

San Francisco Bay Area Rapid Transit District

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



BOARD MEETING AGENDA

The Board Meeting will be held in person in the BART Board Room, 2150 Webster Street, 1st Floor, Oakland, CA 94612, and via teleconference. Please note that a revised attachment has been added to Item 4-D.

Thursday, February 13, 2025

9:00 AM

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

Zoom Link: <https://us06web.zoom.us/j/87344242985>

Board of Directors

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

BOARD MEETING AGENDA

February 13, 2025

9:00 a.m.

A regular meeting of the Board of Directors will be held at 9:00 a.m. on Thursday, February 13, 2025, in the BART Board Room, 2150 Webster Street, 1st Floor, Oakland, California 94612. This meeting shall consist of a simultaneous teleconference at the following locations:

BART Board Room
2150 Webster Street, 1st floor
Oakland, California 94612

Paseo La Marina Norte
435, Marina Vallarta,
Jalisco 48335 Mexico

Please note that this meeting will be held in person in the BART Board Room, 2150 Webster Street, 1st Floor, Oakland, California 94612, and via teleconference at the locations listed above.

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 873 4424 2985; logging in to Zoom.com and entering access code 873 4424 2985; or typing the following Zoom link into your web browser: <https://us06web.zoom.us/j/87344242985>

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 February 12, 2025, 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 873 4424 2985, 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 873 4424 2985, and use the raise hand feature; or join the Board Meeting via the Zoom link (<https://us06web.zoom.us/j/87344242985>) 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.

2. REPORT OF THE BOARD PRESIDENT3. BOARD COMMITTEE REPORTS

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

4. CONSENT CALENDAR

- A. Approval of Minutes of the Meeting of January 23, 2025. [25-001](#)
Board requested to authorize.
- B. Award of Sole Source Agreement No. 6M3748 with Bureau Veritas [24-581](#)
National Elevator Inspection Services, Inc. for Elevator/Escalator
Inspection Services.
Board requested to authorize.
- C. Single Source Procurement with LEHR Auto Police Vehicle Equipment [24-535](#)
Installation for Police Emergency Response Vehicle Equipment and
Installation.
Board requested to authorize. (TWO-THIRDS VOTE REQUIRED)
- D. Change Order(s) to Contract No. 15EJ-180, 34.5kV Cable Replacement [25-012](#)
and Fiber Optic Cable Installation - A-Line - ACO to AUC, with DMZ
Builders, for Installation of Hardened Right-of-Way Fencing and
Associated Infrastructure.
Board requested to authorize.
- E. Appointment of BART Accessibility Task Force Member. [25-004](#)
Board requested to appoint.

5. GENERAL MANAGER'S REPORT

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

6. 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.)

7. ADMINISTRATION ITEMS

Janice Li, Chairperson

- A. Fiscal Year 2025 First Quarter and Second Quarter Financial Report.
For information.

[25-003](#)

8. ENGINEERING AND OPERATIONS ITEMS

Elizabeth Ames, Chairperson

NO ITEMS.

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

Robert Raburn, Chairperson

- A. Transit-Oriented Development (TOD) Program Update.
For information.

[24-526](#)

10. BOARD MATTERS

- A. Board Member Reports.

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

- B. Roll Call for Introductions.

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

- C. In Memoriam.

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

11. CLOSED SESSION

A. PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Titles: General Manager, General Counsel, District Secretary, Independent Police Auditor, and Inspector General

Government Code Section: 54957(b)(1)

B. PUBLIC EMPLOYEE EMPLOYMENT/APPOINTMENT

Title: Independent Police Auditor

Government Code Section: 54957(b)(1)

12. OPEN SESSION

A. Announcements from Closed Session, if any.

13. ADJOURNMENT

San Francisco Bay Area Rapid Transit District

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



BOARD OF DIRECTORS DRAFT MINUTES OF THE 1,973RD MEETING THURSDAY, JANUARY 23, 2025

Members of the Board of Directors

Mark Foley, President (District 2)

Melissa Hernandez, Vice President (District 5)

Matthew Rinn (District 1)

Barnali Ghosh (District 3)

Robert Raburn (District 4)

Elizabeth Ames (District 6)

Victor Flores (District 7)

Janice Li (District 8)

Edward Wright (District 9)

MEETING DESCRIPTION

A Regular Meeting of the Board of Directors was held on January 23, 2025, convening at 9:02 a.m. in the BART Board Room, 2150 Webster Street, 1st Floor, Oakland, California. President Foley presided, April B. A. Quintanilla, District Secretary.

1. CALL TO ORDER

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

A. Roll Call.

Directors Present in Oakland:	Directors Ames, Flores, Ghosh, Hernandez, Li, Raburn, Rinn, Wright, and Foley.
Directors Present via Teleconference:	None.
Absent:	None.

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

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

2. REPORT OF THE BOARD PRESIDENT

President Foley reminded Board Members about the upcoming Board Workshop on February 27th, scheduled as an all-day event from 9:00 a.m. to 5:00 p.m. President Foley emphasized the importance of preparing for discussions on both short-term and long-term goals and priorities for the BART Board and noted the Workshop would conclude with a 90-minute facilitated session to focus on strategic planning. President Foley encouraged Board Members to think ahead about topics they would like to raise for discussion during the Workshop.

Public Comment

Aleta Dupree addressed the Board.

3. BOARD COMMITTEE REPORTS

There were no Board Committee Reports.

4. CONSENT CALENDAR.

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

A. Approval of Minutes of the Meeting of January 9, 2025.

B. Amendment to Legal Services Agreement with Van Dermyden Makus Law Corporation for Increase in Funding.

- C. Award of Agreement No. 6M5219, for a Disparity Study in Support of the District's DBE Program.
- D. Renewal of Agreement with Oracle America, Inc. for Primavera P6 Software Subscription and Support Services.
- E. District Base Pay Schedule.
- F. Revision to Special Compensation Provisions for Non-Represented Employees.
- G. Recruitment and Relocation Assistance for Independent Police Auditor.
- H. Change Order to Contract No. 09AU-120, Earthquake Safety Program Transbay Tube (TBT) Internal Retrofit, with Shimmick/CEC Joint Venture, for Global Settlement.
- I. Sole Source Agreement with Fairbank, Maslin, Maullin, Metz, & Associates (FM3) for Public Opinion Research Services.

Director Li moved to approve the Consent Calendar by one motion.

Director Rinn seconded the motion.

Public Comment

No comments were received.

Action

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

Vote Summary:

Moved / Seconded: Director Li / Director Rinn

Aye: Directors Ames, Flores, Ghosh, Hernandez, Li, Raburn, Rinn, Wright, and Foley.

No: 0

Abstain: 0

Absent: 0

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

- A. The Minutes of the Meeting of January 9, 2025, were approved. *(Vote: 9-0)*
- B. The General Counsel or her designee was authorized to expend an additional \$29,000.00 for a total not to exceed \$128,000.00 with Van Dermeyden Law Corporation to provide confidential investigation services. *(Vote: 9-0).*
- C. The General Manager was authorized to Award Agreement No. 6M5219 to BBC Research and Consulting to conduct a disparity study in support of the District's DBE Program for an amount not to exceed \$600,000.00, pursuant to notification to be issued by the General Manager and subject to the District's Protest Procedures. *(Vote: 9-0)*

- D. The General Manager or his designee was authorized to execute a one (1) year subscription and support services agreement in an amount not to exceed \$107,585.00, with three (3) single year options to extend the subscription, each in an amount not to exceed \$150,000.00, with Oracle America, Inc. *(Vote: 9-0)*
- E. The Board approved the current base pay schedule. *(Vote: 9-0)*
- F. The Board approved the attached special compensation provisions for non-represented employees effective January 1, 2025. (The Special Compensation Provisions for Non-Represented Employees are attached a hereby made a part of these Minutes.) *(Vote: 9-0)*
- G. 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 Independent Police Auditor in conformance with established District procedures. *(Vote: 9-0)*
- H. The General Manager was authorized to execute close out Change Order No. 263, Global Settlement, in an amount not to exceed \$2,250,000.00. *(Vote: 9-0)*
- I. The General Manager, or his designee, was authorized to award a sole source agreement to Fairbank, Maslin, Maullin, Metz, & Associates (FM3) for public opinion research services from February 2025 through June 2026 to inform a potential transit revenue measure, in an amount not to exceed \$247,500.00. *(Vote: 9-0)*

5. **BOARD MATTERS – PART I**

- A. Appointment of BART Police Civilian Review Board Member - Public-at-Large Representative.

President Foley brought the item before the Board.

April B. A. Quintanilla, District Secretary, informed the Board that one candidate, Spoorthy Prabhudeva, had withdrawn, leaving four candidates for consideration.

The following candidates addressed the Board: Zhiqing Wang, Hiroyuki Ito, and Byron Norris.

Due to a candidate's technical difficulties, Item 5-A was paused.

6. **GENERAL MANAGER'S REPORT**

Item 6 was heard before the second half of Item 5, Board Matters – Part I.

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

Robert Powers, General Manager, reported on ridership, a reception hosted by the BART Accessibility Task Force (BATF) after the Board Meeting, the Senate Bill 125 Task Force, BART's receipt of two American Public Transportation Association (APTA) awards, and the display of major transit connections on monitors inside BART train cars.

Public Comment

The following individuals addressed the Board:

Barney Smits
Glenn Overton
Aleta Dupree

Discussion

The item was discussed, with the following highlights:

Director Wright expressed concern about the potential impacts of new executive orders issued by the new administration in Washington, D.C. and inquired about how staff is understanding or preparing to respond to any potential impacts on the BART system.

Director Ames expressed appreciation for community engagement and requested more frequent updates on the BART-to-San José project, highlighting ongoing financial challenges. Director Ames reiterated the need for monthly updates to ensure that all Board Members stay informed and prepared for discussions with the Santa Clara Valley Transportation Authority (SCVTA).

President Foley expressed a desire for staff to provide periodic updates about the BART-to-San José project to the full Board, noting that while the subcommittee will handle the detailed discussions, periodic project updates to the full Board are essential to keep all members informed on long-term and short-term goals.

5. BOARD MATTERS – PART I

- A. Appointment of BART Police Civilian Review Board Member - Public-at-Large Representative.

Item 5-A resumed after Item 6, General Manager's Report.

President Foley brought the item before the Board.

Steven Robinson, candidate for the BART Police Civilian Review Board (BPCRB) Public-at-Large representative seat, addressed the Board.

Public Comment

The following individuals addressed the Board:

Aleta Dupree
Glenn Overton
George Perezvelez

Discussion

The item was discussed, with the following highlights:

Director Raburn commended the applicants for their willingness to participate and specifically endorsed Byron Norris for his professional background and membership in the National Association for Civilian Oversight of Law Enforcement (NACOLE).

Director Raburn moved that the Board of Directors appoints Byron Norris as the Public-at-Large representative on the BART Police Civilian Review Board for the current term expiring on June 30, 2026.

Director Ghosh seconded the motion.

Director Li thanked all four candidates for applying and for their willingness to serve on a volunteer Board and endorsed Byron Norris, citing his long professional history in police accountability.

Director Flores expressed appreciation for all four candidates for applying and agreement with the selection of Byron Norris, emphasizing the need for experienced individuals during transitional times within BART.

Director Ghosh expressed gratitude to all applicants; appreciated their insights about BART; encouraged unselected applicants to stay involved with BART; and offered her assistance in helping the unselected candidates navigate opportunities for contribution. Director Ghosh emphasized the unique qualities of Byron Norris that make him particularly suitable for the Public-at-large seat.

President Foley acknowledged and thanked all candidates for their willingness to volunteer and contribute to the BART community, recognizing their dedication and time commitment.

Action

Upon motion by Director Raburn and second by Director Ghosh, the Board of Directors appointed Byron Norris as the Public-at-Large representative on the BART Police Civilian Review Board for the current term expiring on June 30, 2026 by unanimous roll call vote.

Vote Summary:

Moved / Seconded: Director Raburn / Director Ghosh

Aye: Directors Ames, Flores, Ghosh, Hernandez, Li, Raburn, Rinn, Wright, and Foley.

No: 0

Abstain: 0

Absent: 0

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

7. **PUBLIC COMMENT**

President Foley called for public comment, an opportunity for members of the public to address the Board of Directors on matters under their jurisdiction and not on the agenda.

The following individuals addressed the Board:

Barney Smits
Nicholas Kanowsky
Aleta Dupree
Glenn Overton
Kyle McCoy

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

Director Raburn, Chairperson

- A. State Legislative Update.
 - i. Introduction of State Legislative Advocates.
 - ii. Regional Transportation Revenue Measure.

Director Raburn, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, brought the item before the Board. Director Raburn welcomed Jim Lites, Vice Chair, California Strategies, and Claire van Zuiden, Partner, California Strategies, who have long served as BART's legislative advocates at the state level.

Rodd Lee, Assistant General Manager, External Affairs, and Amanda Cruz, Director of Government and Community Relations, presented the item.

Public Comment

Aleta Dupree and Glenn Overton addressed the Board.

Discussion

The item was discussed, with the following highlights:

Director Raburn expressed support for Senate Bill 63, highlighting the efforts of Senators Scott Wiener and Jesse Arreguin, acknowledging that although there is a preference for Scenario 1A, polling might guide decision-making in a different direction.

Director Wright commended BART staff for their dedicated work on the regional funding measure update and emphasized two critical points: voter taxation concerns and interdependence of transit systems. Director Wright also inquired for further clarification on the recent amendment to the Low Carbon Fuel Standard.

Director Ghosh inquired about the rationale behind support for Scenario 1A, given the difference in revenue that would be generated with a hybrid approach. Director Ghosh also acknowledged the complexity of transit funding measures and stressed the importance of clear communication with the

public about the reasons for supporting Scenario 1A and how it will help preserve and improve transit services.

Director Ames highlighted the importance of Senators Wiener and Arreguín's legislative efforts in advancing a transportation funding measure for potential inclusion on the 2026 ballot and emphasized that now is the time to advocate for state matching funds to support local transit initiatives.

Director Li emphasized the importance of BART's participation in the upcoming meetings in Sacramento, noting that having all Board Members in attendance will help build relationships with key decision-makers and strengthen BART's advocacy for state funding and policy support.

President Foley expressed support for Senate Bill 63 as the correct direction for BART and acknowledged that Scenario 1A seems like the most reasonable funding approach, given the current political and economic landscape.

Vice President Hernandez expressed support for Scenario 1A as recommended by staff, emphasizing the importance of collaboration with the Metropolitan Transportation Commission (MTC) to advance the funding measure.

Director Flores expressed support for Senate Bill 63 and commended Senators Wiener and Arreguín for their leadership in securing a regional funding measure to stabilize transit operations. Director Flores also inquired about whether there have been discussions regarding flexing highway funds toward public transit, as Pennsylvania has done.

Director Rinn commented on voter apathy and changes in voting patterns, emphasizing the importance of messaging around a revenue measure and receiving feedback. Director Rinn also noted the need for proactive engagement in the Assembly, not just the Senate, and expressed support for Senate Bill 63. Director Rinn inquired about legislative advocacy efforts in the Assembly.

Director Raburn emphasized the existential threat faced by BART, underscoring the critical importance of Senate Bill 63 championed by Senators Wiener and Arreguín, acknowledging that while Scenario 1A does not fully meet BART's funding needs, it is a viable and pragmatic solution that allows the agency to maintain and improve services while working to secure additional funding from other sources.

Action

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

9. ADMINISTRATION ITEMS

Janice Li, Chairperson

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

10. **ENGINEERING AND OPERATIONS ITEMS**

Elizabeth Ames, Chairperson

- A. Authorization to Purchase District Fleet Vehicles Utilizing the State of California eProcure Statewide Contracts for Fleet Vehicles.

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

Travis Huang, Project Manager, Infrastructure Delivery, presented the item.

Public Comment

Aleta Dupree addressed the Board.

Discussion

Director Li moved that the General Manager be authorized to purchase District fleet vehicles, in an amount not to exceed \$7.6 million, utilizing the State of California eProcure Statewide Contracts for Fleet Vehicles, a cooperative purchasing program, subject to the availability of funding.

Director Flores seconded the motion.

Action

Upon motion by Director Li and second by Director Flores, the General Manager was authorized to purchase District fleet vehicles, in an amount not to exceed \$7.6 million, utilizing the State of California eProcure Statewide Contracts for Fleet Vehicles, a cooperative purchasing program, subject to the availability of funding by unanimous roll call vote.

Vote Summary:

Moved / Seconded: Director Li / Director Flores

Aye: Directors Ames, Flores, Ghosh, Hernandez, Li, Raburn, Rinn, Wright, and Foley.

No: 0

Abstain: 0

Absent: 0

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

7. **PUBLIC COMMENT**

President Foley re-opened 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

Jerry Grace addressed the Board.

11. **BOARD MATTERS - PART II**

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

President Foley called for Items 11-A, Board Member Reports; 11-B, Roll Call for Introductions; and 11-C, In Memoriam.

Director Raburn reported that he had attended the swearing-in ceremony for Dr. Anna Alvarez as Hayward City Administrator and the Bay Area Rotary Club's Climate Action Summit in Los Altos, which involved transit transfers and a bike ride.

Director Li reported that she had participated in the Transbay Tube Fire Drill and encouraged other Board Members to participate in future drills for a unique operational insight. Director Li also reported that she had attended the swearing-in ceremony for former BART Board Member and current Congressmember Lateefah Simon with Director Rebecca Saltzman and that she had attended the San Francisco Labor Council's Annual MLK Breakfast with Directors Wright and Flores.

Director Wright reported that he had attended the swearing-in ceremonies for Speaker Emerita Nancy Pelosi and members of the San Francisco Unified School District and the San Francisco Labor Council's Annual MLK Breakfast with Directors Li and Flores. Director Wright requested that the Meeting be adjourned in honor of Allyn Beltran, a dedicated community organizer from the Bay Area, and Allan Baird, a legendary labor organizer with the Teamsters.

Director Flores reported that he had attended the swearing-in ceremony for Speaker Emerita Nancy Pelosi, the Oakland Vietnamese Festival, the San Francisco Labor Council's Annual MLK Breakfast and march, and a press conference in support of immigrant communities at Fruitvale Station with Director Raburn.

Director Rinn reported that he had collaborated with the hotel and tourism industry in the Diablo Valley to promote the use of BART for guests attending large-scale events and conferences in San Francisco. Director Rinn also shared a personal experience from the morning's commute, highlighting the advantages of BART travel during traffic disruptions on the C-Line.

Vice President Hernandez reported that she had administered the Oath of Office to members of the Wine-Growers Association in Livermore. Vice President Hernandez also reported that she had attended the Martin Luther King, Jr. Birthday Celebration with Hayward Mayor Mark Salinas, Alameda County Supervisor Elisa Márquez, and the Hayward community. Vice President Hernandez reported that the Castro Valley Chamber of Commerce awarded BART "Best Transit in the Area" in collaboration with Eden, and she indicated that she plans to present the award at the next Board Meeting.

Director Ghosh reported that she had given a presentation to the Berkeley Chamber of Commerce regarding "BART's Role in the Region;" participated in a Downtown Berkeley DBE roundtable event; and attended an Albany Leaders meeting and the Berkeley MLK Breakfast. Director Ghosh indicated she would attend her first meeting of the West Contra Costa Transportation Advisory Committee (WCCTAC) and shared an email from a constituent detailing a seamless and enjoyable experience using BART, highlighting the effectiveness of BART's services and facilities, and reinforcing the community-building aspect of public transit.

Director Ames reported that she had attended a Union City Council meeting, highlighting Union City's efforts to focus on development around the Union City BART station, particularly in terms of housing and job creation. Director Ames expressed concern about the City's plans for a four-lane system designed to accommodate 35,000 cars per day, advocating for more sustainable transportation solutions around the BART station.

President Foley announced the recent passing of Vinit Shrawagi, a dedicated member of the Measure RR Bond Oversight Committee who served in the Certified Public Accountant seat since September 2021, and requested that the Meeting be adjourned in honor of Vinit. President Foley also shared a personal note of loss within his family, mentioning the passing of his father-in-law, Richard Harrington, after the last Board Meeting. President Foley expressed gratitude for the support and understanding from his colleagues during this difficult time and extended his condolences to his family, especially his wife, Cindy.

Public Comment

Glenn Overton

12. CLOSED SESSION

A. CONFERENCE WITH LEGAL COUNSEL- EXISTING LITIGATION

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

Case No.: 22-cv-06119

Government Code Section 54956.9(d)(1)

B. PUBLIC EMPLOYEE EMPLOYMENT/APPOINTMENT

Title: Independent Police Auditor

Government Code Section: 54957(b)(1)

President Foley brought the item before the Board and indicated that the Board would enter Closed Session under Items 12-A (Conference with Legal Counsel-Existing Litigation) and 12-B (Public Employee Employment/Appointment).

Public Comment

No comments were received.

President Foley indicated that the Board would reconvene in Open Session upon the conclusion of Closed Session.

The Board Meeting recessed at 11:55 a.m.

The Board reconvened in Closed Session at 12:03 p.m.

Directors Present in Oakland: Directors Ames, Flores, Ghosh, Hernandez, Li, Raburn, Rinn, Wright, and Foley.

