

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

300 Lakeside Drive, P. O. Box 12688, Oakland, CA 94604-2688



## **BOARD MEETING AGENDA**

**Thursday, November 19, 2020**

**9:00 AM**

**via teleconference only**

**Board of Directors**



SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT  
300 Lakeside Drive, P. O. Box 12688, Oakland, CA 94604-2688

## BOARD MEETING AGENDA

November 19, 2020

9:00 a.m.

A regular meeting of the Board of Directors will be held at 9:00 a.m. on Thursday, November 19, 2020.

Please note, pursuant to Governor Newsom's Executive Order N-29-20 and the California Shelter-in-Place mandate, which prevents all but essential travel, public participation for this meeting will be via teleconference only.

You may watch the Board Meeting live or archived at <https://www.bart.gov/about/bod/multimedia>

Presentation materials will be available via Legistar at <https://bart.legistar.com>

You may also join the Board Meeting via Zoom by calling 1-669-900-6833 and entering access code 922 8779 3998

If you wish to make a public comment:

- 1) Submit written comments via email to [board.meeting@bart.gov](mailto:board.meeting@bart.gov), using "public comment" as the subject line. Your comment will be provided to the Board and will become a permanent part of the file. Please submit your comments as far in advance as possible. Emailed comments must be received before 9:00 a.m. in order to be included in the record.
- 2) Call 1-669-900-6833, enter access code 922 8779 3998, and dial \*9 to raise your hand when you wish to speak.

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.

BART provides service/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 (<http://www.bart.gov/about/bod>).

Meeting notices and agendas are available for review on the District's website (<https://www.bart.gov/about/bod/meetings/>); at [bart.legistar.com](http://bart.legistar.com); and 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 available for review on the District's website and [bart.legistar.com](http://bart.legistar.com) no later than 48 hours in advance of the meeting.

Please submit your requests to the District Secretary via email to [BoardofDirectors@bart.gov](mailto:BoardofDirectors@bart.gov); in person or U.S. mail at 300 Lakeside Drive, 23rd Floor, Oakland, CA 94612; fax 510-464-6011; or telephone 510-464-6083.

Patricia K. Williams  
District Secretary



Regular Meeting of the  
BOARD OF DIRECTORS

1. CALL TO ORDER

- A. Roll Call
- B. Pledge of Allegiance
- C. Introduction of Special Guests.

2. A. Report from the Personnel Review Special Committee Meeting of November 12, 2020.  
For information.

3. CONSENT CALENDAR

- A. Approval of Minutes of the Meeting of October 22, 2020. Board requested to authorize.

**Attachments:** [Approval of Minutes of the Meeting of October 22, 2020](#)

- B. Metropolitan Transportation Commission (MTC) Replacement Funding Exchange and Reserve Account Withdrawal for Expansion Rail Cars Procurement. Board requested to authorize.

**Attachments:** [MTC Replacement Funding Exchange and Reserve Account Withdrawal for Expansion Rail Cars - EDD](#)

- C. Award of Contract No. 20LZ-130A, Train Control Room Battery Replacement, Phase 3. Board requested to authorize.

**Attachments:** [Award of Contract No. 20LZ-130A, Train Control Room Battery Replacement, Phase 3 - EDD](#)

- D. Appointment to BART Safety, Reliability and Traffic Relief Program (Measure RR) Bond Oversight Committee (BOC). Board requested to authorize.

**Attachments:** [Appointment to Measure RR Bond Oversight Committee \(BOC\) - EDD](#)  
[11-05-2020 Sonja Stewart Resume rev](#)

- E. Funding Agreement with the Metropolitan Transportation Commission for the Development of a Travel Demand Model for the New Transbay Rail Crossing Program. Board requested to authorize.

**Attachments:** [Funding Agreement with the MTC for the Development of a Travel Demand Model - EDD](#)

4. PUBLIC COMMENT - 15 Minutes

(An opportunity for members of the public to address the Board of Directors on matters under their jurisdiction and not on the agenda. An additional period for Public Comment is provided at the end of the Meeting.)

5. INDEPENDENT POLICE AUDITOR'S REPORT

- A. Independent Police Auditor Quarterly Update. For information.

**Attachments:** [Independent Police Auditor Quarterly Update - Memo](#)  
[Independent Police Auditor Quarterly Update - Presentation](#)

6. CONTROLLER/TREASURER'S REPORT

- A. Quarterly Report of the Controller/Treasurer for the Period Ending June 30, 2020. For information.

**Attachments:** [Quarterly Report of the Controller-Treasurer - Memo](#)  
[Quarterly Report of the Controller-Treasurer - Presentation](#)

7. ADMINISTRATION ITEMS

Director McPartland, Chairperson

- A. Award of Agreement No. 6M2076, Non-Competitive and Non-Federal Procurement with Giesecke & Devrient America, Inc., for On-Call Maintenance Services Agreement on Currency Machines. Board requested to authorize.

**Attachments:** [Award of Agreement No. 6M2076, Non-Competitive and Non-Federal Procurement - EDD](#)

- B. Fiscal Year 2021 Budget and Service Plan Update. For information.

**Attachments:** [Fiscal Year 2021 Budget and Service Plan Update - Memo](#)  
[Fiscal Year 2021 Budget and Service Plan Update - Presentation](#)

- C. District Retirement Incentive Program. Board requested to authorize.

**Attachments:** [District Retirement Incentive Program - EDD](#)  
[District Retirement Incentive Program - Presentation](#)

- D. Actuarial Report on Changes to Other Postemployment Benefits (OPEB) under Consideration by the District. For Information.

**Attachments:** [Actuarial Report on Changes to Other Postemployment Benefits \(OPEB\) - Memo and Report](#)

8. ENGINEERING AND OPERATIONS ITEMS

Director Dufty, Chairperson

- A. Sole Source Procurement with Simmons Machine Tool Corporation for the Purchase of Dual Wheel Truing Machine. Board requested to authorize. (TWO-THIRDS VOTE REQUIRED)

**Attachments:** [Sole Source Procurement with Simmons Machine Tool Corporation for the Purchase of Dual Wheel - EDD](#)

- B. Change Orders to Contract No. 07EA-120, 19th St./Oakland Station Modernization Project, with Proven Management, Inc., for Replacement Lighting System. Board requested to authorize.

**Attachments:** [Change Orders to Contract No. 07EA-120, 19th St. Oakland Station Modernization Project - EDD](#)

- C. Change Order to Contract No. 09AU-120 BART Earthquake Safety Program Transbay Tube (TBT) Internal Retrofit, with Shimmick/CEC, Joint Venture, for Installation of Temporary Generators (C.O. No. 187). Board requested to authorize.

**Attachments:** [Change Order to Contract No. 09AU-120 BART Earthquake Safety Program Transbay Tube \(TBT\) - EDD](#)

- D. Change Orders to Contract No. 15EJ-171, 34.5 kV Cable Replacement M-Line MVS Switching Station and MTF, MSS, MPS, and MTW Substations, with DMZ Builders.
- i. Construction of Security Enclosures for New Isolation Disconnect Switches (IDS's) (C.O. No. 12).
  - ii. Construction of Sequencing Modifications (C.O. No. 25).
- Board requested to authorize.

**Attachments:** [Change Orders to Contract No. 15EJ-171, 34.5 kV Cable Replacement M-Line - EDD](#)

- E. Overview of the Transit Security Advisory Committee. For information.

**Attachments:** [Overview of the Transit Security Advisory Committee - Memo](#)  
[Overview of TSAC -Powerpoint](#)

- F. Quarterly Service Performance Review - First Quarter Fiscal Year 2021. For information.

**Attachments:** [Quarterly Service Performance Review – First Quarter Fiscal Year 2021 - Memo](#)  
[Quarterly Service Performance Review – First Quarter Fiscal Year 2021 - Presentation](#)

9. CLOSED SESSION

A. CONFERENCE WITH LEGAL COUNSEL – PENDING LITIGATION

San Francisco Bay Area Rapid Transit District v. Impact Transportation, LLC

Case No.: RG20058904

Government Code Section: 54956.9(a)

B. CONFERENCE WITH LEGAL COUNSEL:

ANTICIPATED LITIGATION: Significant exposure to litigation pursuant to Government Code Section : 54956.9 (d)(2): one potential case.

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

Director Saltzman, Chairperson

- A. Single Source Procurement with eLock Technologies, LLC for Electronic Bicycle Lockers. Board requested to authorize. (TWO-THIRDS VOTE REQUIRED)

**Attachments:** [Single Source Procurement with eLock Technologies, LLC for Electronic Bicycle Lockers - EDD](#)

- B. Exclusive Negotiating Agreement for Transit-Oriented Development with Holliday Development and The Related Companies of California, a joint venture, at the El Cerrito Plaza BART Station. Board requested to authorize.

**Attachments:** [Exclusive Negotiating Agreement for Transit-Oriented Development - El Cerrito Plaza Station - EDD](#)  
[Exclusive Negotiating Agreement for Transit-Oriented Development - El Cerrito Plaza Station - Presentation](#)

- C. Extension of the Exclusive Negotiating Agreement for Transit-Oriented Development, with LMTOD, LLC and East Bay Asian Local Development Corporation, for the Lake Merritt BART Station Project. Board requested to authorize.

**Attachments:** [Extension of the Exclusive Negotiating Agreement for Transit-Oriented Development - EDD](#)  
[Extension of Exclusive Negotiating Agreement for Transit-Oriented Development - Presentation](#)

- D. Update on BART Headquarters Office Building (2150 Webster St., Oakland, CA). For information.

**Attachments:** [Update on BART Headquarters Office Building \(2150 Webster St., Oakland, CA\) - Memo](#)  
[Update on BART Headquarters Office Building \(2150 Webster St., Oakland, CA\) - Presentation](#)

11. GENERAL MANAGER'S REPORT

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

12. BOARD MATTERS

- A. Resolution in Support of the Seamless Transit Principles. Board requested to adopt. (Directors Li, Saltzman, and Simon requested.)

**Attachments:** [Resolution in Support of the Seamless Transit Principles - Memo and Resolution](#)

- B. Board Member Reports.

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

- C. Roll Call for Introductions.

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

- D. In Memoriam.

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

**SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT**  
300 Lakeside Drive, P.O. Box 12688, Oakland, CA 94604-2688

Board of Directors  
Minutes of the 1,872nd Meeting  
October 22, 2020

A regular meeting of the Board of Directors was held on October 22, 2020, convening at 9:01 a.m. via teleconference, pursuant to Governor Gavin Newsom's Executive Order N-29-20 and the California Shelter-in-Place mandate. President Simon presided; Patricia K. Williams, District Secretary.

President Simon expressed condolences to BART Police Sergeant Nick Mavrakis and requested that the Meeting be adjourned in honor of Sheri Mavrakis, Sergeant Mavrakis' wife.

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

Absent: None.

President Simon gave instructions on viewing the Meeting and accessing presentation materials online, the virtual meeting, Public Comment, and Board Members' remarks.

President Simon brought Item 1-C-i, Resolution to Rename South Station Road to Harriet Tubman Way at Millbrae BART Station, before the Board, and thanked Director Dufty for bringing the item forward.

Patricia Williams, District Secretary, read a letter from U.S. Congresswoman Jackie Speier into the record.

City of Millbrae Councilmember Gina Papan; Michael Van Every, President and Chief Executive Officer of Republic Urban Properties; and Alexis Lewis, San Mateo National Association for the Advancement of Colored People (NAACP) Executive Board Member and Political Action Committee Chair, addressed the Board.

Director Dufty expressed appreciation for the support of Alexis Lewis and the San Mateo NAACP in the effort to rename the roadway in honor Harriet Tubman.

Director Dufty moved that Resolution No. 5457, In the Matter of Renaming a roadway at the Millbrae BART Station Property, be adopted. President Simon seconded the motion, which carried by unanimous roll call vote. Ayes: 9 – Directors Allen, Ames, Dufty, Foley, Li, McPartland, Raburn, Saltzman, and Simon. Noes: 0.

President Simon announced that the order of agenda items would be changed, brought Item 8-A, Report out from Board Meeting Closed Session on September 24, 2020, before the Board, and announced that there was no announcement to be made.

District Secretary Williams announced that the audio for the livestream video on bart.gov was not functioning and provided instructions for members of the public to call into the Meeting to hear the audio.

Consent Calendar action items brought before the Board were:

1. Approval of Minutes of the Meeting of September 24, 2020.
2. Audit of Directors' Use of District Property for Fiscal Year 2020.
3. District Base Pay Schedule.
4. Award of Information Technology Hardware and Support Agreement with SHI International Corp., for Telecommunications Equipment.
5. Award of Information Technology Software Support Agreement with Transource Services Corp., for Firewall Software Support.
6. Award of Information Technology Hardware and Software Agreement with DLT Solutions, for Cloud Software Hosting.
7. Award of Hardware and Software Support with Oracle America Inc., for Oracle Exadata platform.
8. Procurement of a Battery String for Metro Center Ground Floor for 450kVA Uninterruptible Power Supply (UPS) System.
9. Agreements for Temporary Bus Bridge Services 2021-2023.

President Simon called for Public Comment on the Consent Calendar. District Secretary Williams read a written comment from Clarence Fischer into the record.

President Simon made the following motions as a unit. Director Saltzman seconded the motions.

1. That the Minutes of the Meeting of September 24, 2020, be approved.
2. That the report of the Audit of Directors' Use of District Property for Fiscal Year 2020, be accepted.
3. That the Board approve the base pay schedule in effect July 1, 2020.
4. That the General Manager or his designee be authorized to execute an information technology hardware and software contract with SHI International Corp. for an amount not to exceed \$526,091.48.
5. That the General Manager or his designee be authorized to execute an information technology software support contract with Transource Services Corp. for an amount not to exceed \$270,182.00.



6. That the General Manager or his designee be authorized to execute an information technology hardware and software contract with DLT Solutions for an amount not to exceed \$1,000,000.00.
7. That the General Manager or his designee be authorized to execute a three (3) year subscription with Oracle America Inc. for Oracle Exadata Hardware and Software Support in an amount not to exceed \$422,981.64.
8. That the General Manager be authorized to issue a Purchase Order for the Battery String for UPS System to T&S Trading for the amount of \$124,513.00 (including shipping and applicable sales tax), pursuant to a notification to be issued by the General Manager.
9. That the General Manager be authorized to enter into agreements with public and/or private bus operators and vendors, including but not limited to Alameda-Contra Costa Transit District (AC Transit), to provide temporary bus transportation services and related support expenses in a total amount not to exceed \$150,000.00 per day for each day that the District is unable to provide complete train service due to maintenance projects; and these authorizations will expire on December 31, 2023.

Director Ames inquired about incentive pay, salary increases, and pension contribution from staff in relation to Item 2-C, District Base Pay Schedule and inquired about emergency bus bridge service for route 89 from Fremont to Richmond.

Director Ames indicated she would vote to approve all items on Consent Calendar except 2-C.

Director Allen thanked Director Ames for highlighting the salary increases and inquired about the salary increases.

Consent Calendar motions, except Item 2-C, carried by unanimous roll call vote. Ayes: 9 – Directors Allen, Ames, Dufty, Foley, Li, McPartland, Raburn, Saltzman, and Simon. Noes: 0.

The motion for Item 2-C carried by roll call vote. Ayes: 8 – Directors Allen, Dufty, Foley, Li, McPartland, Raburn, Saltzman, and Simon. Noes: 1 – Director Ames.

President Simon called for general Public Comment. The following individuals addressed the Board:

Roland Lebrun  
Aleta Dupree  
Eli Epperson  
Yuri Hollie  
Hayden Miller

Director McPartland commented on implementing public service announcements (PSA) on trains regarding mask compliance.

Director McPartland, Chairperson of the Administration Committee, brought the matter of Fiscal Year (FY) 2021 Budget Update before the Board. Pamela Herhold, Assistant General Manager, Performance and Budget; Christopher Simi, Director of Budgets; and Tamar Allen, Assistant General Manager, Operations, presented the item.

The following individuals addressed the Board:

Hayden Miller  
Aleta Dupree  
Roland Lebrun  
Alan Smith  
Daniel Golinski  
Nathan Ison

The item was discussed, with the following highlights:

Director Ames inquired about and/or commented on staff reassignments, revenue and ridership data, BART's financial situation, and 60-minute headways on weekends; and requested that staff provide a budget update in December, weekly ridership data, and data regarding 60-minute headways on weekends at the November Board meeting.

Director Li inquired about and/or commented on the service bidding process, changes to service, federal relief, impacts of service scenarios, support for quarterly budget revisions and staff's recommendation, and weekend service.

Director Li moved to direct staff to identify additional revenue enhancement and cost saving measures in order to balance the FY21 operating budget by fiscal year end; staff will report back to the Board by February 2021.

Discussion continued, with the following highlights:

Director Dufty expressed support for Director Li's motion and opposition to discussing bankruptcy in relation to BART and commented on transit across the country, federal relief, the need for a program to ensure mask compliance, and not implementing 60-minute service on weekends.

Director McPartland inquired about and/or commented on potential cost savings from station closure and running less than 10-car consists, ownership of Clipper® cards, agreement with Director Dufty regarding headways greater than 30 minutes, impacts of closing stations, support for staff's recommendation, federal relief, and public transit across the country.

Director Raburn commented on and/or inquired about the February service bid, reductions to service or workforce changes beyond retirements, temporary station closure and the additional costs of closure, equity and passengers with disabilities, utilizing bus bridge services, support for Director Dufty's comments regarding masks, mask compliance, MacArthur Station utilization data; and requested that station utilization data be posted on bart.gov.

Director Saltzman commented on the preservation of weekend service, avoiding layoffs, potential federal relief, support for staff's recommendation, and expanding the Ambassador program to ensure mask compliance on trains; and requested that staff provide information about increasing staff in the future and that staff share the staffing information with congressional, state, and Metropolitan Transportation Commission (MTC) leaders.

Director Saltzman seconded the motion brought by Director Li.

Director Allen inquired about and/or commented on the projected deficit for the current fiscal year, load-shedding, ridership projection data, staff's recommendation, and right-sizing the agency.

Director Allen proposed an amendment to Director Li's motion to replace "staff will report back to the Board by February 2021" with, "this item shall be brought back to the Board for potential action at the next November 19<sup>th</sup> meeting."

Director Li did not accept Director Allen's amendment.

Director Allen made the following substitute motion: Direct staff to identify additional revenue enhancement and cost saving measures in order to balance the FY21 operating budget by fiscal year end; staff will return to the Board by November 19, 2020, for possible action. Director Ames seconded the substitute motion.

Discussion continued, with the following highlights:

Director Allen commented on the FY21 and FY22 budget deficits, the FY21 budget, support for staff's plan to address retirements first, and agreement with Director Dufty that bankruptcy is not pending.

Director Foley expressed support for Director Li's motion and openness to Director Allen's substitute motion with concerns about staff's ability to present useful information by November; and commented on retirement opportunities, reduced headways, mask enforcement, temporary station closures, weekend closures, and 45-minute headways with 10-car trains on weekends.

President Simon commented on the development of the budget, the seven-point budget plan, full Board participation in creating solutions, retirement incentives and increasing administrative efficiencies, and the need for data, thoughtful partners, and understanding of peers' similar actions; and requested support for staff's recommendation and keeping trains moving while making decisions using data.

President Simon requested that General Manager Robert Powers comment on the seven-point budget plan.

Director Saltzman commented on staff's inability to provide a more formal budget revision in November, Director Allen's substitute motion, and opposition to the substitute motion.

Director Allen commented on addressing the budget, the Board's ability to direct staff, and not limiting the Board's options by not agendizing the ability to act.

The substitute motion brought by Director Allen and seconded by Director Ames failed by roll call vote. Ayes: 3 – Directors Allen, Ames, and McPartland. Noes: 6 – Directors Dufty, Foley, Li, Raburn, Saltzman, and Simon.

The motion brought by Director Li and seconded by Director Saltzman carried by roll call vote. Ayes: 8 – Directors Allen, Dufty, Foley, Li, McPartland, Raburn, Saltzman, and Simon. Noes: 1 – Director Ames.

President Simon brought Item 8-B, Response to Roll Call for Introductions Item (RCI) No. RCI 20-834, Continuing Virtual Public Participation for Board Meetings, before the Board. District Secretary Williams presented the item.

The item was discussed, with the following highlights:

Director Saltzman requested a discussion of the technical issues with staff; commented on the importance of continuing to provide virtual participation; and inquired about adopting a policy regarding virtual participation.

Director Li thanked Director Saltzman for introducing the RCI and commented on attendance at the virtual Board meetings, her tour of the new BART Headquarters, and the importance of incorporating technology in the new Board Room.

President Simon brought Item 8-C, Resolution in Opposition to the Metropolitan Transportation Commission Plan Bay Area 2050 Final Blueprint Strategy EN7: Institute Telecommuting Mandates for Major Office-Based Employers, before the Board. Directors Saltzman and Li presented the item.

Director Saltzman moved that Resolution No. 5458, In the Matter of Opposition to Plan Bay Area (PBA) 2050 Strategy EN7: “Institute Telecommuting Mandates for Major Office-Based Employers,” be adopted. Director Raburn seconded the motion.

Director Raburn commented on opposition to converting homes to workplaces, the progress of the Resolution, and ensuring the ability to continue providing environmentally sustainable service to transit hubs.

Director Foley expressed support for the Resolution, telecommuting, and the ability to work from home.

President Simon called for Public Comment on Items 8-B and 8-C. Aleta Dupree addressed the Board.

Director Ames expressed opposition to the Resolution and support for telecommuting and commented on public transportation system infrastructure and workforce housing.

The motion brought by Director Saltzman and seconded by Director Raburn carried by roll call vote. Ayes: 8 – Directors Allen, Dufty, Foley, Li, McPartland, Raburn, Saltzman, and Simon. Noes: 1 – Director Ames.

President Simon announced that the Board would enter closed session under Items 9-A (Conference with Labor Negotiators) and 9-B (Conference with Real Property Negotiators) of the Regular Meeting agenda, and that the Board would reconvene in open session upon conclusion of the closed session.

The Board Meeting recessed at 12:15 p.m.

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The Board reconvened in closed session at 12:29 p.m.

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

Absent: None. Director Allen entered the Meeting later.

Director Allen entered the Meeting.

The Board Meeting recessed at 1:31 p.m.

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The Board reconvened in open session at 1:35 p.m.

President Simon announced that the Board had concluded its closed session and there were no announcements to be made.

President Simon brought Item 8-D, Update to Roll Call for Introductions Item No. RCI 20-832, BART Progressive Policing, before the Board. Roddrick Lee, Assistant General Manager, External Affairs, presented the item.

