which it provides service.

4 (iii) The commission shall determine the amount to be
5 apportioned to each public transit agency that requests an
6 apportionment consistent with subparagraph (E) and shall update
7 that apportionment at least once every two years.

8 (D) After allocating funds pursuant to subparagraph (C), the
9 commission shall use any remaining funds available under this
10 paragraph for investments that support transit transformation.

11 (E) In allocating funds pursuant to subparagraphs (C) and (D),
12 the commission shall ensure that all of the following conditions
13 are met:

14 (i) Not less than twenty-five million dollars (\$25,000,000)
15 annually shall be apportioned to each public transit agency that
16 meets either of the following ridership thresholds:

17 (I) The public transit agency provides more than 5,000,000
18 unlinked passenger trips per year.

19 (II) The public transit agency carries riders more than
20 25,000,000 passenger miles per year.

21 (ii) Not less than ten million dollars (\$10,000,000) annually
22 shall be apportioned to small public transit agencies in counties
23 where those small public transit agencies provide a combined
24 3,000,000 or greater unlinked passenger trips per year.

25 (iii) Not less than five million dollars (\$5,000,000) annually
26 shall be apportioned to small public transit agencies in each county
27 with small public transit agencies providing less than 3,000,000
28 unlinked passenger trips per year.

29 (iv) The amounts specified in clauses (i) to (iii), inclusive, shall
30 be adjusted at least once every five years in proportion to the rate
31 of increase in revenues during the years preceding the adjustment.

32 (v) For the purposes of this subparagraph, “small public transit
33 agency” means a public transit agency that does not meet the
34 service threshold described in clause (i).

35 (2) Not less than 25 percent for investments that support safe
36 streets, as follows:

37 (A) Eligible investments shall include projects to transform
38 local streets and roads to support safety, social equity, and climate
39 goals, including, but not limited to, any of the following projects:

1 (i) *Enhancements to pedestrian safety on sidewalks, crosswalks,*
2 *and midblock segments with an emphasis on improvements near*
3 *community facilities such as schools, business districts, and*
4 *shopping areas.*

5 (ii) *Modifications to intersections, including adjustments to*
6 *signal timing, designed to slow vehicle speeds and reduce conflicts*
7 *between vehicles and vulnerable road users.*

8 (iii) *Safety and accessibility improvements to transit stops,*
9 *including the cost of relocating them.*

10 (iv) *Street surface repair and raised roadway treatments to*
11 *reduce vehicle speeds.*

12 (v) *Improvements to drainage and stormwater infrastructure.*

13 (B) *Of the funds described in this paragraph, the commission*
14 *shall allocate all of the revenues generated in each county to the*
15 *applicable county transportation authority established pursuant*
16 *to Division 12.5 (commencing with Section 131000) of the Public*
17 *Utilities Code for expenditure consistent with subparagraph (A).*
18 *If a county transportation authority has not been established in a*
19 *county, the commission shall instead allocate the revenues to the*
20 *congestion management agency for that county.*

21 (3) *Not less than 15 percent for investments that support*
22 *connectivity, as follows:*

23 (A) *Eligible investments shall include highway, transit, and rail*
24 *mobility projects that close gaps and relieve bottlenecks in the*
25 *existing transportation network in a climate-neutral manner;*
26 *resilience improvements that protect transportation infrastructure*
27 *from climate-fueled natural hazards, and transportation safety*
28 *improvements, including, but not limited to, grade separations.*

29 (B) *The commission shall ensure revenues generated in each*
30 *county shall be invested over a ____ year period in projects and*
31 *programs that benefit that county.*

32 (C) *A capital project funded pursuant to this paragraph shall*
33 *be included in, or determined by the commission to be consistent*
34 *with, a sustainable communities strategy adopted pursuant to*
35 *Section 65080.*

36 (4) *Up to 15 percent for investments eligible under paragraph*
37 *(1), (2), or (3). These funds shall be used to do any of the following:*

38 (A) *Ensure the minimum county benefit threshold described in*
39 *subdivision (b) is met or exceeded.*

1 (B) Assist public transit agencies in preventing service cuts and
2 increasing transit ridership, including, but not limited to, by
3 funding implementation of the 2021 Bay Area Transit
4 Transformation Action Plan and any successor plan adopted by
5 the commission.