Directors Present via Teleconference: None.

Absent: None.

The Board Meeting recessed at 1:22 p.m.

13. **OPEN SESSION**

The Board reconvened in Open Session at 1:27 p.m.

Directors Present in Oakland: Directors Li, Wright, and Foley.

Directors Present via Teleconference: None.

Absent: Directors Ames, Flores, Ghosh, Hernandez, Raburn, and Rinn.

A. Announcements from Closed Session, if any.

President Foley announced that there were no announcements to be made.

President Foley recognized and expressed gratitude to the BART Media/Communications and IT staff who facilitate the Board Meetings.

14. **ADJOURNMENT**

The Meeting adjourned at 1:28 p.m. in honor of Allyn Beltran, Allan Baird, and Vinit Shrawagi.

April B. A. Quintanilla
District Secretary

San Francisco Bay Area Rapid Transit District
Non-Represented Employee Special Compensation Provisions
ATTACHMENT A

Holidays

The District shall observe the following fixed holidays:

New Year's Day (January 1st)
Martin Luther King Day (3rd Monday in January)
Presidents Day (3rd Monday in February)
Memorial Day (last Monday in May)
Independence Day (July 4th)
Labor Day (1st Monday in September)
Veterans' Day (November 11th)
Thanksgiving Day (4th Thursday in November)
Christmas Day (December 25th)

Except as provided below or otherwise required by law, an employee must be in a paid status to be eligible for holiday compensation. Situations in which employees in an unpaid status are eligible for holiday compensation include:

- 1) during a suspension of fifteen (15) days or less;
- 2) while absent due to an approved industrial disability;
- 3) while on Labor Code 4850 leave (equivalent); and
- 4) during the first continuous thirty-one (31) days in an unpaid status due to a nonindustrial disability.

Should a fixed holiday fall on a Saturday, the holiday will be observed the preceding Friday; if on a Sunday, the holiday shall be observed the following Monday. Should a holiday be observed on an employee's regular day off (RDO) other than on Saturday or Sunday as cited above, or during his/her/their recognized vacation, the employee, at his/her/their option, shall receive either one (1) shift (i.e., 4/10, 9/80 or 5/8 schedule as applicable) of pay at the employee's existing straight-time rate or one (1) shift off with pay consistent with department/section scheduling. Employees on shifts scheduled for 10 or more hours will receive 10 hours. Should an employee be required to work on a holiday, the employee at his/her/their option, may receive either one (1) shift of pay for the holiday at the employee's straight-time rate for that pay period or the employee may "float" the holiday.

Shift Differential

Some Non-Represented employees work a schedule other than a normal day shift, Monday through Friday schedule. When fifty percent (50%) or more of an employee's regularly scheduled shift occurs between the hours of 4 p.m. and 12 midnight, a swing shift premium of seven percent (7%) will be paid for all hours worked during the shift. When an employee works on a holiday and receives one and one-half (1.5) times their regular rate of pay, this swing shift premium will be multiplied by 1.5 times as well (i.e., 10.5%).

When fifty percent (50%) or more of an employee's regularly scheduled shift occurs between midnight and 8 a.m., a graveyard shift premium of nine and one-half percent (9.5%) will be paid for all hours worked

San Francisco Bay Area Rapid Transit District
Non-Represented Employee Special Compensation Provisions
ATTACHMENT A

during the shift. When an employee works on a holiday and receives one and one-half (1.5) times their regular rate of pay, this graveyard shift premium will be multiplied by 1.5 times as well (i.e., 14.25%).

The shift time premium will be calculated using the employee's straight-time rate of pay. The shift differential is not considered to be part of an employee's base salary. This benefit is not applicable to employees in Pay Band 9 and above except for Managers of Central Control and managers within the Maintenance Department.

Temporary Upgrade

Non-Represented employees from time to time receive temporary assignments in which they are to perform the duties regularly assigned to a higher classification. Such assignments are made in writing by the employee's supervisor or higher level. These temporary assignments are considered career development opportunities and are not eligible for temporary upgrade pay during the first fifteen (15) working days of the employee's assignment. The prior approval of the affected department manager and the manager over classification & compensation is required to extend any temporary assignment to a higher classification beyond 15 workdays. Such approval must be obtained before the fifteenth (15th) working day. Employees in an approved temporary upgrade assignment will be compensated at five percent (5%) above their base pay rate after the 15th consecutive day of work in the higher classification. Leave taken while assigned to a higher classification will not be compensated at the premium rate. Prior to 7/1/2013, the waiting period was 45 working days.

Management Incentive

Due to the unique nature of the duties and responsibilities of executive management employees reporting to the General Manager, all executive level classifications reporting to the General Manager are eligible to receive Management Incentive Pay of \$4,800 annually and paid equally over the number of pay periods for the year (e.g. 26 equal pay period installments of \$184.61). The current list of classifications eligible are as follows:

Assistant General Manager, Administration
Assistant General Manager, Design & Construction
Assistant General Manager, External Affairs
Assistant General Manager, Finance
Assistant General Manager, Operations
Assistant General Manager, Performance & Budget
Assistant General Manager, Technology
Chief Financial Officer
Deputy General Manager
Police Chief
Managing Director, Capitol Corridor

San Francisco Bay Area Rapid Transit District
Non-Represented Employee Special Compensation Provisions
ATTACHMENT A

Deputy Police Chief Management Incentive

Due to the unique nature of the job as first level management over Police Lieutenants, the Deputy Police Chief classification is eligible to receive Deputy Police Chief Management Incentive Pay in the amount of 10% of the regular base pay rate.

Uniform Allowance

Non-Represented sworn employees (Police Chief and Deputy Police Chief) shall be provided with uniforms, appropriate to their classification, upon hire. The District will pay these employees annually for the cleaning, upkeep, and maintenance (excluding custom tailoring) of all District-issued uniforms and the purchase of uniform shoes (excluding safety shoes). A payment in the amount of \$1,005 shall be made in the first pay period in October.

The District shall reimburse employees for actual costs incurred for replacement of worn-out or damaged uniforms and damaged shoes. The District shall also reimburse employees for actual costs incurred for replacement of damaged, lost or destroyed equipment if such damage, loss or destruction is the direct consequence of the discharge of the employee's duties or of his/her/their obedience to the directions of the District. The value of all uniforms initially allotted to employees or replaced, excluding items that are solely for personal health and safety (such as protective vests, pistols, bullets and safety shoes), is anticipated to be less than \$2,000 per employee in a year with an anticipated increase of 5% per year.

Employees must obtain prior approval for replacement of worn-out, damaged, lost or destroyed uniforms or items of equipment listed above. After approval is received, employees may purchase the uniform or item of equipment with an approved replacement. Compensation to employees for such replacement shall be accomplished by means of reimbursement upon presentation of a valid receipt.

Employees who are absent from work on leave of absence or non-industrial disability leave for extended periods of time shall receive a reduced uniform allowance in accordance with the following schedule:

<u>Absence</u>	<u>Percentage Reduction</u>
30 days	25%
60 days	50%
90 days	100%



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: 12/19/2024 2/6/2025		BOARD INITIATED ITEM: Yes		
Originator/Prepared by: Myra Francisco Dept: M&E Acquisition Support <div style="border: 1px solid black; padding: 2px; margin-top: 5px;"> <small>DocuSigned by:</small> <i>Myra Francisco</i> <small>66959154E16A413...</small> </div> Signature/Date: <div style="text-align: right;">1/9/2025</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;">1/9/2025 []</div>	Controller/Treasurer <div style="border: 1px solid black; padding: 2px; margin-top: 5px;"> <small>Signed by:</small> <i>Joseph Brach</i> <small>7D9A7C6E7348456...</small> </div> <div style="text-align: right;">1/9/2025 []</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>Shane Edwards</i> <small>8128A2EB2F014F3...</small> </div> <div style="text-align: right;">1/13/2025 []</div>

Sole Source Agreement No. 6M3748 for Elevator/Escalator Inspection Services

PURPOSE:

To obtain Board authorization for the General Manager to execute sole source Agreement No. 6M3748 with Bureau Veritas National Elevator Inspection Services, Inc. of St. Louis, Missouri for Elevator/Escalator Inspection Services for an amount not to exceed \$750,000.00.

DISCUSSION:

The California Labor Code requires all vertical transportation to be permitted annually, thus requiring annual permit inspections. Bureau Veritas National Elevator Inspection Services, Inc. (Bureau Veritas/NEIS) provides conveyance permit inspections and is the only approved vertical transportation inspection agency outside of the California Department of Industrial Relations (DIR) capable of performing annual permit inspections. Unlike the DIR, Bureau Veritas/NEIS is able to perform permit inspections during off hours and on weekends to reduce the impact to customers, including public transit agencies.

District vertical transportation assets annual permits expire annually and District staff believes the DIR will be unable to keep pace with inspections for the following reasons: the northern California DIR Elevator unit inspection service has a large backlog and minimal staffing to accommodate annual inspections; the DIR Inspectors work only Monday to Friday, day-shift hours only. The District is committed to performing planned maintenance during non-revenue hours to minimize customer inconvenience. Depending on the DIR to provide inspections may put the District at risk of operating conveyances with expired permits. Bureau Veritas/NEIS will provide annual inspections, and they can perform these inspections

at the request and convenience of the District. Bureau Veritas/NEIS can conduct inspections during off peak revenue and non-revenue hours. All District elevators receive an annual inspection and District escalators receive a bi-annual inspection to stay in compliance with State code requirements.

Bureau Veritas/NEIS will conduct annual inspections on all 348 District conveyances and file paperwork with the state of California for the state to issue annual permits to operate. The Agreement is proposed for a base term of three (3) years, with two (2) one-year options exercisable at the District's discretion, for a maximum contract term of five (5) years.

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). Bureau Veritas/NEIS will not be subcontracting any portion of the Work and therefore, the provisions of the District's Non-Discrimination Program for Subcontracting do not apply.

FISCAL IMPACT:

Funding for this Agreement will include the following estimated expenditures:

FY25 (March 1, 2025 - June 30, 2025)	\$ 50,000.00
FY26 (July 1, 2025 - June 30, 2026)	\$150,000.00
FY27 (July 1, 2026 - June 30, 2027)	\$150,000.00
FY28 (July 1, 2027 - June 30, 2028)	\$150,000.00
FY29 (July 1, 2028 - June 30, 2029)	\$150,000.00
FY30 (July 1, 2029 – February 28, 2030)	\$100,000.00
TOTAL	\$750,000.00

The previous cost for this service was \$100,000.00 annually. The Agreement is for an amount not-to-exceed \$450,000.00 over three years, or \$750,000.00 including the two option years. The change in cost is driven by an increase in needed labor costs. The Agreement will be funded by the Facilities Maintenance Operating Budget (Department 0802850 –

Elevator/Escalators, account 680230 – Maintenance, Repair and Other). The budget for subsequent years will be included in the proposed annual operating budget, which is subject to Board approval. This action is not anticipated to have any fiscal impact on unprogrammed District reserves in the current Fiscal Year.

ALTERNATIVES:

The District may conduct a new competitive procurement. However, Bureau Veritas/NEIS has been performing the service for years for the District. A new procurement would lead to substantial duplication of costs and unacceptable delays. Without this Agreement, the District vertical transportation assets would suffer extended permit expiration.

RECOMMENDATION:

It is recommended that the Board adopt the following motion.

MOTION:

That the General Manager is authorized to execute Agreement No. 6M3748 with Bureau Veritas National Elevator Inspection Services, Inc. to provide Elevator/Escalator Inspection Services in an amount not to exceed \$450,000.00 for a base term of three (3) years, pursuant to notification to be issued by the General Manager and subject to compliance with the District's Protest Procedures. The General Manager is also authorized to exercise up to two (2) one-year options for Agreement No. 6M3748 for \$150,000.00 per option, for a maximum term of five (5) years for this Agreement.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <div style="float: right; border: 1px solid black; padding: 2px; margin-top: 5px;"> DocuSigned by: <i>Michael Jones</i> <small>47000790F2D7463...</small> </div>		GENERAL MANAGER ACTION REQ'D:		
DATE: 1/21/2025 2/6/2025		BOARD INITIATED ITEM: No		
Originator/Prepared by: Jason De Vera Dept: Support Services Signature/Date: <div style="float: right; border: 1px solid black; padding: 2px; margin-top: 5px;"> DocuSigned by: <i>Jason De Vera</i> <small>D77619C68BA3480...</small> </div> <div style="clear: both; text-align: right; margin-top: 10px;"> 2/3/2025 </div>	General Counsel <div style="float: right; border: 1px solid black; padding: 2px; margin-top: 5px;"> DocuSigned by: <i>Amelia Sandoval</i> <small>2528C067C44147D...</small> </div> <div style="clear: both; text-align: right; margin-top: 10px;"> 2/3/2025 [] </div>	Controller/Treasurer <div style="float: right; border: 1px solid black; padding: 2px; margin-top: 5px;"> Signed by: <i>Joseph Brach</i> <small>7D9A7C6E7348456...</small> </div> <div style="clear: both; text-align: right; margin-top: 10px;"> 2/3/2025 [] </div>	District Secretary <div style="float: right; border: 1px solid black; padding: 2px; margin-top: 5px;"> DocuSigned by: <i>Shane Edwards</i> <small>8128A2EB2F014F3...</small> </div> <div style="clear: both; text-align: right; margin-top: 10px;"> 2/3/2025 [] </div>	BARC <div style="float: right; border: 1px solid black; padding: 2px; margin-top: 5px;"> DocuSigned by: <i>Shane Edwards</i> <small>8128A2EB2F014F3...</small> </div> <div style="clear: both; text-align: right; margin-top: 10px;"> 2/3/2025 [] </div>

Police Emergency Vehicle Outfitting

PURPOSE:

To obtain Board authorization for the General Manager to enter into a single-source procurement with LEHR Auto Police Vehicle Equipment Installation (LEHR Auto), for a period of three (3) years, including two (2) option years, for police emergency response vehicle equipment and installation. A two-thirds vote is required for the purchase pursuant to Public Contract Code Section 20227.

DISCUSSION:

The BART police vehicle fleet has been impacted by the availability of emergency vehicles due to manufacturing issues during the COVID-19 pandemic, resulting in delays in receiving emergency vehicles and the installation of police emergency equipment. The District possesses six (6) vehicles in extreme urgent need of emergency vehicle equipment and installation, with nine (9) additional emergency vehicles expected to arrive in early 2025.

This proposed single-source procurement ensures that emergency vehicles are properly equipped and ready to respond to emergencies. It also allows the District to enforce public safety with the necessary tools and resources, including lighting, sirens, communication equipment, and other essential equipment crucial for effective public safety.

Approval from this Board for this request would provide the District with timely procurement of equipment and technical installation expertise. This action by the Board would ensure the BART Police Department's operational capabilities and provide BART Police with critical replacement emergency vehicles to respond quickly and efficiently to

assist those in need during critical situations.

LEHR Auto has provided installation and equipment services for the BART Police Department for two decades. LEHR Auto understands the District's needs and expectations for equipment purchases and installation. LEHR Auto provides extensive discounted parts, a quality service installation network, and convenient service center locations to meet the District's crucial demands. No other provider can locally match LEHR Auto from both a cost and services perspective. Using another provider will cause additional delays and increased District costs due to the length of time needed for another provider to become familiar with BART Police equipment standards and to build and equip emergency vehicles to BART Police standards. Partnering with LEHR Auto has reduced out-of-service emergency vehicle time and costs for the District due to the failures of past emergency vehicle equipment installers. To maintain a familiar level of quality and visual presence with the public, the District must be able to maintain a standard level of uniformity across the entire vehicle fleet, enhance officer safety, and allow for consistency in emergency vehicle operations.

Pursuant to the District's Non-Federal Small Business Program, the Office of Civil Rights reviewed the scope of work for this Single Source Contract and determined the Small Business Program does not apply.

The District's Non-Discrimination Program for Subcontracting is not applicable to Single Source Contracts. Accordingly, the Office of Civil Rights did not set Minority Business Enterprise (MBE) and Women Business Enterprise (WBE) Availability Percentages for this Contract.

FISCAL IMPACT:

Funding not to exceed \$1,500,000 to award a single source procurement to LEHR for police equipment installation, is included in the total Project Budget for FMS #79HN200 – PPCE Vehicle Purchase.

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

Fund Group	Fund Description	Amount
BART	BART Operating to Capital Allocations	\$3,650,556
	TOTAL	\$3,650,556

As of 01/07/2025, \$3,650,556 is the total budget for this project. BART has expended \$1,463,015, committed \$90,320 and reserved \$0 to date. This action will commit \$1,500,000, leaving an available fund balance of \$597,221 in the fund sources for this project.

The Chief Financial Officer certifies that funds are currently available to meet this obligation.

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

ALTERNATIVES:

The District may seek a competitive procurement, which will result in additional delays and severely impact BART Police fleet operations, as the District will not be able to replace emergency patrol vehicles critical to BART police operations. Public Safety throughout the District will be impacted due to a lack of equipment or reliable equipment available. BART Police may not be able to perform essential and time-critical services due to equipment failure or shortages.

RECOMMENDATION:

It is recommended that the Board adopt the following motion.

MOTION:

Pursuant to Public Contract Code Section 20227, the Board finds by a two-thirds vote or greater, that LEHR Auto is the single source of supply for the procurement of compatible materials and technical services for the police emergency response vehicle equipment. The General Manager is authorized to enter into a single-source procurement with LEHR Auto and execute a three (3) year, plus two (2) option year procurement for police emergency response vehicles equipment and installation in the amount to not exceed \$1,500,000.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:		DocuSigned by: <i>Michael Jones</i> 47000790F2D7463...		GENERAL MANAGER ACTION REQ'D:	
DATE: 2/5/2025		2/7/2025		BOARD INITIATED ITEM: No	
Originator/Prepared by: R. Elliott Vantrease Vantrease Dept: PM/CM - Facilities <div style="border: 1px solid black; padding: 2px; display: inline-block;"> SIGNED BY: <i>R. Elliott Vantrease</i> 702EDFF832214B8... </div>		General Counsel <div style="border: 1px solid black; padding: 2px; display: inline-block;"> DocuSigned by: <i>Amelia Sandoval</i> 2528C067C44147D... </div>		Controller/Treasurer <div style="border: 1px solid black; padding: 2px; display: inline-block;"> SIGNED BY: <i>Steph Brach</i> 7D9A7C6E7348456... </div>	
District Secretary <div style="border: 1px solid black; padding: 2px; display: inline-block;"> DocuSigned by: <i>Shane Edwards</i> 8128A2EB2F014F3... </div>		BARC <div style="border: 1px solid black; padding: 2px; display: inline-block;"> DocuSigned by: <i>Shane Edwards</i> 8128A2EB2F014F3... </div>			
Signature/Date: 2/7/2025		2/7/2025		2/7/2025	
[]		[]		[]	

Right-of-Way Fencing Replacement and Hardening

PURPOSE:

To obtain Board authorization for the General Manager to negotiate and execute Change Order(s) to 34.5 kV Cable Replacement and Fiber Optic Cable Installation, A-Line, DMZ Builders Contract No. 15EJ-180, in an amount not to exceed \$4,500,000.00 for installation of hardened right-of-way fencing and associated infrastructure.

DISCUSSION:

This authorization will allow the General Manager to expeditiously implement actions to upgrade, repair and replace right-of-way (ROW) fencing. This is necessary to avoid further unforeseen damages to critical infrastructure.

Contract 15EJ-180 includes scope to construct permanent fencing at select locations. This Change Order work includes, but is not limited to, demolition of existing fence components, installation of hardened fencing, and relocation/replacement of existing fencing and adjacent infrastructure.

FISCAL IMPACT:

The \$4,500,000 authorization to execute this Change Order to Contract No. 15EJ-180 contributes to Fiscal Year 2025 - System Reinvestment planned expenditure amount of \$250,513,587.

The table below lists funding assigned since project inception date of 02/01/2017.

Funding Sources				
Project	Project Description	Fund Group	Fund Description	Amount
15EJRRRA	A-Line 34.5kV AC Cable Replacement	BART	Measure RR Bond	\$155,395,935
Total Project Funding				\$155,395,935

As of February 6, 2025, the table below lists the current budget for the project:

Project	Budget	Expense	Encumbrance	Pre-Encumbrance	Available Budget
15EJRRRA	\$155,395,935	\$145,151,749	\$4,373,433	\$676	\$5,870,077
Total Budget	\$155,395,935	\$145,151,749	\$4,373,433	\$676	\$5,870,077

The Chief Financial Officer certifies that the funds are currently available to meet this obligation. This action is not anticipated to have any Fiscal Impact on unprogrammed District reserves.

ALTERNATIVES:

The Board can elect not to authorize the General Manager to proceed with these change orders. Failure to do so will likely cause future interruptions to revenue service due to vandalization/theft of critical infrastructure.

RECOMMENDATION:

Adopt the following motion.