Director Saltzman commented on the stakeholder meeting held in District 3.

Director Ames thanked Be the Change Consulting, commented on the outreach meeting held on October 19, 2020; requested that an outreach meeting be held on a Saturday and that the meeting be well advertised; and commented on engagement and funding partnerships with county behavioral health departments.

President Simon thanked Director Saltzman for her leadership.

Director Dufty, Chairperson of the Engineering and Operations Committee, brought the matter of BART Police Department Ambassador Program before the Board. Chief of Police Ed Alvarez; Veronica Thomas, Director of Human Resources, Talent Acquisition; and Assistant General Manager Herhold presented the item.

Director Dufty welcomed Veronica Thomas and inquired about the education requirement for the Community Outreach Specialist position.

Jacqueline Edwards, Assistant District Secretary, read a written comment from Andrew Klein into the record.

Aleta Dupree addressed the Board.

The item was discussed, with the following highlights:

Director Ames commented on public outreach and feedback from counties regarding behavioral health.

Director Li congratulated Deputy Chief Averiett on her promotion and commented on the positive impact of the Ambassador Program, quantitative data, agreement with Director Dufty's comments regarding face covering compliance, support for formalizing the Ambassador Program, and funding to address "quality-of-life" issues; and requested more detailed data regarding violent crimes and more information about the Ambassador Program after one year of operation.

Director Raburn commented on the increased uniformed presence on trains and resources to address homelessness through the Ambassador Program, increasing the Ambassador Program, reallocation of police resources, and support for formalizing the Ambassador Program.

Director Saltzman expressed support for formalizing the Ambassador Program.

Director Saltzman moved that the Board authorizes the General Manager to formalize the BART Ambassador Program.

Discussion continued, with the following highlights:

Director Allen inquired about and/or commented on drug use, service calls regarding mental crisis and homeless individuals, dispatch of BART Police Officers, clarification of the recommended motion, and the Crisis Intervention Specialist position.

President Simon requested that staff comment on the safety package included in the budget.

Director Allen inquired about allocation of \$1.3 million to pilot Transit Ambassador positions and opposition to formalizing the Ambassador Program.

Director McPartland commented on collaboration among Ambassadors, Crisis Intervention Specialists, and BART Police Officers; addressing homelessness, poverty, mental health issues, and drug abuse issues in the Bay Area; and the Crisis Intervention Specialist position.

Director Foley commented on support for the Ambassador Program concept, new faregates, engaging with subject matter experts to define positions, and the perception of safety; and requested that Ambassadors ride the last train of the day to the end of the line, that Ambassadors be partnered with a BART Police Officer, and the importance of focusing resources on evenings and weekends.

President Simon commented on support for formalizing the Ambassador program, trust in Chief Alvarez and his staff, the increase in safety staff during operating hours, and the success of the Ambassador program pilot, prioritizing safety.

President Simon seconded the motion brought by Director Saltzman.

The motion brought by Director Saltzman and seconded by President Simon carried by roll call vote. Ayes: 7 – Directors Dufty, Foley, Li, McPartland, Raburn, Saltzman, and Simon. Noes: 2 – Directors Allen and Ames.

Director Dufty brought the matters of Change Order to Contract No. 01RQ-110, Hayward Maintenance Complex Project - Maintenance Facilities, with Clark Construction Group California, LP, for the Final Close-out for the Component Repair Shop (C.O. No. 400); and Award of Contract No. 01RQ-101, Hayward Maintenance Complex (Phase 2) Trackwork Procurement, before the Board.

Director Saltzman exited the Meeting.

Director McPartland made the following motions as a unit. Director Foley seconded the motions, which carried by unanimous roll call vote. Ayes: 8 – Directors Allen, Ames, Dufty, Foley, Li, McPartland, Raburn, and Simon. Noes: 0. Absent: 1 – Director Saltzman.

1. That the General Manager be authorized to execute Change Order No. 400, Final Close-out for the Component Repair Shop, for an amount not to exceed \$3,000,000.00 for Contract No. 01RQ-110, Hayward Maintenance Complex Project Maintenance Facilities, with Clark Construction.
2. That the General Manager be authorized to award Contract No. 01RQ-101, for Hayward Maintenance Complex (Phase 2) Trackwork Procurement to Voestapline Railway Systems Nortrak, Inc., for the total Bid Price of \$11,989,984.00, pursuant to notification to be issued by the General Manager, subject to the District's Protest Procedures and Federal Transit Administration (FTA) requirements related to protests.

Director Dufty brought the matters of Change Order to Contract No. 15CQ-110, C35 Interlocking Renewal, with DMZ Builders, for Revisions to the Proposed Train Control Layout (C.O. No. 26); Change Order to Contract No. 20LT-110, Procurement of Train Control Room Multiplex (MUX) and Speed Encoding System Equipment, with Alstom Signaling, Inc., for Time Extension (C.O. No. 8); and Change Orders to Contract No. 40FA-110, Procurement of Transit Vehicles, with Bombardier Corporation, before the Board.

Director Ames made the following motions as a unit and requested and inquired about budget information regarding capital projects. Director McPartland seconded the motions.

1. That the General Manager be authorized to execute Change Order No. 26, Revisions to the Proposed Train Control Layout, for Contract No. 15CQ-110, C35 Interlocking Renewal, in the amount of \$596,364.00.
2. That the General Manager be authorized to execute Change Order No. 8 for Contract No. 20LT-110, NS MUX Project, in the amount of \$4,345,615.00.

3. That the General Manager be authorized to execute Change Order No. 047 for changes to the Fleet of the Future (FOTF) Bicycle and Luggage Areas under Contract No. 40FA-110, Procurement of Transit Vehicles, in the not-to-exceed amount of \$1,366,852.00, plus applicable escalation and sales tax.
4. That the General Manager be authorized to execute Change Order No. 048 for changes to the Vehicles' Side to Side Plank under Contract No. 40FA-110, Procurement of Transit Vehicles, in the not-to-exceed amount of \$846,232.00, plus applicable escalation and sales tax.

Aleta Dupree addressed the Board.

The motions brought by Director Ames and seconded by Director McPartland carried by unanimous roll call vote. Ayes: 8 – Directors Allen, Ames, Dufty, Foley, Li, McPartland, Raburn, and Simon. Noes: 0. Absent: 1 – Director Saltzman.

Director Allen, Vice Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, brought the matter of Award of Federal and State Legislative Advocacy Service Agreements before the Board.

Director Allen made the following motions as a unit. President Simon seconded the motions, which carried by unanimous roll call vote. Ayes: 8 – Directors Allen, Ames, Dufty, Foley, Li, McPartland, Raburn, and Simon. Noes: 0. Absent: 1 – Director Saltzman.

1. That the General Manager be authorized to award Agreement No. 6M7297 to CJ Lake, LLC to provide federal legislative advocacy services under a three-year agreement with two option years in an amount not to exceed \$1,260,000.00, pursuant to notification to be issued by the General Manager and subject to compliance with the District's Protest Procedures.
2. That the General Manager be authorized to award Agreement No. 6M7299 to California Strategies & Advocacy, LLC to provide state legislative advocacy services under a three-year agreement with two option years in an amount not to exceed \$846,000.00, pursuant to notification to be issued by the General Manager and subject to compliance with the District's Protest Procedures.

Emily Bacque and Jim Lites addressed the Board.

President Simon called for the General Manager's report. General Manager Powers reported on the highest ridership level since the implementation of the Shelter-in-Place mandate.

President Simon called for Board Member Reports, Roll Call for Introductions, and In Memoriam requests.

President Simon requested that Chief Alvarez give remarks regarding Sheri Mavrakis; thanked Sergeant Mavrakis for his service; and expressed condolences for the passing of Sergeant Mavrakis' wife.

Director Ames reported that she had attended the Alameda County Transportation Commission (ACTC) policy meeting and the BART Public Safety discussion in her district. Director Ames reported that Bay



Area Community Health conducted COVID-19 testing at Union City Station and recognized Gary Sue, Real Estate Officer, Real Estate and Property Development, for his work.

Director Dufty requested that the Meeting be adjourned in honor of Jason Cortez, San Francisco Firefighter, and Tom Taylor, LGBTQ activist.

Director Li thanked staff for organizing a tour of the new BART Headquarters, reported that she had participated in the M-Line lighting tour, and requested that staff ensure that BART Police Citizen Review Board (BPCRB) members are engaged in the progress of RCI 20-832.

Director McPartland thanked Director Dufty for submitting an *In Memoriam* request for Jason Cortez, reported that he had participated in the M-Line lighting tour, and requested information about inspection of cross-passage doors.

Director Raburn reported that he had participated in the Sanandos Juntos press conference at Fruitvale Station.

Director Foley expressed condolences to the Mavrakis family and thanked Director McPartland and others for their military service in light of Veterans Day.

The Meeting adjourned at 3:15 p.m. in honor of Sheri Mavrakis, Jason Cortez, and Tom Taylor.

Patricia K. Williams  
District Secretary



## EXECUTIVE DECISION DOCUMENT

<b>GENERAL MANAGER APPROVAL:</b>  <div style="text-align: right; margin-right: 50px;">11/10/2020</div>		<b>GENERAL MANAGER ACTION REQ'D:</b> Approve and forward to the Board of Directors		
<b>DATE:</b> 10/26/2020		<b>BOARD INITIATED ITEM:</b> No		
<b>Originator/Prepared by:</b> Anais Malinge <b>Dept:</b> Financial Planning  <b>Signature/Date:</b> 11/9/20	<b>General Counsel</b>  11/10/20 [ ]	<b>Controller/Treasurer</b>  11/9/2020 [ ]	<b>District Secretary</b>  [ ]	<b>BARC</b>  11/9/20 [ ]

### BART Car Replacement Funding Exchange and Reserve Account Withdrawal

#### PURPOSE:

To request Board approval to withdraw \$161 million from the BART Car Replacement Funding Exchange and Reserve Account to fund the purchase of railcars under the Transbay Corridor Core Capacity Project (Project).

#### DISCUSSION:

In 2006, the Metropolitan Transportation Commission (MTC) and BART signed the BART Car Replacement Funding Exchange and Reserve Account (Exchange Account) Agreement (Agreement) to set aside funds for the eventual purchase of new railcars to replace BART's aging fleet. MTC agreed to program eligible Federal Highway (FHWA) or Federal Transit Administration (FTA) funds to BART's preventive maintenance program in exchange for BART's deposit of an equal amount of local funds into the Exchange Account. Since that time, approximately \$390 million has been deposited into the account.

In September 2017, MTC adopted Resolution No. 4302, the Exchange Account Agreement Supplemental, which committed up to \$179 million from the Exchange Account to BART for the costs of new railcars included in the Project in order to support the advancement of the Project for funding eligibility under the FTA's Capital Investment Grant (CIG) Program. Since that time, BART has been advanced through the CIG Program and executed a Full-Funding Grant Agreement in September 2020 for the CIG.

The Board has previously authorized three withdrawals, \$15.5 million in 2012, \$18 million in 2019, and \$220.1 million in 2020. As of June 30, 2020, the balance of the account was



\$401.5 million and \$15.5 million had been withdrawn.

MTC Resolution No. 3738 requires that both the Board and MTC formally approve withdrawals from the Exchange Account. The action proposed today would authorize BART to approve the withdrawal of \$161 million from the Exchange Account, which BART would use for payments associated with the procurement of up to 425 railcars being acquired under the Project. MTC is expected to approve this withdrawal request at the December Commission meeting, as required by the Agreement. Upon approval by the Board and MTC, BART will submit formal requests for reimbursement of funds from the Exchange Account that will outline specific project details, including but not limited to copies of invoices that include defined costs associated with the project.

**FISCAL IMPACT:**

This action authorizes the District to request a withdrawal of \$161million from the Exchange Account as needed by the Project cost cashflow needs.

**ALTERNATIVES:**

Do not authorize the request of a withdrawal from the Exchange Accountand potentially delay rail car delivery.

**RECOMMENDATION:**

Adopt the following motion.

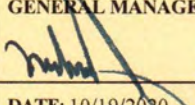
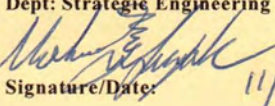
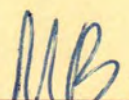
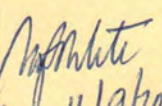

**MOTION:**

The Board formally approves the withdrawal of \$161 million from the BART Car Replacement Funding Exchange and Reserve Account to fund the purchase of railcars underthe Transbay Corridor Core Capacity Project.





## EXECUTIVE DECISION DOCUMENT

<b>GENERAL MANAGER APPROVAL:</b>  11/10/2020		<b>GENERAL MANAGER ACTION REQ'D:</b> Authorization to Award of Contract 20LZ-130A Train Control Room Battery Replacement, Phase 3 to Rosendin Electric, Inc.		
<b>DATE:</b> 10/19/2020		<b>BOARD INITIATED ITEM:</b> No		
<b>Originator/Prepared by:</b> Mohamad Fararjeh <b>Dept:</b> Strategic Engineering  <b>Signature/Date:</b> 11/9/2020	<b>General Counsel</b>  11/9/20	<b>Controller/Treasurer</b>  11/9/2020	<b>District Secretary</b> [ ]	<b>BARC</b>  11.9.2020 [ ]

### To Obtain Authorization to Award Contract No. 20LZ-130A Train Control Room Battery Replacement, Phase 3

#### PURPOSE:

To obtain Board Authorization for the General Manager to award Contract No. 20LZ-130A for the Train Control Room Battery Replacement, Phase 3, to Rosendin Electric, Inc. of San Jose, CA for the Bid amount of \$4,642,814.94.

#### DISCUSSION:

The District's train control room battery systems provide emergency power to essential train control and communications systems for reliable revenue service. The batteries are a major component of an uninterruptible power supply (UPS) which provides continuous and uninterruptible power to essential loads in the event of utility power loss. The batteries are beyond their designed life and are no longer able to hold a charge for a significant length of time. A utility power disruption could result in a loss of train control computer operations.

This Contract is for the upgrade of existing Train Control Room Battery Systems in twenty (20) locations throughout the system. This is the third and final phase of the train control battery system replacements systemwide. The Contract scope requires the Contractor to provide and install an all-new battery system consisting of batteries, battery rack, remote monitoring system, hydrogen sensor alarm, cabinets, disconnect switches, and associated accessories. This includes the replacement of associated



conduits and conductors as well as the removal and disposal of the existing battery systems.

The Contract was publicly advertised on August 13-14, 2020 in three publications. Notice to Bidders for this Contract was emailed on August 20, 2020 to thirteen prospective bidders. The Office of Civil Rights (OCR) notified approximately 460 firms in performance of their outreach for the procurement of this Contract. A Pre-Bid meeting was conducted on September 9, 2020 with representatives from approximately six firms in attendance.

Five Bids were received on October 6, 2020. The Bid prices and the Engineer's Estimate are listed below.

	<b>Bidder Name</b>	<b>Total Bid Price</b>
1	Rosendin Electric, Inc. (San Jose, CA)	\$4,642,814.94*
2	Icenogle Construction Management, Inc. (San Francisco, CA)	\$5,275,633.00*
3	Blocka Construction, Inc. (Pleasanton, CA)	\$5,788,000.00
4	Rubecon Builders, Inc. (San Francisco, CA)	\$6,121,350.00
5	Cupertino Electric, Inc. (San Jose, CA)	\$6,400,304.00
	Engineer's Estimate	\$5,065,821.00

\* Price corrected due to minor miscalculation(s) by Bidder

Bid price evaluation for the procurement of this Contract is based on Total Bid Price. District staff has determined that Rosendin Electric, Inc. ("Rosendin") is the lowest Bidder. Further review of Rosendin's contractor's license, business experience, and financial capabilities has resulted in a determination that Rosendin is a responsive and responsible Bidder.

The Total Bid Price, as submitted by Rosendin, of \$4,642,814.94 is approximately 8.4% below the Engineer's Estimate of \$5,065,821.00.

This Contract was advertised pursuant to the District's Disadvantaged Business Enterprise ("DBE") Program requirements. The Office of Civil Rights reviewed the scope of work for this Contract and determined that there were DBE subcontracting opportunities; therefore, a DBE participation goal of 16% was set for this Contract.



The low Bidder, Rosendin Electric, Inc. committed to subcontracting 16.4% to DBEs. The Office of Civil Rights has determined that Rosendin Electric Inc. has met the DBE participation goal set for this Contract.

#### **FISCAL IMPACT:**

Funding in the amount of \$4,642,815 for Contract No. for 20LZ-130A, Train Control Room Battery Systems Replacement, Phase 3 is included in the total project budget for 20LZ100, Train Control Room Battery Systems Replacement.

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:

<b>Proposed Funding</b>	
F/G 3015,353K,353M – FTA Award Sources	5,431,674
F/G 6017 – MTC Bridge Toll Sources	25,466
F/G 8530, 8531, 8532–FY16, 17 & 18 Operating to Cap Alloc	6,619,090
<b>TOTAL</b>	<b>12,076,230</b>

As of October 14, 2020, \$12,076,230 is the total budget for this project. BART has expended \$3,684,341, committed \$65,480, and reserved \$0 to date for other actions. This action will commit \$4,642,815, leaving an available fund balance of \$3,683,594 in these fund sources for this project.

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

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

#### **ALTERNATIVES:**

The alternative is not to replace the remaining train control room battery systems at this time. This would leave the BART Train Control System vulnerable to power failures and possible shutdowns impacting revenue service.



**RECOMMENDATION:**

Adopt the following motion.

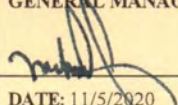
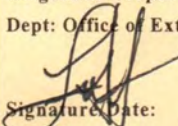
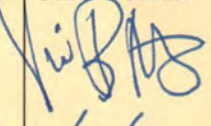
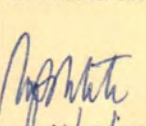

**MOTION:**

The General Manager is authorized to award Contract No. 20LZ-130A for Train Control Room Battery Replacement to Rosendin Electric, Inc. for an amount of \$4,642,815, pursuant to a notification to be issued by the General Manager, subject to compliance with the District's Protest Procedure and FTA's requirements related to protests.





## EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:  DATE: 11/5/2020		GENERAL MANAGER ACTION REQ'D: No		
DATE: 11/5/2020		BOARD INITIATED ITEM: No		
Originator/Prepared by: Linton Johnson Dept: Office of External Affairs Signature:  Date: 11/10/2020	General Counsel  Date: 11/10/20 [ ]	Controller/Treasurer  Date: 11/10/2020 [ ]	District Secretary [ ]	BARC  Date: 11.10.2020 [ ]

### Authorization to Appoint Vacant Seat for the Measure RR Bond Oversight Committee

#### PURPOSE:

Request the BART Board of Directors appoint Sonja C. Stewart, PMP, CQRM, to fill the vacated Measure RR Bond Oversight Committee Project Management Institute (PMI) seat in the current Committee term, which began on July 1, 2019 and ends on June 30, 2021.

#### DISCUSSION:

On June 9, 2016, the BART Board of Directors passed resolution 5321, which placed Measure RR the \$3.5 billion **BART Safety, Reliability and Traffic Relief** bond subject to independent oversight and annual audits on the November 8, 2016 ballot. Section 11 of the resolution called for the establishment of a Bond Oversight Committee (the "Committee"), which would consist of seven members appointed for two-year terms and eligible to serve for up to 6 years in total. The members would be nominated by the following organizations:

- American Society of Civil Engineers
- American Institute of Certified Public Accountants
- Association of Budgeting and Financial Management section of the American Society of Public Administration
- Project Management Institute
- League of Women Voters

On March 13, 2020, Committee member, John Post, appointed by PMI, vacated his seat



because of a conflict of interest. In July 2020, the District began to reach out to PMI to seek nominations to fill the vacant seat.

On September 30, 2020, PMI submitted two applicants. On November 4, 2020, staff interviewed each applicant to make sure each had the experience to serve on the Committee and to ensure they were qualified in accordance to Section 11 of Resolution 5321. Staff believes of the two nominees, Sonja C. Stewart is the most qualified to fill the vacated PMI seat.

Ms. Stewart has more than a decade of experience in the field. She has project managed the business side of several multi-million and multi-billion dollar capital projects in both the public and private sectors including at Chevron, PG&E and the Port of Oakland. Ms. Stewart is an expert in project success assurance, communications, cost/schedule control, change management, risk, and stakeholder management.

Ms. Stewart was born and raised in Oakland. She graduated California State University East Bay with a B.S. in Business Administration and Finance. She earned her Project Management certificate from University of California at Berkeley Extension and Project Management Professional certification in 2006. Her resume and application are attached.

#### **FISCAL IMPACT:**

Each of the seven Committee members is eligible for a \$15 per meeting Clipper card reimbursement for transportation expenses. The Committee typically meets once per quarter.

#### **ALTERNATIVES:**

The Board could reject the applicant and direct staff to reopen the application process.

#### **RECOMMENDATION:**

Fill the current vacancy of the Bond Oversight Committee by appointing the applicant recommended by staff.

#### **MOTION:**

That the BART Board appoint Ms. Sonja C. Stewart of Oakland to fill the vacant Project Management Institute seat for the remainder of the current term, which ends on June 30, 2021.



**SONJA C. STEWART, PMP, CQRM**

Oakland, CA

<http://www.linkedin.com/in/sonjacstewart>

PMP#331806 since 2006

## **Project Management Professional (Waterfall and Agile)**

**Expertise in project success assurance, communications, cost / schedule control and change management/ risk / stakeholder management**



### **Executive Summary**

Proactive, results oriented project manager with diverse industry experience. Strong interpersonal, organizational, and analytical skills Extensive experience in project management (tactical and strategic), project portfolio management, logistics, implementation, execution, decision support, tracking, monitoring, compliance, change management and administration. Strengths include solid communication and problem-solving skills and ability to work independently and as a part of a team. Additional skills include:

- 10+ years Project / Program / Portfolio management, implementation, and execution experience
- Chevron Capital Stewardship Organizational Capability Certified (Chevron's Project Development & Execution Process)
- Strong math / financial background
- Excellent team building & leadership skills
- Certified Risk Management
- Change Management / Decision Analysis
- Agile – Scrum Master
- MS Office Suite skills in addition to Visio & MS Project Server 2013 and SharePoint
- Oracle Primavera
- Mac, Google Produces, Clarity, Adairo, Slack, Splunk, Tableau
- Collaborative tools: Dropbox, Asana, Azendoo, Podio, Box, Base Camp
- Entrepreneurial spirited; strong business systems knowledge and understanding
- Resource / Vendor Management
- Requirements Solicitation, Performance Monitoring, OKRs



### **Critical Skillset**

- |  |  |  |
|--|--|--|
| <ul style="list-style-type: none"> <li>• Project Planning, Forecasting and Scheduling</li> <li>• SAP, BPC and Ariba</li> <li>• Risk Management / ADAIRO</li> </ul> | <ul style="list-style-type: none"> <li>• Salesforce</li> <li>• Dashboard Reporting</li> <li>• Performance Reporting</li> <li>• Maximo</li> </ul> | <ul style="list-style-type: none"> <li>• HP-PPM</li> <li>• EBI /Business Analytics – Flexplore</li> <li>• QuickBooks</li> <li>• Advance Excel skills including Pivot tables, V Look ups and Power Queries</li> </ul> |
|--|--|--|

## Professional Experience

**StarGazer Enterprise, Oakland, CA**

**January 2018 to Present**

### **Principal\_ Project/Product Management \_ Self Employed**

Work with small businesses and start-ups to supplement Project/Product Management services including Waterfall and Agile methodologies (scrum master). Provide Process Improvement Clients include:

Survey Monkey April – August 2019 Scrum Master for an Agile Tech project. Included financial reporting using Splunk and Tableau and creating artifacts for project. Second project: Email Audit Projects. Both projects included a lot of work around Stakeholder Management and Communications.