6 (C) Invest in other regional priorities.

7 (d) Notwithstanding subdivision (c), the commission may retain,
8 for its cost in administering this chapter, an amount not to exceed
9 1 percent of the revenues available after paying the administrative
10 costs associated with the collection of the revenues incurred by
11 state agencies or local jurisdictions.

12 (e) (1) (A) In order to be eligible for funding pursuant to this
13 section, a public transit agency shall verify to the commission that
14 it will maintain its expected level of funding for operations and
15 shall not supplant any sources of operating revenue under its
16 control or fund sources allocated by the commission that were
17 used for transit operations in the preceding three fiscal years.

18 (B) The expected level of funding for purposes of this
19 subparagraph, which shall be referred to as the maintenance of
20 effort, shall be calculated using the public transit agency's average
21 discretionary operating expenditures for the preceding three fiscal
22 years, two years in arrears as reported to the Controller in its
23 annual report submitted pursuant to Section 99243 of the Public
24 Utilities Code.

25 (2) Notwithstanding paragraph (1), a transit agency may reduce
26 the amount of funding contributed towards its operating budget
27 in proportion to any reduction in operating costs or reduction in
28 operating revenue based on factors outside the control of the transit
29 agency, including, but not limited to, the expiration of a
30 voter-approved revenue source or the determination based on a
31 statistically valid poll that an expiring ballot measure lacks
32 sufficient support to warrant placement on the ballot.

33 (3) A transit agency may request that the commission grant an
34 exception to the requirements of this subdivision for the purpose
35 of transferring operating funds to state of good repair needs for
36 assets owned and operated by the transit agency or to cover the
37 cost of compliance with a state or federal law or regulation.

38 (f) In addition to the requirement set forth in subdivision (e), in
39 order to be eligible for an allocation of funds approved by the
40 voters pursuant to Chapter 3 (commencing with Section 66538.30),

1 *a public transit agency shall be in compliance with the*
2 *commission's rules and regulations adopted pursuant to Section*
3 *66516.*

4
5 CHAPTER 5. BONDS
6

7 66538.50. The commission may incur indebtedness and issue
8 bonds and other securities as follows:

9 (a) The commission may incur indebtedness and issue securities
10 of any kind or class, and may renew the same, if that indebtedness,
11 howsoever evidenced, is payable solely from revenues of the
12 commission as specified in the indenture, trust agreement, note,
13 bond, lease, loan agreement, or other agreement or evidence of
14 indebtedness relating to those securities.

15 (b) (1) The commission may from time to time issue its
16 negotiable bonds, notes, warrants, debentures, or other securities,
17 hereinafter collectively called "bonds" for purposes of this section,
18 for any purpose specified in this division.

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

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

36 (1) The purposes for which the bonds or bond anticipation notes
37 are to be issued, which may include all costs and estimated costs
38 incidental to, or connected with, the accomplishment of those
39 purposes, including, without limitation, engineering, inspection,
40 legal, fiscal agents, financial consultant and other fees, bond and

1 other reserve funds, credit or liquidity enhancement costs, working
2 capital, bond interest estimated to accrue during any construction
3 period and for a period not to exceed the lesser of 10 years
4 thereafter or the maturity date of the bonds or bond anticipation
5 notes, and expenses of all proceedings for the authorization,
6 issuance, and sale of the bonds or bond anticipation notes.

7 (2) The maximum principal amount of the bonds or bond
8 anticipation notes.

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

10 (4) The maximum rate of interest to be payable upon the bonds
11 or bond anticipation notes. That interest rate shall not exceed the
12 maximum rate specified in Section 53531. The rate may be either
13 fixed or variable and shall be payable at the times and in the
14 manner specified in the resolution.

15 (d) The pledge of any taxes authorized under this division to
16 the bonds or bond anticipation notes authorized under this chapter
17 shall have priority over the use of any of those taxes for all other
18 purposes, except to the extent that priority is expressly restricted
19 in the resolution authorizing the issuance of the bonds or bond
20 anticipation notes.