MOTION:

The General Manager is authorized to execute Change Order(s) to 34.5 kV Cable Replacement and Fiber Optic Cable Installation, A-Line, Contract No. 15EJ-180 (DMZ Builders), in an amount not to exceed \$4,500,000.00 for installation of hardened right-of-way fencing and associated infrastructure.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <div style="border: 1px solid black; padding: 2px; display: inline-block;"> DocuSigned by: <i>Michael Jones</i> <small>47000790F2D7463...</small> </div>		GENERAL MANAGER ACTION REQ'D: Yes		
DATE: 1/27/2025 2/6/2025		BOARD INITIATED ITEM: Yes		
Originator/Prepared by: Elena Van Loo Dept: Customer Dev & Station Access <div style="border: 1px solid black; padding: 2px; display: inline-block;"> DocuSigned by: <i>Elena Van Loo</i> <small>0439BDB546734D2...</small> </div> Signature/Date: <div style="text-align: right;">2/5/2025</div>	General Counsel <div style="border: 1px solid black; padding: 2px; display: inline-block;"> DocuSigned by: <i>Amelia Sandoval</i> <small>2528C067C44147D...</small> </div> <div style="text-align: right;">2/5/2025 []</div>	Controller/Treasurer <div style="border: 1px solid black; padding: 2px; display: inline-block;"> Signed by: <i>Steph Brach</i> <small>7D9A7C6E7348456...</small> </div> <div style="text-align: right;">2/5/2025 []</div>	District Secretary <div style="border: 1px solid black; padding: 2px; display: inline-block;"> DocuSigned by: <i>Val Menotti</i> <small>AA8F1409A8F748E...</small> </div> <div style="text-align: right;">[]</div>	BARC <div style="border: 1px solid black; padding: 2px; display: inline-block;"> DocuSigned by: <i>Val Menotti</i> <small>AA8F1409A8F748E...</small> </div> <div style="text-align: right;">2/5/2025 []</div>

BART Accessibility Task Force (BATF) Member Appointment

PURPOSE:

To request the BART Board of Directors appoint a nominated candidate, Joshua Saunders, to the BART Accessibility Task Force (BATF), beginning February 13, 2025 for a one-year term, or until the Board makes new appointments and/or reappointments for a new term, whichever occurs later.

DISCUSSION:

The BATF is one of BART's eleven Advisory Committees which 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 state that interested candidates must attend two of three 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.

Candidate for BATF membership:

- Joshua Saunders, a candidate for membership to the BATF, met the criteria detailed in the BATF by-laws and was endorsed by a 10-0 vote, with one abstention, by the members of the BATF who were present at the January 23, 2025 BATF meeting.

Attached is the application submitted by Joshua Saunders (Attachment "A").

This BATF membership recommendation is being submitted to the BART Board for consideration. The prospective candidate, if approved by the BART Board, will officially become a member of the BATF on February 13, 2025, for a term of one year, or until the BART Board announces appointments and/or re-appointments, whichever comes later. If approved, the BATF will be composed of 14 members.

FISCAL IMPACT:

Members currently receive a \$16.70 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 passengers' fares increase in future years, as per Board action on this topic at its July 27, 2023 meeting. Additionally, members are eligible to be reimbursed for the actual cost of travel for 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 2025 is 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 appointment.

RECOMMENDATION:

That the BART Board approve the following motion:

MOTION:

The BART Board of Directors appoints the nominated candidate, Joshua Saunders, for membership to the BATF beginning February 13, 2025 for a one-year term, 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 two out of three consecutive months. Their names are submitted by the BATF staff liaison to the BART Board of Directors for final approval.

1. APPLICANT BACKGROUND

Name: Joshua Saunders

Address: [REDACTED]

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:

For the past two years I have cochaired the California Council of the Blind of San Francisco's advocacy committee. After a bad experience with signing up for East Bay Paratransit, I advocated for an accessible application. With the help of Ryan Greene-Roesel, the application has been created. This is an example of my persistence in achieving advocacy goals.

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

I am persistent in my advocacy as I have previously mentioned. I am a legally blind attorney. It's important to me that BART is both safe and accessible for the disabled community. In addition to my vision loss, I also have some dexterity issues and an epilepsy condition. This helps me understand that people's lives are complicated and that BART need to be aware of the complexity and needs of BART's riders.

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

I am a member of the California Council of the Blind where I'm cochair of their governmental affairs committee. We advocate for the needs of blind individuals with the state government. This may provide me contacts that will be helpful when dealing with issues that the disability committee has concerns about regarding BART.

Signature of Applicant: Joshua Saunders

Date: 11/19/2024

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Board of Directors

DATE: February 6, 2025

FROM: General Manager

SUBJECT: FY25 First Quarter and Second Quarter Financial Report (QFR)

Executive Summary

The Fiscal Year 2025 (FY25) combined First and Second Quarter Financial Report (July – December 2024) is attached. Additional explanatory detail is provided in this memo; summaries of ridership performance and drawdowns of emergency assistance are also included in this package.

The District's net operating result was balanced through the second quarter (Q2) of FY25 due to the continued use of federal emergency assistance funds allocated through the American Rescue Plan Act (ARPA). These funds enabled the District to cover a \$175.3 million (M) operating deficit (the difference between revenues and expenses incurred) over the six-month period of July 1 to December 31, 2024.

Staff currently project that by year-end, the budget will be balanced, with slightly below-budget revenues offset by equally small under-budget expenditures. Thus, BART projects to need all emergency assistance included in the FY25 Adopted Budget; in the event less is needed, it may be carried over into FY26 to offset deficits in that year.

Ridership totaled 25.9M exits through Q2 FY25, 0.1% below budget. This was 4.2% more than the same period a year ago. Average weekday ridership during this period was 169,898 exits, 0.8% below budget, and 3.9% higher than a year ago.

Second quarter FY25 ridership was lower than the previous quarter, consistent with expected seasonal variation due to Thanksgiving and the December holidays. On a month-to-month basis, average weekday ridership waned along seasonal expectations: October (180,834), November (166,035) and December (156,466).

Operating Revenue

Operating Revenue was \$2.1M (1.6%) above budget through Q2 FY25. **Net Passenger Revenue** was \$2.2M (1.9%) positive, while **Parking Revenue** was nearly on budget at \$58,000 (0.7%) above expectations. **Other Operating Revenue** was \$0.1M (1.4%) below budget, with higher-than-expected advertising revenue being offset by lower-than-expected Commercial Communications Revenue Program (CCRP) revenue.

Financial Assistance

Sales Tax revenue was \$5.1M (3.2%) unfavorable through Q2 FY25, driven in part by a decline in fuel prices and lower than expected consumption of general consumer goods. **Property Tax** revenue was \$4.7M (15.7%) favorable through Q2 as revenues were elevated across all three BART counties. **VTA Financial Assistance** was \$0.7M (3.8%) higher than budgeted due to operating expenses attributable to VTA that were updated after FY25 budget adoption.

Other Assistance through Q2 was \$5.3M (25.8%) favorable. Unbudgeted non-emergency Federal Assistance was \$1.2M favorable and Local Assistance was \$1.5M favorable. Low Carbon Fuel Standard (LCFS) credit

sales were \$0.8M (23.6%) above budget and Low Carbon Transit Operations Program funding was \$0.8M (7.6%) above budget.

Operating Expense

Total Operating Expense was \$5.1M (1.0%) lower than budget through the second quarter of FY25, as Non-Labor underspending more than offsets Labor overspending.

Labor costs exceeded budget through the second quarter by \$10.1M (2.6%), primarily driven by above budget Overtime and unfavorable Capital Labor Reimbursements, which were partially offset by underspending in Gross Wages.

Total gross **Wages, Fringe Benefits & Other Labor** was \$8.0M (1.8%) below budget. Regular wages were favorable due to employees using more paid time off hours than anticipated, as well as some larger departments with vacancy rates higher than the budgeted District-wide operating vacancy rate of 5.0%. However, Net Operating Wages, Fringe Benefits & Other Labor finished the second quarter \$4.2M (1.2%) unfavorable to budget, driven by \$12.3M (16.0%) in below budget Capital Labor Reimbursements. Two operational factors drove the negative Capital Labor Reimbursements variance. First, emergency repairs in the first quarter, primarily for electrical infrastructure, diverted staff budgeted to work on capital projects, resulting in staff charging to operating rather than capital sources. Second, through Q2, six planned weekend shutdowns for capital work were canceled; because all this work was budgeted to be delivered with BART labor, those anticipated labor costs were neither charged to Gross Wages nor Capital Reimbursements. At this time, staff are conducting a review of Q1 and Q2 capital charging to ensure that all reimbursable hours are charged to capital sources; the outcome of this work may result in increased capital charges in Q3 and Q4.

Total gross **Overtime** was \$44.8M through Q2, above budget by \$6.3M, and \$4.7M higher than FY24 Q2 YTD. When Capital Reimbursements Overtime is accounted for, net operating overtime variance is \$5.8M (20.5%) unfavorable to budget, compared to \$4.7M unfavorable to budget through FY24 Q2.

Non-labor was below budget through the second quarter by \$15.1M (11.9%). **Other Non-Labor** was \$14.0M (17.1%) favorable to budget, with most of the favorable variance in Miscellaneous Expenses, Professional Fees, Repairs & Maintenance, and Other Utilities. Miscellaneous Expense and Professional Fees were \$5.5M and \$5.2M, respectively, favorable mostly due to invoice timing in election costs and Clipper 2.0 delays. Repairs & Maintenance was \$2.2M favorable and Other Utilities was \$1.2M favorable due to timing of vendor invoices. In addition, Maintenance expenses were less than budget due to the delayed award of a high-pressure washing contract.

Debt Service and Allocations

Debt Service is on budget. **Allocations** were \$0.5M (3.3%) unfavorable through Q2. In addition, \$1.5M of investment income generated by the District's Section 115 Pension Trust was transferred to reserves.

Emergency Assistance

The District required \$175.3M in ARPA funding to cover the shortfall between operating revenue and expense through the second quarter of FY25, which was \$13.8M (7.3%) less than anticipated in the budget.

The District is relying on ARPA funding to close its operating deficit for most of FY25, with SB125 state and regional assistance expected to begin closing deficits around April 2025, once the last of BART's ARPA funds are expended. Through December, of the total \$1.6B of federal emergency assistance allocated to the District

since 2020, \$1.5B (90.6%) has been expended, with \$98.6M (6.1%) remaining for use in future quarters. An additional \$58M of SB125 assistance has been allocated and placed in operating reserves.

FY25 Year-End Projection

The FY25 Q2 Financial Report includes a year-end projection. As the projection is based on six months of actual data, year-end actuals may vary significantly.

Currently, staff project to end FY25 with a \$0.0M deficit against the adopted budget. Total sources are expected to end the year \$3.3M (0.4%) lower than budget driven primarily by lower than budgeted Sales Tax. Total uses are expected to end the year \$3.3M (0.3%) under budget, driven primarily by favorable gross wages and Other Non-Labor. Debt service and allocations are expected to end the year on budget.

Note that an additional \$3.6M in ARPA generated by positive FY24 year-end actual results beyond what was included in the FY25 Adopted Budget is also available should the projection worsen; if it remains unchanged, those funds will reduce the projected FY26 deficit.

Though BART currently anticipates having a balanced budget by year-end, there are several factors that could increase or decrease the amount of emergency assistance needed. These include ridership, economic factors, operational issues, and the effect of cost-control measures currently being implemented. It is important to note that BART's SB125 assistance in the current year is capped at \$58.2M, all of which was assumed in the budget. If the year-end projected deficit grows, staff will need to identify additional offsetting savings to end the year balanced.

Financial Position

Post-Employment Benefits

BART maintains three trusts to offset liabilities generated by post-employment benefits. Net assets of all three benefited from the continued upward run in global equity markets as central banks cut interest rates.

As of December 31, 2024, the District's assets in its Section 115 Pension Trust, which was set-up to offset future pension liabilities, increased to \$41M, a gain of \$1.1M in the first half of FY25. Net assets of BART's two Other Post Employment Obligations (OPEB), the Retiree Health Benefit Trust (RHBT) and the Survivors' Benefit Trust (SBT), saw returns of \$40.7M (6.6%) and \$829K (6.7%), respectively, for the first half of FY2025.

There is no update to the actuarial valuation on BART's Pension and OPEB obligations currently.

Accounts Receivable, Cash, and Investments

As of December 31, 2024, \$73.8M in receivables was outstanding, with approximately \$66.8M (91%) outstanding for less than 60 days. Receivables exceeding 120 days outstanding decreased by \$13.6M, from \$20.6M at end of Q4 FY24 to \$7M at the end of Q2 FY25. After December 31, 2024, about \$59.8M (81%) of the total outstanding accounts receivable balance have been collected.

BART had \$918.1M in cash and investments between its capital accounts allocated from operations and its General Fund. BART's weighted average return on investments in US government securities in Q2 was 4.70%,

lower than what was realized in the prior quarter due to expectation of reduction in the Federal Funds rate and actual 50 basis point cut in September 2024 by the Federal Reserve.

Outstanding Bonds and Debt Service

The outstanding principal balance of Sales Tax Revenue Bonds and General Obligation Bonds decreased by \$91.1M in the first half of FY25 to \$2.94 billion after principal payments were made in July and August.

Reserves

BART's reserves declined by \$14M to \$396M in Q2 FY25 primarily driven by the \$73M drawdown from the ARPA Reserve, which was needed to offset operating costs, offset by \$58.2M receipt of SB 125 State and Regional Assistance. In addition to the ARPA and SB 125 Reserve with combined balance of \$156.8M and the Working Capital Reserve with a balance of \$91.7M, BART's other remaining operating reserve funds (Operating Reserve, Insurance Calamity Reserve, General Reserve for Economic Uncertainty, and Low Carbon Fuel Standards Credits) totaled \$148M as of December 31, 2024.

If you have any questions about this report, please contact Joseph Beach, Chief Financial Officer, at joseph.beach@bart.gov.

DocuSigned by:
Michael Jones
47000790F2D7483...
Robert Powers

cc: Board Appointed Officers
Deputy General Manager
Executive Staff

Bay Area Rapid Transit District
Quarterly Financial Report - Second Quarter FY25

(\$ Millions)	Q1 Actuals	Q2 Budget	Q2 Actuals	Q2 Variance	YTD Budget	YTD Actuals	YTD Variance	YTD Variance %	Annual Budget	Q2 YE Forecast	Projected Year-End Variance (Q2)	Projected Year-End Variance %
Operating Revenue												
Net Passenger Revenue	60.3	55.6	56.9	1.3	114.9	117.1	2.2	1.9%	235.7	237.7	2.0	0.8%
Parking Revenue	4.4	4.3	4.3	0.1	8.7	8.8	0.1	0.7%	16.5	16.5	0.1	0.3%
Other Operating Revenue	4.8	5.4	5.7	0.3	10.6	10.4	-0.1	-1.4%	21.9	21.9	0.0	0.0%
Total Net Operating Revenue	69.5	65.2	66.9	1.7	134.2	136.3	2.1	1.6%	274.1	276.1	2.0	0.7%
Non Operating Revenue - Investment												
Income	9.2	6.2	5.7	-0.5	13.4	14.9	1.5	11.1%	23.5	23.5	0.0	0.0%
Total Revenue	78.7	71.4	72.5	1.2	147.6	151.2	3.6	2.4%	297.5	299.5	2.0	0.7%
Financial Assistance												
Sales Tax	79.1	79.9	78.1	-1.8	162.3	157.2	-5.1	-3.2%	320.3	310.1	-10.2	-3.2%
Property Tax	3.6	26.7	31.1	4.4	30.0	34.8	4.7	15.7%	64.3	66.9	2.6	4.1%
State Transit Assistance	0.1	0.0	0.0	0.0	0.0	0.1	0.0	245.1%	48.8	48.8	0.0	0.0%
MTA Financial Assistance	9.1	8.8	9.1	0.3	17.6	18.3	0.7	3.8%	35.2	35.2	0.1	0.2%
Other Assistance, Net of Federal												
Emergency Assistance	6.7	14.9	19.4	4.5	20.7	26.1	5.3	25.8%	31.8	33.9	2.1	6.7%
Total Financial Assistance	98.6	130.3	137.8	7.4	230.7	236.4	5.7	2.5%	500.3	494.9	-5.4	-1.1%
Total Operating Sources	177.3	201.7	210.3	8.6	378.3	387.6	9.3	2.5%	797.8	794.5	-3.3	-0.4%
Operating Expense												
Gross Wages, Fringe & Other Labor	219.9	219.0	214.0	5.1	441.9	433.9	8.0	1.8%	874.9	861.7	13.2	1.5%
Capital Reimbursements - Labor & Fringe	-33.1	-38.2	-31.2	-7.1	-76.5	-64.3	-12.3	-16.0%	-151.3	-140.3	-11.0	7.3%
Subtotal - Net Operating Labor & Fringe	186.8	180.8	182.8	-2.0	365.4	369.6	-4.2	-1.2%	723.6	721.4	2.2	0.3%
Gross Overtime	21.4	19.3	23.5	-4.2	38.5	44.8	-6.3	-16.4%	77.0	89.7	-12.6	-16.4%
Capital Reimbursements - Overtime	-4.8	-5.0	-5.7	0.7	-10.0	-10.5	0.5	4.8%	-20.0	-21.9	1.9	-9.5%
Subtotal - Net Operating Overtime	16.6	14.3	17.8	-3.5	28.5	34.4	-5.8	-20.5%	57.0	67.8	-10.7	-18.8%
Total Operating Labor	203.4	195.0	200.6	-5.5	393.9	404.0	-10.1	-2.6%	780.6	789.1	-8.5	-1.1%
Electric Power	14.5	15.8	14.9	0.9	30.0	29.4	0.5	1.8%	61.6	61.6	0.0	0.0%
Purchased Transportation	7.5	7.8	7.4	0.3	15.5	15.0	0.6	3.8%	31.1	31.8	-0.7	-2.3%
Other Non Labor	28.6	42.6	39.3	3.3	81.9	67.9	14.0	17.1%	160.5	148.0	12.5	7.8%
Total Non Labor	50.6	66.2	61.6	4.6	127.4	112.2	15.1	11.9%	253.2	241.4	11.8	4.7%
Total Operating Expense	254.1	261.2	262.2	-1.0	521.3	516.2	5.1	1.0%	1,033.9	1,030.5	3.3	0.3%
Debt Service and Allocations												
Debt Service	15.0	15.0	15.0	0.0	30.1	30.1	0.0	0.0%	60.2	60.2	0.0	0.0%
Capital and Other Allocations, Net of												
Emergency Assistance	10.4	8.0	6.1	1.9	16.0	16.5	-0.5	-3.3%	32.0	32.0	0.0	0.0%
Total Debt Service and Allocations	25.5	23.0	21.1	1.9	46.1	46.6	-0.5	-1.1%	92.2	92.2	0.0	0.0%
Total Operating Uses	279.5	284.3	283.3	1.0	567.4	562.9	4.5	0.8%	1,126.1	1,122.7	3.3	0.3%
Net Operating Result Before Emergency Assistance												
	-102.3	-82.6	-73.0	9.5	-189.1	-175.3	13.8	7.3%	-328.2	-328.3	0.0	0.0%
Emergency Assistance Applied	102.3	82.6	73.0	-9.5	189.1	175.3	-13.8	-7.3%	328.2	328.3	0.0	0.0%
Net Operating Result before GASB	0.0	0.0	(0.0)	(0.0)	0.0	0.0	(0.0)	0.0%	0.0	0.0	0.0	
SB125 Emergency Assistance Recognition		0.0	58.2	58.2	0.0	58.2	58.2	-				
SB125 Emergency Assistance Reserves		0.0	58.2	-58.2	0.0	58.2	-58.2	-				
Operating Result (Deficit)	-184.6	-196.0	-195.3	2.6	-387.1	-379.9	6.5	3.4%	-759.8	-754.5	5.3	0.7%
System Operating Ratio	27.3%	25.0%	25.5%	0.5%	25.7%	26.4%	0.7%		26.5%	26.8%	0.3%	
Rail Cost / Passenger Mile (\$)	\$ 1.21					\$ 0.03	2.7%					

FY25 Q2**Emergency Assistance to BART (as of December 31, 2024)**

Award amounts (\$M)	FY20	FY21	FY22	FY23	FY24	FY25	Total Awarded
CARES	252	125	0	0	0	0	377
CRRSAA	0	378	0	0	0	0	378
ARPA + Add'l Assistance	0	0	853	0	0	0	853
SB125 State and Regional Assistance*	0	0	0	0	58	0	58
<i>Subtotal - all awards</i>	<i>252</i>	<i>504</i>	<i>853</i>	<i>0</i>	<i>58</i>	<i>0</i>	<i>1,667</i>

Draw downs (\$M) - funds received as of 12/31/24	FY20 Actual	FY21 Actual	FY22 Actual	FY23 Actual	FY24 Actual	FY25 Actual	Total Drawn Down
CARES	186	192	0	0	0	0	377
CRRSAA	0	211	167	0	0	0	378
ARPA + Add'l Assistance	0	0	276	408	169	0	853
SB125 State and Regional Assistance	0	0	0	0	0	58	58
<i>Subtotal - all drawdowns</i>	<i>186</i>	<i>402</i>	<i>443</i>	<i>408</i>	<i>169</i>	<i>58</i>	<i>1,667</i>