MacDonald-Bedford (Small Disabled Veteran-Owned Business/Engineering firm) – December 2018 – February 2019 Contract Analyst Assisted w/federal contracts and invoices. Helped my client to reconcile records and establish relationships w/various stakeholders/clients, understanding processes to expediate prompt payment, established and documented processes for my client.

Employera - June – September 2018 Assisted in creating Work Breakdown Structure and Schedule for a client project.

**PJMan & The StarGazers, Oakland, CA**

**August 2016 - Present**

### **Founder / Program Manager**

Leading a group of global Project Management Professionals to teach and help with project management skills for Community Based Organizations, Non-Profits, and children **Pro Bono** on Saturdays.

Current efforts include a program to teach kids project management and leadership skills and expose them to career possibilities including STEM using speakers from ever walk of life who use project management. To further develop leadership skills we explore the beauty and benefits of understanding diversity by exploring differences based on countries, cultures, personalities and occupations.

Responsible for all aspects of program including developing curriculum, managing all stakeholder, strategic planning, developing projects for kids, website development, PowerPoint/Google Slides presentations, and social media marketing. For more information visit: [www.PJMantheStarGazers.com](http://www.PJMantheStarGazers.com)

**Outsource (Johnson Controls/Tyco Integrated Systems: Client: PG&E) November 2017 – January 2018**

### **Program Manager \_Corporate Security**

Responsible for developing, managing and updating project and closeout documentation, in conjunction with the project managers and program management resources supplied by Johnson Controls for the portfolio of projects executed and managed by Johnson Controls for the PG&E facilities in California; provided regular project communications as assigned by the program manager, both internally and externally to the appropriate stakeholders. Actively participated in sequencing projects, adjusting timelines, improving processes, and modifying scope documents to achieve Program objectives; updated reports for C-level executives; Tools used: Smartsheets, MS Office, Dropbox, MS Project

**Chevron Corporation, San Ramon, CA**

**Various roles as described below from 2005 – 2017**

**Harvest Technical Services, Inc. Walnut Creek, CA**

**April 2016 – May 31, 2017**

**Cost / Project Accountant \_Construction - Client: Chevron Richmond Refinery**

Responsible for generating weekly project performance reports for major shutdowns at the refinery. After shutdowns assisted with Cost/Schedule impact documents in addition to weekly project performance reports. Responsibilities included gathering data from several sources to produce a concise report for various levels of staff including C-level executives; Prepared weekly financial progress reports for multiple projects of varying complexity; Created financial and forecasting reports using pivot tables and vlook-ups with data from SAP and Maximo; Created and maintained change order logs for multiple projects; Maintained other logs as needed; Assisted with headcounts and curves of contractors working in the field daily; updated database with actuals for the number of resources by contractor and role/trade; ERPs: SAP, Ariba, Maximo Tools: MS Office, SharePoint

**TD Thornton Group, Inc. Sunnyvale, CA**

**August 2015 - February 2016**

**Project Controls Analyst / Business Analyst \_ Construction - Client: Pacific Gas & Electric Company Transmissions Substations**

Responsible for support and organization of client sponsored projects which consists of managing cross-functional, multi-location project teams using plan-based and/or cutting edge project management methodologies creating and maintaining project plans, schedules, assessing & mitigating risks, facilitating teams, resource management, standard and custom Service Level Agreements and providing timely and accurate status reports and other communications to management and team members (Construction, Materials, Contract Management and contractors); Met quarterly with construction to plan resources for projects and used information to report schedule and financials forecast and actuals monthly; Monthly created reports using information from SAP and used pivot tables and vlook-ups to create charts and other visual tools to report KPIs. Tools: SAP, Ariba, Primavera, SharePoint, MS Office PG&E training: SAP: Cost Model & Tools for Project Management, Project Systems Integration (SPSI), Analysis for Office (AO) and Primavera P6 Client R8.2

**StarGazer Enterprise, Oakland, CA**

**September 2013 to August 2015**

**Principal\_ Project/Change Management, Event Management, Process Improvement, Personal and Company Organization**

Provided small businesses and start-ups with various services from organizational services to event planning and business management assistance; Services included helping to project / program management and process improvement, quality assurance, stakeholder / vendor management, setting up filing systems, helping clients to go paperless and selecting appropriate apps and tools, QuickBooks / bookkeeping, strategic planning, and marketing.

**Artech Information Systems Sunnyvale, CA**

**July – September, 2013**

**Project Manager / Process Analyst / Change Management \_Customer Service Projects Client: NetApp**

- Oversaw execution of a project projected to result in cost savings of \$7million / year with SMEs and teams in USA, China, Bangalore, and Amsterdam;



- Gathered technical requirements, developed, and created project control, process change management documents; updated SharePoint;
- Created and managed change management approach, documented and monitored business process usage, Service Level Agreements and created and distributed process document;
- Aligned efforts to business case and further fleshed out business case;
- Analyzed monthly data reports to determine financial, schedule and performance progress

Tools used: MS Project, SharePoint, Oracle Business Analytics, MS Office



#### **Results:**

- Started a month after planned project kick-off and met targeted new kick-off date
- Facilitated project framing process to reassess feasibility of project with more rigorous data analysis to determine alignment with business case.

**SysMind, LLC. / Wipro**

**Feb. 2013 – May 2013**

**Project Controller \_IT Project Client: Chevron Upstream Capacity IT – Database Project**

Supported project manager with budget, schedule, risk management, requirements gathering, scope management, change management, vendor management and monthly status reports to ensure alignment with business case; Updated HP-PPM; Streamlined service order and contracting process moved smoothly; Provided input and offered best practice advice regarding master project plan; Monitored for Quality Assurance; Assisted project manager and two Chevron Program Management Offices to understand planning parameters and standards (UC (Upstream Capability) IT and (Chevron Energy Technology Company Program Management Office (ETC PMO) with monitoring project against business case objectives; Developed relationships with stakeholders, PMOs, finance and procurement and reached agreement regarding processes and expectations. Tools: MS Project, Office, HP-PPM, ADAIRO



#### **Results:**

- Identified and helped correct financial calculation errors in Program, Project Management reporting tool and obtained buy-in from stakeholders which includes 2 Program Management Offices;
- Created Project Change Management Trend Log and started process for managing changes;
- Created processes and tools to improve processes including the service order process and drawdown accounting of invoices against funding

**AllTech Systems, Inc.**

**May - December 2011**

**Category Specialist \_Technology Projects Client: Chevron Energy Technology Company-ETC**

Subject Matter Expert for contracting / Supply Chain Management process for Reservoir and Production Engineering & Health, Environment and Safety business units acting as liaison between business units, legal and suppliers; responsible for execution of contracts deliverables through milestones until fully executed assurance of contract compliance per company, federal and state regulations: included working with multiple stakeholders to gather and communicate status information. Tools: MS Office, SharePoint, SAP, Ariba



**Results:** Ensured business continuity while employee was on maternity leave

**Chevron Americas Logistics****June 2007 – November 2010****Project Controls Analyst \_ Construction Projects**

Led project status reporting efforts for terminal projects in the United States and Canada including financials and schedule. Portfolio consisted of 165 capital projects and a budget of \$70,000,000 and 100 expense projects with a budget of \$6,000,000 team consisted of 20 project engineers located through the US and Canada.

Led implementation of Project Portfolio Management tool for department; Prepared Project Portfolio status reports; Assisted with all phases of project including initiation: Requirement Gathering, Framing, Business Case development, feasibility development, etc.... C-level reporting; Acted as a change agent to and used change management process and approach to implement and provide training for new tools and processes and to encouraged good project management practices in accordance with PMBOK & Chevron Project Development and Execution Process, Responsible for Quality Assurance; Coordinated and facilitated monthly status meetings Tools: MS Office, Project, SAP, Ariba, Project Controls, SharePoint



**Results:** Successful implementation of Project Portfolio Management Tool and streamline of Project Management Process to increased tool usage/adoption.

**Staff Mark Staffing / Venturi Staffing****May 2005 – June 2007****Project / Contract Analyst / Event Manager \_Major Capital Construction Projects Client: Chevron Project Resources & Products Companies**

Supported C level executives with administrative and project / portfolio management reporting and training activities which included compiling project status reports for Major Capital Project Summary report (Projects \$25 million and above) and published quarterly on intranet. Coordinated office moves, phone and LAN implementation, event coordination and logistics coordination for meetings and project management classes;

Successfully led contracting effort to renew all contract by end of year which included tracking compliance of critical dates such as contract expiration dates and supported category managers with contract renewals; Streamlined processes and procedures to improve efficiency of contracting process; Monitored safety and owner controls insurance requirements; Updated contract information in Vendor AutoLoad, SAP, Ariba, Passport and Access databases



**Results:** Implemented several process improvements by creating tools and documenting processes to ensure continuity and knowledge transfer as staff changed.

**VP of Professional Development****Board of Directors Project Management Institute (PMI) San****Francisco-Bay Area Chapter****January 2007- September 2009**

Managed team of 6 in planning, developing and implementing professional development program for Certified Project Managers and those seeking to become certified as a Project Management Professional (PMP) Activities consisted of Organizing monthly dinner programs: Acting as Master of Ceremonies for dinner meetings; Managing staff of project managers who coordinated classes around PMI's Knowledge Areas (PMBOK) and other leadership skills, PMP, Program Management, Scheduling and Risk exam prep classes, webinars, seminars, forums and team building activities; Managed Vendors and logistics for dinner meetings and programs



**Results:** Ensured professional development options available for 2,500 members



## **Education, Accreditations, and Affiliations**

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B.S., Business Administration/Finance California State University East Bay

Chevron Capital Stewardship Organizational Capability Certified (Chevron's Project Development & Execution Process) - 2007

2014 Project Management Institute Educational Foundation Jerry King Memorial Scholarship for PM Excellence sponsored by Friends of Jerry King recipient

2012 Accepted into Stanford Advanced Project Management Program but program discontinued before could complete.

Leading & Implementing Change w/out Pain (Pervasive Learning Solutions w/ Dr. Eric Abrahamson of Columbia University)

Certified Project Management Professional - Project Management Institute – June 2006 – June 2022 PMP #331806 to verify: <https://www.pmi.org/certifications/registry>

Certified in Risk Management (CRM) - Real Options Valuation, Inc. - 2007

Certified in Project Management (2001) and Paralegal Studies (2000) – University of California at Berkeley Extension

Microsoft Project User Group member since 2011

Project Management Institute, past board member of San Francisco/Bay Area Chapter - member since 2006

Institute for Supply Management – since 2010

Women's Initiative for Self-Employment Graduate - 2004

# San Francisco Bay Area Rapid Transit District (BART) Safety, Reliability and Traffic Relief Program

## Application for Appointment to Bond Oversight Committee

Please complete this form and other requested documents and return to:

Linton Johnson, Strategic Programs Manager, 300 Lakeside Drive, 18<sup>th</sup> Floor, Oakland, CA 94612; *Application, resume and a signed Certification of Understanding for the Standing Rules, and Application and Appointment Procedures must be received no later than September 30, 2020.*

Applicant Name:	Sonja C. Stewart		
Home Address:	[REDACTED] Oakland, CA [REDACTED]		
County of Residence:	Alameda		
Home Phone:	[REDACTED]	Work Phone:	[REDACTED]
Fax:	[REDACTED]	Email Address:	[REDACTED]
Occupation:	Project Management & Controls Consultant		
Employer:	StarGazer Enterprise (Business Owner)		
Nominating Organization:	Project Management Institute		
Seat Applying for (Check One):	<input type="checkbox"/> Expertise in Electrical Engineering <input checked="" type="checkbox"/> Expertise in Public Finance/Project Management <input type="checkbox"/> Expertise in Accounting/Auditing <input type="checkbox"/> Expertise in Civil Engineering <input type="checkbox"/> Expertise in Budgeting/Financial Management <input type="checkbox"/> Representing League of Women Voters		
Willing to be Alternate?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
<b>Summary of Qualifications for Appointment:</b> (Please attach resume including education and business and/or professional experience.) I have 20 years' experience in both the construction and project management which includes performance monitoring and reporting mostly at Chevron.			
<b>Summary of Reasons for Applying:</b> As an Oakland native, I would love to be a part of your committee and team. I took my first BART ride in 1978 during the AC Transit Bus strike. If it had not been for BART, my sibling and I would not have been able to get to school.  During my time at the Port of Oakland, it was a pleasure to represent Social Responsibility and Oakland International Airport Expansion team and sit in on many of the Oakland Airport Connector (OAC), now called BART to OAK professional services panel interviews.  In 2007, I took part in the Bay Area Transportation workshops sponsored by Mayors Jerry Brown of Oakland, Gavin Newsom for San Francisco, and Ron Gonzales of San Jose and earlier this year MTC & ABAG's Horizon Workshops.  As you can see, I am extremely excited about being considered to join your team. In addition, I am even more appreciative that my friends and colleagues from PMI would consider me (not thoroughly knowing all of my background around the Bay Area Transportation efforts) and nominate me to represent PMI.			
Ethnicity (Optional):	African American	Gender (Optional):	<input type="checkbox"/> Male <input checked="" type="checkbox"/> Female
<i>Please note that the Bond Oversight Committee members shall be private citizens who are neither elected officials nor public employees from any agency that either oversees or benefits from the proceeds of Measure RR.</i>			
<b>List any government agency of which you are an elected official:</b> None			
<b>Are you, your spouse, domestic partner or dependent child(ren) a BART employee or official, or an owner, employee or consultant to a BART contractor?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
<b>Will you refrain from participating in or interfering in the selection process of any vendor hired to execute bond funded projects?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			



Please note that you will be asked to file a Conflict of Interest disclosure statement if you are appointed to the Committee (California Government Code Section 81000 et seq.). Membership shall be restricted to individuals without financial interest in any Measure RR project. "Financial Interest" is defined by California Government Code Section 87103.

Date:

9/15/20

Signature:

George C. Stewart



**San Francisco Bay Area Rapid Transit District (BART)  
Safety, Reliability and Traffic Relief Program**

**Bond Oversight Committee  
Standing Rules & Application and Appointment Procedures**

**Standing Rules**

1. Individuals appointed to the BART Safety, Reliability and Traffic Relief Program Bond Oversight Committee shall be appointed for a two-year term without compensation. Members are eligible for three two-year terms. All terms shall commence on the day of appointment by the BART Board and shall terminate on the second anniversary date of such commencement date. Each committee member shall have a designated alternate selected by the BART Board. If a committee member is unable to complete his or her term, an alternate member will be appointed by the BART Board to fill the vacancy and complete the appointment term.
2. The initial meeting will be an orientation and overview of the project. The first meeting of the Committee will be scheduled in the Spring of 2017. New members appointed to the Committee after the initial orientation will receive an individual orientation.
3. Meetings shall be held semi-annually, and the Committee may elect to increase the frequency.
4. The meetings will be held at BART Headquarters in Oakland, CA.
5. The Committee will select a Chairperson. The Chair will function as the spokesperson for the Committee.
6. Staff will organize and assemble materials for review including construction schedules, scope of work, budget and information about the issuance of bonds. Technical staff will be present at each meeting to guide Committee members through the documents and answer questions.
7. Appointed members must attend 50% of the meetings annually to continue as a member of the Committee. If participation falls below 50%, the alternate will be appointed by the Board to take the place of the appointed member. If both the appointed member and the alternate are unable to continue, the vacancy will be noticed and applications sought. The seat will remain open until filled.
8. The Committee is subject to all provisions of the Ralph M. Brown Act, California Government Code Section 54950 et seq. (as amended), which mandates open meetings for local legislative bodies. The public will be invited to attend all committee meetings.

9. Staff will prepare minutes of each meeting.
10. The Committee will publish a public report once per year.
11. Once appointed, Committee members are required to comply with disclosure and conflict of interest requirements of the Political Reform Act of 1974, California Government Code Section 81000 et seq. (as amended), and must complete and file all necessary disclosure documents, including an annual conflict of interest statement. Committee members shall avoid impropriety and the appearance of impropriety, and shall not use their appointed position to further their own financial gain or for any other purpose not directly related to the governmental function they have been appointed to perform. Specifically, Committee membership shall be restricted to individuals without financial interest in any Measure RR program. Committee members are defined as "public officials" (California Government Code Section 82048), and no public official shall make, participate in making, or in any way attempt to use his or her official position to influence a governmental decision in which he or she knows, or has reason to know, he or she has a financial interest. Having a financial interest in a decision is defined by California Government Code Section 87103.
12. Neither the member of the Bond Oversight Committee nor the firm by which they are employed or have an ownership interest in will be eligible to bid on BART Safety, Reliability and Traffic Relief Program work.
13. Once appointed, Committee members are defined as "officers" and hence are governed by California Government Code Section 3201 et seq. (as amended), relating to political activities. Specifically, political activities, such as soliciting or receiving funds or contributions for a candidate or ballot measure during Committee meetings are prohibited.
14. Following orientation, Committee members shall be responsible for having a working knowledge of the establishing ordinance, by-laws, federal or state mandates or any other governing regulations that define and set forth the intent and purpose of their appointment and shall only represent and act on matters related thereto.
15. The BART Board shall retain the authority to rescind any Committee appointment(s), as deemed necessary.
16. The District shall maintain a public information list of members and designated alternates appointed to the Bond Oversight Committee. The list shall include the name of the appointee, the date the term expires, and affiliation and/or nominating organization. The list shall be updated annually.
17. Committee meeting announcements will be posted alongside BART Board meeting notices outside of the BART Board Room Facility.
18. A Bond Oversight Committee section will be included within the BART website. Information about the Bond Oversight Committee and the Committee's Reports shall be posted in this section.

### **Application and Appointment Procedures**

1. Notice of application for appointment to the Bond Oversight Committee shall be posted on the BART website and provided to all BART Board Directors, qualified nominating professional organizations and main libraries of the cities within the three BART District counties.
2. Three qualified applications are expected to be submitted to BART by all 6 nominating organizations.
3. The BART Board will select 7 members and up to 7 alternates. Applicants recommended by the staff for appointment are expected to attend the selection meeting to answer any questions the Board may have.

### **Certification of Understanding**

Please return with your completed application form and resume.

I certify that I have read and understand all the above information included in the Standing Rules, and Application and Appointment Procedures document.

Signature: \_\_\_\_\_

*Dorja C. Stewart*

Date: \_\_\_\_\_

*9/15/20*

"

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

Resolution No. 5321

RESOLUTION CALLING A SPECIAL DISTRICT BOND ELECTION FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS OF THE DISTRICT THE PROPOSITION OF INCURRING BONDED INDEBTEDNESS TO ACQUIRE AND IMPROVE AND REPLACE BART FACILITIES, FIXING THE DATE OF SAID ELECTION, THE MANNER OF HOLDING THE SAME, PROVIDING FOR NOTICE THEREOF, AND CONSOLIDATING SAID DISTRICT BOND ELECTION WITH THE STATE OF CALIFORNIA GENERAL ELECTION TO BE HELD ON NOVEMBER 8, 2016, AUTHORIZING PREPARATION AND FILING OF A TAX RATE STATEMENT TO BE PUBLISHED IN CONNECTION WITH SAID ELECTION, AND AUTHORIZING BOARD MEMBERS TO FILE A BALLOT ARGUMENT IN SUPPORT OF SUCH BOND MEASURE

**WHEREAS**, the Board of Directors (The "Board" of San Francisco Bay Area Rapid Transit District (the "District" or "BART") heretofore developed reports the ("Original Reports") pursuant to Section 29152 of the Public Utilities Code of the State of California (the "Public Utilities Code") which contained general plans, estimates and general specifications pertaining to the construction of the BART system; and

**WHEREAS**, the Boards of Supervisors of each of the County of Alameda, the County of Contra Costa, and the City and County of San Francisco approved by a resolution adopted by a majority vote the Original Reports; and

**WHEREAS**, the District heretofore called a special election and submitted to the qualified voters of the District a proposition to incur bonded indebtedness for the acquisition and construction of rapid transit facilities by the District as described in the Original Reports; and

**WHEREAS**, the District has heretofore issued all of its first authorized issue of bonds; and

**WHEREAS**, subsequent to its first authorized issue of bonds, the District found and determined that the bonded indebtedness then authorized and issued was insufficient to cover all costs of the acquisition and construction of its facilities, and, on November 2, 2004, voters in the District approved a bond measure (known as "Proposition AA") authorizing an additional \$980 million of bonds to improve seismic safety; and

**WHEREAS**, pursuant to Section 29157 of the Public Utilities Code, it appears to the board that the bonded indebtedness heretofore authorized and issued is insufficient to cover all costs of the acquisition and construction of its facilities, and the board now wishes to make an order determining the amount of bonds that should be issued in order to raise the additional funds necessary for the completion of such facilities; and

**WHEREAS**, the BART has heretofore developed the BART System Renewal Program (the "Safety, Reliability, and Traffic Relief Program") to invest in the renewal of the BART system by improving safety and access, repairing and replacing critical infrastructure, and increasing capacity, and the District has duly employed engineers, economists, fiscal experts and others deemed necessary to develop general plans, estimates and general specifications pertaining to the projects for which a bond issue is proposed, as hereinafter set forth, sufficient in the opinion of this Board to enable this Board to determine the feasibility of such projects;

**WHEREAS**, said engineers, economists, fiscal experts and others have made a report entitled "BART Safety, Reliability, and Traffic Relief Engineer's Report" (the "Engineer's Report") and a report entitled "BART System Renewal Program Plan 2016" (the "System Renewal Plan," and together with the Engineer's Report, the "Bond Program Report") to the District in time, form and manner required by law, and this Board hereby determines and declares that the proposed Safety, Reliability, and Traffic Relief Program as specified in the Bond Program Report is feasible and that the Safety, Reliability, and Traffic Relief Program as outlined in the Bond Program Report is necessary;

**WHEREAS**, this Board desires pursuant to Section 29157.1 of the Public Utilities Code to duly determine the amount of bonds which should be issued in order to raise the amount of money necessary for the Program specified in the Bond Program Report and as otherwise provided by law and pursuant to Section 29158 of the Public Utilities Code to call a special election and submit to the qualified voters of the District the proposition of incurring such bonded indebtedness;

**WHEREAS**, this Board desires that the special district election hereinafter provided for shall be consolidated with the State of California general election to be held in the State and in the District on November 8, 2016, and desires to take all steps necessary for the purpose of effecting such consolidation;

**WHEREAS**, Section 9400 et seq. of the Elections Code of the State of California (the "Elections Code") requires that a tax rate statement be contained in all official publications and ballot pamphlets prepared, sponsored or published by the District which relate to said election;

**WHEREAS**, this Board now desires to authorize the filing of a ballot argument in favor of the proposition to be submitted to the voters at said election;

**WHEREAS**, if the electors approve the bond proposition, this Board desires to establish an independent citizens' oversight committee to review and report to the public expenditures of the bond proceeds; and

**WHEREAS**, all acts, conditions and things required by law to exist, happen and be performed precedent to and in connection with the calling and holding of said special district bond election hereinafter provided for have existed, happened and been performed in due time, form and manner as required by law, and this Board is now duly empowered to call said special district bond election in all respects, as hereinafter set forth;

)

) **NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT, AS FOLLOWS:**

Section 1. A special district bond election is hereby ordered and will be **held in** the District on Tuesday, November 8, 2016, at which election shall be submitted to the qualified electors of the District the question of incmTing a bonded indebtedness of the District for the objects and purposes set forth in the following measure:

Measure [ J (*Measure Designation to be assigned by the County*) **BART Safety, Reliability and Traffic Relief**. To keep BART safe; prevent accidents/breakdowns/delays; relieve overcrowding; reduce traffic congestion/pollution; and improve earthquake safety and access for seniors/disabled by replacing and upgrading 90 miles of severely worn tracks; tunnels damaged by water intrusion; 44-year-old train control systems; and other deteriorating infrastructure, shall the Bay Area Rapid Transit District issue \$3.5 billion of bonds for the acquisition or improvement of real property subject to independent oversight and annual audits?