21 (e) The bonds or bond anticipation notes may be sold as the
22 commission determines by resolution, and the bonds or bond
23 anticipation notes may be sold at a price above or below par,
24 whether by negotiated or public sale.

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

28 (A) The principal of the outstanding bonds or bond anticipation
29 notes.

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

32 (C) All expenses of the refunding, including any costs related
33 to credit or liquidity support, reserves, swaps, or similar
34 agreements.

35 (D) Interest on the refunding bonds or bond anticipation notes
36 from the date of sale of the refunding bonds or bond anticipation
37 notes to the date of payment of the bonds or bond anticipation
38 notes to be refunded out of the proceeds of the sale of the refunding
39 bonds or bond anticipation notes or to the date upon which the
40 bonds or bond anticipation notes to be refunded will be paid

pursuant to call or agreement with the holders of the bonds or bond anticipation notes.

(E) The interest upon the bonds or bond anticipation notes to be refunded from the date of sale of the refunding bonds or bond anticipation notes to the date of payment of the bonds or bond anticipation notes to be refunded or to the date upon which the bonds or bond anticipation notes to be refunded will be paid pursuant to call or agreement with the holder of the bonds or bond anticipation notes, and all other costs incident to that refunding.

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

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

(A) All trust funds.

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

(C) State school funds.

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

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

CHAPTER 6. MISCELLANEOUS

66538.60. Any action or proceeding to contest, question, or deny the validity of a tax provided for in this division, the financing of the programs and projects contemplated by this division, the issuance of any bonds secured by those taxes, or any of the related proceedings, shall be commenced within 60 days from the date of the election at which the tax is approved. After that date, the

1 financing of the program, the issuance of the bonds, and all related
2 proceedings, including the collection of the taxes, shall be held
3 valid and incontestable in every respect.

4 66538.62. The commission may in its own name ~~to~~ do all acts
5 necessary or convenient for the exercise of its powers under this
6 division and the financing of the programs, projects and purposes
7 identified in this division, including, but not limited to, all of the
8 following:

- 9 (a) To make and enter into contracts.
 - 10 (b) To employ agents or employees.
 - 11 (c) To acquire, construct, manage, maintain, lease, or operate
12 any public facility or improvements.
 - 13 (d) To sue and be sued in its own name.
 - 14 (e) To apply for, accept, receive, and disburse grants, loans, and
15 other assistance from any agency of the United States of America
16 or of the State of California.
 - 17 (f) To invest any money not required for the immediate
18 necessities of the commission, as the commission determines is
19 advisable.
 - 20 (g) To prepare and include any necessary or helpful bond
21 authorizations in connection with a ballot measure or other
22 proceeding authorized under this division.
 - 23 (h) To apply for letters of credit or other forms of financial
24 guarantees in order to secure the repayment of bonds and to enter
25 into agreements in connection with those letters of credit or
26 financial guarantees.
- 27 SEC. 8. Section 99270.5 of the Public Utilities Code is
28 amended to read:
- 29 99270.5. (a) In determining whether there is compliance with
30 Section 99268.1, 99268.2, 99268.3, 99268.4, 99268.5, or 99268.9,
31 as the case may be, by operators serving the area of the San
32 Francisco Bay Area Rapid Transit District, excluding the City and
33 County of San Francisco, the Metropolitan Transportation
34 Commission may make that determination for all or some of the
35 operators as a group, if the Metropolitan Transportation
36 Commission finds that the public transportation services of the
37 operators grouped are coordinated.
- 38 (b) Commencing with claims for the 2025–26 fiscal year, an
39 operator providing service within the area under the jurisdiction
40 of the Metropolitan Transportation Commission shall not be

1 eligible to make a claim pursuant to Section 99260 unless the
2 operator is in compliance with the commission's rules and
3 regulations adopted pursuant to Section 66516 of the Government
4 Code.

5 SEC. 9. Section 976.9 is added to the Unemployment Insurance
6 Code, to read:

7 976.9. (a) (1) The department, if contracted with the
8 commission, shall administer and collect the tax imposed pursuant
9 to Section 66538.24 of the Government Code.