Remaining emergency funds to be drawn down after 12/31/24 (\$M)**0**

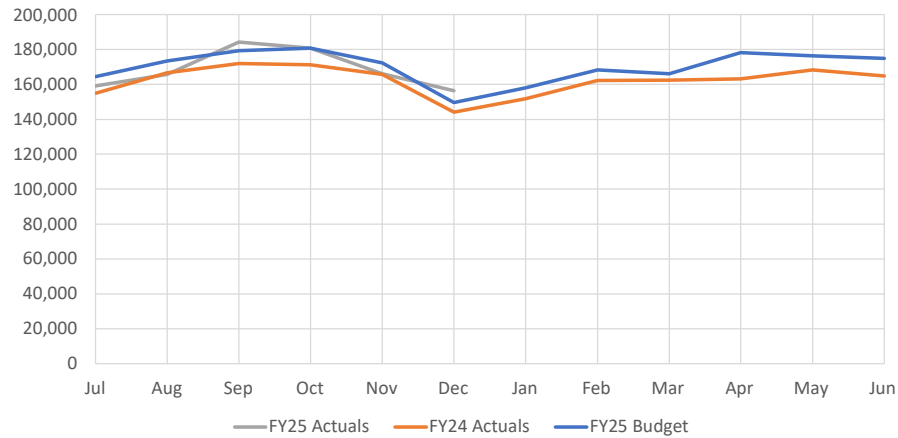
Expenditures (\$M) - applied to offset incurred expenses as of 12/31/24	FY20 Actual	FY21 Actual	FY22 Actual	FY23 Actual	FY24 Actual	FY25 Actual	Total Applied
CARES	120	257	0	0	0	0	377
CRRSAA	0	41	287	50	0	0	378
ARPA + Add'l Assistance	0	0	0	266	314	175	755
SB125 State and Regional Assistance	0	0	0	0	0	0	0
<i>Subtotal - all expenditures</i>	<i>120</i>	<i>298</i>	<i>287</i>	<i>316</i>	<i>314</i>	<i>175</i>	<i>1,510</i>

Drawn down funds in BART reserves as of 12/31/24 (\$M)**157****Remaining awarded funds to be used to offset expenses after 12/31/24 (\$M)****157**

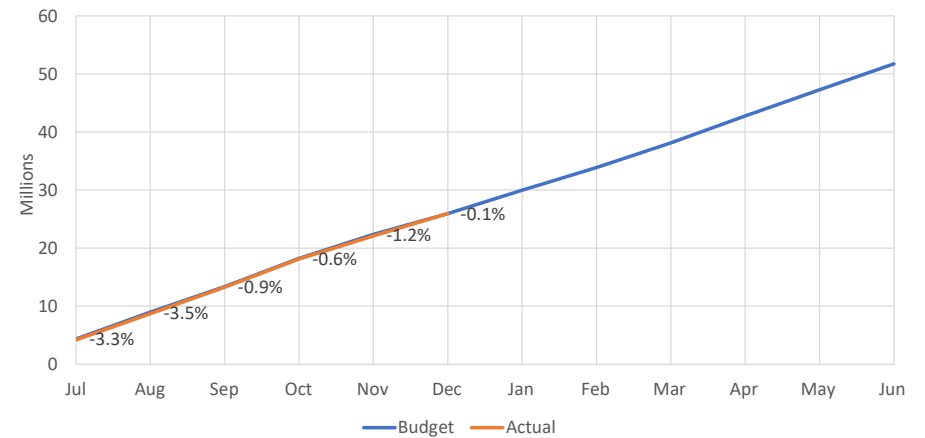
*SB125 has been partially allocated; BART expects approximately \$352M in total over several years

FY25Q2 (Jul-Dec) Ridership Stats

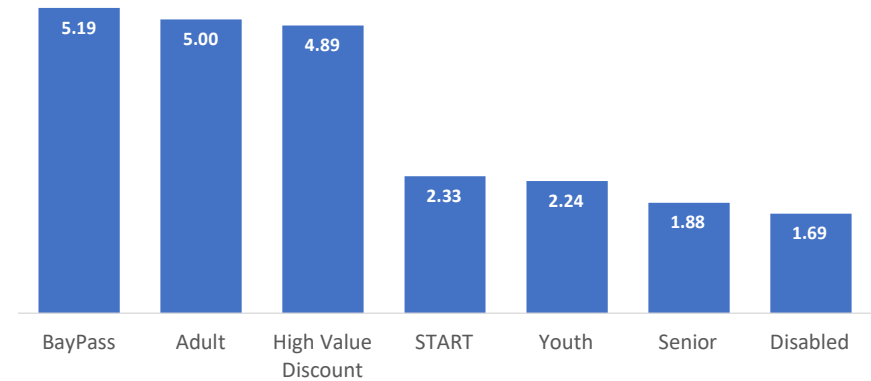
Average Weekday Ridership



FY25 Cumulative Budget to Actual Variance



Clipper Product Avg Net Fare



Exits	Actual FY24 YTD	Budget FY25 YTD	Actual FY25 YTD
Weekday	162,590	170,246	168,898
Saturday	92,737	97,496	95,985
Sunday	68,084	71,950	73,992
Total	24,892,677	25,961,900	25,939,139

FY25 YTD Actual vs.	
FY24 YTD Actual	FY25 YTD Budget
103.9%	99.2%
103.5%	98.4%
108.7%	102.8%
104.2%	99.9%



► FY25 First Quarter and Second Quarter
Financial Report
BART Board of Directors
February 13, 2025

Executive Summary

- Despite close budget to actuals performance, some notable variances:
 - Sales tax below budget expectations
 - Operating labor above budget (driven by lagging capital reimbursements and overtime)
 - Non-labor under budget
- BART required \$175.3M in emergency assistance to balance the first half of FY25; budget assumed \$189.1M (\$13.8M less used than anticipated)
- Year-end projection is stable; staff currently project to end FY25 on budget, though uncertainty remains
- Cost control measures are being implemented
- BART continues to make progress on reducing retirement-related liabilities
- Cash and reserves remain robust

Agenda

Budget to actuals:

- FY25 combined Q1 & Q2 operating budget to actuals and year-end projection
 - Sources
 - Uses
 - Net Result
- Emergency assistance to BART

Financial position:

- CalPERS pension funding progress: Miscellaneous and Safety plans
- Other Post-Employment Benefits (OPEB) funding progress of Retiree Health Benefits Trust (RHBT)
- Outstanding bonds
- Accounts receivable
- Cash and investments
- Operating and other reserves

FY25 Q2 Operating Sources

Quarterly Financial Report - Second Quarter FY25												
(\$ Millions)	Q1 Actuals	Q2 Budget	Q2 Actuals	Q2 Variance	YTD Budget	YTD Actuals	YTD Variance	YTD Variance %	Annual Budget	Q2 YE Forecast	Projected Year-End Variance (Q2)	Projected Year-End Variance %
Operating Revenue												
Net Passenger Revenue	60.3	55.6	56.9	1.3	114.9	117.1	2.2	1.9%	235.7	237.7	2.0	0.8%
Parking Revenue	4.4	4.3	4.3	0.1	8.7	8.8	0.1	0.7%	16.5	16.5	0.1	0.3%
Other Operating Revenue	4.8	5.4	5.7	0.3	10.6	10.4	-0.1	-1.4%	21.9	21.9	0.0	0.0%
Total Net Operating Revenue	69.5	65.2	66.9	1.7	134.2	136.3	2.1	1.6%	274.1	276.1	2.0	0.7%
Non Operating Revenue -												
Investment Income	9.2	6.2	5.7	-0.5	13.4	14.9	1.5	11.1%	23.5	23.5	0.0	0.0%
Total Revenue	78.7	71.4	72.5	1.2	147.6	151.2	3.6	2.4%	297.5	299.5	2.0	0.7%
Financial Assistance												
Sales Tax	79.1	79.9	78.1	-1.8	162.3	157.2	-5.1	-3.2%	320.3	310.1	-10.2	-3.2%
Property Tax	3.6	26.7	31.1	4.4	30.0	34.8	4.7	15.7%	64.3	66.9	2.6	4.1%
State Transit Assistance	0.1	0.0	0.0	0.0	0.0	0.1	0.0	245.1%	48.8	48.8	0.0	0.0%
VTA Financial Assistance	9.1	8.8	9.1	0.3	17.6	18.3	0.7	3.8%	35.2	35.2	0.1	0.2%
Other Assistance, Net of Federal												
Emergency Assistance	6.7	14.9	19.4	4.5	20.7	26.1	5.3	25.8%	31.8	33.9	2.1	6.7%
Total Financial Assistance	98.6	130.3	137.8	7.4	230.7	236.4	5.7	2.5%	500.3	494.9	-5.4	-1.1%
Total Operating Sources	177.3	201.7	210.3	8.6	378.3	387.6	9.3	2.5%	797.8	794.5	-3.3	-0.4%

FY25 Q2 Operating Uses

Quarterly Financial Report - Second Quarter FY25												
(\$ Millions)	Q1 Actuals	Q2 Budget	Q2 Actuals	Q2 Variance	YTD Budget	YTD Actuals	YTD Variance	YTD Variance %	Annual Budget	Q2 YE Forecast	Projected Year-End Variance (Q2)	Projected Year-End Variance %
Operating Expense												
Gross Wages, Fringe & Other Labor	219.9	219.0	214.0	5.1	441.9	433.9	8.0	1.8%	874.9	861.7	13.2	1.5%
Capital Reimbursements - Labor & Fringe	<u>-33.1</u>	<u>-38.2</u>	<u>-31.2</u>	<u>-7.1</u>	<u>-76.5</u>	<u>-64.3</u>	<u>-12.3</u>	<u>-16.0%</u>	<u>-151.3</u>	<u>-140.3</u>	<u>-11.0</u>	<u>7.3%</u>
Subtotal - Net Operating Labor & Fringe	186.8	180.8	182.8	-2.0	365.4	369.6	-4.2	-1.2%	723.6	721.4	2.2	0.3%
Gross Overtime	21.4	19.3	23.5	-4.2	38.5	44.8	-6.3	-16.4%	77.0	89.7	-12.6	-16.4%
Capital Reimbursements - Overtime	<u>-4.8</u>	<u>-5.0</u>	<u>-5.7</u>	<u>0.7</u>	<u>-10.0</u>	<u>-10.5</u>	<u>0.5</u>	<u>4.8%</u>	<u>-20.0</u>	<u>-21.9</u>	<u>1.9</u>	<u>-9.5%</u>
Subtotal - Net Operating Overtime	<u>16.6</u>	<u>14.3</u>	<u>17.8</u>	<u>-3.5</u>	<u>28.5</u>	<u>34.4</u>	<u>-5.8</u>	<u>-20.5%</u>	<u>57.0</u>	<u>67.8</u>	<u>-10.7</u>	<u>-18.8%</u>
Total Operating Labor	203.4	195.0	200.6	-5.5	393.9	404.0	-10.1	-2.6%	780.6	789.1	-8.5	-1.1%
Electric Power	14.5	15.8	14.9	0.9	30.0	29.4	0.5	1.8%	61.6	61.6	0.0	0.0%
Purchased Transportation	7.5	7.8	7.4	0.3	15.5	15.0	0.6	3.8%	31.1	31.8	-0.7	-2.3%
Other Non Labor	<u>28.6</u>	<u>42.6</u>	<u>39.3</u>	<u>3.3</u>	<u>81.9</u>	<u>67.9</u>	<u>14.0</u>	<u>17.1%</u>	<u>160.5</u>	<u>148.0</u>	<u>12.5</u>	<u>7.8%</u>
Total Non Labor	50.6	66.2	61.6	4.6	127.4	112.2	15.1	11.9%	253.2	241.4	11.8	4.7%
Total Operating Expense	254.1	261.2	262.2	-1.0	521.3	516.2	5.1	1.0%	1,033.9	1,030.5	3.3	0.3%
Debt Service and Allocations												
Debt Service	15.0	15.0	15.0	0.0	30.1	30.1	0.0	0.0%	60.2	60.2	0.0	0.0%
Capital and Other Allocations, Net of Emergency Assistance	<u>10.4</u>	<u>8.0</u>	<u>6.1</u>	<u>1.9</u>	<u>16.0</u>	<u>16.5</u>	<u>-0.5</u>	<u>-3.3%</u>	<u>32.0</u>	<u>32.0</u>	<u>0.0</u>	<u>0.0%</u>
Total Debt Service and Allocations	25.5	23.0	21.1	1.9	46.1	46.6	-0.5	-1.1%	92.2	92.2	0.0	0.0%
Total Operating Uses	279.5	284.3	283.3	1.0	567.4	562.9	4.5	0.8%	1,126.1	1,122.7	3.3	0.3%

FY25 Q2 Net Operating Result

Quarterly Financial Report - Second Quarter FY25												
(\$ Millions)	Q1 Actuals	Q2 Budget	Q2 Actuals	Q2 Variance	YTD Budget	YTD Actuals	YTD Variance	YTD Variance %	Annual Budget	Q2 YE Forecast	Projected Year-End Variance (Q2)	Projected Year-End Variance %
Operating Revenue												
Total Net Operating Revenue	69.5	65.2	66.9	1.7	134.2	136.3	2.1	1.6%	274.1	276.1	2.0	0.7%
Non Operating Revenue -												
Investment Income	9.2	6.2	5.7	-0.5	13.4	14.9	1.5	11.1%	23.5	23.5	0.0	0.0%
Total Revenue	78.7	71.4	72.5	1.2	147.6	151.2	3.6	2.4%	297.5	299.5	2.0	0.7%
Financial Assistance												
Total Financial Assistance	98.6	130.3	137.8	7.4	230.7	236.4	5.7	2.5%	500.3	494.9	-5.4	-1.1%
Total Operating Sources	177.3	201.7	210.3	8.6	378.3	387.6	9.3	2.5%	797.8	794.5	-3.3	-0.4%
Operating Expense												
Total Operating Labor	203.4	195.0	200.6	-5.5	393.9	404.0	-10.1	-2.6%	780.6	789.1	-8.5	-1.1%
Total Non Labor	50.6	66.2	61.6	4.6	127.4	112.2	15.1	11.9%	253.2	241.4	11.8	4.7%
Total Operating Expense	254.1	261.2	262.2	-1.0	521.3	516.2	5.1	1.0%	1,033.9	1,030.5	3.3	0.3%
Debt Service and Allocations												
Total Debt Service and Allocations	25.5	23.0	21.1	1.9	46.1	46.6	-0.5	-1.1%	92.2	92.2	0.0	0.0%
Total Operating Uses	279.5	284.3	283.3	1.0	567.4	562.9	4.5	0.8%	1,126.1	1,122.7	3.3	0.3%
Net Operating Result Before Emergency Assistance												
Emergency Assistance	-102.3	-82.6	-73.0	9.5	-189.1	-175.3	13.8	7.3%	-328.2	-328.3	0.0	0.0%
Emergency Assistance Applied	102.3	82.6	73.0	-9.5	189.1	175.3	-13.8	-7.3%	328.2	328.3	0.0	0.0%
Net Operating Result	0.0	0.0	(0.0)	(0.0)	0.0	0.0	(0.0)	0.0%	0.0	0.0	0.0	

- Through Q2, BART performed \$13.8M better than budget
- FY25 year-end projection shows slight underperformance in revenue offset by slight savings in expense, resulting in balanced budget at year-end

Emergency Assistance to BART as of December 31, 2024

Emergency Assistance to BART as of 12/31/2024

Award amounts (\$M)	FY20	FY21	FY22	FY23	FY24	FY25	Total Awarded
CARES	252	125	0	0	0	0	377
CRRSAA	0	378	0	0	0	0	378
ARPA + Add'l Assistance	0	0	853	0	0	0	853
SB125 State and Regional Assistance*	0	0	0	0	58	0	58
<i>Subtotal - all awards</i>	<i>252</i>	<i>504</i>	<i>853</i>	<i>0</i>	<i>58</i>	<i>0</i>	<i>1,667</i>

Funds allocated to BART

Draw downs (\$M) - funds received as of 12/31/24	FY20 Actual	FY21 Actual	FY22 Actual	FY23 Actual	FY24 Actual	FY25 Actual	Total Drawn Down
CARES	186	192	0	0	0	0	377
CRRSAA	0	211	167	0	0	0	378
ARPA + Add'l Assistance	0	0	276	408	169	0	853
SB125 State and Regional Assistance	0	0	0	0	0	58	58
<i>Subtotal - all drawdowns</i>	<i>186</i>	<i>402</i>	<i>443</i>	<i>408</i>	<i>169</i>	<i>58</i>	<i>1,667</i>

Funds received by BART

Remaining emergency funds to be drawn down after 12/31/24 (\$M)

0

Expenditures (\$M) - applied to offset incurred expenses as of 12/31/24	FY20 Actual	FY21 Actual	FY22 Actual	FY23 Actual	FY24 Actual	FY25 Actual	Total Applied
CARES	120	257	0	0	0	0	377
CRRSAA	0	41	287	50	0	0	378
ARPA + Add'l Assistance	0	0	0	266	314	175	755
SB125 State and Regional Assistance	0	0	0	0	0	0	0
<i>Subtotal - all expenditures</i>	<i>120</i>	<i>298</i>	<i>287</i>	<i>316</i>	<i>314</i>	<i>175</i>	<i>1,510</i>

Funds used by BART to offset incurred costs

Drawn down funds in BART reserves as of 12/31/24 (\$M)

157

Remaining awarded funds to be used to offset expenses after 12/31/24 (\$M)

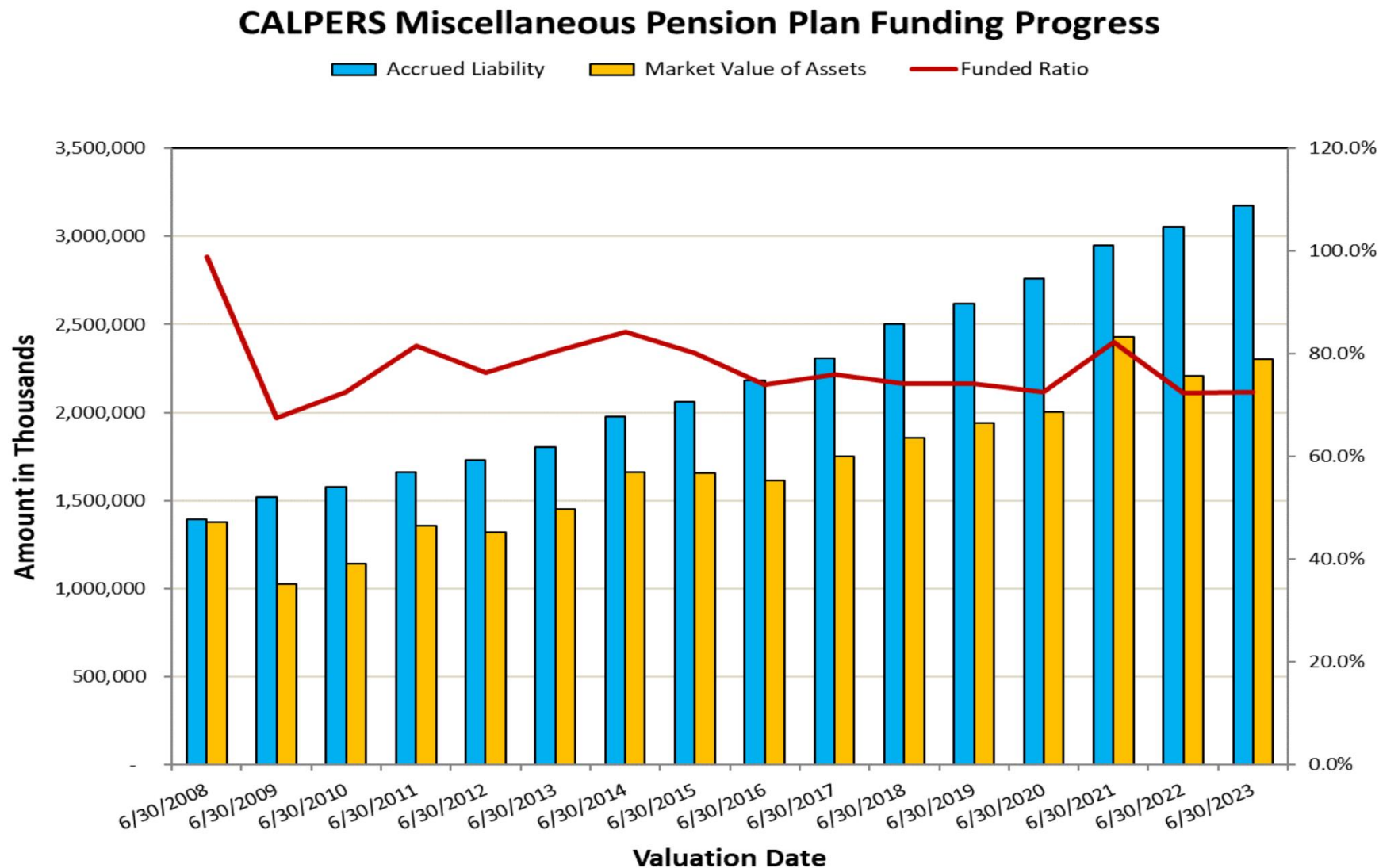
157

*SB125 has been partially allocated; BART expects approximately \$352M in total over several years