Said measure shall be set forth on the ballots to be used at said special bond election within the District in substantially the form hereinabove set forth. Pursuant to Section 29169 of the Public Utilities Code and Section 1 of Article XIII A of the Constitution of the State of California, the above proposition shall become effective only upon the affirmative vote of two- thirds of those electors voting on the measure.

) Section 2. The Board hereby determines and declares that the proposed plan of work for the Safety, Reliability, and Traffic Relief Program in the Bond Program Report is feasible and the Safety, Reliability, and Traffic Relief Program as set forth in the Bond Program Report is necessary. The estimated cost of the proposed Safety, Reliability, and Traffic Relief Program in the Bond Program Report is \$3.5 billion. Said estimate includes planning, design, engineering, acquisition, construction and improvement costs for the Safety, Reliability, and Traffic Relief Program, which includes improvements to train tracks, power systems, tunnels and structures, mechanical systems, train control systems, repair and maintenance facilities, and BART stations.

Section 3. The maximum amount of the principal of the bonds that the Board hereby orders should be issued to raise the amount of money necessary for said Program as set forth in the foregoing measure is \$3.5 billion, which amount is estimated to be required to finance the Safety, Reliability, and Traffic Relief Program in the Bond Program Report, including sufficient funds to cover the cost of inspection of works in course of construction and the costs of issuing the bonds.

Section 4. The maximum term that the bonds proposed to be issued shall run before maturity is forty years, providing that the bonds of said authorized issue may be divided into two or more series or divisions, and the last date of maturity of any such series of bonds may be fixed at any date or dates up to but not exceeding forty years after the date of the bonds of that series. The District may fix different dates for the bonds of each series, and the bonds of any series may be made to mature and become payable at different times from those of any other series, provided (i) that said maximum maturity above specified shall be calculated from the date

on the face of each bond, separately, irrespective of the fact that different dates may be prescribed for the bonds of each separate series or division of said authorized issue and (ii) that the maturity dates of each separate series or division shall comply with the provisions of law. )

Section 5. The interest rate on each series of bonds will be determined upon the sale thereof and shall not exceed a maximum rate of interest of 12% per annum, the maximum rate permitted by law.

Section 6. Interest to be paid upon said bonds during the estimated period of construction of the works of the District (and for three years thereafter or less) shall be a capital charge and may be payable out of the principal sum realized from the sale of the bonds in an aggregate amount not to exceed \$100,000,000 exclusive of premium generated by the sale of the bonds and deposited in the debt service fund. Such interest not so paid from bond proceeds shall be paid by the levy and collection of taxes in the manner and to the extent provided by law.

Section 7. The proceeds of the bonds shall be deposited in a special account created by the District and applied to the specific purposes set forth in the Measure (as specified in Section I hereof), and the District shall prepare an annual report on the expenditure of the proceeds and the projects funded thereby all pursuant to Government Code Section 53411.

Section 8. The estimate of the taxes required to be levied for all District purposes for the fiscal years 2017-18 to 2065-66, the sources from which such taxes shall be obtained, and the portion or amount to be derived from each source are set forth in Exhibit A attached hereto. )

(a) The foregoing estimate of taxes is based upon the District's contemplated program of financing, which may be modified to conform to construction, marketing and financial conditions existing in the future. The actual tax levy in each year will vary, depending upon the then requirements for bond principal, interest, sinking fund payments, the then assessed values of taxable property in each county comprising the District, market interest rates at the time of each issuance, and the District's credit rating at the time of each issuance.

(b) The source from which such taxes shall be obtained is the net amount derived from the levy and collection of taxes upon all taxable property in the District based upon the equalized assessment roll of each county in which the District is situated. The District is not now authorized to levy income taxes or other similar types of taxes, other than transactions and use taxes, for the payment of its general obligation bonded indebtedness or administrative and general expenses.

(c) The proportion or amount of such taxes to be derived from the sources above stated are as follows:

(i) Annual tax levy for bond principal and interest and for sinking funds -- The law requires that the Board shall, at the time of fixing the general tax levy and in the manner provided for the general tax levy, levy and collect annually until the general obligation bonds of the District are paid, or until there is a sum in the treasury of the District set apart for that purpose to meet all sums coming due for principal and interest on the bonds as they become due and payable, a tax sufficient to pay the annual interest on the bonds and such part of the principal thereof, including any sinking fund .. )



) installments required by any of the District's agreements with its bondholders, as becomes due before the proceeds of a tax levied at the next general tax levy **will** be available for such purposes. The taxes required to be levied and collected on account of interest, principal, and sinking fund of general obligation bonds of the District shall be in addition to all other taxes levied for District purposes, and shall be collected at the time and in the same manner as other district property taxes are collected, and be used for no other purpose than the payment of the bonds and accruing interest. The District shall provide for the payment of the principal of and interest on the bonds by the levy and collection of taxes upon all property in the District subject to taxation by the District without limitation of rate or amount as provided by law, except that such taxes need not be levied to the extent that the District deposits in the treasury set apart for that purpose moneys derived from surplus revenues or any appropriations which may be made to it for that purpose or from any other funds howsoever derived.

(ii) Annual tax levy for . administrative and general expense -- Following the adoption of Proposition 13 by the voters and the passage of implementing legislation, the District receives a small portion of the constitutionally limited 1% county-wide general tax levy in each of the three BART Counties for administrative and general expense and has no authority to increase such amount. The amount of the District's portion of such 1% levy for the 2015-16 fiscal year was approximately \$37,400,000.

) (iii) The District levies a 1/2¢ transactions and use tax, 3;4ths of the revenues of which are allocated to the District and 114th of which is allocated to the Metropolitan Transportation Commission. Revenues from such tax are pledged to secure sales tax revenue bonds of the District and are used to pay general operating and capital costs of the District.

Section 9. This Board does hereby submit to the qualified electors of the District at said special district bond election the measure of incurring bonded indebtedness set forth in Section 1 hereof, and hereby designates and refers to said measure as that measure to be set forth on the ballots as herein prescribed for use at said election:

(a) Said special district bond election shall be held and conducted and the votes thereat canvassed and the returns thereof made and the result thereof ascertained and determined, as herein provided; and in all particulars not prescribed by this resolution said special district bond election shall be held as provided by law.

(b) All residents of the City and County of San Francisco, the County of Alameda and the County of Contra Costa, respectively, who are qualified electors possessing the qualifications prescribed by the general election laws of the State of California shall be entitled to vote at said special district bond election. Whether a resident of the District is a qualified elector within the District shall be conclusively determined by the register of voters of the City and County of San Francisco, the County of Alameda and the County of Contra Costa, respectively, in which said election is held.

) (c) Said special district bond election hereby called shall be consolidated and the Board of Supervisors of the City and County of San Francisco, the Board of Supervisors of the

County of Alameda and the Board of Supervisors of the County of Contra Costa are hereby each requested to order the consolidation of said special district bond election with the State of California general election to be held in said State and in said District on November 8, 2016, all as required by and pursuant to law, and the election precincts, polling places and officers of election within the District for said special district bond election shall be the same as those selected and designated by the Registrar of Voters or the Board of Supervisors, as appropriate, of the City and County of San Francisco, the County of Alameda and the County of Contra Costa, respectively, for said State of California general election, and reference is hereby made to said State of California general election for the designation of the precincts, polling places and election officers for said special district bond election hereby called.

(d) The hours during which the polls shall be kept open in the City and County of San Francisco, the County of Alameda and the County of Contra Costa (collectively, the "Counties" and each a "County"), respectively, shall be the same as those provided for the State of California general election to be held on November 8, 2016 in each of the Counties, respectively, being the election with which the election called pursuant to this resolution is consolidated, and the manner of voting for and against the incuning of such indebtedness shall be as provided for in the ballots in such general election. The Registrar of Voters or the Board of Supervisors, as appropriate, of the City and County of San Francisco, the County of Alameda and the County of Contra Costa, respectively, are and each of them is authorized to canvass, or cause to be canvassed as provided by law (including the provisions of Section 10411 of the Election Code), the returns of said special district bond election with respect to the votes cast in each of the Counties, respectively, and to certify the result to this Board in all respects as provided by law, and upon the cettification of such results to this Board, this Board shall cause to be spread upon its minutes a statement of the results of said special district bond election as ascertained by such canvass.

(e) The acquisition or improvement of real property to be undertaken with the proceeds of the bonds is assumed to include the costs of the election and bond issuance and other construction-related costs, such as construction management, architectural, engineering, inspection and other planning costs, legal, accounting and similar fees, independent annual audits, and other incidental or necessary costs. The District shall reimburse itself for all costs incurred in connection with the calling and conduct of the special district bond election and any other costs pennitted by law from proceeds of the bonds when issued.

Section 10. Notice of said special district bond election shall be given by publication of the text of this resolution calling such election together with, in each case, a form of notice of election substantially as set forth in Section 29163 of the Public Utilities Code. Such notice, together with the text of this resolution, shall be published once a week in each calendar week for two successive calendar weeks, at any time prior to said election (the first publication to be not less than twenty (20) or more than ninety (90) days prior to the date fixed for such special election), in the following newspapers of general circulation, hereby designated by this Board, which are printed and published in each County within the District, as follows:

Alameda County - East Bay Times

Contra Costa County - East Bay Times

! ) City and County of San Francisco - San Francisco Chronicle

No other notice of the election hereby called need be given. The Secretary is hereby directed to cause such notice and the text of this resolution to be published as hereinabove provided.

Section 11. (a) Upon approval of the bond proposition by the voters, the Board shall establish a Bond Oversight Committee (the "Committee") who represent a diversity of expertise, geography and demographic characteristics. Committee members shall consist of seven members and be appointed for two year terms and be eligible to serve for up to 6 years in total and are appointed as follows:

(b) The BART Board of Directors (the "Board") shall appoint:

(i) One member nominated by the American Society of Civil Engineers, or its successor organization, who has expertise in civil engineering management and oversight;

(ii) One member nominated by the American Institute of Electrical Engineers, or its successor organization, who has expertise in electrical engineering management and oversight;

(iii) One member nominated by the American Institute of Certified Public Accountants, or its successor organization, who has expertise in audit or financial oversight;

(iv) One member nominated by the Association for Budgeting & Financial Management section of the American Society for Public Administration, or its successor section or organization, who has expertise in municipal finance;

(v) One member nominated by the Project Management Institute, or its successor organization, who has expertise in construction project management;

(vi) Two members nominated by the League of Women Voters, Bay Area, or its successor organization or chapter; provided that the Board may designate alternative professional organizations other than those set forth above from which to request nominations of members to serve on the Committee.

(c) Committee members shall:

(i) Not be a District employee or official, or be an owner, employee or consultant to a District contractor;

(ii) Not participate or interfere in the selection process of any vendor hired to execute bond funded projects;

(iii) Be required to sign a conflict of interest statement and to disclose any potential conflicts that may arise in the course of their service.

(d) The Committee shall provide diligent, independent and public oversight over the expenditure of funds from the sale of District general obligation bonds. , )

(e) The Committee shall be staffed by the Controller/Treasurer's Office.

(f) The Committee shall report directly to the public. The Committee shall focus its oversight on:

(i) Assessing how bond proceeds are spent to ensure that all spending is authorized by the ballot measure;

(ii) Assessing whether projects funded by bond proceeds are completed in a timely, cost-effective and quality manner consistent with the best interests of BART riders and District residents.

(g) The Committee is also charged with the responsibility of communicating its findings and recommendations to the District and the public.

(h) If the projects funded by bond proceeds are not being completed in a timely, cost-effective, and quality manner, the Committee may identify the reasons why and make suggestions in writing to the Board and District Staff for improvements.

(i) The Committee shall publish an annual report, which shall include the following: )

(i) A detailed account of the Committee's activities, including its expenditures;

(ii) A detailed breakdown on the uses of bond funds in the previous year, and a confirmation that they were expended legally. The breakdown shall include an estimate of the impact to the BART system and to BART riders of the projects, including any consequences of construction;

(iii) A detailed breakdown of the anticipated use of bond funds already received by the District to be used in the following years to be provided by BART staff to the Committee. The breakdown provided by BART staff shall include an estimate of the impact to the BART system and to BART riders of the projects, including any consequences of construction;

(iv) A • detailed progress report on the projects funded by bond expenditures. The progress report shall include whether the projects are progressing on time, on budget, and in accordance with the District's quality and sustainability standards. The report shall lay out the original and current estimates for cost and completion, and explicitly highlight any significant variances or risk or significant future variances compared to estimates of the budget, timeliness or scope;

(v) A report on any suggestions made by the Committee in the previous year, and whether previous suggestions have been adopted; )

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) (vi) A report on the results of any financial or performance audits, relevant to the Bond and the Committee's work, performed by the District during the previous year.

G) The Committee may be disbanded when all bond funds are spent.

Section 12. The Secretary of the District is hereby directed to deliver, no later than August 12, 2016 (which date is not fewer than 88 days prior to the date set for the election), a copy of this resolution and order to the Registrar of Voters of each County, and shall file a copy of this resolution and order with the Clerk of the Board of Supervisors of each County and the Registrar of Voters of each County.

Section 13. Pursuant to Resolution no. 5208 (the "Fare Increase Resolution") of this Board, adopted February 28, 2013, this Board extended the District's productivity-adjusted inflation-based fare increase program (the "Fare Increase Program") to raise fares in January of 2014, 2016, 2018, and 2020. The Fare Increase Program was then estimated to generate approximately \$325 million in additional fare revenue for capital renovation projects over the eight year period beginning in 2014 and ending in 2022. The District hereby reconfirms its intention to use such additional fare revenue generated in the period beginning in 2014 and ending in 2022 by the District's productivity-adjusted inflation-based fare increase program (as such program is set forth in Exhibit A to the Fare Increase Resolution) for capital renovation projects; provided that such revenue is not reduced by unforeseen economic circumstances or  
) decreased ridership or is required to address costs in the event of a natural disaster.

Section 14. (a) The Controller/Treasurer of the District is hereby authorized to prepare a tax rate statement (the "Tax Rate Statement") conforming to the requirements of Section 9401 of the Elections Code, and to file said Tax Rate Statement with the Registrar of Voters of each County.

(b) The Registrar of Voters of each County is hereby requested to include the Tax Rate Statement in all official publications or postings pertaining to the Election, pursuant to the terms of Section 9402 of the Elections Code.

Section 15. The members of the Board are hereby authorized, but not directed, to prepare and file with the Registrar of Voters of each County a ballot argument in favor of the proposition contained in Section I hereof, within the time established by the Registrar of Voters of each County.

Section 16. This resolution, being a resolution relating to an election, shall take effect immediately upon adoption. )

**PASSED AND ADOPTED** this 9<sup>th</sup> day of June, 2016, by the following vote:

AYES: 9 - Directors Blalock, Josefowitz, Keller, Mallett, McPartland, Murray, Raburn, Saltzman, and Radulovich

NOES: 0

ABSTAIN: 0

ABSENT: 0

ATTEST:

\_\_\_\_\_  
President

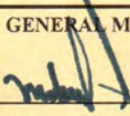
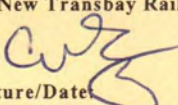
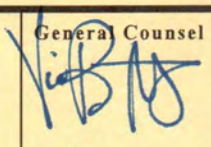
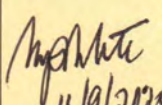

\_\_\_\_\_  
Secretary

)

)



## EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:  11/10/2020		GENERAL MANAGER ACTION REQ'D:		
DATE: 10/14/2020		BOARD INITIATED ITEM: No		
Originator/Prepared by: Andrew Tang Dept: New Transbay Rail Crossing  Signature/Date: 11/9/2020	General Counsel  11/10/20 [ ]	Controller/Treasurer  11/19/2020 [ ]	District Secretary [ ]	BARC  11/9/2020 [ ]

### Authorize the General Manager to Execute Funding Agreement with the MTC for the Development of a Travel Demand Model for the New Transbay Rail Crossing Program

#### PURPOSE:

To obtain Board authorization for the General Manager to execute an agreement ("Agreement") with the Metropolitan Transportation Commission (MTC) to provide funding for the development of a travel demand model needed for the New Transbay Rail Crossing (NTRC) program.

#### DISCUSSION:

BART and the Capitol Corridor Joint Powers Authority (BART/CC) are jointly advancing the NTRC program. BART provided the Board an update on the NTRC program on July 23, 2020.

To evaluate the potential ridership benefits of the NTRC program, a travel demand model is required. Since one of the important benefits of a new rail crossing between Oakland and San Francisco will be alleviating crowding on BART trains, the travel demand model will need to incorporate the ridership benefits of reducing crowding. No travel demand model covering the San Francisco Bay Area currently incorporates this benefit adequately, and using an existing travel demand model could significantly underestimate the benefits of the NTRC program.

In July 2020, MTC launched an effort to develop their next generation travel demand model, Travel Model Two (TM2). MTC is incorporating a transit crowding module in TM2. TM2



would fulfill BART/CC's need for a travel model with transit crowding capabilities. Absent funding from BART, MTC anticipates completing development of TM2 by late 2022. To keep the NTRC program on-schedule, the development of TM2 needs to be completed one year sooner, by late 2021.

Under the terms of the Agreement, BART would provide MTC with funding not to exceed \$200,000 to accelerate the development of TM2. MTC has estimated this would allow them to complete development by mid-2021. This accelerated development would allow BART/CC to advance the NTRC program on-schedule, which currently anticipates the BART Board certifying the environmental documentation and adopting a project in late 2025. The funding would be provided by Measure RR funds already allocated to the NTRC program.

The MTC has included NTRC in the Final Blueprint for Plan Bay Area 2050 as a \$29 billion project. Assuming two percent annual cost escalation, each year of delay increase the cost by approximately \$580 million.

Should BART execute the Agreement, MTC has agreed to include BART as a partner in the development of TM2.

#### **FISCAL IMPACT:**

The total not to exceed amount of \$200,000 for the contract with MTC is included in the total project budget for 09JA000 - Second Trans Bay Tube Study.

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

<b>Proposed Funding</b>		
7AA2	CCJPA FY20 CalSTA Allocation	\$1,000,000
802A	2017A Measure RR GOB #1	1,145,542
802B	2019B Measure RR GOB #2	8,900,906
802C	2020C Measure RR GOB #3	99,953,551
8525	FY 2013 Operating Cap Allocation	53,719
8529	FY 2015 Operating Capital Allocation	901,000
	<b>Total</b>	<b>\$111,954,718</b>

As of November 26, 2020, \$111,954,718 is the total budget for this project. BART has expended \$13,619,026, committed \$16,032,823, and reserved \$0 to date. This action will commit \$200,000, leaving an available fund balance of \$82,102,870 in these fund sources for



this project.

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

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

**ALTERNATIVES:**

Should the Board not authorize the execution of the Agreement, TM2 would not be completed until late 2022. BART staff anticipates this would delay the entire NTRC program by one year, which could increase the cost of the NTRC program by approximately \$580 million. As an alternative to providing funding to MTC, BART could develop its own travel demand model. BART staff estimates this would increase the total cost to evaluate the potential ridership benefits of NTRC by \$350,000.

**RECOMMENDATION:**

It is recommended that the following Motion be adopted.

**MOTION:**

The General Manager or his designee is authorized to execute an agreement with the Metropolitan Transportation Commission (MTC) to provide funding not to exceed \$200,000 for MTC staff and consultant costs to develop a travel demand model needed for the New Transbay Rail Crossing program.

# SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

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## MEMORANDUM

**TO:** Board of Directors

**DATE:** November 12, 2020

**FROM:** Independent Police Auditor

**SUBJECT:** IPA Quarterly Update to the Board of Directors

The attached presentation is provided to the Board of Directors to accompany the Independent Police Auditor's quarterly update at the November 19, 2020 Board Meeting.

If you have any questions in advance of the meeting, please contact me.

Thank you.