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

12 (b) The department may use proceeds from the tax collected
13 pursuant to Section 66538.24 of the Government Code to offset
14 the costs of all functions incidental to the administration and
15 operation of the contributions.

16 (c) After deducting all costs described in subdivision (b), the
17 department shall distribute the net revenues to the commission for
18 expenditure pursuant to Chapter 4 (commencing with Section
19 66538.40) of Division 2 of Title 7.1 of the Government Code.

20 (d) For purposes of this section, "commission" means the
21 Metropolitan Transportation Commission created pursuant to
22 Section 66502 of the Government Code.

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

24 9250.3. (a) The department, if contracted with the commission,
25 shall collect the regional vehicle registration surcharge imposed
26 pursuant to Section 66538.28 of the Government Code upon the
27 registration or renewal of registration of a motor vehicle registered
28 in the county, except those vehicles that are expressly exempted
29 under this code from the payment of registration fees.

30 (b) After deducting all costs incurred pursuant to this section,
31 the department shall distribute the net revenues to the commission
32 for expenditure pursuant to Chapter 4 (commencing with Section
33 66538.40) of Division 2 of Title 7.1 of the Government Code.

34 (c) The department shall collaborate with the commission to
35 ensure the administration of the surcharge described in subdivision
36 (a) can be facilitated after the modernization of the department's
37 technology systems.

38 (d) For purposes of this section, "commission" means the
39 Metropolitan Transportation Commission created pursuant to
40 Section 66502 of the Government Code.

1 SEC. 11. If the Commission on State Mandates determines
2 that this act contains costs mandated by the state, reimbursement
3 to local agencies and school districts for those costs shall be made
4 pursuant to Part 7 (commencing with Section 17500) of Division
5 4 of Title 2 of the Government Code.

O

SB 1031 (Wiener and Wahab)

Comparison of Consolidation Language

Topic	March 18 Bill Language	MTC/Operator Requested Amendments	April 16 Amendments
Definition of Consolidation	Consolidation may include: <ul style="list-style-type: none"> Combining staffs of agencies Governing boards combined to oversee a larger jurisdiction An umbrella structure for separate governing boards 	Propose additional definition of consolidation as the “combining or sharing staff or functionalities of agencies while keeping governing boards separate.”	Includes additional definition from MTC/Operator amendments. Also adds increased coordination between two or more agencies including: <ul style="list-style-type: none"> Sharing passenger trips and vehicles Sharing the locations of facilities, programs, or services Collaborating on grant applications, state/local plans, training, vehicle purchases, or maintenance costs Joint hiring of a mobility manager Combining federal funds to support the cost of a service or program
Who Conducts Assessment	CalSTA shall select a transportation institute (UC ITS or Mineta) to conduct an assessment of the associated advantages and disadvantages of consolidating all transit agencies located within the San Francisco Bay area.	Subject to the passage of a measure, CalSTA shall oversee a consultant-led assessment to identify associated advantages and disadvantages of consolidating all or a subset of the transit agencies.	CalSTA shall select a transportation institute to conduct the assessment, who shall consult with a labor institute (UC Berkeley or UCLA) on the impacts to workforce and labor relations.
Assessment Goals	Assessment shall provide recommendations on how to consolidate transit agencies that: <ul style="list-style-type: none"> Prioritize cost savings to the public, the adoption of advanced technology, and other efficiencies. Meet and exceed climate goals. Improves the speed of transit and seamlessness of transfers. Advances any other improvements to transit operations 	Assessment shall evaluate the potential for consolidation or enhanced coordination to: <ul style="list-style-type: none"> Improve rider outcomes Increase transit ridership Increase passenger miles traveled Improve access to transit for low-income residents and those residing in equity priority communities Increasing cost efficiencies 	Assessment shall achieve the following regarding the operation of public transit: <ul style="list-style-type: none"> Improved speed, efficiency, and reliability of service Improved affordability of fares Safety and cleanliness Achievement of state climate goals Technological improvements Improving system accountability Reducing administrative costs and improving costs efficiencies
Information within Assessment	The assessment shall at a minimum identify each transit agency’s board, governance, funding structure and sources, fares or other fees imposed on riders, service routes and gaps, fleet	The assessment shall compare and evaluate consolidation options/goals against anticipated outcomes of enhanced coordination underway. For each alternative, the assessment shall	Retains the required information from March 18 language and adds: transfer rates between agencies, an analysis of transit service gaps compared to regional travel patterns, and an analysis of rider