Financial Position

CalPERS Pension Plan Funding Progress: Miscellaneous



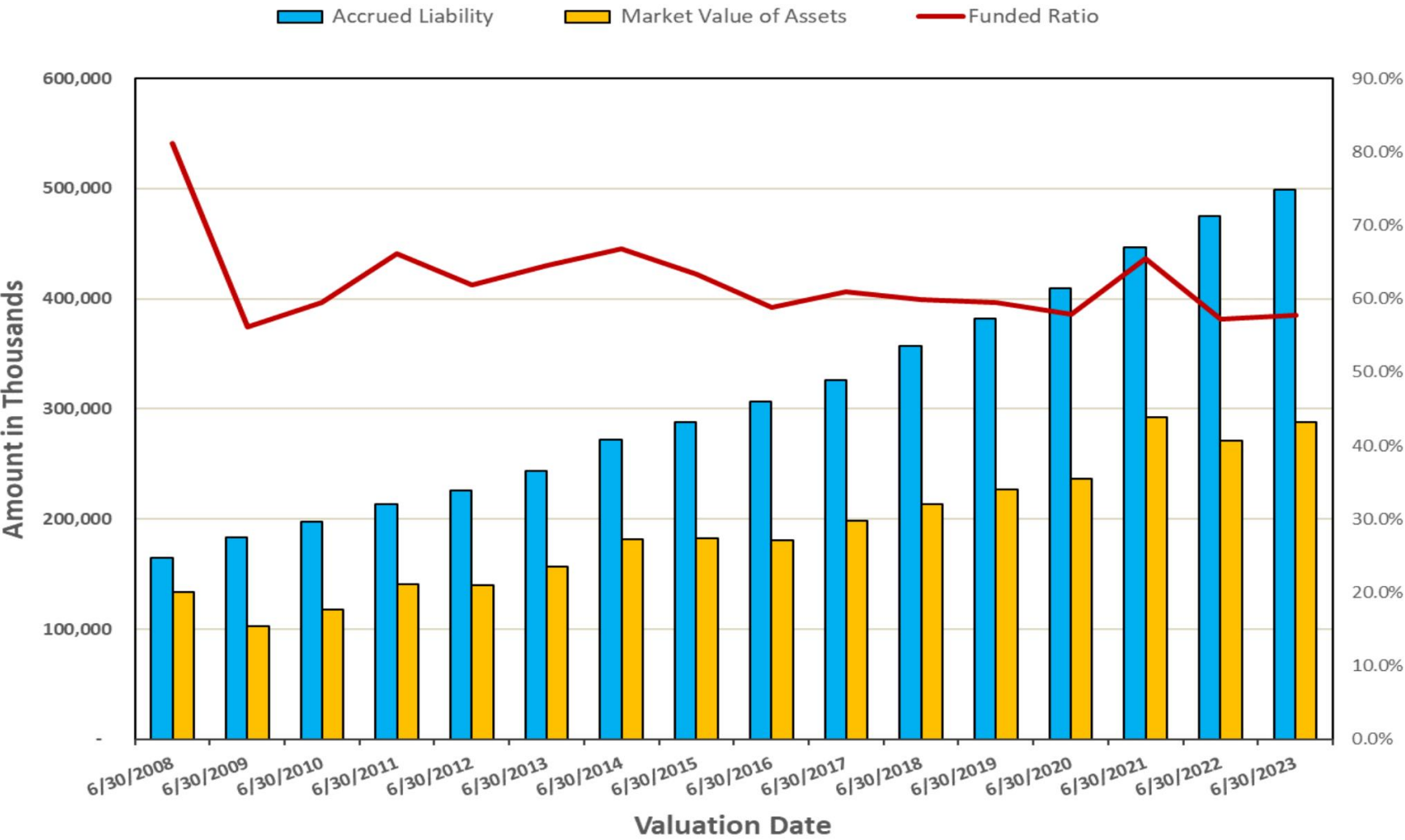
Miscellaneous plan covers all BART staff except sworn BART Police officers

FY25 budget contributions for Miscellaneous Plan:
Normal cost: \$47.2M
Unfunded Actuarial Liability (UAL): \$73.1M
Total: \$120.3M

CalPERS expected to release 6/30/24 funded status between July – September 2025

CalPERS Pension Plan Funding Progress: Safety

CALPERS Safety Pension Plan Funding Progress



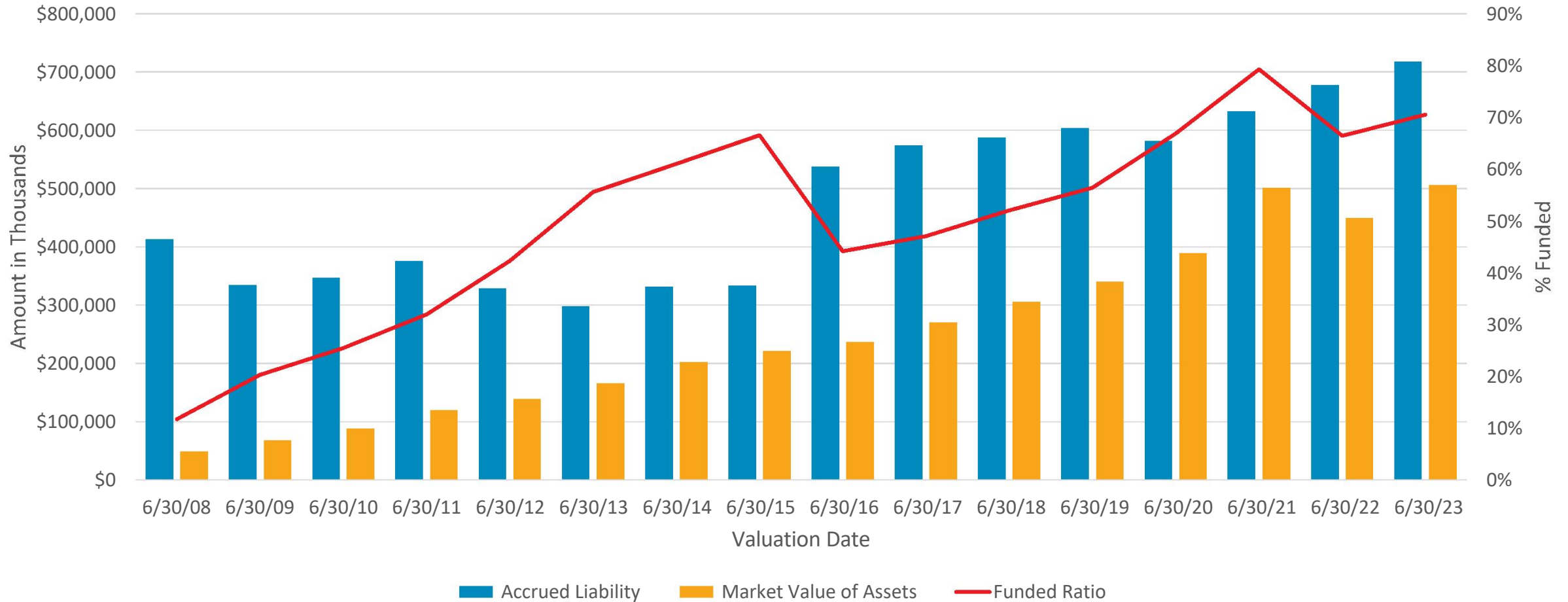
Safety plan covers sworn BART Police officers

FY25 budget contributions for Safety Plan:
Normal cost: \$10.7M
UAL: \$15.8M
Total: \$26.5M

CalPERS expected to release 6/30/24 funded status between July – September 2025

Funding Progress Retiree Health Benefits Plan

Funding Progress Retiree Health Benefits Plan



- BART funds retiree medical costs via contributions to its Retiree Health Benefit Trust (RHBT)
- FY25 budgeted contribution is \$45.6M

Summary of Outstanding Bonds

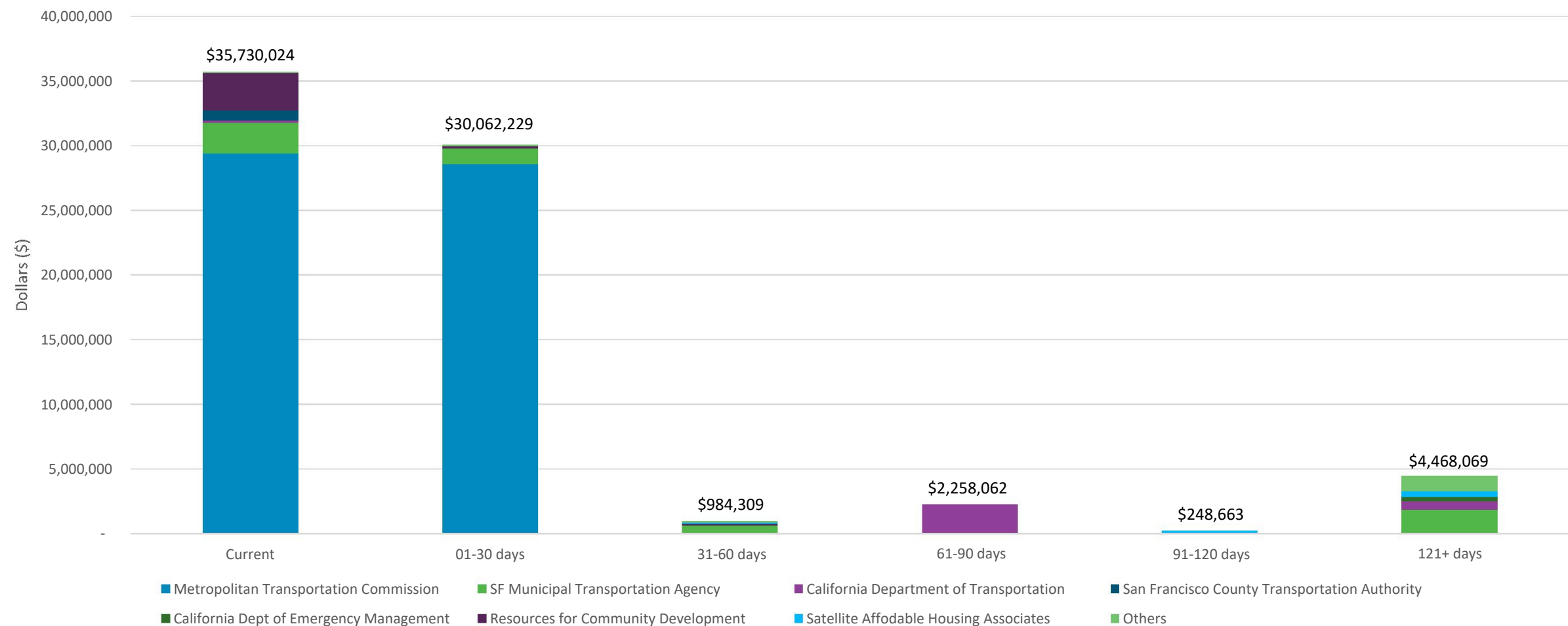
	Authorized	Issued as of 12-31-2024	Outstanding Balance 06-30-2024	Issuance	Payments	Outstanding Balance 12-31-2024	Annual Debt Service Fiscal Year 2025	Property Tax Assessments Fiscal Year 2025**	FY 2024
Sales Tax Revenue Bonds *		\$ 984,260,000	\$ 590,805,000	\$ -	\$ (36,750,000)	\$ 554,055,000	\$ 60,131,289		
Measure AA General Obligation Bonds	\$ 980,000,000	\$ 980,000,000	\$ 601,510,000	\$ -	\$ (28,705,000)	\$ 572,805,000	\$ 54,655,294	\$4.70/\$100,000	\$4.80/\$100,000
Measure RR General Obligation Bonds	\$ 3,500,000,000	\$ 2,060,000,000	\$ 1,844,065,000	\$ -	\$ (25,610,000)	\$ 1,818,455,000	\$ 98,537,675	\$10.10/\$100,000	\$8.60/\$100,000
Total		<u>\$ 4,024,260,000</u>	<u>\$ 3,036,380,000</u>	<u>\$ -</u>	<u>\$ (91,065,000)</u>	<u>\$ 2,945,315,000</u>	<u>\$ 213,324,258</u>		

* Sales Tax Revenue Bonds with outstanding balances.

** Net of Cash Available for Debt Service collected from prior year's assessment.

Outstanding Billed A/R Grants

The status of receivables from BART’s funding partners is shown in the chart below. The amount outstanding was **\$73.8M** as of **December 31, 2024**.



Cash and Investments

as of December 31, 2024

Investment allocation

		<u>% Allocation</u>
CD, Cash on hand and Cash In Bank	\$ 91,893,218	10.01%
Money Market	\$ 10,399,962	1.13%
Mutual Fund - Bond Fund	\$ 41,387,797	4.51%
US Government Securities	\$ 763,436,207	83.15%
Local Agency Investment Fund	\$ <u>11,009,000</u>	<u>1.20%</u>
Total Cash & Investments	\$ <u>918,126,185</u>	<u>100%</u>

Breakdown of US Government Securities

US Treasury	\$ 407,277,103
Federal Home Loan Bank	<u>356,159,105</u>
	<u>\$ 763,436,207</u>

Weighted average return on investments in U.S. Government Securities were 4.70%.

Cash by fund and restriction

General Fund		Capital Fund		Total
Restricted	\$ 25,035,504	Allocated	\$ 300,454,476	
Unrestricted	389,347,091	Scheduled to be Allocated	203,289,114	
	<u>\$ 414,382,595</u>		<u>\$ 503,743,590</u>	<u>\$ 918,126,185</u>

BART’s General Fund includes restricted and unrestricted funds. Restricted funds are generally limited by statute or regulation to specific uses and tracked separately from unrestricted funds, which can be used for general operating purposes.

Operating and Other Reserves

Operating and Other Reserves As of December 31, 2024

<u>Quarterly Changes</u>		<u>October to December 2024</u>			
		<u>September 30, 2024</u>	<u>Additions</u>	<u>Usage</u>	<u>December 31, 2024</u>
Operating Reserve	(1)	\$ 53,708,182	\$ -	\$ -	\$ 53,708,182
Insurance Calamity Reserve	(2)	9,000,000	-	-	9,000,000
Operating Reserve - Economic Uncertainty					
General Reserve for Economic Uncertainty	(3)	25,345,543	-	-	25,345,543
From Federal Assistance - ARP	(3)	171,560,266	-	(73,015,915)	98,544,350
From SB 125 State and Regional Assistance	(3)	-	58,211,496	-	58,211,496
Operating Reserve - Fiscal Stability - Pension	(4)	41,484,405		(96,608)	41,387,798
Operating Reserve - Low Carbon Fuel Standards Credits	(5)	18,498,668	-	-	18,498,668
Working Capital Reserve Fund		90,774,429	884,774		91,659,204
Total		<u>\$ 410,371,493</u>	<u>\$ 59,096,270</u>	<u>\$ (73,112,523)</u>	<u>\$ 396,355,241</u>

- (1) Cumulative balance of operating reserves per "Financial Stability Policy" approved by the Board.
- (2) This reserve was set aside in the 1960s to cover catastrophic losses associated with District property damage, public liability and workers' compensation claims.
- (3) Operating reserve set aside due to uncertain economic conditions.
- (4) Amount set aside in FY18, FY19, FY20, FY21, and FY22 for pension contribution or for prefunding of the District's pension obligation. A Section 115 Pension Trust has been created for this reserve.
- (5) Portion of proceeds from sale of Low Carbon Fuel Standards credits sold set aside to support operations per "Low Carbon Fuel Standard Policy" approved by the Board in July 2017.



Discussion



Appendices

Post-Employment Benefits Summary

- The District currently provides benefits to employees which include, but are not limited to:
 - **Retirement Pension Plan** managed by the California Public Employee Retirement System (CalPERS) and funded by contributions from the District and its employees. CalPERS is the largest pension plan in the United States with assets of approximately \$503 billion.
 - ✓ The District established a Section 115 Trust for prefunding the District's pension obligation on February 5, 2020.
 - **Retiree Medical Benefits** coverage funded by a Trust established by the District in 2005.
 - a. Invested in a combination of stocks, bonds, REIT & cash,
 - b. Benchmark 6.5%,
 - c. Quarterly Report to the Unions
 - **Survivor Benefits** of active and retired employees funded by the employees (\$15/month).
 - ✓ The Trust was established on May 18, 2020.
 - **Life Insurance** for retired employees.
 - The District also accrues liabilities through Property & Casualty insurance and workers compensation claims and maintains the required reserves related to its self-funded insurance programs for worker's compensation and general liability based on an annual actuarial study.

Funding Status of Pension Obligations

Quarterly Report of the Controller-Treasurer
As of December 31, 2024
Funding Status of Pension Benefit Obligations

	Report Date	Market Value of Assets	Total Liability	Unfunded Liability	% Funded 06/30/2023
Funds Managed by CALPERS					
Miscellaneous Employees	6/30/2023	\$ 2,302,318,321	\$ 3,172,426,609	\$ 870,108,288	72.6%
Safety Employees	6/30/2023	\$ 288,221,813	\$ 499,342,063	\$ 211,120,250	57.7%
Section 115 Pension Trust	12/31/2024	\$ 40,991,320		\$ (40,991,320)	
Total - Pension Benefit Obligations		\$ 2,632,024,539	\$ 3,671,768,672	\$ 1,039,744,133	

Funding Status of Other Post Employment Benefit Obligations

Most Recent Valuation

	<u>Report Date</u>	<u>Market Value of Assets</u>	<u>Total Liability</u>	<u>Unfunded Liability</u>	<u>% Funded</u>
Retiree Health Benefits	6/30/2023	\$ 506,393,000	\$ 718,155,000	\$ 211,762,000	70.5%
Other Post Employment Benefits					
Life Insurance	6/30/2023	-	\$ 47,823,000	\$ 47,823,000	0.0%
Survivors Benefits	6/30/2023	\$ 10,890,000	\$ 20,986,000	\$ 10,096,000	51.9%

Trust Assets for Post Employment Benefits Held by the District

Quarterly Change

	Net Assets September 30, 2024	Contributions	Expenses	Gain (Loss)	Net Assets December 31, 2024	Quarterly Return	Inception to-date Return
Retiree Health Benefit Trust	\$ 643,505,263	\$ 12,895,750	\$ (8,601,230)	\$ 7,727,887	\$ 655,527,670	1.2%	7.5%
Section 115 Pension Trust	41,484,405	-	-	(493,085)	40,991,320	-1.2%	0.4%
Survivors Benefit Trust	13,735,290	214,362	(113,113)	143,688	13,980,227	1.1%	8.8%
Total	<u>\$ 698,724,958</u>	<u>\$ 13,110,112</u>	<u>\$ (8,714,343)</u>	<u>\$ 7,378,490</u>	<u>\$ 710,499,217</u>		

Fiscal Year to Date Change

	Net Assets June 30, 2024	Contributions	Expenses	Gain (Loss)	Net Assets December 31, 2024	Fiscal Year to Date Return
Retiree Health Benefit Trust	\$ 606,309,252	\$ 25,791,500	\$ (17,226,971)	\$ 40,653,889	\$ 655,527,670	6.6%
Section 115 Pension Trust	39,880,717	-	-	1,110,603	40,991,320	2.8%
Survivors Benefit Trust	12,977,626	436,434	(262,946)	829,113	13,980,227	6.7%
Total	<u>\$ 659,167,595</u>	<u>\$ 26,227,934</u>	<u>\$ (17,489,917)</u>	<u>\$ 42,593,605</u>	<u>\$ 710,499,217</u>	

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Board of Directors **DATE:** February 7, 2025
FROM: General Manager
RE: Transit-Oriented Development (TOD) Program Update

Staff will provide an information item at the February 13, 2025 Board meeting on the BART Transit-Oriented Development (TOD) Program.

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

DocuSigned by:
Michael Jones
47000790F2D7463...

Robert Powers

cc: Board Appointed Officers
Deputy General Manager
Executive Staff



Transit-Oriented Development Program Update

Board of Directors | February 13, 2025

Agenda

- Policy Overview
- Project Updates
- Financial Context
- Upcoming TOD Board Items

BART TOD Overview

TOD sites:

- 250 acres of developable land
- At 27 stations
- Across 22 jurisdictions
- ~28,000 potential new homes

TOD Benefits:

- **Grow BART ridership:** TOD residents are 2x as likely to ride BART vs non-TOD residents
- **Climate Action:** Housing near transit produces 50% fewer auto trips vs conventional development
- **Lower Cost of Living:** Transportation costs for those living near BART are 24% lower than average



BART TOD Goals

- A. Complete Communities.** Partner to ensure BART contributes to neighborhood/district vitality, creating places offering a mix of uses and amenities.
- B. Sustainable Communities Strategy.** Lead in the delivery of the region's land use and transportation vision to achieve quality of life, economic, and greenhouse gas reduction goals.
- C. Ridership.** Increase BART ridership, particularly in locations and times when the system has capacity to grow.
- D. Value Creation and Value Capture.** Enhance the stability of BART's financial base by capturing the value of transit, and reinvesting in the program to achieve TOD goals.
- E. Transportation Choice.** Leverage land use and urban design to encourage non-auto transportation choices both on and off BART property, through enhanced walkability and bikeability, and seamless transit connectivity.
- F. Affordability.** Serve households of all income levels by linking housing affordability with access to opportunity.