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Russell G. Bloom

cc: Board Appointed Officers  
Deputy General Manager  
Executive Staff



Office of the  
**INDEPENDENT  
POLICE AUDITOR**

BAY AREA RAPID TRANSIT DISTRICT

Independent Police Auditor's Quarterly Update to the BART Board of Directors

November 19, 2020





# The BART Office of the Independent Police Auditor (OIPA)

## The Independent Police Oversight System at BART

- The BART Citizen Oversight Model is among the most effective in the country
- National demand for police reform resulted in several ballot measures, many of which sought to create or strengthen civilian oversight
- Features similar to our Model were approved by voters in SF, SJ, Berkeley, Oakland, Sonoma County, and San Diego
  - Investigative authority
  - Access to data
  - Internal Affairs oversight
  - Well-defined independence
  - Disciplinary role
- Robust oversight, including examination of low-level force and de-escalation efforts is intended to prevent unnecessary use of force, including lethal force
  - BART model allows for early detection of individual or systemic issues
  - **Detection and remedial action in these areas is intended to prevent loss of life**
    - OIPA approach relies on the belief that an oversight system must examine negative outcomes while simultaneously working to address all the factors that may contribute to those negative outcomes



# Racial Equity

BART historically stands against discrimination but is now committed to actively fighting racism

- The District has prioritized advancing systemic racial equity by participating in a year-long Government Alliance on Race and Equity (GARE) training series

## The BART Introductory Year Cohort

**There is a team of 17 BART employees from 10 different departments including Operations, Communications, BPD, OCR, OGC and others**

- Our cohort is a leadership team responsible for designing, coordinating, and organizing racial equity plans and activities across throughout BART to promote equitable systems change
- The team is the engine for transformation, having challenging conversations, moving our diverse community of workers in a common direction, and building partnerships to eliminate disparities



# Racial Equity

- Will result in the development of a Racial Equity Action Plan to be administered by the BART Office of Civil Rights
- Applies a racial equity lens to all external BART projects and internal policies and practices, including re law enforcement
- Allows BART to understand its role and capacity for mitigation of harm
- Allows BART to apply consistent practices to equity analyses
- Requires BART to develop partnerships to expand our capacity for impact
- **Highlights the critical importance of community input**
  - **To identify harm**
  - **To measure the success of our efforts**
- BART cohort will complete the training in December 2020



# Racial Equity

- OIPA worked in partnership with BPD Chief Alvarez to craft an appropriate statement in response to the killing of George Floyd
- OIPA advised executive management re messaging and response to national demand for police reform
- OIPA is leading the effort to provide equity training for staff
- OIPA is engaged with executive management to inform staff response to Directors' RCI re Policing
- OIPA is engaged in addressing racial disparities in policing
- OIPA reviews BPD use of force to address racially disparate application
- OIPA reviews "Quality of Life" contacts to address racially disparate impact of enforcement



# Model Adherence

- Review of BPD Activity
  - Prioritizing review of force related to low level contacts
    - Facemask enforcement
    - Fare evasion
    - Proof of Payment
    - End-of-revenue sweeps
    - Wellness checks
    - Eating/Drinking/Smoking
- Investigations
  - Decreasing completion times
  - Finalizing recruitment for an independent police investigator
  - No OIPA findings rejected by the BART Police Citizen Review Board (BPCRB) or appealed by Chief Alvarez





# Model Adherence

- OIPA Review of BPD Activity Has Resulted in Detection of Potential Misconduct and Opportunities for Policy Improvements
  - Chief Alvarez and BPD command staff are consistently receptive to OIPA input and recommendations for review
  - Misconduct allegations flagged by OIPA are appropriately and thoroughly investigated
  - Chief Alvarez updated instructions to personnel to eliminate problematic practices related to enforcement of the Proof of Payment Ordinance
    - OIPA identified that sworn officers interpreted educational contacts for facemask compliance as legal detentions, during which proof of payment may be requested
    - Sworn officers used discretion when deciding whether to request proof of payment during these facemask contacts



# Body Worn Cameras (BWC)

- Previously reported policy revision to provide 60 second buffer with audio
- OIPA resources allow for spot checks
- OIPA prioritizes review of certain contacts
  - Resisting Arrest or Detention
  - Fare Evasion
  - Proof of Payment Ejections
  - Facemask Ejections
- Review of these contacts resulted in:
  - Detection of officer misconduct (resulting in appropriate review/discipline)
  - Detection of potential misconduct (currently under investigation)
  - Formal complaints made to an officer or supervisor in the field that were not forwarded to the Office of Internal Affairs
  - Revision of facemask violation enforcement instructions
  - Revision of PoP Ordinance enforcement instructions
  - Remedial training related to supervisors' use of force review
  - OIPA recommendation related to BPD supervisory audits of BWC labeling and categorization
  - Identification of successful de-escalation efforts
- OIPA continues to detect late activations
  - OIPA identified that some officers powered down the BWC equipment to eliminate buffering
    - Significant decrease in this activity immediately following updated instructions from Chief Alvarez
- OIPA designing a reporting system to track officer adherence to the BWC policy
- OIPA and BPD are benefiting from the adjustment of buffering settings
  - Initial verbal contact often sets the tone and was occasionally missing from recordings before this adjustment
    - Examination of these early moments informs ongoing de-escalation efforts
- OIPA is seeing increased adherence to BWC policy



# Outreach and Education

- In-person outreach has been missing due to the Covid-19 pandemic
- OIPA renewed contract with Irlando Consulting to continue to establish online solutions for increased awareness and educational opportunities
- Establishing effective virtual outreach practices will allow OIPA to inform and connect with more people
- OIPA graphics are now included on Fleet of the Future display screens and our car card continues to run in the Legacy Fleet
- Re-branding was postponed due to the District's shifting priorities related to Covid-19.
  - OIPA will reinvigorate this project as resources allow
- National police reform discussions provided opportunities to advise legislators, advocates, researchers, community members, and elected officials about the efficacy of the BART Citizen Oversight Model



# Outreach and Education

- Discussion of Policing Reform and Civilian Oversight
  - National Association for Civilian Oversight of Law Enforcement (NACOLE) Panel Organizer and Presenter
    - GARE Training
    - Connection between racial equity and police Oversight
    - Equitable approaches to providing oversight services to the public
    - Engaging governmental agency leadership
    - Engaging governmental partners
    - Connecting with/learning from community partners
- Alameda County Bar Association (ACBA) Webinar
- San Francisco Department of Police Accountability (SFDPA) Panel
- Coro Fellowship Logic Study
- Coro Fellowship Progressive Policing Study
- National Association of City Transportation Officials (NACTO) – Alternatives to Policing
- Women's Safety on Transit, Alternative Models to Policing
- District-Wide Community Engagement Efforts re Policing Reform (re RCI response)



# Training

- Integrating Communications, Assessment and Tactics (ICAT) Update
  - ICAT designed by Police Executive Research Forum (PERF) and launched in 2016
  - OIPA and BPD personnel attended 3-day training in January 2020
  - Recent PERF report re Louisville, KY PD shows positive results
    - 28% Reduction in use of force
    - 26% Decline in citizen injuries
    - 36% Reduction in officer injuries
    - Officers found the training useful
    - Shifted Departmental Culture
    - Increased credibility of police in communities served
  - ICAT is applicable in **all** areas of policing, including:
    - Communication
    - Listening
    - Empathy
    - Problem-solving
    - Officer safety, health, and wellness
    - Developing and maintaining trust
- OIPA Staff Training
  - NACOLE Annual Conference
  - Implicit Bias Training
  - Effective Interviewing
  - Women's Safety on Transit
  - GARE
  - Race Forward Annual Conference



**Russell G. Bloom**  
**Office: 510-874-7477**

**OIPA@BART.GOV**

**[www.bart.gov/about/policeauditor](http://www.bart.gov/about/policeauditor)**

**Thank you!**



**SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT**

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**INTER-OFFICE COMMUNICATION**

**TO:** Board of Directors

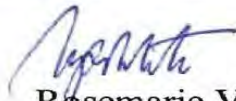
**Date:** November 13, 2020

**FROM:** Controller-Treasurer

**SUBJECT: QUARTERLY REPORT OF THE CONTROLLER-TREASURER**

Attached is the Quarterly Report of the Controller-Treasurer for the quarter ending June 30, 2020 which will be presented to the Board on November 19, 2020.

Please feel free to call me at 510-464-6070 with any questions you may have.



Rosemarie V. Poblete





# Quarterly Report of the Controller-Treasurer Period Ending 06/30/2020



BART Board of Directors  
November 19, 2020



# Quarterly Report of the Controller-Treasurer

## Period Ended 06/30/2020

- 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 \$300 billion.
    - ✓ The District established a Section 115 Trust for prefunding the District's pension obligation. Total assets of the Trust as of June 30, 2020 is \$10,294,375.
  - **Retiree Medical Benefits** coverage funded by a Trust established by the District in 2005.  
The Trust as of June 30, 2020.
    - a. Invested in a combination of stocks, bonds, REIT & cash,
    - b. Benchmark 6.5%,
    - c. Total net assets \$389.1 million and inception to date return is 7.0%,
    - d. Quarterly Report to the Unions
  - **Survivor Benefits** of active and retired employees funded by the employees (\$15/month),
  - **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.

# Quarterly Report of the Controller-Treasurer

## Period Ended 06/30/2020

### Funding Summary of Pension, Retiree Health & Other Post-Employment Benefits

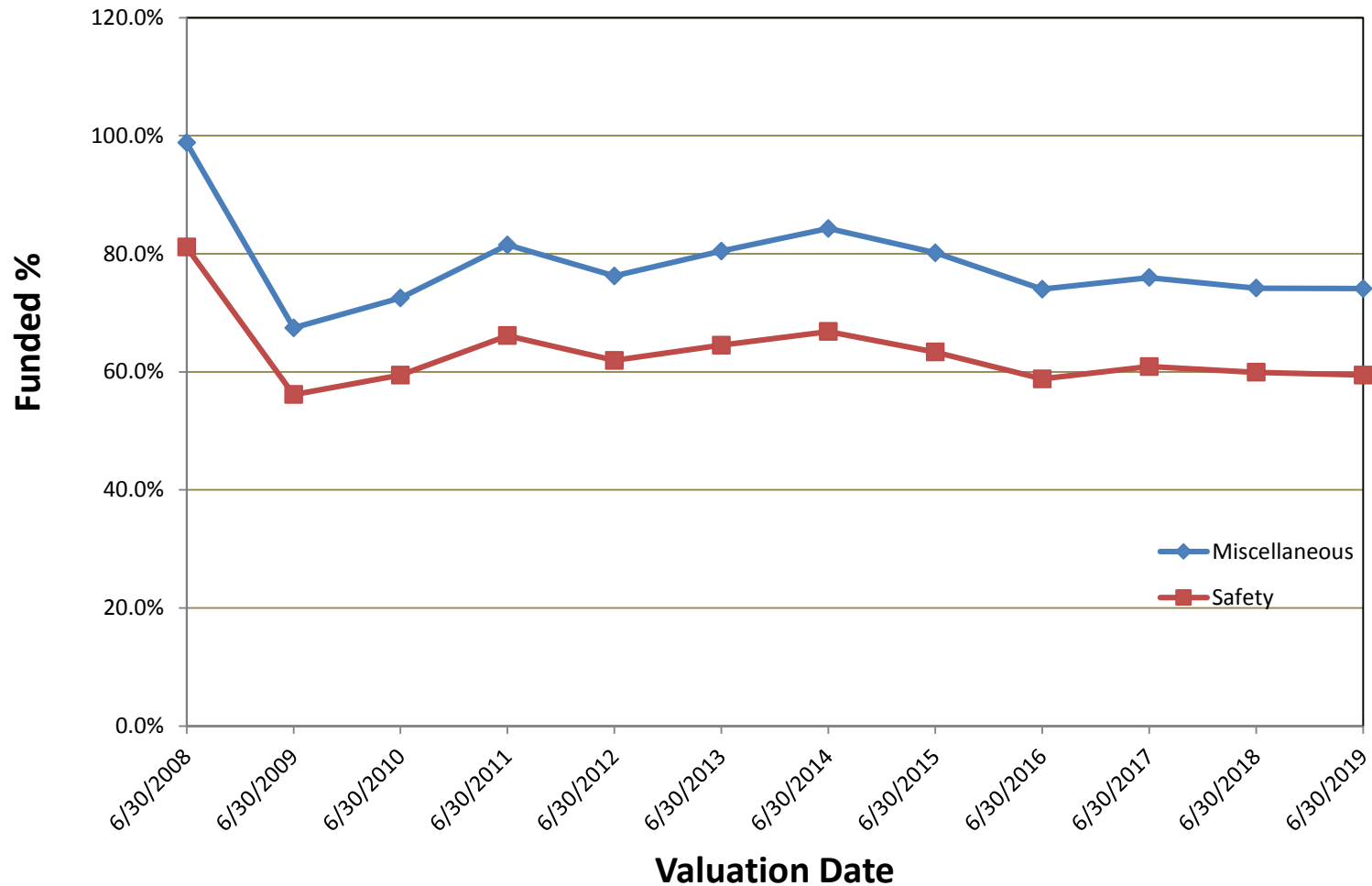
	<u>Report Date</u>	<u>Market Value of Assets</u>	<u>Total Liability</u>	<u>Unfunded Liability</u>	<u>% Funded</u>
Retirement Pension with CALPERS					
Miscellaneous Employees	6/30/2019	\$ 1,940,359,779	\$ 2,618,173,479	\$ 677,813,700	74.1%
Safety Employees	6/30/2019	\$ 227,016,977	\$ 381,943,125	\$ 154,926,148	59.4%
Section 115 Pension Trust **	6/30/2020	\$ 20,294,375			
Retiree Health Benefits	6/30/2019	\$ 340,470,000	\$ 603,787,000	\$ 263,317,000	56.4%
Other Post Employment Benefits					
Life Insurance	6/30/2019	\$ -	\$ 36,970,000	\$ 36,970,000	0.0%
Survivors Benefits	6/30/2019	\$ 8,143,000	\$ 34,730,000	\$ 26,587,000	23.4%

\*\* Balance of Section 115 Pension Trust for prefunding of the District's pension obligation including \$10,000,000 allocated in FY20.

# Quarterly Report of the Controller-Treasurer

## Period Ended 06/30/2020

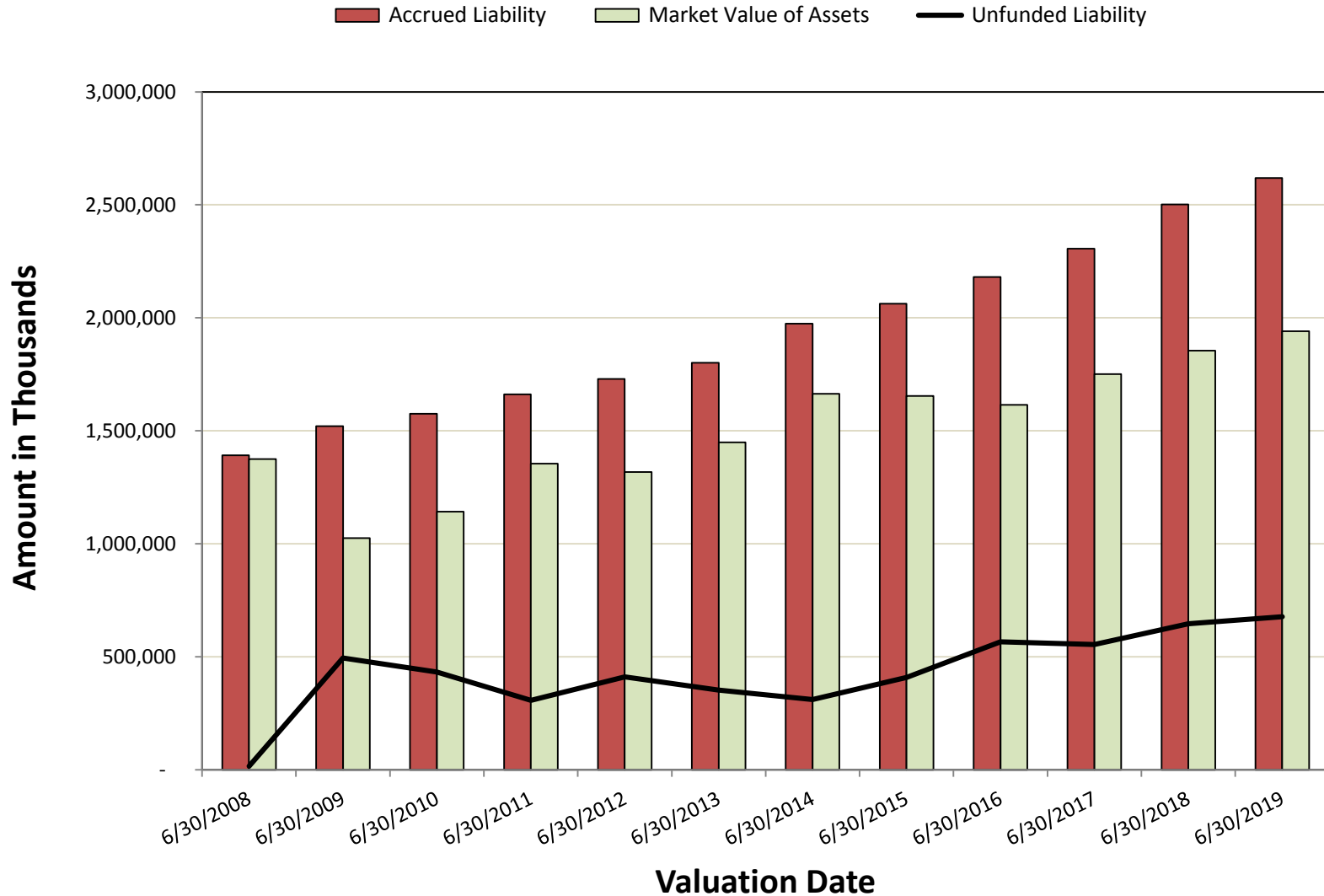
### CALPERS Pension Plan Funding Progress



# Quarterly Report of the Controller-Treasurer

## Period Ended 06/30/2020

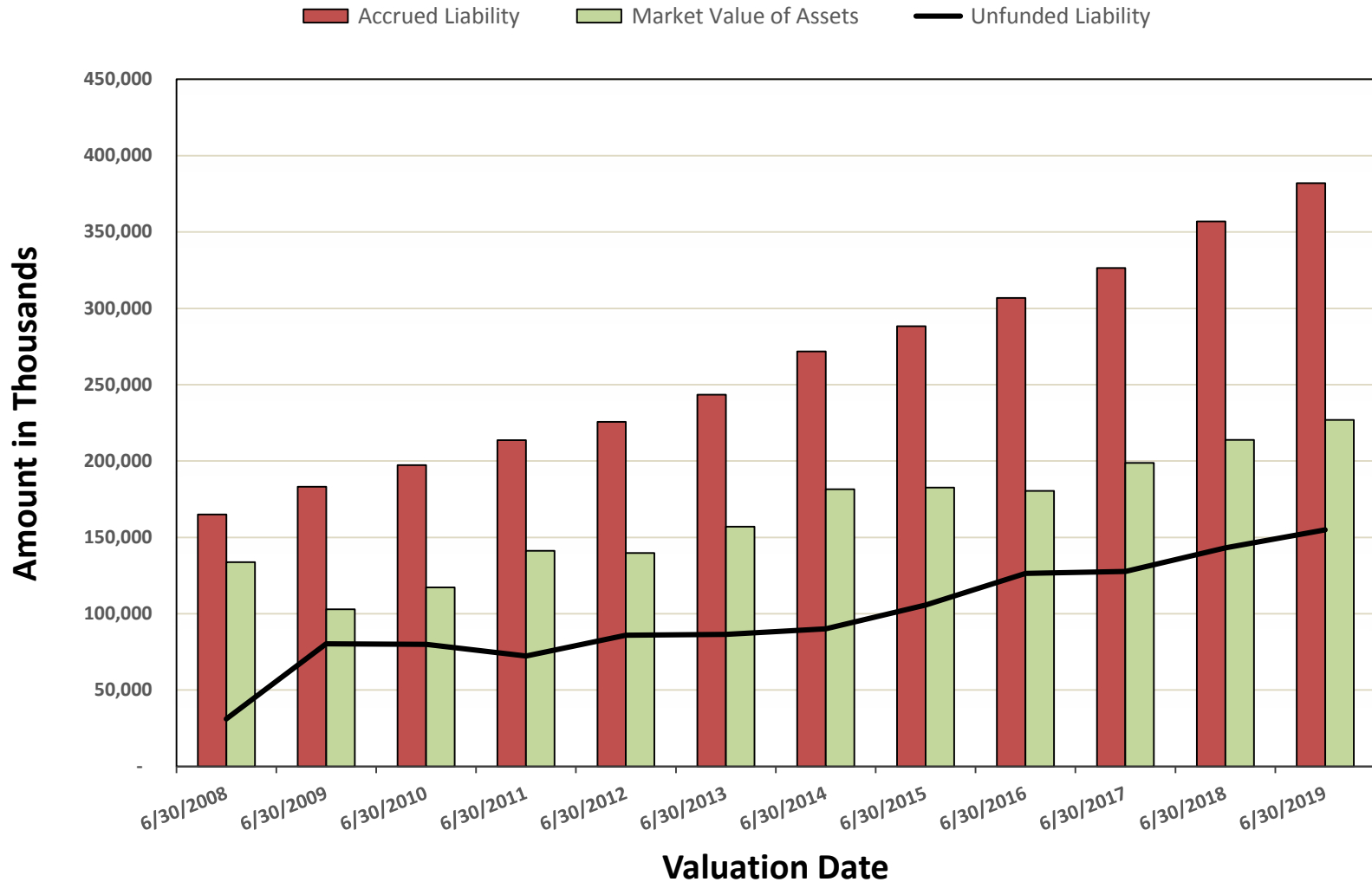
### CALPERS Miscellaneous Pension Plan Funding Progress