	type, subsidy programs or services, workforce, riders, connectivity to other transit systems, infrastructure gaps, and existing and planned regional network management efforts.	include a review and description of rider benefits, operating budget impacts, costs including those associated with implementation, governance impacts, challenges and considerations of consolidating different service modes, impacts to wages and the workforce, and regulatory and legal barriers	benefits along with the administrative, financial, legal, contractual and governance feasibility, of various levels of consolidation.
Timeline to Complete Assessment	The transportation institute shall complete assessment by January 1, 2026.	The consultant team shall complete assessment 24 months after certification of the revenue measure passage and subsequent to securing a funding agreement with CalSTA.	Same as March 18 version.
Comprehensive Implementation Plan/ Consolidation Report	<p>CalSTA shall complete a plan to consolidation all Bay Area transit agencies by January 1, 2027.</p> <p>The implementation plan shall provide benefits to riders, including and paratransit riders, and does the following:</p> <ul style="list-style-type: none"> • Improves access to routes and services • Improves connections to regional and interregional transit services • Promotes affordable fare and reliable, safe, and efficient service • Improves accountability to the public and riders • Supports efficiency, cost-effectiveness, and reduced administrative costs • Provides equitable access • Identify opportunities and provide recommendations for elimination of agencies and their governing bodies without resulting in the elimination of programs and transportation services • Recommend new governing structure and governing board member qualifications for new consolidated agency/agencies 	<p>CalSTA shall complete an implementation plan within one year of the assessment.</p> <p>Implementation plan shall advance the goals state above and include recommended actions.</p>	<p>Removes language regarding comprehensive plan for consolidation. Instead CalSTA shall develop a report of recommendations to the Legislature by January 1, 2027.</p> <p>CalSTA may contract with a consultant to complete the report, which shall identify:</p> <ul style="list-style-type: none"> • Opportunities to consolidate two or more agencies. • Steps to maintain and transfer labor agreements and bargaining units • Barriers to consolidation or elimination of transit agencies, including local, state, or federal laws, and alternative actions. • Opportunities for securing federal, state, and local funds for consolidation • A strategy for a public education and outreach program on any proposed consolidation efforts

<p>Bay Area Transit Consolidation Technical Assistance Fund</p>	<p>The Bay Area Transit Consolidation Technical Assistance Fund is created within the State Treasury for the deposit of moneys that can be used for:</p> <ul style="list-style-type: none"> • The assessment and implementation plan. • Expenses related to the implementation of consolidation. 	<p>Fund is created contingent on passage of a revenue measure that may pay for expenses incurred by CalSTA, the consultant, MTC, and agencies related to the assessment and implementation plan. Specify there is not an unfunded mandate on transit operators, the consultant, MTC, or CalSTA.</p>	<p>Revises name of fund to the “Bay Area Transit Consolidation and Coordination Technical Assistance Fund”</p>
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➤ State Legislation - SB 1031 (Wiener and Wahab)
BART Board of Directors
April 25, 2024

Senate Bill 1031 (Wiener & Wahab) Legislative Update

- Committee Hearing Outcomes (*verbal update*)
- Key Dates At-A-Glance
- Summary of April 16 Bill Amendments
 - Consolidation Language - Assessment and Report
 - Network Management Guardrails
 - Expenditure Plan Framework
 - Revised Expenditure Categories
 - Return-to-Source Provisions
 - Funding Distribution Scenarios
- Update on Agency/Board Positions