Board update adopted April 2020

Key BART TOD Policies

- **TOD Policy (amended 2020)**
 - Outlines vision and goals for BART's TOD program
- **Project Stabilization Agreement Policy (2011)**
 - Developers to reach agreement with county building trades councils for TOD construction
- **Station Access Policy (2016)**
 - BART rider access and investment priorities by station type
- **Affordable Housing Policy (2016)**
 - 20% of units must be affordable in residential TODs; 35% goal portfolio-wide, per TOD Policy
- **TDM Program (2021)**
 - Developer to provide transportation demand management ("TDM") measures to support walking, biking, transit among TOD residents/employees
- **Affordable Housing Financial Return Framework (2021)**
 - Land value discount of up to 60% to support inclusion of affordable housing

BART TOD Portfolio

Existing TODs:

- 15 stations
- ~875,000 sq ft commercial
- Over 4,200 homes, 1,300 (30%) affordable
- 8 TODs in predevelopment

Future TODs:

- 10 stations
- Active developer negotiations, entitlements, design review, and permitting
- ~970,000 sq ft commercial
- ~4,000 homes, ~1,680 affordable (44%)

Description	Residential			Commercial ¹	
	Total (DU)	Affordable (DU)	Affordable (%)	Office (SF)	Retail (SF)
Station & project phase (Year complete)	Complete				
Castro Valley Ph 1 (1993)	96	96	100%		
Hayward Ph 1 (1998)	77	0	0%		
Ashby Ph 1-Ed Roberts (2001)	0	0	0%	80,000	
Fruitvale Ph 1 (2004)	47	10	21%	27,000	37,000
Richmond Ph 1 (2004)	132	66	50%		15,000
Pleasant Hill/CC Centre Blocks A & B (2008)	422	84	20%		35,590
Dublin/ Pleasanton Ph 1-Dublin (2008)	240	0	0%		
West Dublin/ Pleasanton Ph 1-Dublin (2013)	309	0	0%		
MacArthur Ph 1 (2016)	90	90	100%		
San Leandro Ph 1 (2017)	115	115	100%		
South Hayward Ph 1 (2017)	357	150	43%		
Fruitvale Ph 2A (2018)	94	92	98%		
Pleasant Hill/CC Centre Block C (2018)	200	0	0%		
MacArthur Ph 2 (2019)	385	0	0%		33,000
San Leandro Ph 2 (2019)	85	85	100%	5,000	1,000
West Dublin/ Pleasanton Ph 2-Pleasanton (2019)	0	0	0%	410,000	
Coliseum Ph 1 (2019)	110	55	50%		
MacArthur Ph 3 (2020)	403	45	11%		13,000
Walnut Creek Ph 2 (2023)	358	0	0%		14,000
Millbrae (2023)	400	100	25%	150,000	45,000
Balboa Park (2023)	131	131	100%		3,000
Fruitvale Ph 2B (2024)	181	179	99%		6,000
Total complete	4,232	1,298	31%	672,000	202,590
Station & project phase	In construction				
Lake Merritt Block 1, Building B	97	97	100%	-	-
Total in construction	97	97	100%	0	0
Station & project phase	Predevelopment				
West Oakland	762	240	31%	~380,000	~50,000
Lake Merritt Block 1, Building A	360	36	10%		
West Dublin/ Pleasanton Ph 3-Dublin	300	300	100%		
Lake Merritt Block 2	100	100	100%	~500,000	
El Cerrito Plaza	743	370	50%		~20,000
North Berkeley	750	381	52%		6,000
Pleasant Hill/CC Centre Block D	170	34	20%		
Richmond Ph 2	520	209	40%		
Walnut Creek Ph 3	238	0	0%		12,000
Total predevelopment	3,943	1,670	42%	880,000	88,000
Grand total	8,272	3,065	37%	1,552,000	290,590
Station & project phase	Presolicitation				
Ashby Ph 2-West lot	750	TBD	35-50%	0	0
Total presolicitation	750	TBD	35-50%	0	0
¹ Millbrae's project also includes 164 hotel rooms					
DU = Dwelling units; SF = Square feet					

Progress Toward BART TOD Performance Targets

2040 Targets:

- 20,000 housing units, 35% affordable
- 4.5M sq ft commercial

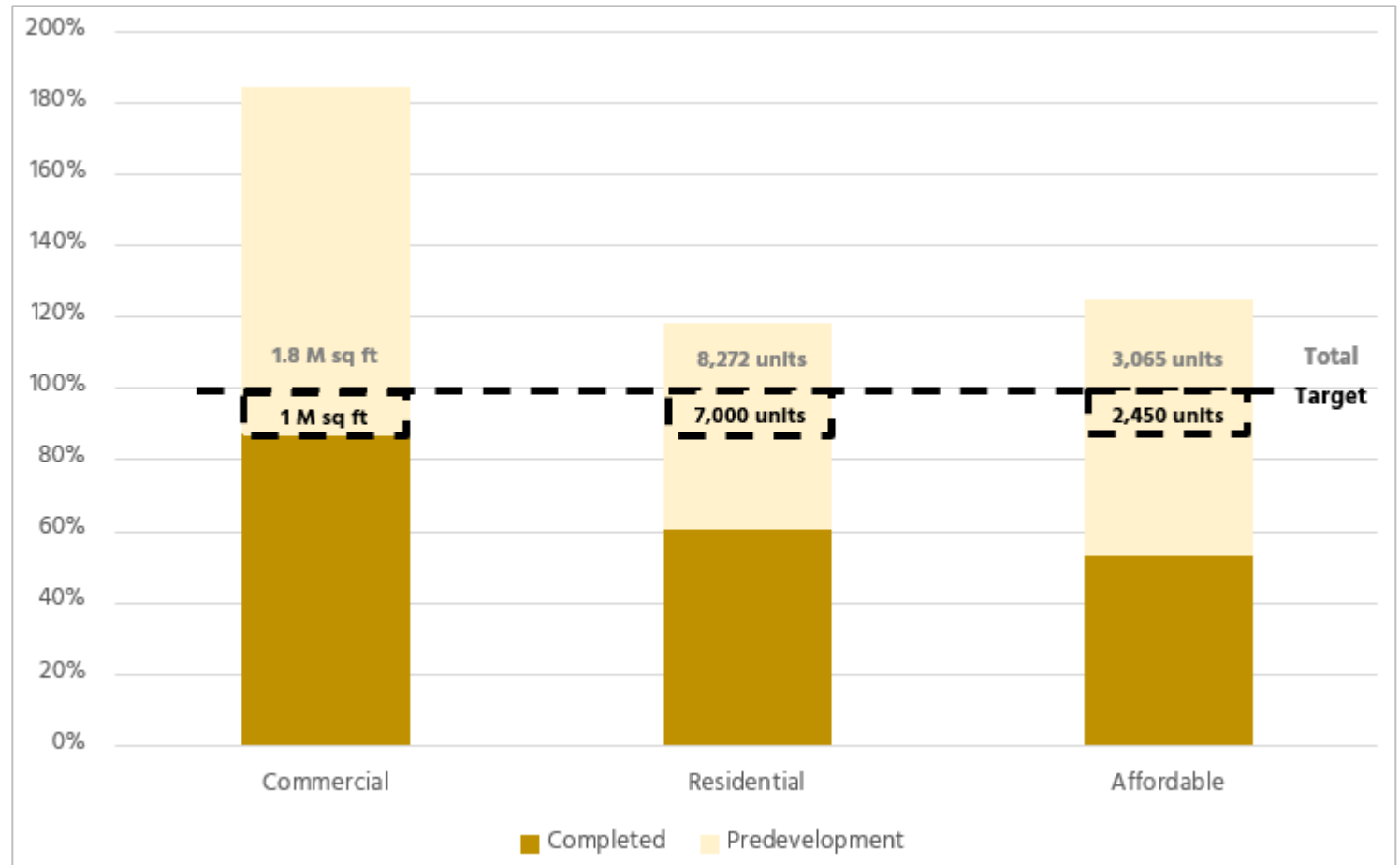
2025 Mid-Term Targets:

- 7,000 housing units, 35% affordable
- 1M sq ft commercial

Completed:

- 4,200 housing units, 30% affordable
- 875,000 sq ft commercial

2025 Performance Goal Targets Progress



BART TOD vs. Conventional Development

TOD projects are unique:

- Uninterrupted service and rider access to transit required
- Infrastructure considerations
- Station area and access improvements

Public agency & public land:

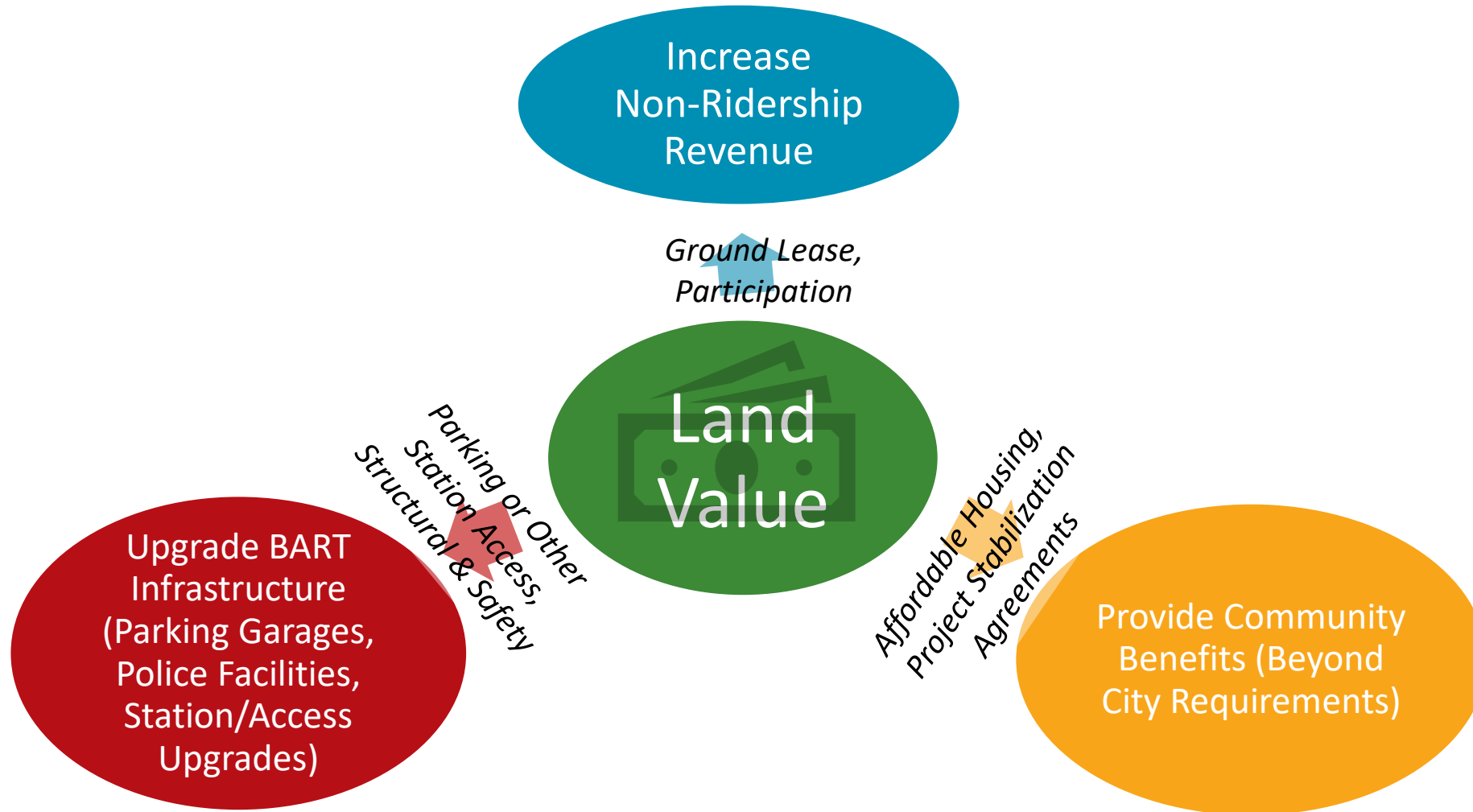
- BART policies: labor requirements, affordable housing minimums
- BART permitting and facilities standards
- State regulations: Surplus Land Act; streamlining (AB 2923)

Funding:

- Eligible for special transportation and housing funding
 - Transit and Intercity Rail Capital Program (TIRCP)
 - Affordable Housing and Sustainable Communities (AHSC)



BART TOD Financial Return



BART TOD Financial Return

**Total Revenue
2010-2040
\$502M**

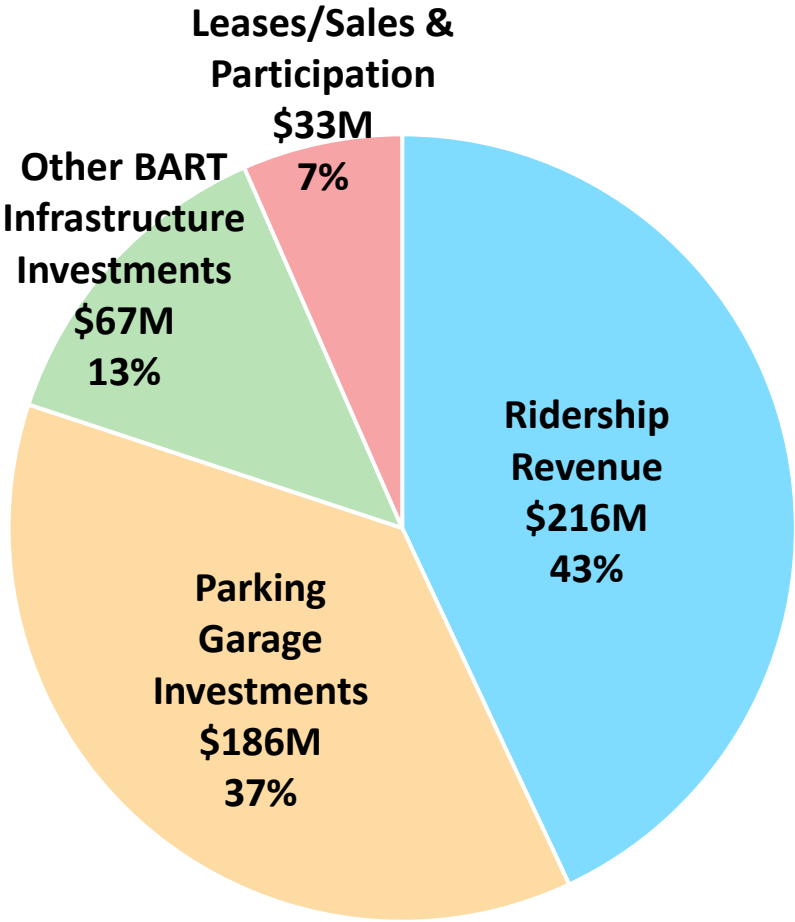


Chart only includes completed TOD projects; does not include projects under construction, in predevelopment, or future projects.

BART TOD Revenue: Leases/Sales & Participation

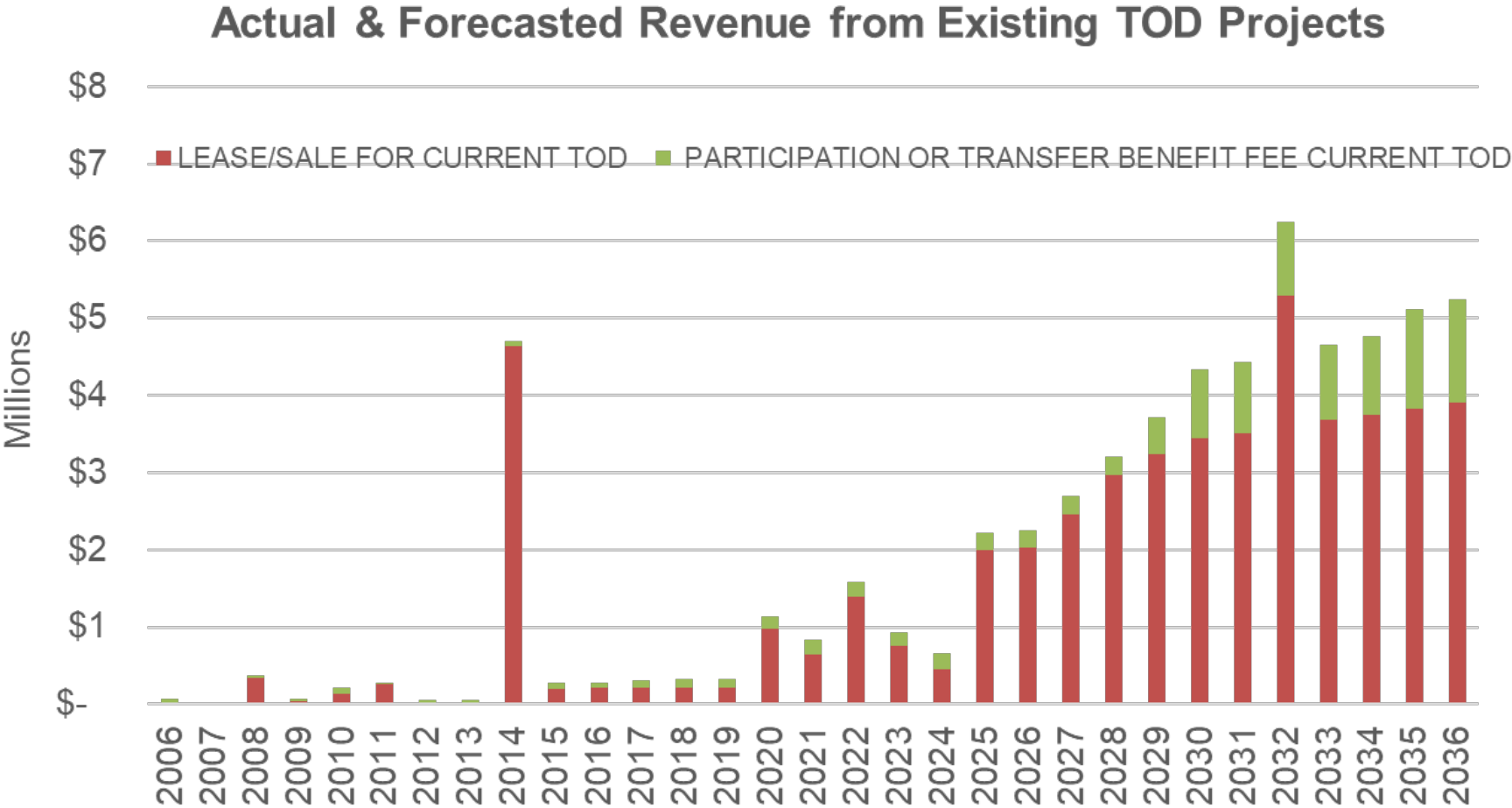


Chart not reflective of (1) Value to BART of replacement rider parking garages, or (2) Revenue from planned but unbuilt TOD projects/phases.