# Quarterly Report of the Controller-Treasurer

## Period Ended 06/30/2020

### CALPERS Safety Pension Plan Funding Progress

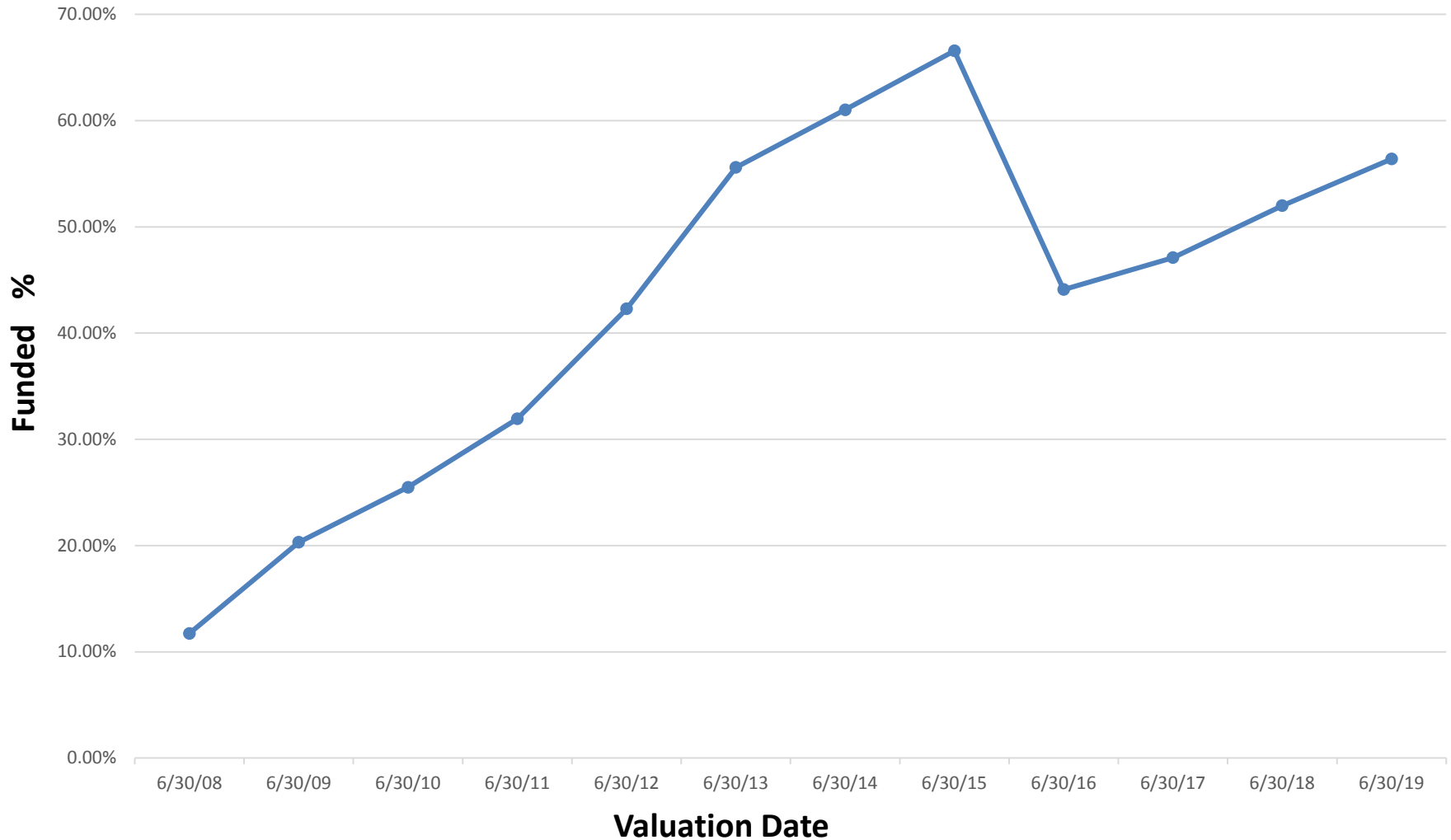




# Quarterly Report of the Controller-Treasurer

## Period Ended 06/30/2020

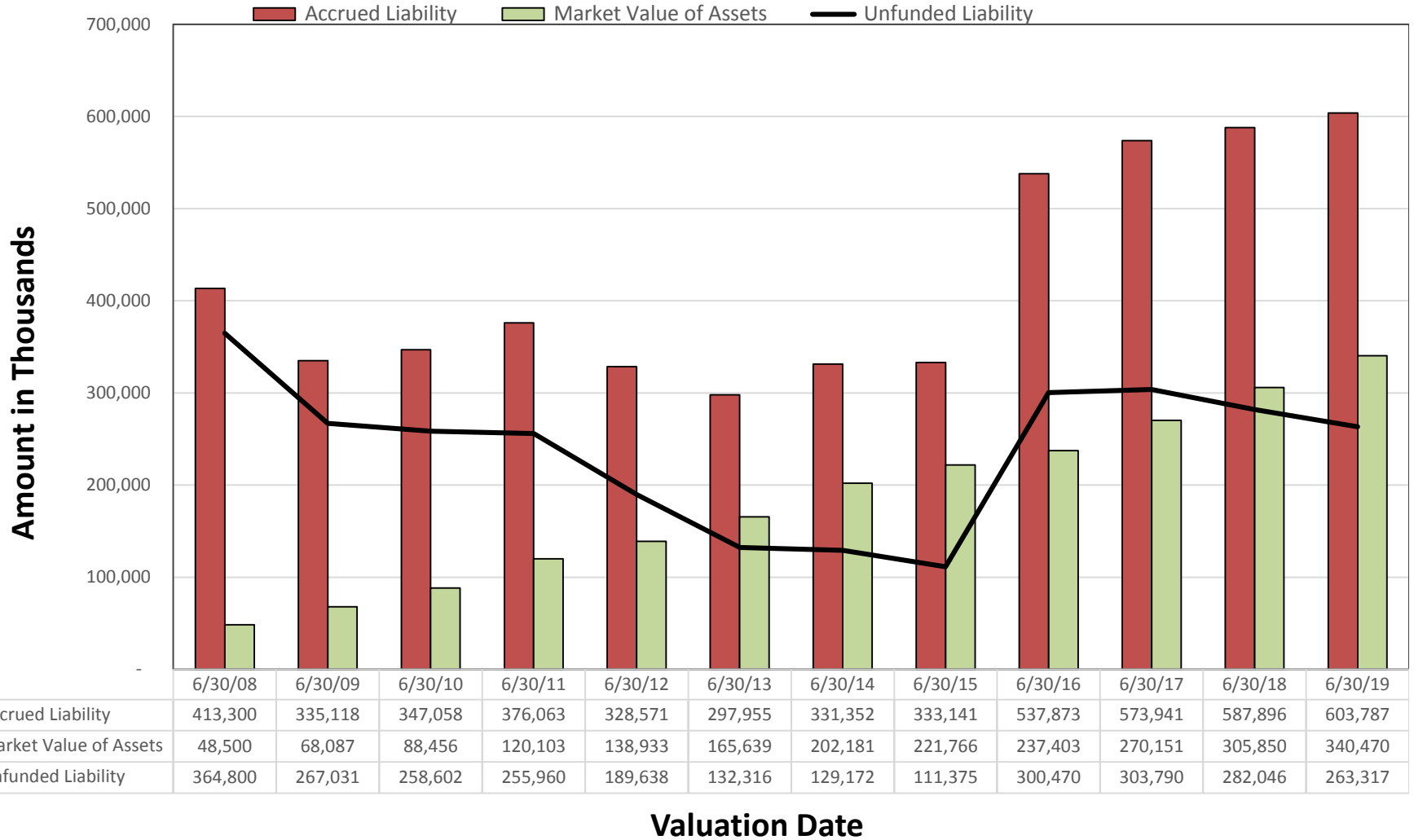
### Retiree Health Benefits Plan Funding Progress



# Quarterly Report of the Controller-Treasurer

## Period Ended 06/30/2020

### Funding Progress Retiree Health Benefits Plan



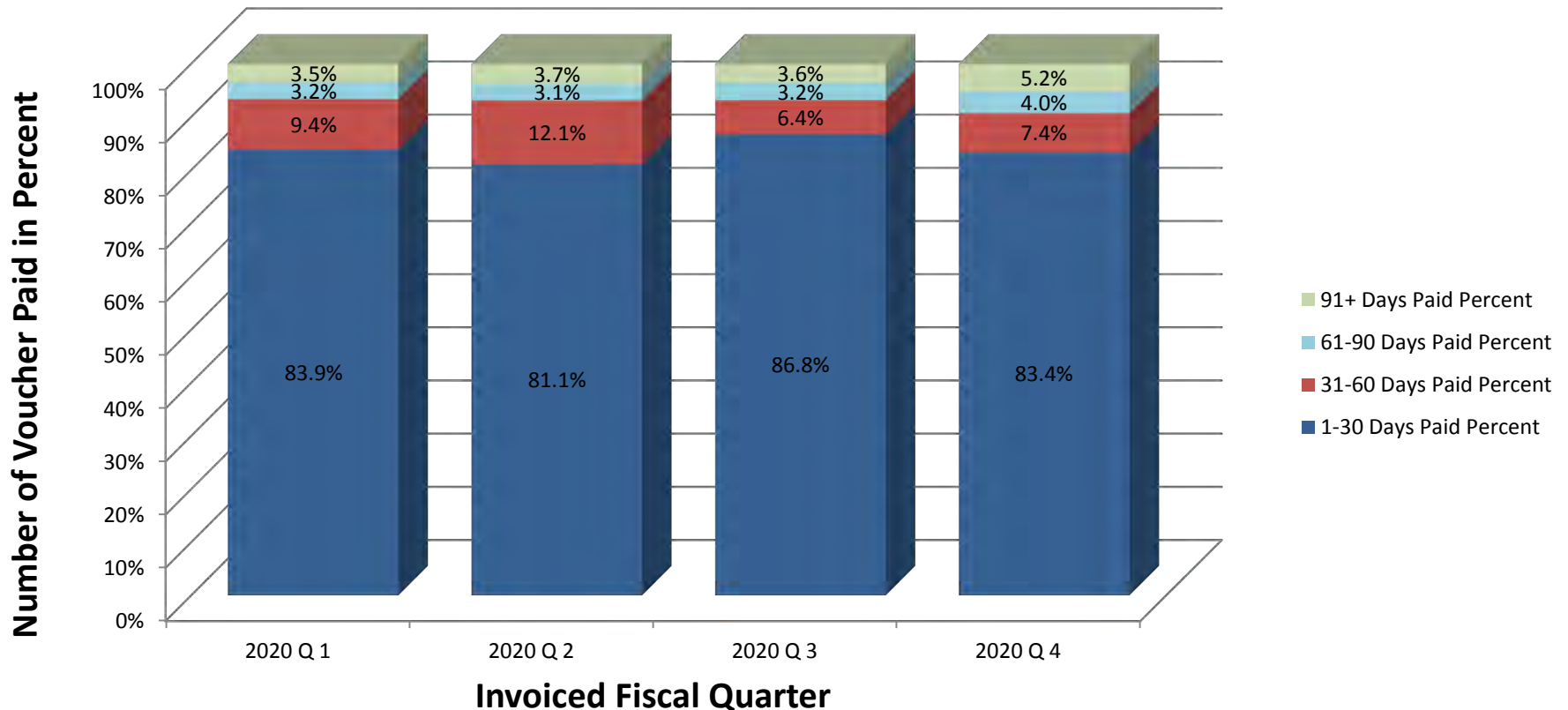
# Quarterly Report of the Controller-Treasurer

## Period Ended 06/30/2020

### Accounts Payable

- Our goal is to pay 93% of our invoices within 30 days. During the most recent quarter, the District was able to process 83.4% of all paid invoices within 30 days. Of those that were not processed in 30 days, 7.4% were processed within 60 days, 4.0% were processed within 90 days, and 5.2% were processed over 90 days. The trend depicting the past year is shown here:

### Quarterly Number of Voucher Payment Trend



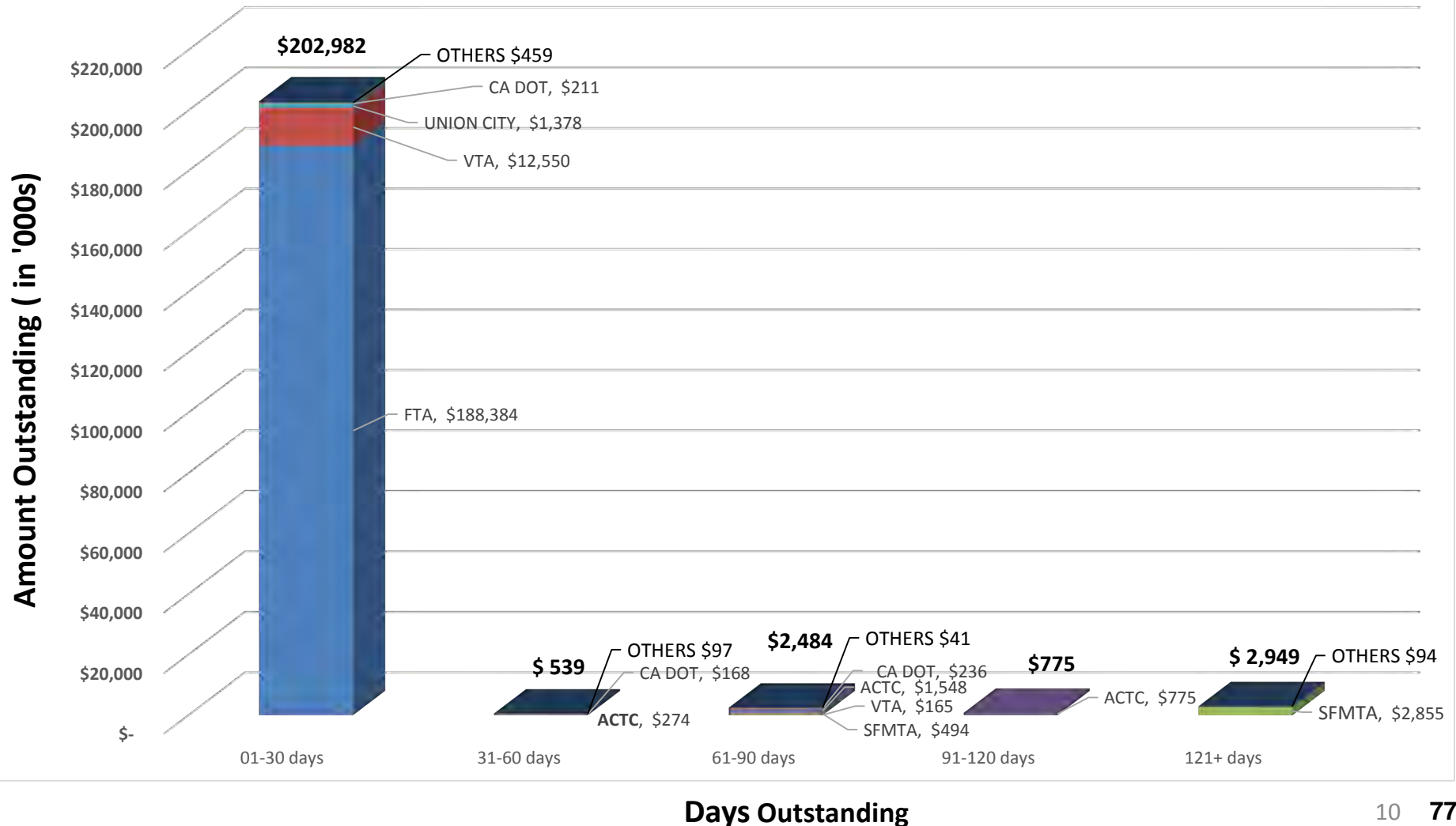
# Quarterly Report of the Controller-Treasurer

## Period Ended 06/30/2020

### Accounts Receivable

- The time to receive reimbursement from our funding partners is shown in the chart below. The amount outstanding is \$209,729,000 as of June 30, 2020.

Outstanding Billed A/R Grants as of June 30, 2020



# Quarterly Report of the Controller-Treasurer

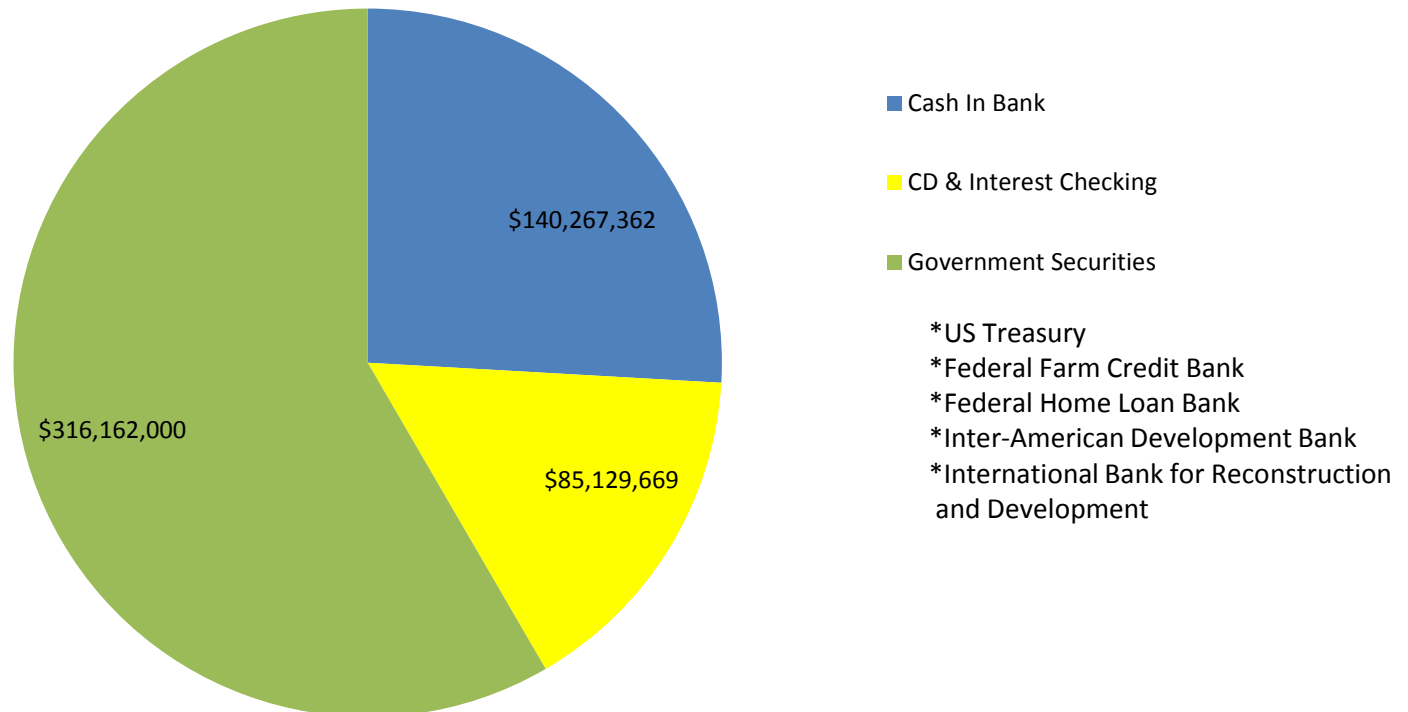
## Period Ended 06/30/2020

### 3. DISTRICT FINANCES

Shown below are the composition of the District's cash and investments as of the end of the quarter.

#### **Total Cash and Investments - \$541,559,031**

- Total Cash in Banks: \$140,267,362
- Total CD: \$876,841 and High Interest Checking Account: \$85,129,669
- Total Government Securities: \$316,162,000
- Weighted average return on our Investments has been trending slightly lower. Current quarter's rate of return is .93% compared to 1.76% reported in previous quarter. The weighted average maturity (WAM) of our Investment portfolio is 73 days.



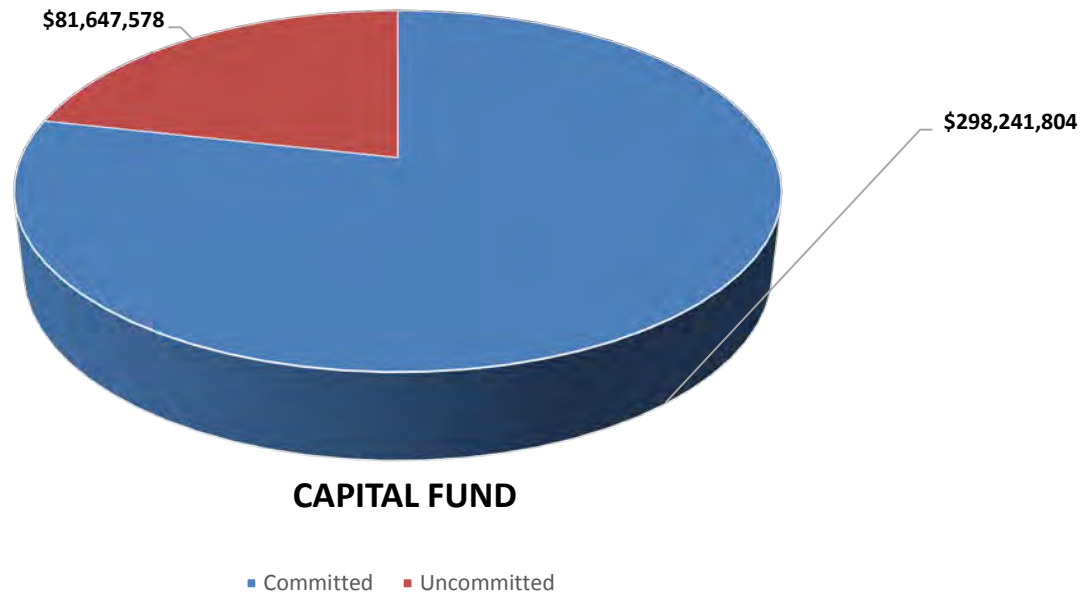


# Quarterly Report of the Controller-Treasurer

## Period Ended 06/30/2020

### Breakdown of Cash and Investments

	<u>General Fund</u>	<u>Capital Fund</u>	<u>Total</u>
<b>Restricted</b>	\$ 38,541,388	\$ 59,023,874	\$ 97,565,262
<b>Unrestricted</b>	\$ 123,128,260	\$ 320,865,508	\$ 443,993,769
<b>Total</b>	<u>\$ 161,669,648</u>	<u>\$ 379,889,383</u>	<u>\$ 541,559,031</u>



# Quarterly Report of the Controller-Treasurer

## Period Ended 06/30/2020

### Debt

- The District currently has two types of debt outstanding:
  1. Sales Tax Revenue Debt
  2. General Obligation Debt

#### **Sales Tax Revenue Debt**

- Outstanding debt as of 6/30/20 is \$712.46 million.
- Annual Debt Service \$47.4 million in fiscal year 2021.
- Debt Service comes “off the top” of sales tax revenues remitted to the district by the State Department of Tax & Fee Administration.
- This directly impacts the operating budget.