Key Dates At-a-Glance

- April 26 Policy Committee Deadline
- **May 9** ***Legislative update to the Board for information and possible action***
- May 17 Appropriations Committee Deadline
- **May 23** ***Legislative update to the Board for information and possible action***
- May 24 House of Origin Deadline
- **June 13** ***Legislative update to the Board for information and possible action***
- **June 27** ***Legislative update to the Board for information and possible action***
- July 3 Second House Policy Committee Deadline
- Summer Recess begins
- **July 11** ***Legislative update to the Board for information and possible action***
- Aug. 5 Legislature reconvenes from Summer Recess

Amendments to Consolidation Language

Revised and Expanded Definition of Consolidation

- Include the combining of staff or administrative functions while retaining separate governing boards.
- Add increasing coordination across two or more agencies including:
 - Sharing of passenger trips and vehicles
 - Colocation of facilities, programs or services
 - Collaborating on grant applications, state/local plans, training, vehicle purchasing, or maintenance
 - Joint hiring of a mobility manager
 - Combining of federal funds for a single service or program

Consolidation Assessment and Report

Entities Conducting Assessment

- Amendments retain requirement for CalSTA to select a transportation institute to conduct consolidation assessment.
- Add requirement that the transportation institute consult with a labor institute with respect to impacts on workforce and labor relations.

Goals and Timeline of Assessment and Report

- Goals of assessment revised to focus on rider-facing improvements and increasing cost efficiencies.
- Comprehensive implementation plan replaced with a report of recommendations to the Legislature.
- Report must identify opportunities for consolidation that do eliminate programs or services and consider employee impacts, funding, and outreach in proposed consolidation efforts.
- Retains assessment deadline of January 1, 2026, and report deadline of January 1, 2027.

Network Management “Guardrails”

- MTC and transit operators collaborated on a set of proposed “guardrails” to address agency-level control over:
 - Operating budgets and fare policies
 - Funding sources
 - Bargaining
 - Individual logos/brands
 - Schedule and service planning
- Adopted amendments strike a balance between strengthening MTC’s network management oversight and accountability and operators’ concerns.
- “Maintenance of effort” language clarifies an operator’s obligation to sustain existing transit operating funding and provides flexibility for reduced contributions or fund transfers.

MTC's Revised Expenditure Categories



Transit Transformation

Formula + discretionary program to sustain and/or expand transit service levels and accelerate rider-focused Transformation Action Plan improvements and fund zero-emission transit transition. Ensure riders throughout Bay Area receive benefit, regardless of if system rider uses is experiencing deficit.



Safe Streets

Subvention program to County Transportation Agencies to support safety, equity and climate goals, including through including through bike/ped infrastructure investments, safe routes to transit, resilience, pothole repairs and other safety improvements on local roads.



Connectivity

Multimodal Capital Improvement Program to be developed by MTC in partnership with county transportation agencies, with each county guaranteed a share in proportion to their contributions towards the tax over a specified time frame. Projects required to be in Plan Bay Area 2050+ and successor plans.



Flexible

A combined county + regional program that can be spent on eligible expenditures in the other three categories. First priority, funded “off the top” is ensuring **each county receives a minimum benefit of 70 percent of the total tax proceeds**. Next priority is addressing outstanding transit operating shortfalls; Remaining funds, if any, are available to MTC for investment in regional priorities.

Expenditure Categories within SB 1031

Expenditure Category	Share of Program	Method of Distribution
Transit Transformation	45%	Funds prioritized to avert transit service cuts & address transit operating deficits: <ul style="list-style-type: none">• 40% guaranteed to each county based on share of revenue generated (“return to source”)• 60% regional discretionary distributed based on need
Safe Streets	25%	Distributed to county transportation agencies on 100% “return to source” basis
Connectivity	15%	100% return to source guaranteed over capital expenditure plan timeframe
Flex	15%	First priority is guaranteeing minimum “return to source” and meeting transit minimum guarantees. Second priority available for regional priorities (Transit Transformation or capital investments at Commission discretion)