Status of Current Projects

Pre-solicitation Planning:

- Bay Fair Station
- Fremont Station
- Hayward Station

Solicitation:

- Ashby Station (RFP issued)

Pre-entitlement - Planning, Entitlements, Negotiations:

- North Berkeley Station (ENA)
- Pleasant Hill Station (DDA)

Preconstruction - Design Review, Permitting, Negotiations:

- El Cerrito Plaza Station (Signed option; construction pending funding)
- Walnut Creek Station (Signed option; construction pending funding)
- West Dublin/Pleasanton Station (Signed Ground Lease; construction pending funding)
- West Oakland Station (Signed option; construction pending funding)

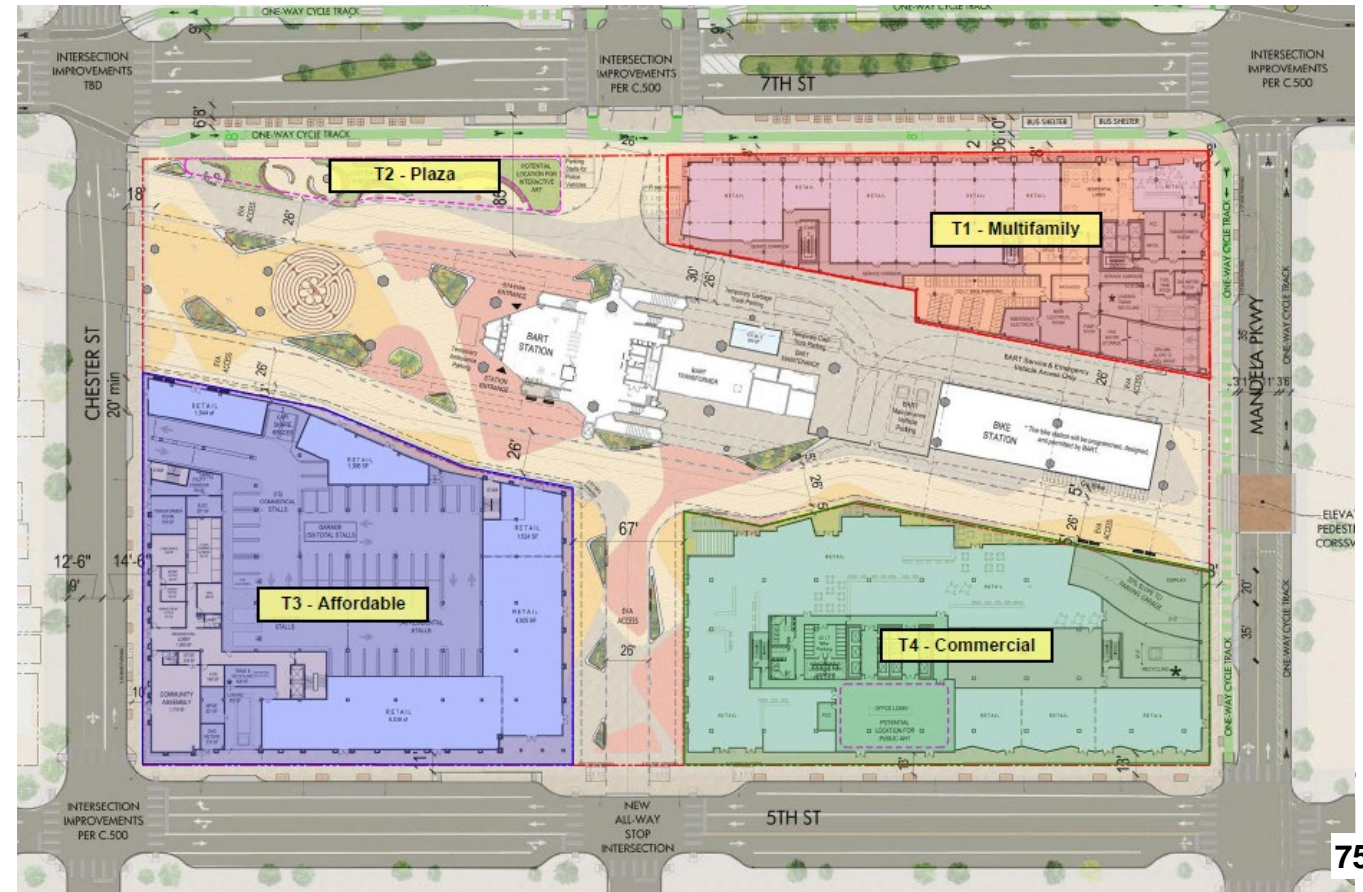
Construction:

- Lake Merritt Station- Building B and Paseo

Active Planning/Preconstruction: West Oakland Station

Developers: Mandela Station Partners

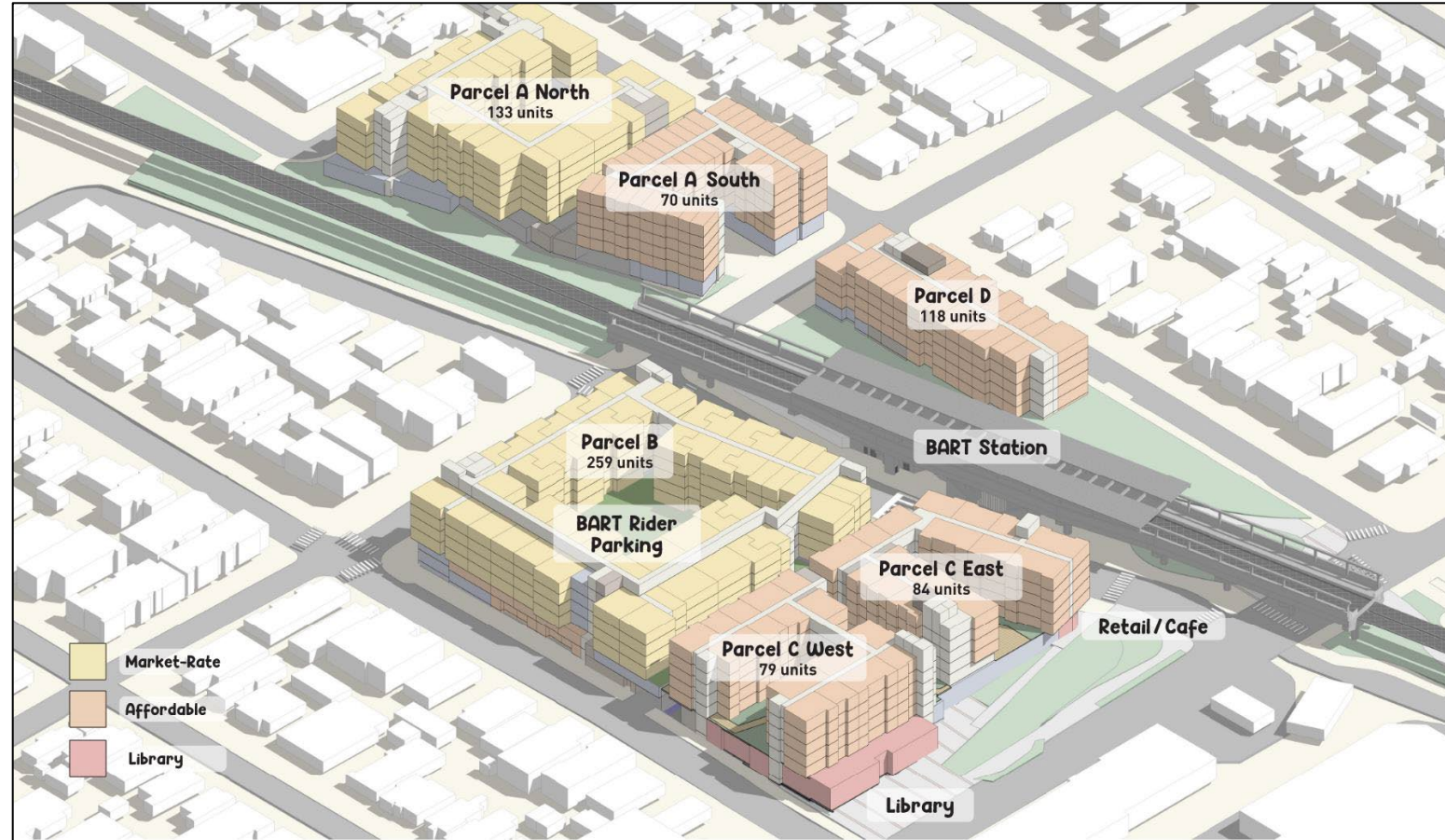
- 762 housing units, 240 affordable
 - 300K sq ft office, ground floor retail
 - Bike/ped access improvements
 - T3 slated to move first
-
- ✓ Option signed May 2023
 - ✓ \$109.2M funding secured for affordable housing phase
 - ✓ \$29.8M secured for master project infrastructure



Planning/Preconstruction: El Cerrito Plaza Station

Developers: Holliday Development, Related California

- 743 housing units, 47% affordable, including 118 units of 'missing middle income' housing
- Potential public library (pending local funding measure)
- Transportation infrastructure:
 - New intermodal
 - BART rider parking
 - Bike station
 - Widened Ohlone Greenway
 - Public plaza
- ✓ \$90M secured in housing and infrastructure funding
- ✓ July 2024: Master plan entitlements approved

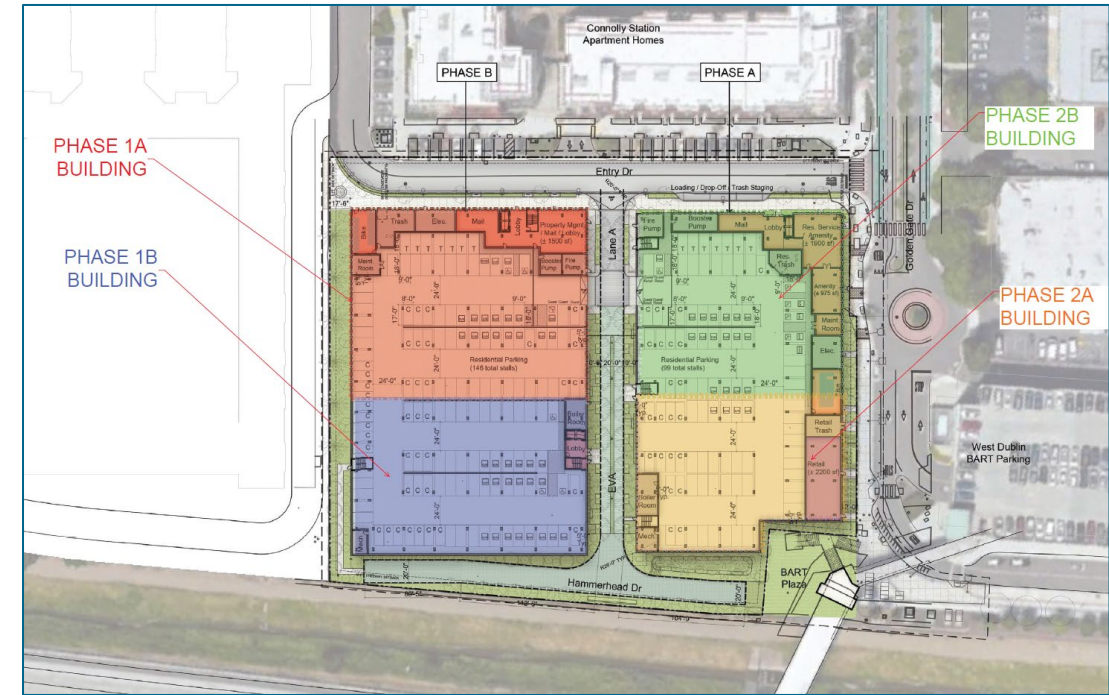


Planning/Pre-Construction:

West Dublin/Pleasanton Station

Developer: Related California

- Final component of infill station and TOD development
 - 4 phases totaling 300 housing units
 - 100% affordable
 - BART Plaza
-
- ✓ \$13.3M in City of Dublin funding commitments
 - ✓ Fully entitled



Active Planning/Predevelopment: North Berkeley

Developer: North Berkeley Housing Partners
(Avalon, Bridge, East Bay Asian Local
Development Corporation [EBALDC], Insight
Housing)

- ~740 housing units
- 52% affordable
 - \$26.2M City of Berkeley affordable housing contribution
- ~7,000 sq ft community-serving retail
 - On-site childcare
- Extension of Ohlone Greenway, other bike/ped improvements
- ~57,000 sq ft of open space
- ✓ December 2024: Master plan entitlements



Image courtesy of North Berkeley Housing Partners

Active Planning & In Construction: Lake Merritt

Developers: Strada, East Bay Asian Local Development Corporation (EBALDC)

- Implementing community vision as set forth in Lake Merritt Station Area Plan
- ✓ Building B & Paseo in construction
- Building A timing depends on market

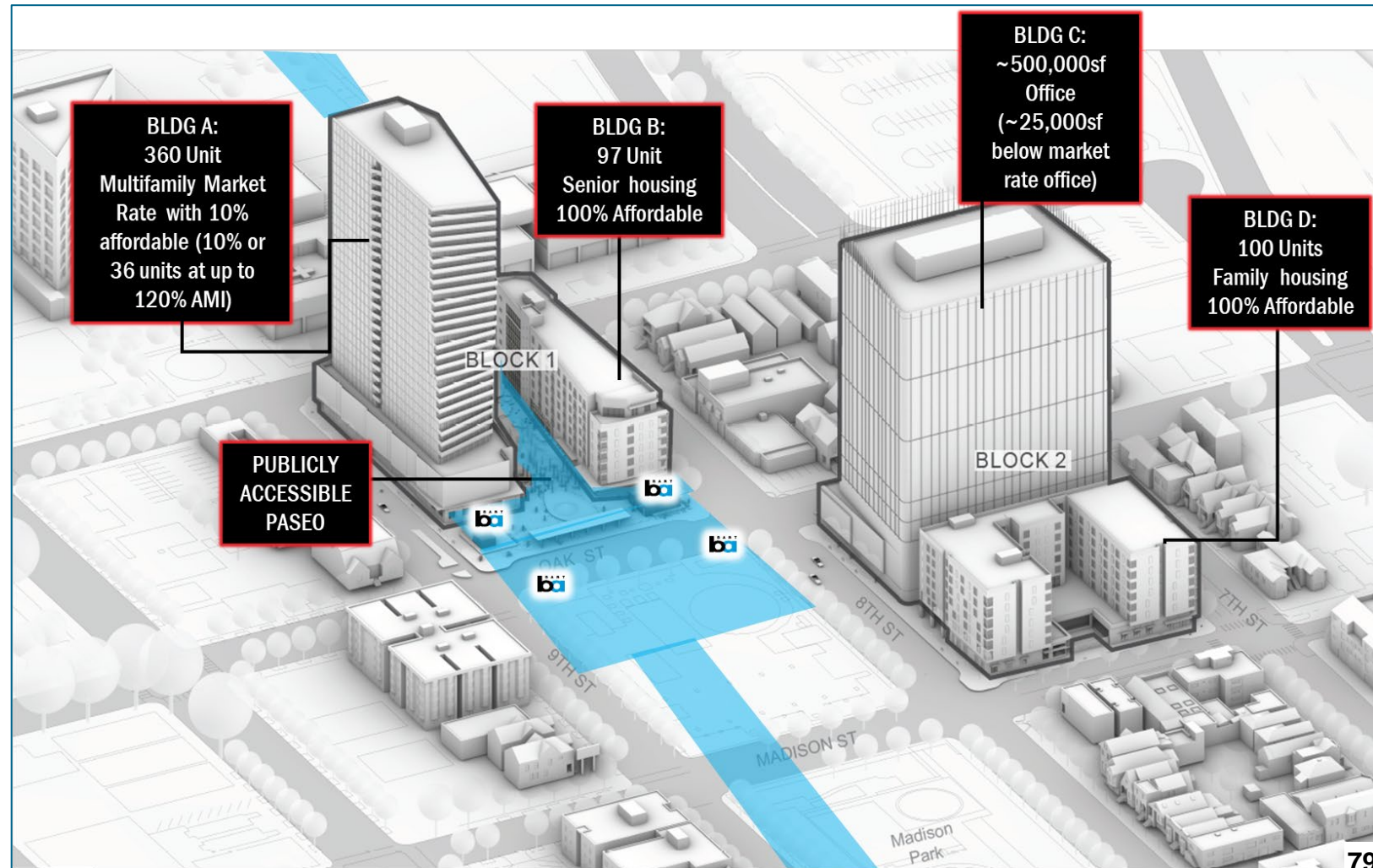


Image courtesy of Strada/EBALDC

Solicitation

Ashby

- ✓ BART/City Adopted Joint Vision & Priorities for TOD in 2022
- ✓ BART/City approved Term Sheet and executed Exchange Agreement in 2024
- ✓ BART issued RFP for West Lot Development Dec. 2024
 - 50% of first 602 units to be affordable
 - City contributing \$18.5M affordable housing funds
 - 5k ground floor retail for Flea Market and community uses
 - New BART plaza and access improvements
 - Proposals due March 2025
 - Recommendation to Board Summer 2025
- City to seek developer for East Lot Development



TOD Work Plan (2024)

Developed in coordination with local and regional agencies.

Evaluation of future TOD sites, based on four criteria:

1. Local support

- Zoning, adopted community plans, public outreach
- Local interest in and funding for development
- Housing policies

2. Infrastructure readiness

- BART rider parking, replacement parking on-site, off-site solutions
- Major utilities, flood channels, freight rail, etc.
- Access

3. Market readiness

- CoStar data
- Station access environment (WalkScore®, BART's Station Access Typology)

4. Development capacity (new)

- Considers development output / efficiency
- Developable acreage, density



TOD Work Plan: Priorities

Timeframe to Advance to Developer Solicitation (RFQ/RFP): Alphabetical		
Near-Term (2024-2028)	Mid-Term (2029-2033)	Long-Term (2034 and beyond)
Ashby (Phase 2)	Coliseum (Phase 2)	Castro Valley (Phase 2)
Bay Fair	Concord (Phase 1-Monument)	Daly City (San Francisco & Daly City parcels)
El Cerrito del Norte	Dublin/ Pleasanton (Phase 2-Pleasanton)	Fruitvale (Phase 3-Derby)
Fremont	Lafayette	Glen Park
Hayward (Phase 2)	Pittsburg/ Bay Point	North Concord
	South Hayward (Phase 2)	Orinda ¹
	Union City	Pittsburg Center
	Warm Springs/ South Fremont	Rockridge
		South San Francisco

¹ Owned by Caltrans and operated by BART as parking

Notes:

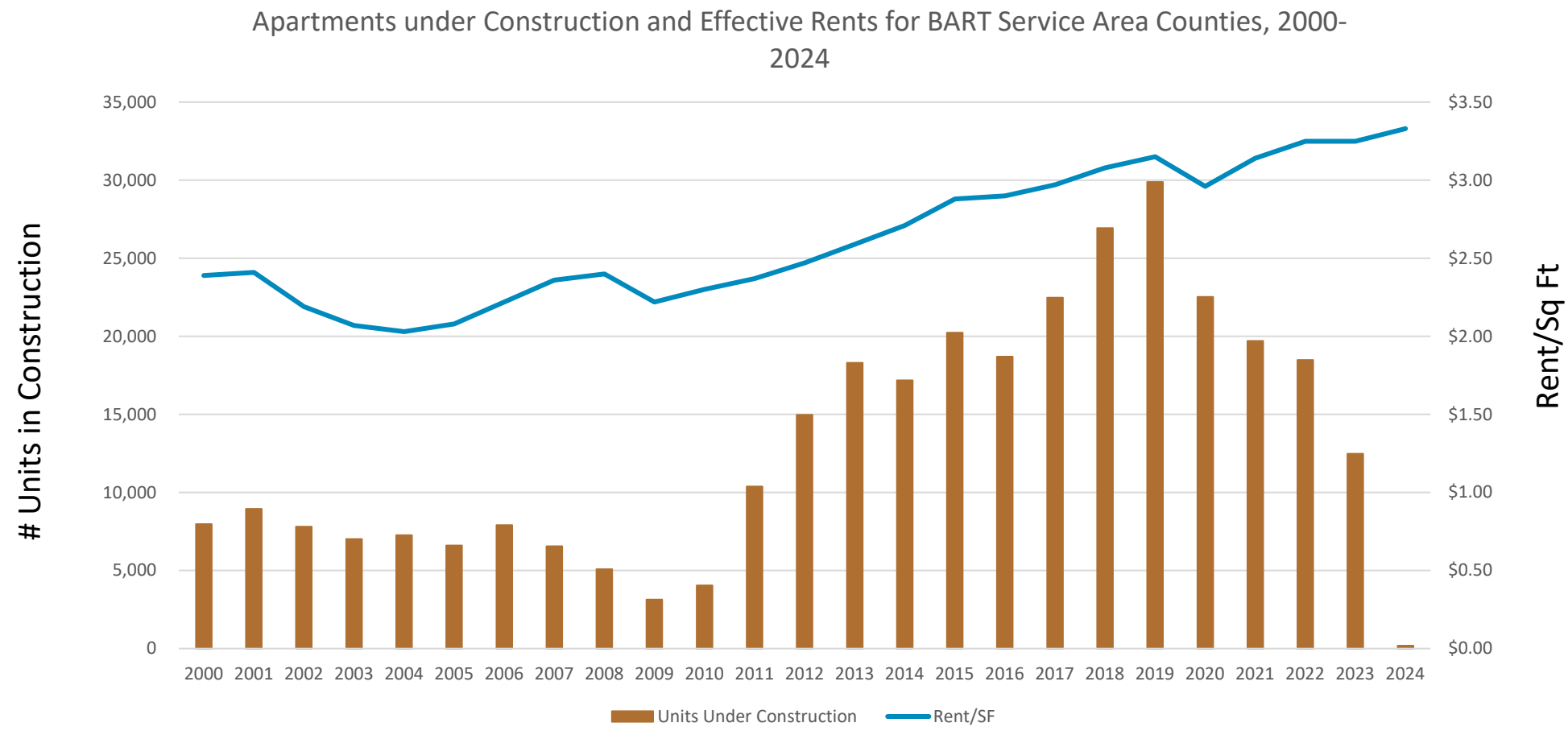
- 8 projects, not included here, have already gone through developer solicitation and are in predevelopment
- Sites that have not moved forward by the next TOD Work Plan update will be revisited

BART TODs Leverage Funding for BART Capital Needs

- **\$113 million in AHSC funding for BART projects, including:**
 - \$72M for rail cars
 - \$21M for assorted station access and station modernization
 - \$13M for TPSS upgrades
 - \$7M for next generation fare gates
- **\$74 million in TIRCP funding for BART projects and TOD access, including:**
 - \$25.7M for BART rider parking at El Cerrito Plaza and North Berkeley TODs
 - \$21.3M for station access improvements at El Cerrito Plaza, North Berkeley, Lake Merritt, and West Oakland Stations
 - \$12.9M for Uninterruptable Power Supply Replacement at Lake Merritt Station
 - \$7M for plaza/paseo at Lake Merritt and North Berkeley TODs