#### **General Obligation Bonds**

##### ❖ **Measure AA**

- Outstanding debt as of 6/30/20 is \$707.3 million.
- Fully issued \$980 million authorized by voters.
- Most recent property tax assessment for fiscal year 2020/2021 is \$7.10/\$100,000 (effect. Nov. 2020)

##### ❖ **Measure RR**

- Outstanding debt as of 6/30/20 is \$575.5 million.
- Inception to date, issued \$660 million out of \$3.5 billion authorized by voters.
- Issued additional \$700 million in August 2020
- Most recent property tax assessment for fiscal year 2020/2021 is \$6.80/\$100,000 (effect. Nov. 2020)

# Quarterly Report of the Controller-Treasurer

## Period Ended 06/30/2020

### Operating and Other Reserves

		<u>June 30, 2019</u>	<u>FY 20 Allocation &amp; Interest Earnings</u>	<u>FY 20 Utilization</u>	<u>June 30, 2020</u>
Operating Reserve	(1)	\$ 50,208,182	\$ 3,500,000		\$ 53,708,182
Insurance Calamity Reserve	(2)	9,000,000			9,000,000
Operating Reserve - Economic Uncertainty	(3)	25,345,543	65,206,043		90,551,586
Operating Reserve - Safety & Security	(4)	2,527,281		(2,527,281)	-
Operating Reserve - Fiscal Stability – Pension	(5)	10,000,000	10,294,375		20,294,375
Operating Reserve - Low Carbon Fuel Standards Credits	(6)	18,498,668			18,498,668
Working Capital Reserve Fund	(7)	81,906,469	1,292,219		83,198,688
Operating Reserve - Quality of Life	(8)	1,500,000			1,500,000
Total		<u>\$ 198,986,143</u>	<u>\$ 80,292,637</u>	<u>\$ (2,527,281)</u>	<u>\$ 276,751,499</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 for Safety and Security. This was used in fiscal year 2020 for the acquisition of security cameras.
- (5) Amount set aside in FY18, FY19 and FY20 for pension contribution or for prefunding of the District's pension obligation. A Section 115 Pension Trust has been created for this reserve.
- (6) 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.
- (7) Working capital fund.
- (8) Operating reserve set aside in FY 19 for quality of life initiatives.



## EXECUTIVE DECISION DOCUMENT

<b>GENERAL MANAGER APPROVAL:</b>  <div style="text-align: right;">11/10/2020</div>		<b>GENERAL MANAGER ACTION REQ'D:</b> Concur and forward to Board for approval		
<b>DATE:</b> 9/1/2020		<b>BOARD INITIATED ITEM:</b> Yes		
<b>Originator/Prepared by:</b> Todd Morgan <b>Dept:</b> Assistant Treasurer  <b>Signature/Date:</b> 11.10.20	<b>General Counsel</b>  11/10/20 [ ]	<b>Controller/Treasurer</b>  11/10/2020 [ ]	<b>District Secretary</b>  [ ]	<b>BARC</b>  11/10/20 [ ]

### Award of Currency Machine Service Agreement No. 6M2076 with Giesecke & Devrient America, Inc.

#### PURPOSE:

To obtain Board authorization for the General Manager or his designee to enter into a five-year (January 1, 2021 - December 31, 2025) maintenance services agreement (Agreement) with Giesecke & Devrient America, Inc. (G&D) for maintenance and repair services for the Currency Machine System (CMS) located at the Cash Handling Building (CHB) as well as maintenance and repair of related reconciliation software, in an amount not to exceed \$614,631.

#### DISCUSSION:

BART's high-speed currency systems, located in the CHB, verify, count, sort, and band the bills collected from the District's automatic fare collection equipment and other sources 5 days a week. This system is comprised of two high-speed processing machines procured in 2016. The system also includes an integrated reconciliation software program, a work station, and a commercial-grade air compressor. This Agreement would continue providing on-site support for operating problems, repairs as necessary, extended preventative maintenance, software and integrated systems support, telephone support, and replacement parts. The machines are extremely complex systems and the training and capital investment required for the District to assume complete maintenance responsibility would not be cost effective.

G&D has provided satisfactory service under the existing agreement and staff expects that level of service to continue under the proposed new Agreement. G&D maintains several similar machines in the Bay Area including those at the Federal Reserve, Bank of America, Wells Fargo Bank, and volume cash processing sites. While the amount of overall cash the



District handles is declining, the District still has a need to process cash.

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"). G&D committed to 0% MBE and 0% WBE participation. G&D did not meet either the MBE and WBE Availability Percentages; therefore, G&D was requested to provide the Office of Civil Rights with supporting documentation to determine if it had discriminated on the basis of race, national origin, color, gender or ethnicity. Based on the review of the information submitted by G&D, the Office of Civil Rights found no evidence of discrimination. The Office of the General Counsel will approve the Agreement as to form.

#### **FISCAL IMPACT:**

The quoted maintenance pricing for the CMS is \$614,631.00. The final quote was derived from the current G & D maintenance price list which is the common costing basis for all G & D clients. The current quote is determined to be fair and reasonable by the sponsoring department. The annual price by fiscal year is:

<u>FY21</u>	<u>FY22</u>	<u>FY23</u>	<u>FY24</u>	<u>FY25</u>	<u>FY26</u>
\$ 60,486	\$ 120,972	\$ 120,972	\$ 122,484	\$ 125,857	\$ 63,860

Funding for FY21 is included in the Treasury Department FY21 operating budget, department #0302319, account #680230. 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 unprogrammed District reserves in the current Fiscal Year.

#### **ALTERNATIVES:**

There are no known alternatives that would be cost effective or timely. Due to the proprietary nature of the hardware and software components any attempt to integrate components by a non-G&D supplier would unreasonably increase costs and extend the time for providing required cash handling services. The District cannot afford any interruption to its cash handling functions.



**RECOMMENDATION:**

Adopt the following motion.

**MOTION:**

That the General Manager or his designee is authorized to execute a 5 year service agreement (CY21 - CY25) not to exceed \$614,631.00 with Giesecke & Devrient America, for on-call maintenance services for the CMS.

**SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT**

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**MEMORANDUM**

**TO:** Board of Directors

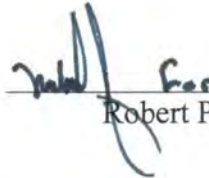
**DATE:** November 13, 2020

**FROM:** General Manager

**SUBJECT:** Administration Agenda: FY21 Budget and Service Plan Update

At the November 19, 2020 BART Board of Director's meeting, the District's "Fiscal Year 2021 Budget and Service Plan Update" will be presented as an information item.

If you have any questions about this presentation, please contact Pamela Herhold, Assistant General Manager, Performance & Budget, at [pherhol@bart.gov](mailto:pherhol@bart.gov), or (510) 464-6168.

  
\_\_\_\_\_  
Robert Powers

cc: Board Appointed Officers  
Deputy General Manager  
Executive Staff



# **FY21 Budget and Service Plan Update**

November 19, 2020

# Executive Summary

Today's presentation will focus on several actions staff is undertaking to reduce costs in FY21 and beyond:

## 1. Update on 7-Point Plan progress

- Revised deficit projections for FY21 and FY22 will be provided in January, when additional information is available

## 2. Update on support function spending reductions

- Staff continue to develop, analyze, and implement a variety of measures across the District








## 3. Discussion of service plans and five priorities presented at the last Board meeting

- Reducing service will not lead to a balanced FY22 budget projection

# BART's 7-Point Plan outlines a path to right size costs within the District

## Process underway to right size costs with a structured, intentional approach

---

- 1**  Pursue efficiencies around contracting and other reductions to BART's non-labor budget
- 2**  Continue hiring freeze; eliminate most current vacancies
- 3**  Pursue retirement incentive program
- 4**  Re-assign or re-train staff wherever possible to fill critical gaps created by departures
- 5**  Fill critical capital budget vacancies with operating staff wherever possible
- 6**  Load shed service dependent staff to capital projects to accelerate capital program delivery (dependent on service plan selected)
- 7**  Explore additional cost savings measures with labor partners and non-represented employees (if needed)



# 7-Point Plan Progress

- Will be discussed today
- Will be discussed as plan progresses

## Stages of 7 Point Plan

FTEs affected	1 Districtwide efficiencies	2 Hiring freeze; vacancies	3 Retirement incentive program <sup>1</sup>	4 Re-assign or re-train staff	5 Critical/long-term capital budget vacancies	6 Accelerate capital program	7 Discussions with Labor
Operations	8	Remaining vacancies known after service plan selected	100 - 400	Determined after completion of Retirement Incentive Program	Determined after completion of Retirement Incentive Program	Underway; additional load shedding may be possible upon service plan finalization	To be pursued if deficit remains after steps 1-6
Support Functions	In progress	Up to 71	20 - 100				

<sup>1</sup> If approved

# Support services are being vetted for cost saving opportunities and efficiencies

	Initiatives	Savings opportunity (\$M)	Timeline to implementation
Procurement: Process improvements and value for money	Streamline procurement process	0.8 – 1.0	12 to 18 months
	Increased spending controls	0.8 – 1.0	6 to 9 months
	Renegotiation of vendor contracts	0.5 – 1.0	6 to 9 months
	Materials master contracting	1.0 – 2.0	6 to 12 months
HR	Reduce third-party contracting	0.5 – 0.8	6 to 9 months
	Consolidation of enterprise applications	TBD	6 to 9 months

# Four service scenarios have been proposed for consideration

Current staffing level  
 Incremental change from above plan

Scenario name	Description	Train schedule <sup>1</sup>	Hours and stations <sup>1</sup>
<b>Current Staffing Level</b>	FY21 Adopted Budget level	Currently running service plan shown in Scenario A; however, BART is staffed to scale back up to 15 minute headways and 11 pm last dispatch	
<b>A Current Service</b> (as of Sept 14)	Maintain: Balanced approach to support essential workers while mitigating cost	30-min headways with 26 commute trips (8 inefficient round trips) 3-route on Sunday	9pm last dispatch
<b>B Optimized Current Service</b>	Maintain: Balanced approach with further refinement to better align to weekend ridership demand	30-min headways with 18 efficient commute direction trips Plus 3-route on weekends	9pm last dispatch
<b>C Scenario B + Select Station Closures</b>	Scale down: Targeted station closures to drive financial savings with low ridership and equity impact	30-minute headways with 18 efficient commute direction trips Plus 3-route on weekends	9pm last dispatch 8 station closures
<b>D Scenario C + Weekend Shutdown</b>	Scale down: Targeted system shutdowns to drive significant financial savings	30-minute headways with 18 efficient commute direction trips	9pm last dispatch 8 station closures Weekend close

<sup>1</sup> Changes made during the COVID-19 shelter-in-place order do not require an analysis under Title VI. Any permanent changes made would require a Title VI analysis.

# Five priorities to balance tradeoffs in service modifications

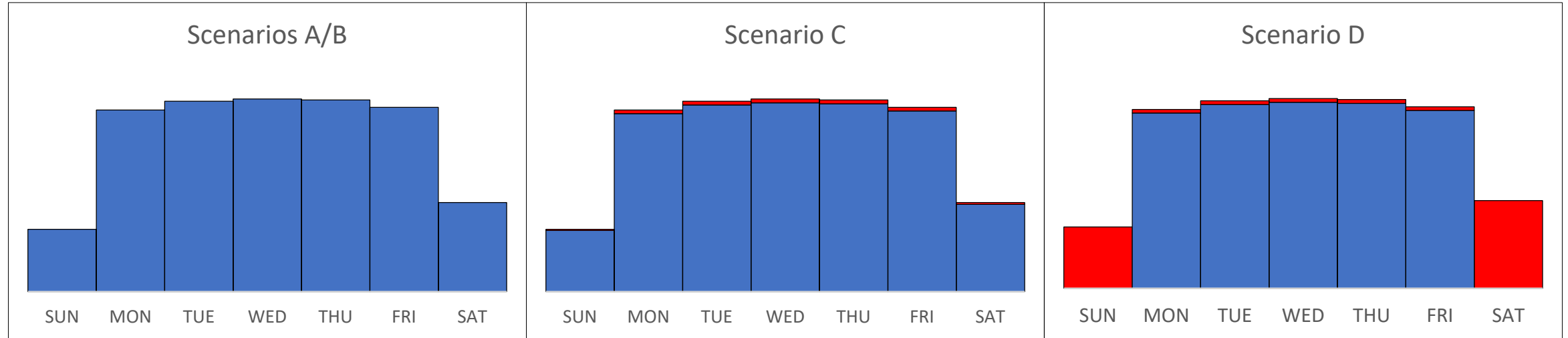
Prioritization may change over different time horizons (e.g. 6 months, 12 months, 24 months)

Priorities	Possible optimization	Metrics
<b>Ridership</b>	How can BART maximize resources to attract more riders as people return to work and make transportation decisions?	Number of current riders served
<b>Financial</b>	What service is the most cost effective for BART's limited budget while minimizing impacts to labor?	Operating expense Jobs impacted
<b>Equity<sup>1</sup></b>	How can BART minimize impacts to protected populations?	Risk of equity impact
<b>Capacity recovery</b>	How responsive is the service plan in preserving the capability and expertise necessary to scale-up to assist in the economic recovery of the Bay Area as counties re-open and ridership potential grows?	Time required to fill critical roles, especially difficult to fill and certify positions
<b>Health guidance</b>	How well do service levels meet public health guidelines and aid in regaining confidence from riders and employers contemplating bringing workers back into the office?	Projected demand served within public health guidance thresholds

<sup>1</sup> Changes made during the COVID-19 shelter-in-place order do not require an analysis under Title VI. Any permanent changes made would require a Title VI analysis.

# Ridership: Need to consider station usage and demand by day

Weeklong snapshot of current ridership



- Scenarios A and B are able to serve demand
- Station closure could result in a 2% reduction in ridership
  - Some but not all riders shift to other stations
- Weekend system closure could result in an additional 11% reduction in ridership



# Financial: Each service scenario will reduce Operating Budget costs

Operating Budget Full Time Equivalent (FTE) change from FY21 budgeted level

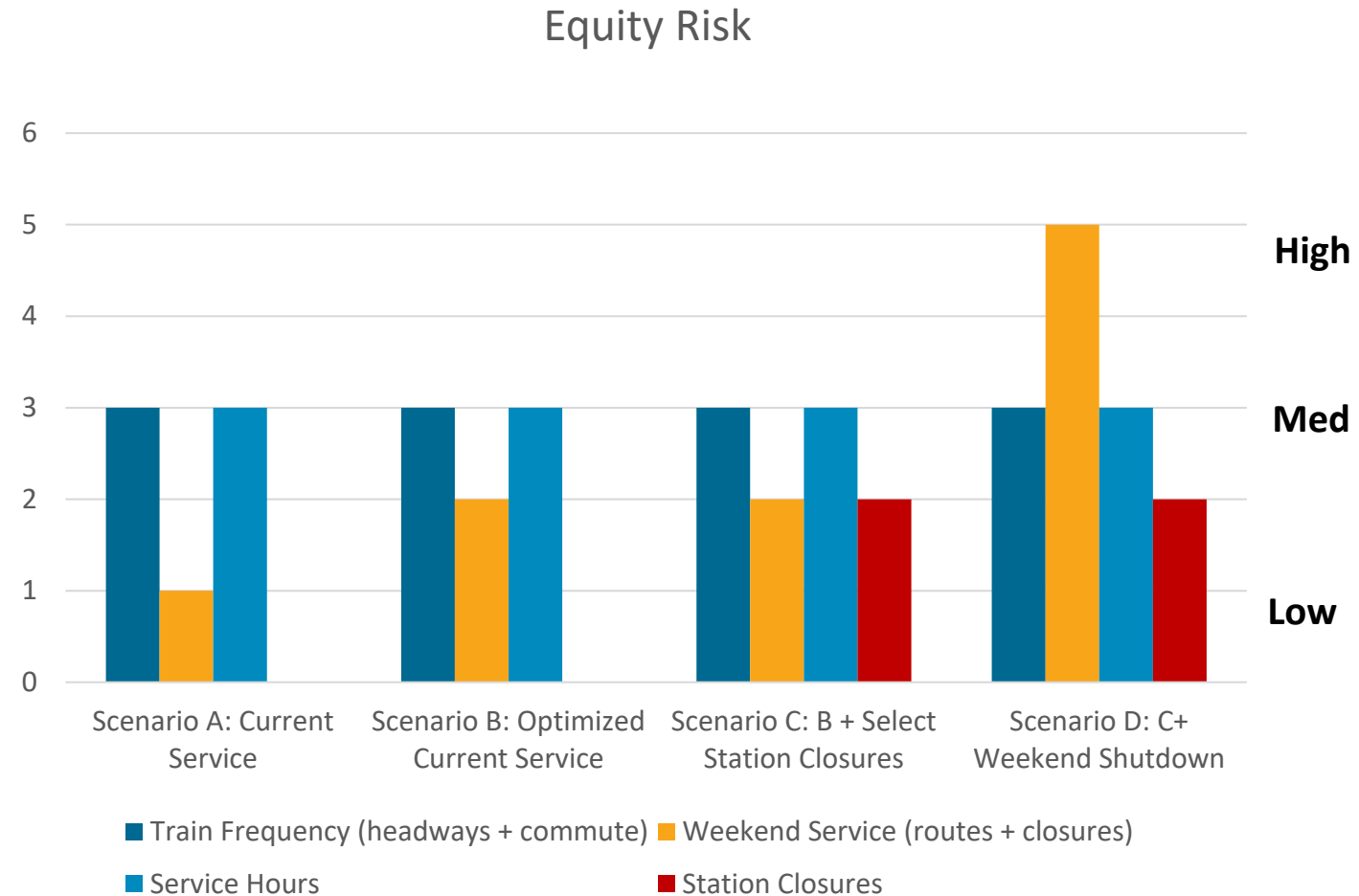
Service Level	Operations	Non-Operations	Total
Pre-COVID: 15 min headways, commute trains, midnight close, SVBX	2,624 FTEs	1,030 FTEs	3,654 FTEs
FY21 Reduced Budget Funded Staffing Level	2,405 FTEs	931 FTEs	3,336 FTEs
A Current Service	-305	-110	-415
B Optimized Current Service	-339	-122	-461
C Scenario B + Select Station Closures	-389	-136	-525
D Scenario C + Weekend Shutdown	-589	-210	-799

Per the 7-Point Plan, reductions will be made in the following order:

Retirement (variable) Vacancy Load shed Other reductions

# Equity: Anticipated level of risk associated with elements of the service scenarios

- **Train Frequency (headways/commute trains):** impacts to overall travel time and commute hours
  - Potential impacts due to schedule inflexibility
- **Weekend Service (routes + closures):** impacts to overall travel time and commute hours
  - Weekend ridership disproportionately low-income
- **Service Hours (incl. last dispatch):** impacts to transit access
  - Disproportionately low-income after 9pm and may have limited transportation alternatives
  - Saturday start (8am): impacts to transit access; weekend ridership disproportionately low-income
- **Station Closures:** impacts to travel time and station access
  - Stations have been evaluated for Title VI designation and rider transit dependence during the pandemic

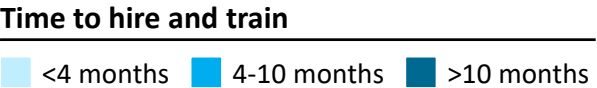


**Assumptions are based on most recent available data regarding travel patterns for Title VI protected populations (minority and low-income)**

<sup>1</sup> Changes made during the COVID-19 shelter-in-place order do not require an analysis under Title VI. Any permanent changes made would require a Title VI analysis.