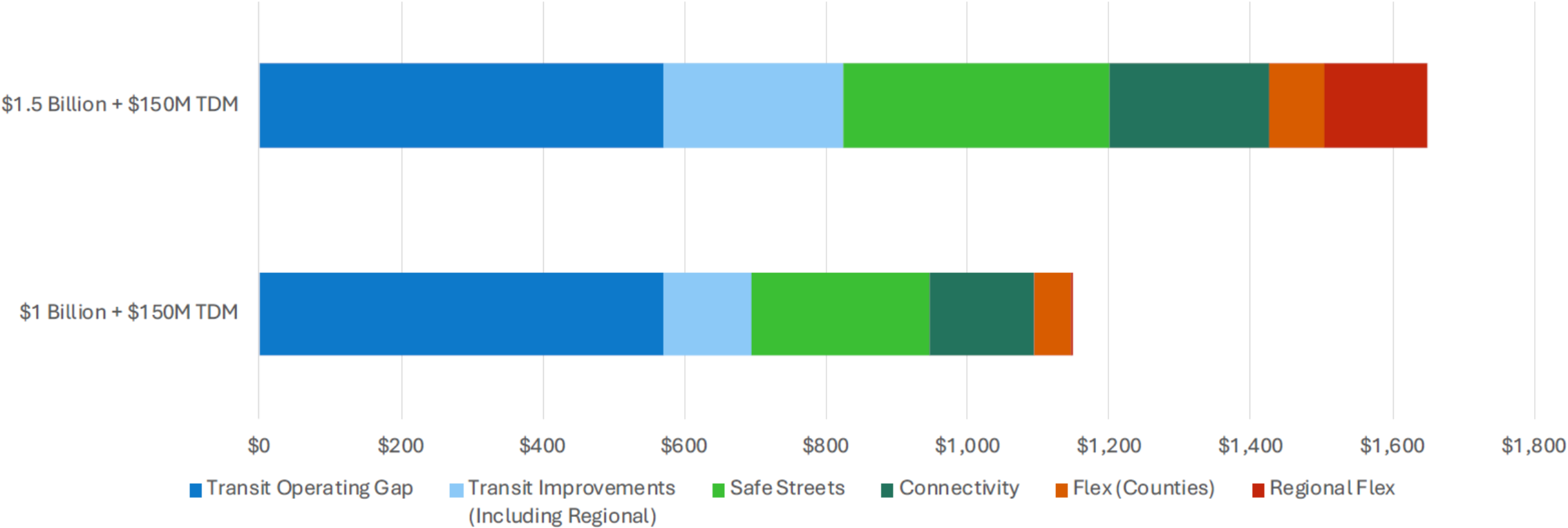
MTC's Proposed Connect Bay Area Expenditure Framework

Expenditure Category	\$1.5 B Scenario	\$1 B Scenario
45% - Transit Transformation	\$675 M	\$450 M
40% - Transit Formula	\$270 M	\$180 M
60% - Discretionary	\$405 M	\$270 M
25% - Safe Streets	\$375 M	\$250 M
15% - Connectivity	\$225 M	\$150 M
15% - Flex	\$225 M	\$150 M
TDM Mandate (Transit portion)	\$150 M	\$150 M
TOTAL	\$1.65B	\$1.15B

- Minimum 70 percent “return to source” or “county benefit” for the first five years with option to grow in Year 6 and beyond.
- County benefit is derived from total a county receives from formula portion of Transit Transformation, Safe Streets and Connectivity, **plus** potential funding to address transit operating deficits from operators serving that county, and if not sufficient to reach 70%, additional **Flex funds** are used.
- **Transportation Demand Management (TDM)** mandate adds \$150 million per year for transit.

MTC's Funding Distributions in Two Scenarios

Connect Bay Area Annual Fund Distribution by Expenditure Type
70% Return to Source; 9 County Measure (Years 1 – 5)



Note: All funds shown in 2024 millions of dollars. Chart depicts fiscal year 2027-28 standardized operating shortfalls.

Agency/Board Positions

Agency	Action	Date
BART	Support if Amended	March 28
SamTrans	Oppose Unless Amended	April 3
Caltrain	Oppose Unless Amended	April 4
VTA	Oppose Unless Amended	April 4
SFCTA	Support and Seek Amendments	April 16
Napa Valley TA	Support	April 17
SF Board of Supervisors	Support	April 23
AC Transit	Watch*	April 24 (pending)
Golden Gate Bridge District	Watch*	April 26 (pending)

* *Recommended position*