Apartment Construction At Low Cycle

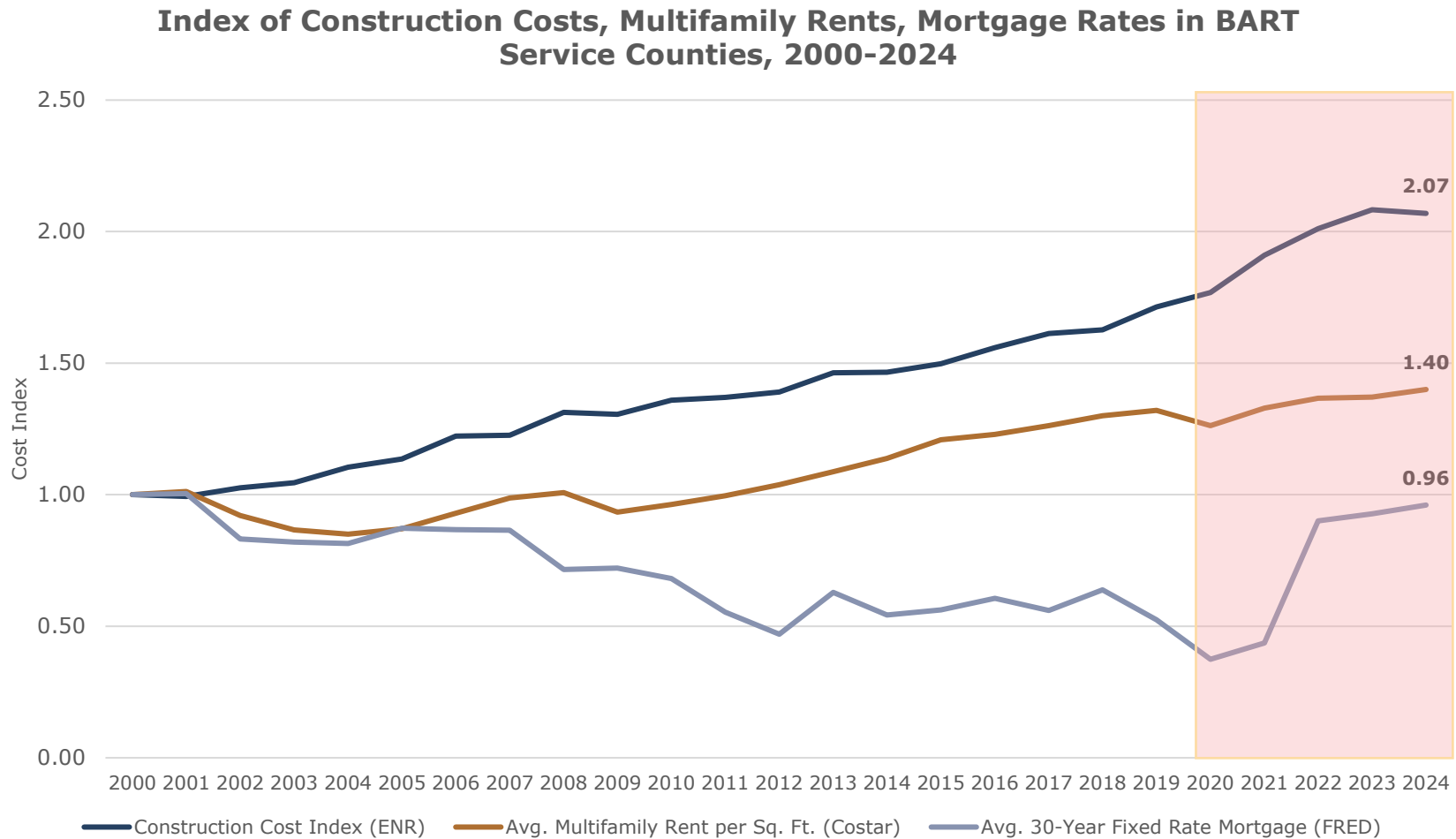
Despite steadily rising rents, apartment construction has dropped off greatly since pandemic. CoStar reports just 181 apartments under construction in 2024, down from 2019 peak of ~30K.



Source: CoStar; Analysis by Economic & Planning Systems

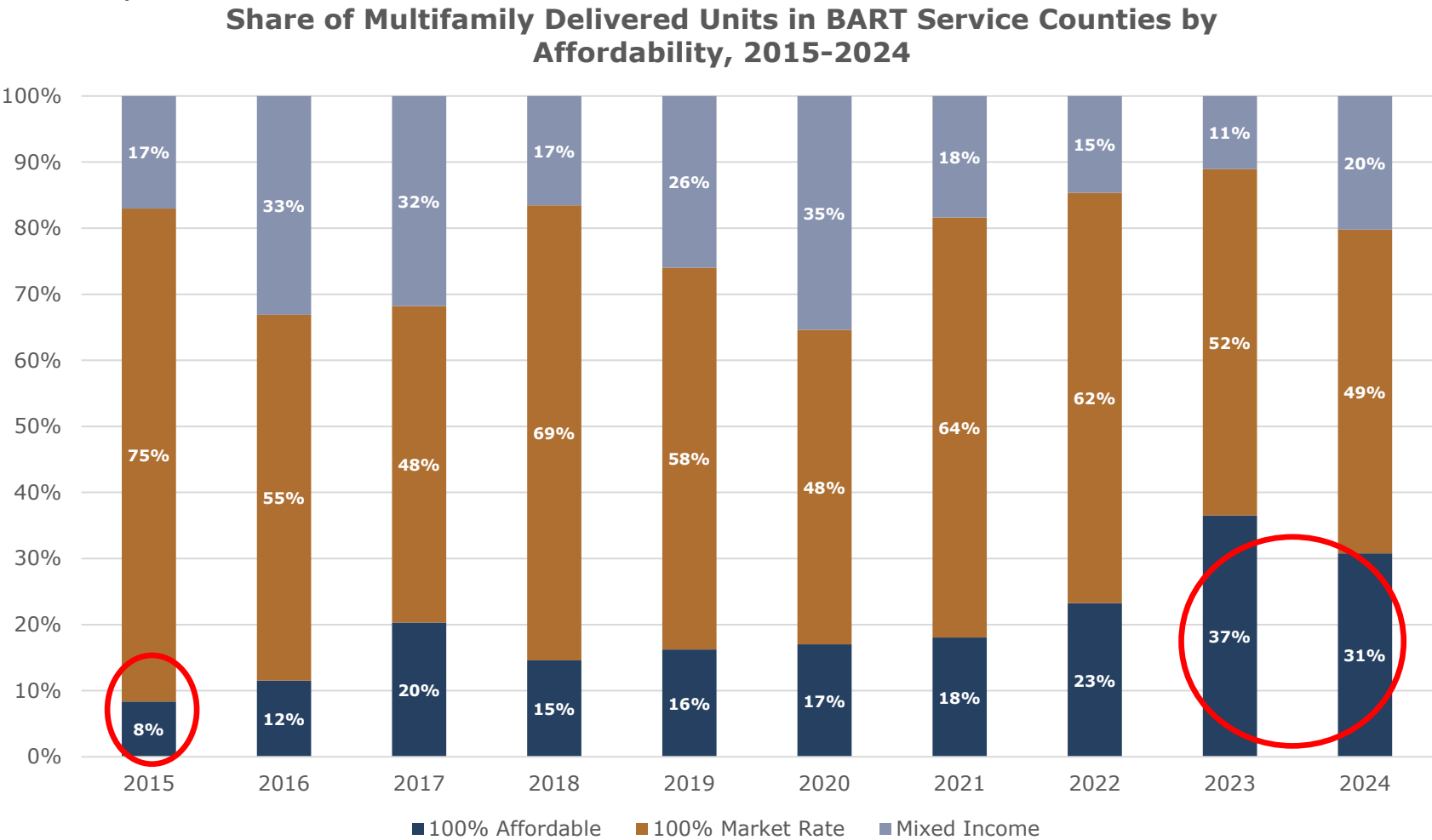
Feasibility Challenge for Apartments

Construction costs have long escalated faster than rents, making new apartments less feasible to develop. Since pandemic, cost inflation and financing costs have spiked.



Affordable Housing Increases Market Share

Due to aggressive funding for affordable housing and challenges for market-rate apartments, 100% Affordable projects represent a growing share of projects, representing roughly one-third of unit deliveries in 2023-2024 (up from 8 percent in 2015).

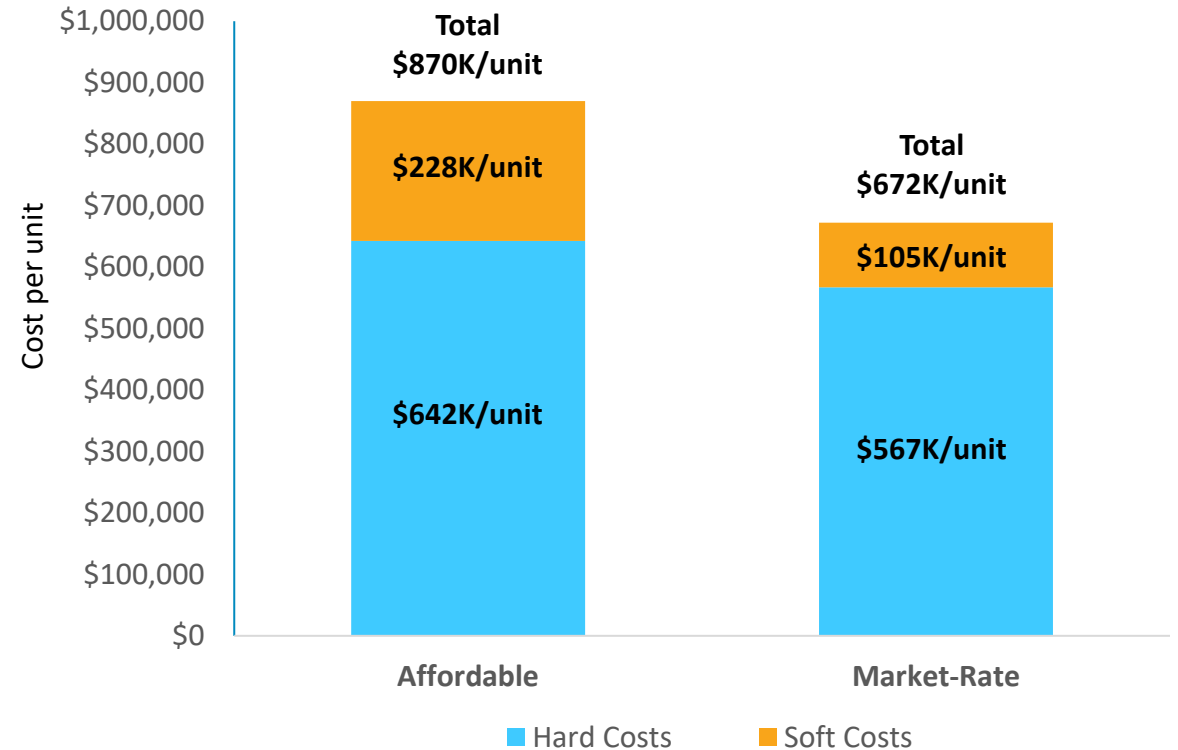


Development Costs at BART TODs

Affordable housing development costs often exceed market-rate development costs:

- Public subsidy/public land requirements result in:
 - Design requirements (e.g., green building, accessibility)
- Multiple funding sources mean:
 - Higher financing transaction costs (i.e., multiple transaction fees)
 - Higher land carrying costs
 - Higher project administrative costs to manage compliance with requirements of multiple public funding sources and public land ownership.

Example: Lake Merritt TOD (Phase 1)

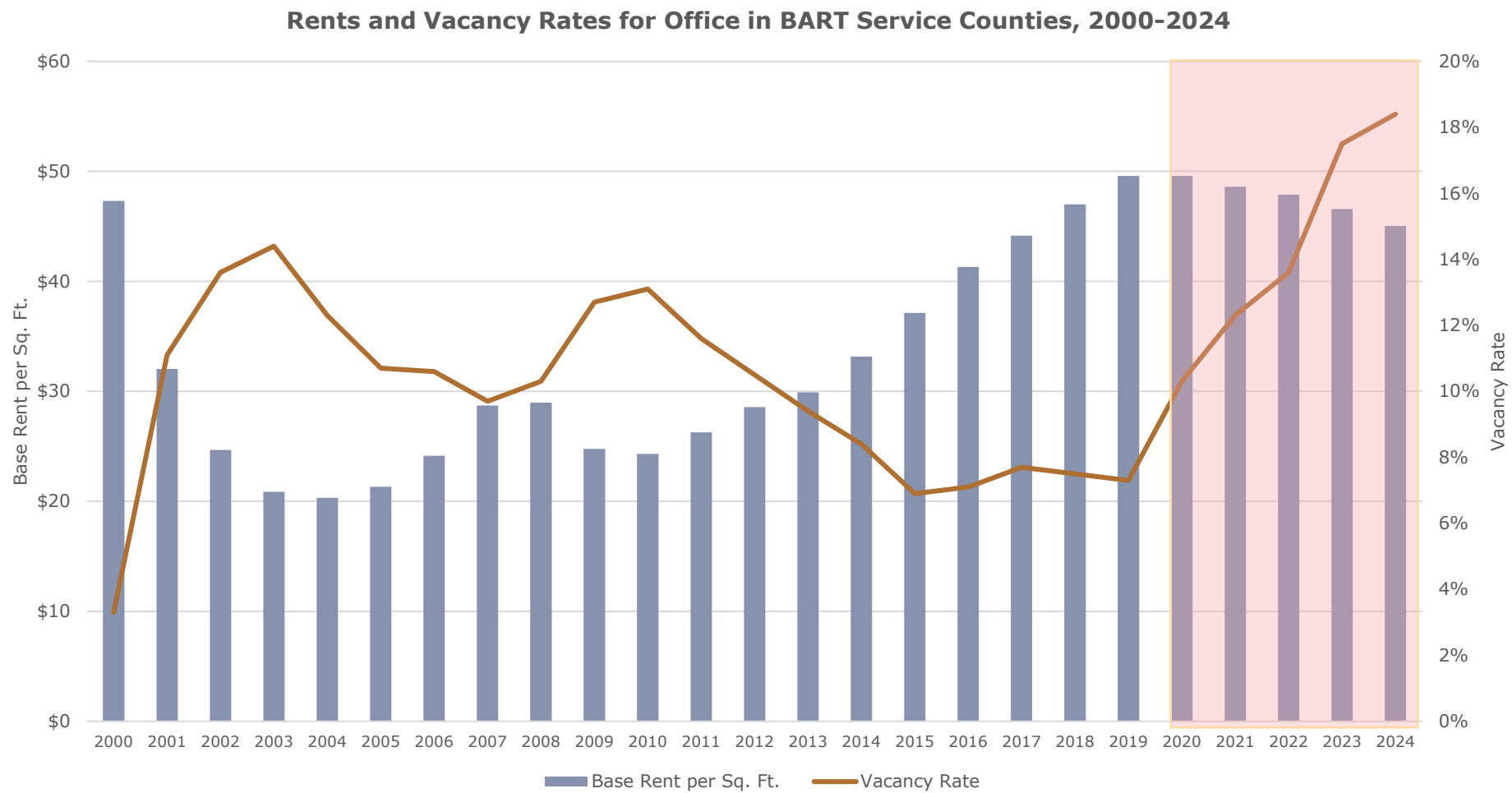


Notes

- Costs based on 2023 project estimates.
- Hard costs include all construction-related costs.
- Soft costs include all non-construction-related costs (e.g., design, permitting, financing).
- Costs for all off-site and on-site access improvements included in the affordable project (responsibility of first phase).

Recent Declining Demand for Office Space

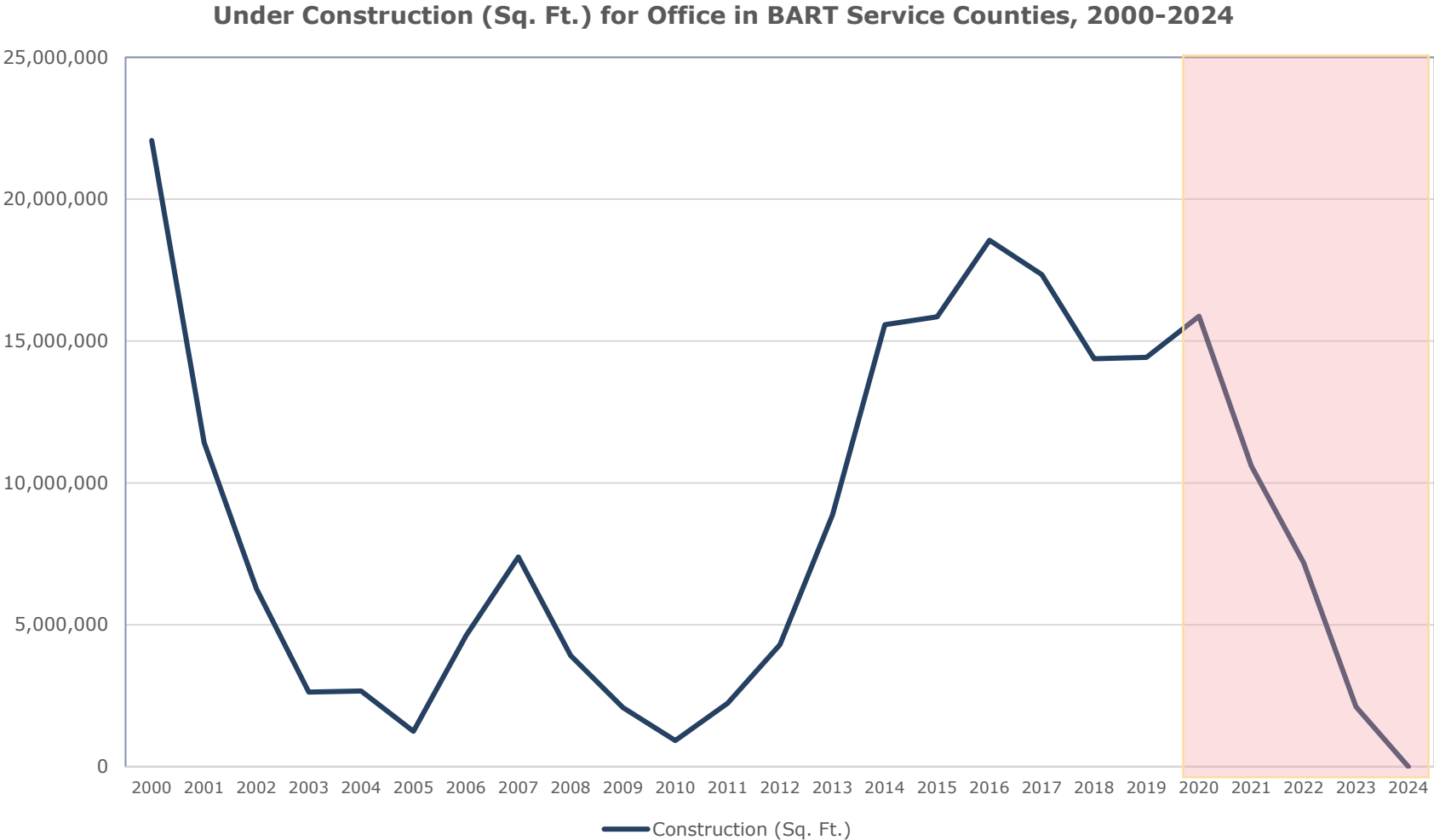
After a decade of decreasing vacancies and rising rents, trends reversed in 2020. 5-County area now has 97 million Sq Ft of available office space.



*Vacancy rate shown for 2000 to 2004. Availability rate shown for 2005 onwards. Source: CoStar; Analysis by Economic & Planning Systems

Office Construction at Bottom of Cycle

New office construction spiked 2013-2020 but has declined greatly since the COVID-19 pandemic, with no clear expectation of recovery timeline.



Source: CoStar; Analysis by Economic & Planning Systems

Managing Expectations

Real estate market cycles are common and expected

- Previous charts show how construction ebbs and flows
- Boom-times often result from pent-up demand plus capital exuberance and availability, followed by periods of slow growth as new supply is absorbed

Some specific current market conditions have no precedent

- “New normal” of office attendance not fully determined, even as job base grows and unemployment is low
- Housing remains in great demand, but construction costs remain too high for market-based rents
- Unknown impact of potential tariffs, federal funding changes, insurance markets, etc.

Recovery is likely to be prolonged and location-specific

- Proven market areas likely to see investment before “pioneering” areas
- Transit-oriented sites have traditionally enjoyed market advantages
 - Historically, higher rents and lower vacancies than similar properties (Cervero, et al)
- Patience will be key for all involved – landowners, developers, cities, communities

Good time to plan for next cycle

- Few projects likely to break ground soon, but can get sites ready: info on site conditions, entitlements, financing, etc. to prepare for future development

2024/25 Headlines

Residential Development

'A perfect storm': California's housing crisis could worsen as construction slows

Why has housing construction slowed to a snail's pace in Oakland?

San Jose rolls out incentives to 'unblock' multi-family housing development pipeline

Office Development

Office vacancy levels soar to record highs in biggest Bay Area markets

SF's office vacancies just hit a new all-time high. But the 'Great Reset' has begun

OpenAI expands new S.F. campus, signs another huge office lease nearby

Upcoming Board Items

- **Spring 2025:** North Berkeley TOD Project Update, Negotiations Update
- **Summer 2025:** Ashby Developer Selection

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