# Capacity Recovery: Retaining positions that are difficult to fill and certify will be prioritized

- Retirement Incentive Program will create vacancies in classifications with longer hiring and training timelines; upon confirmation, staff will prioritize backfills
- M&E and RS&S will load shed to meet capital program needs

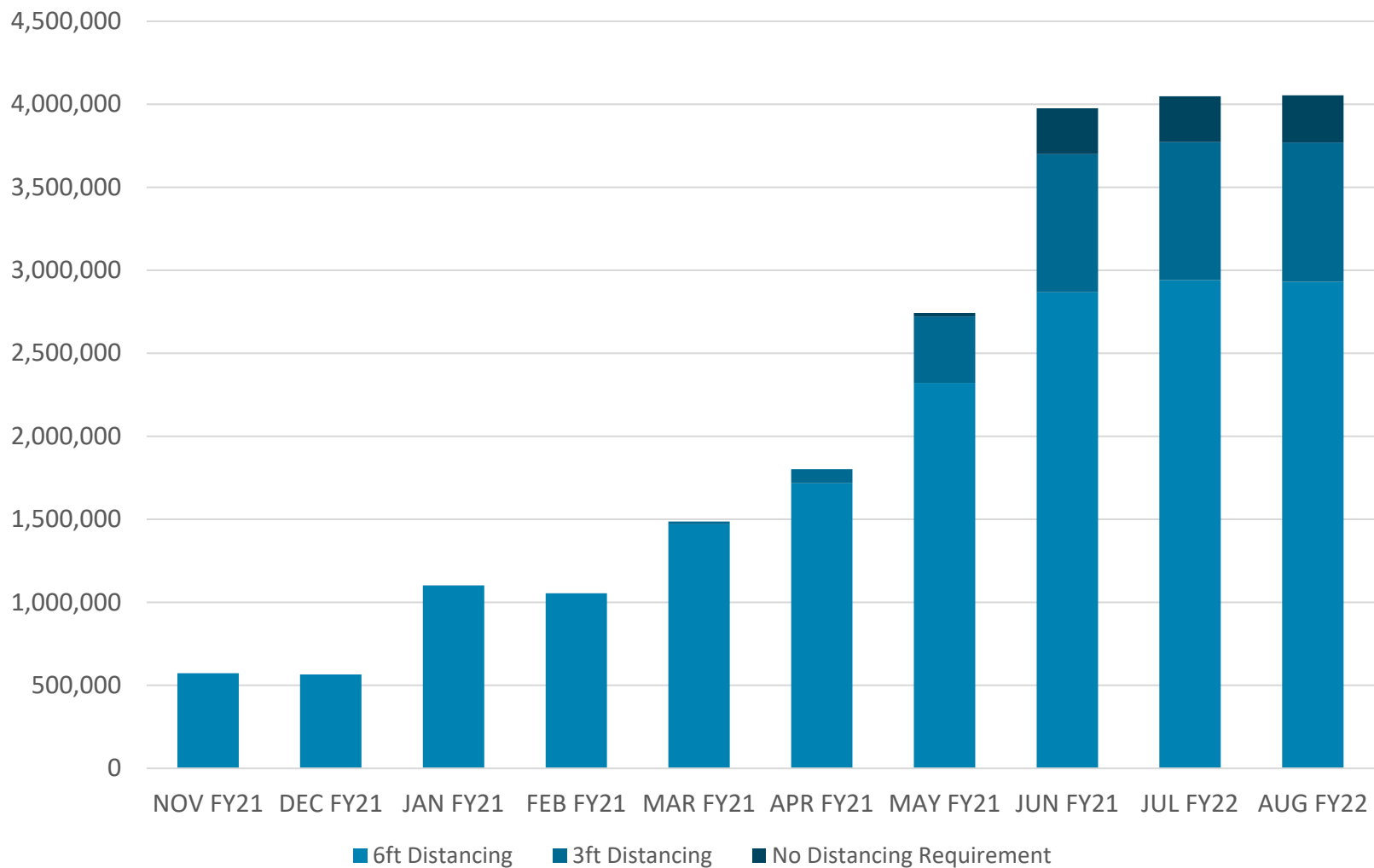


Unit	FTE distribution by hiring/training timeline	Time required to hire and train service-critical positions		
		0-4 months	4-10 months	10+ months
<b>Transportation</b> 999 FTEs		1. Transportation Adm Specialist 2. Communications Specialist	1. Train Operator 2. Station Agent	1. Transportation Foreworker 2. Rail Operations Controller
<b>M&amp;E</b> 703 FTEs		1. System Service Worker 2. Grounds Worker	1. Buildings Worker 2. Track worker	1. Train Control Electronic Tech 2. Elevator/Escalator Worker 3. Electrician
<b>RS&amp;S</b> 703 FTEs		1. RS&S Foreworker 2. ERS Foreworker	1. Transit Vehicle Mechanic 2. Utility Worker	1. Expeditor/Clerk 2. ERS Technician 3. Transit Vehicle Electronic Technician
<b>Other District Units</b> 952 FTEs		1. Analyst 2. Accountant	1. Cyber Security Engineer	1. Police Officer 2. Asst Treasurer/Controller

# Public Health Guidance: Performance Equivalent for All Scenarios

Low risk of crowding near term; reassessment required as ridership grows

Ridership served under 6ft/3ft/<3ft requirements



- Ridership growth to >40% of pre-COVID levels could result in peak loads of >60/car if pre-COVID peaking pattern returns
- Performance on this metric will be re-evaluated on an ongoing basis, considering latest health guidance and revised ridership expectations
- If ridership surges, flexibility could be needed to meet health targets:
  - Plan assumes capacity to add up to 9 additional peak runs during AM/PM hours
  - Downtown employers may need to encourage variable work schedules, allowing passengers to shift travel times
  - Additional service adjustments may be considered

# Each of the four service scenarios was evaluated for impact against BART’s priorities

Current levels are baseline for comparison  
Desirable outcome Undesirable outcome

Change from current service level		Impact of service scenarios compared to current staffing level across priorities				
		Ridership	Financial	Equity <sup>1</sup>	Capacity recovery	Health guidance
Scenario		Riders served % of current ridership	Annual operating expense savings (\$M)	Risk of equity impact (low/med/high)	Time required to re-staff critical positions ⌚ = ~4 months	% of projected demand served within 3'/passenger threshold
A	Current Service	0%	39 - 49		⌚	95%
B	Optimized Current Service	0%	44 - 55	Low	⌚	95%
C	Scenario B + Select Station Closures	-2%	47 - 59	Med	⌚ ⌚	95%
D	Scenario C + Weekend Shutdown	-13%	69 - 86	Med/High	⌚ ⌚ ⌚	95%

1 Changes made during the COVID-19 shelter-in-place order do not require an analysis under Title VI. Any permanent changes made would require a Title VI analysis.



# Scenario B allows service to meet projected demand

- ✓ Does not substantially reduce current service; some service flexibility retained
- ✓ Allows BART to capture significant financial savings
- ✓ Does not close stations or eliminate weekend service, minimizing the risk of equity impacts on protected populations
- ✓ Limits impacts on positions that take longer to hire and train
- ✓ Allows for compliance with public health guidance

*\*February scheduled bid will be moved to March to align with Retirement Incentive Plan*

# Anticipated Budget Items in Coming Months:

**December 3**

**January 2021**

**February 2021**

Review FY21 Q1  
Financial Report

FY21 and FY22  
budget update


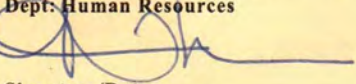
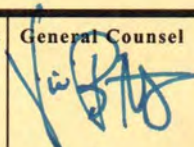
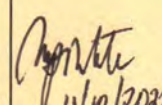
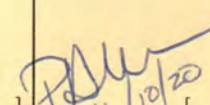
FY21 and FY22  
budget update

Possible Budget  
Revision

FY22 budget  
development  
process kicks off



## EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:  11/10/2020		GENERAL MANAGER ACTION REQ'D:		
DATE: 11/6/2020		BOARD INITIATED ITEM: No		
Originator/Prepared by: Veronica Thomas Dept: Human Resources  Signature/Date: 11/10/20	General Counsel  11/10/20 [ ]	Controller/Treasurer  11/10/2020 [ ]	District Secretary [ ]	BARC  11/10/20 [ ]

### District Retirement Incentive Program

#### PURPOSE:

To obtain Board authorization to establish and implement a District Retirement Incentive Program ("DRIP").

#### DISCUSSION:

At the October 22, 2020 Board meeting, District staff presented a 7-point plan for service and organizational changes to address the District's budget challenges. One element of that plan is a proposed District Retirement Incentive Program (DRIP), the purpose of which is to encourage employees who are, or will be retirement-eligible by the stipulated retirement date, to voluntarily separate/retire from District employment by providing a financial incentive to do so. The proposed program would offer eligible employees one week of straight/base pay for each full year of continuous District service (capped at 20 years), plus 4 weeks' base pay. The incentive pay would be paid directly into the employee's Money Purchase Pension Plan (MPPP – (401(a))). The DRIP, if approved, will be offered to all employees including board appointed officers, except employees on terminal leave and new hire probation. District employees who meet the minimum BART retirement age requirements, and either have no less than five full years of continuous District service or have at least five years of verifiable CalPERS service credit will be eligible to participate in the DRIP. Approximately 1,650 employees are eligible for the proposed program.

To ensure the District can continue to meet the service needs of our customers and ensure the DRIP is in compliance with applicable federal and state regulations, the final date for separation is anticipated to be March 21, 2021. This date is several months in the future to allow employees sufficient time to consider the plan and to provide time to backfill positions, if required.



In order to make the incentive payment into the MPPP, the plan will need to be amended to permit an additional contribution in the amount of the retirement incentive payment up to the Internal Revenue Service (IRS) limit. This will provide a tax-deferred savings for employees in addition to a payroll tax savings for the District. Any amount in excess of the IRS limit will be paid in cash to the employee or the employee can elect to make a deposit into the deferred compensation plan (457), up to the IRS limit. The deferred compensation plan may also have to be amended to permit such deposits.

Labor Relations has completed required meet and confer discussions with the unions regarding the DRIP, and is partnering with the unions on the employee communications for the program, should it be approved.

### **FISCAL IMPACT:**

The fiscal impact is directly dependent upon the number of people who choose to take the incentive. If all eligible employees who are more likely to retire, based on reaching the historical average age and years of service at retirement, voluntarily elect to take this incentive, the one-time cost is estimated to be \$15M, with off-setting total compensation savings of approximately \$10M, for a net cost of \$5M in FY21. The on-going savings (FY22 and beyond) would be \$45M.

Net savings are contingent upon whether there is a business need to backfill operating positions that are either deemed critical to continuity of operations and/or legally or contractually mandated. Savings from this program will be monitored and reported to the Board once the final voluntary retirement count and associated backfill counts are available.

### **ALTERNATIVES:**

The Board can decide not to approve the DRIP. If not approved, then alternative cost-saving options would need to be evaluated, which may include but are not limited to involuntary layoffs.

### **RECOMMENDATION:**

It is recommended that the Board approve the following motion:

### **MOTION:**

To authorize the General Manager to establish a District Retirement Incentive Program in FY21 and to take any actions which may be necessary to implement this program, including amending the Money Purchase Pension Plan and the Deferred Compensation Plan.



# Bay Area Rapid Transit 2020 Retirement Incentive Program

November 19, 2020



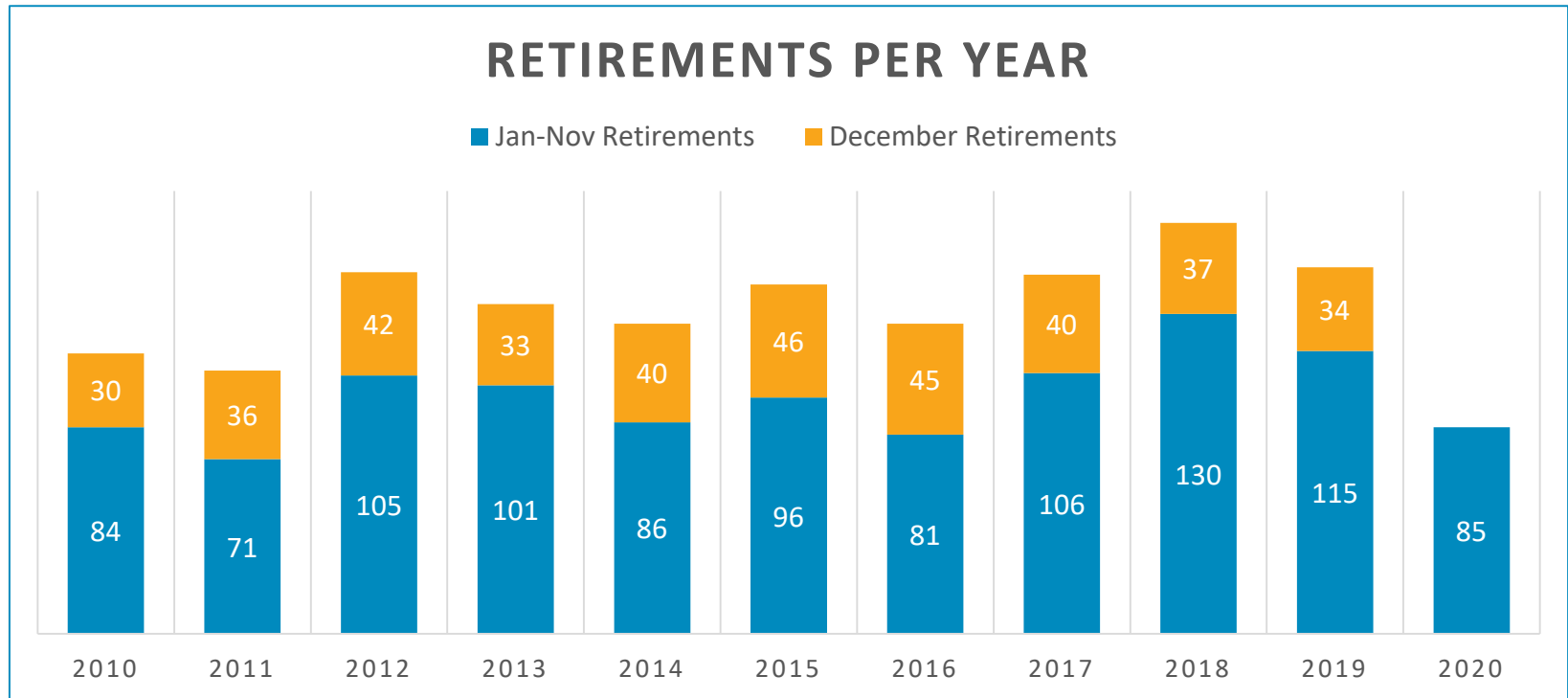
# Retirement Eligible Population

- Approximately 1,650 BART employees are or will be eligible to retire by March 21, 2021, which is roughly 40% of total BART employees.
- **Eligible to Retire:** 50 years of age (52 for PEPRAs\* Non-Safety) with at least 5 years of BART or CalPERS service

\*Public Employees Pension Reform Act

# Retirement Data

- Average 135 retirements per year, with increased numbers in December



# Retirement Incentive Program

**Incentive:** Offer all employees who are eligible to retire 1 week of base pay per full year of BART service, capped at 20 years, with an additional 4 weeks of base pay.

	FTEs	One-Time Incentive Cost <sup>1</sup>	FY21 Salary + Benefits Savings <sup>2</sup>	FY21 Net Costs	FY22 Salary + Benefits Savings <sup>2</sup>
<b>More Likely to Retire</b>	307	\$15M	(\$10M)	\$5M	(\$45M)
<b>Less Likely to Retire</b>	1355	\$51M	(\$46M)	\$5M	(\$199M)

The District is recommending an amendment to the Money Purchase Pension Plan to allow for tax-deferred savings for employees and payroll tax savings for the District.

<sup>1</sup> Incentives are one-time costs, must come from Operating funds (regardless of Op or Cap position). Incentives are discounted by any need to repay COVID-19 Advance Leave, a BART program to loan employees up to 3 weeks of paid leave.

<sup>2</sup> Total Salary and Benefits savings includes Capital and Operating funded positions.

# Focus on Long-term Savings

- Potential short-term savings for the 4<sup>th</sup> quarter of FY21
- For FY22 and beyond, the District will capture savings by keeping most positions vacant
  - For key positions identified for backfill based operational need, will likely be with PEPRA employees
- Board updates will be provided once the final voluntary retirement count and associated backfill counts are available

# Retirement Incentive Program - Implementation

If the District receives final approval to move forward, next steps are:

- **Notice to All Employees immediately following Board approval**
  - Utilize multiple platforms to communicate the District Retirement Incentive Program
  - Those who have been identified as “eligible to retire” will also be provided a direct notification regarding their total incentive payout
- **4-Week Period for Expressions of Interest**
  - November 23<sup>rd</sup> – December 18<sup>th</sup>
  - Applications will be reviewed for eligibility
  - Approval notices, which will include the Separation and Release Agreement, will be sent to all employees on December 23<sup>rd</sup>
- **Retirement Information Sessions**
  - HR Benefits and Compensation teams will host multiple retirement information sessions during the application filing period



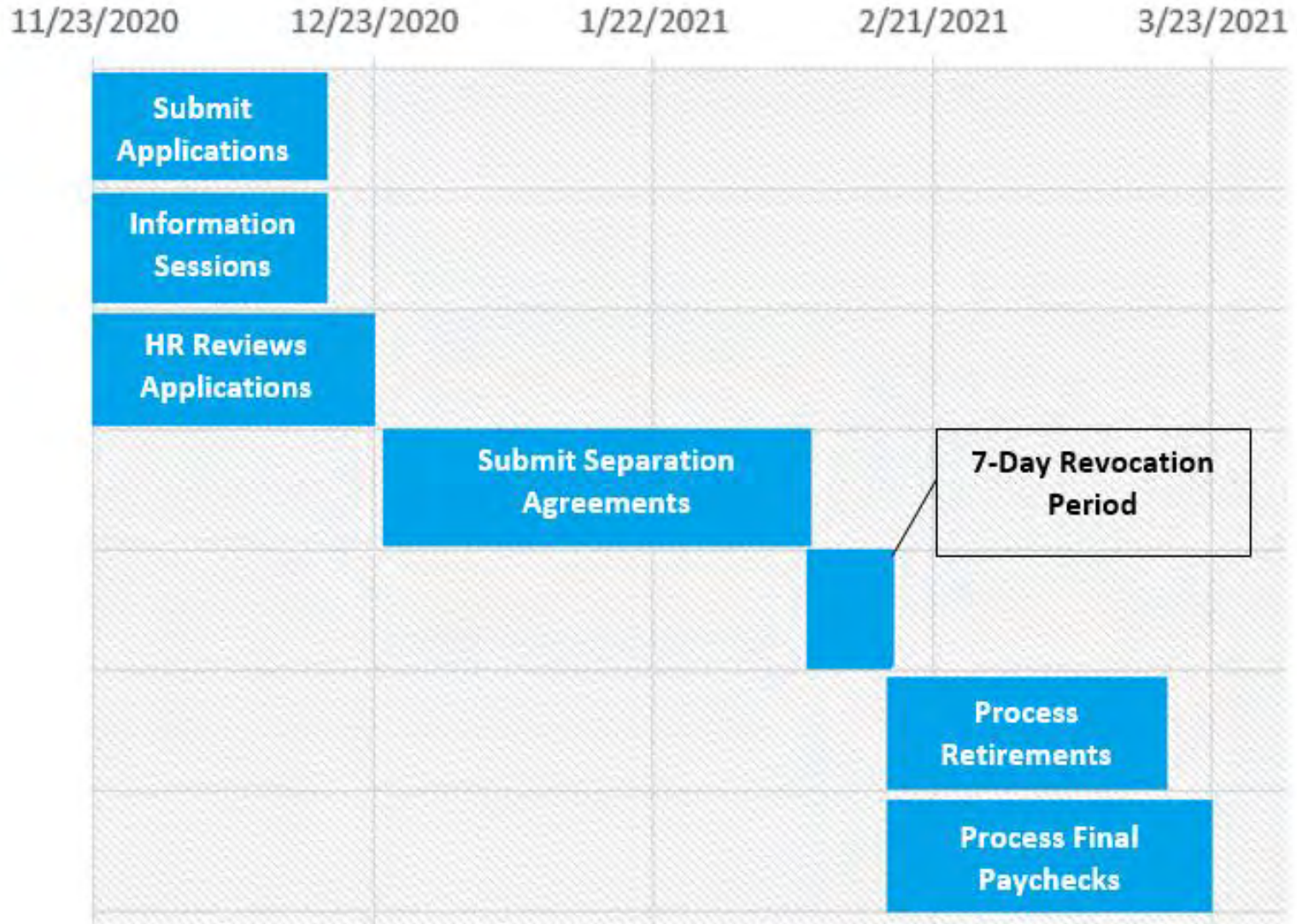
# Retirement Incentive Program - Implementation

- **45-Day Window to Submit the Separation and Release Agreement**
  - Approved employees will have 45 days to review, sign and return the Separation and Release Agreement
- **7-Day Revocation Period**
  - 7-day revocation period after the separation and release agreement has been signed and submitted
  - Target to end on February 16, 2021

Final implementation steps:

- **Retirements following the Revocation Period**
  - Target all retirements effective March 21, 2021
  - Allows for time to backfill critical positions
- **Final Paycheck**
  - Will include all required payouts, plus incentive payment into MPPP, up to the IRS limit

# Retirement Incentive Program – Timeline



# Staff recommends the Board approve the motion to...

- authorize the General Manager to implement a District Retirement Incentive Program, and
- take any actions which may be necessary, including amending the Money Purchase Pension Plan and the Deferred Compensation Plan



## SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

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### MEMORANDUM

**TO:** Board of Directors

**DATE:** November 19, 2020

**FROM:** General Manager

**SUBJECT:** Administration Agenda: Actuarial Report on Changes to Other Postemployment Benefits (OPEB) under Consideration by the District

At the November 19, 2020 BART Board of Director's meeting, the District will present as an information item a report on the actuarial impacts on potential changes to Other Post-Employment Benefits (OPEB) for the American Federation of State, County and Municipal Employees Local 3993 (AFSCME), the Amalgamated Transit Union Local 1555 (ATU), the Service Employees International Union Local 1021, BART Chapter (SEIU), and non-represented employees.

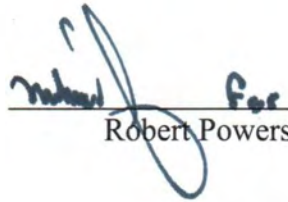
California Government Code 7507 requires a local legislative body, before authorizing changes in retirement benefits or OPEB, to "secure the services of an actuary to provide a statement of the actuarial impact upon future annual costs, including normal cost and any additional accrued liability," and also requires that the future cost of changes in retirement benefits or other postemployment benefits, as determined by the actuary, "be made public at a public meeting at least two weeks prior to the adoption of any changes."

The District is considering a change to retiree medical contributions for AFSCME, ATU, and SEIU retirees, subject to ratification, as well as to non-represented retirees. As required by the California Public Employees' Retirement System (CalPERS), active employees and eligible retirees pay the same medical contribution amount. The current employee/retiree medical contribution is listed in the labor agreements and automatically increases by 3% each year. Employees and retirees are also currently paying an additional monthly contribution of \$37, and the District is considering continuing the additional \$37 monthly contribution for the next three (3) years. Making this change will maintain the additional employee/retiree annual contribution, but will not change the current medical cap.

Bartel Associates, the District's actuary, determined that this proposal would have no negative impact to normal cost, unfunded liability or future costs. This is an informational item. No Board action is required.



If you have any questions about this presentation, please contact Pamela Herhold, Assistant General Manager, Performance & Budget, at [pherhol@bart.gov](mailto:pherhol@bart.gov), or (510) 464-6168.



Robert Powers

cc: Board Appointed Officers  
Deputy General Manager  
Executive Staff

November 12, 2020

Diane M. Iwata, SPHR, SHRM-SCP  
Human Resources Division Manager  
**San Francisco Bay Area Rapid Transit District**  
300 Lakeside Drive, 20th Floor  
Oakland, CA 94612

**Re: Retiree Healthcare Plan  
Benefit Changes for AFSCME, ATU, SEIU, Non-Represented and Directors**

Dear Ms. Iwata:

Section 7507 of the California Government Code requires agencies obtain a statement of actuarial opinion regarding the cost impact of retiree healthcare plan benefit changes. The San Francisco Bay Area Rapid Transit District (BART) has requested that Bartel Associates, LLC provide an actuarial opinion regarding the impact of proposed changes related to retiree healthcare benefits for the American Federation of State, County and Municipal Employees Local 3993 (AFSCME), Amalgamated Transit Union Local 1555 (ATU), Service Employees International Union Local 1021 (SEIU), Non-Represented employees and Directors.

#### ***Summary of Proposed Benefit Changes***

The District currently provides healthcare benefits to eligible employees who retire directly from the District under CalPERS, with the District paying monthly medical premiums up to the greater of the Blue Shield or Kaiser basic premiums that apply to the Bay Area. A percentage schedule for retiree medical applies for employees hired after January 1, 2014. The District participates in the CalPERS medical program (PEMHCA).

In addition to paying premiums above the cap, retirees also pay monthly contributions. The basic contribution for retirees is \$106.93 per month in 2018 with 3% annual future increases. The basic contribution ceases in 2035. There is also an additional contribution of \$37 per month, which was scheduled to cease in 2021 under the current MOUs.

Under the proposed benefit change, the \$37 monthly additional contribution for AFSCME, ATU and SEIU current and future retirees would continue 3 additional years, through 2024. A similar arrangement applies to nonrepresented current and future retirees, except that the \$37 contribution will be extended 4 years, from 2020 through 2024.

#### ***Cost of Changes***

Our estimated cost impact is based on our June 30, 2019 actuarial valuation methods, assumptions, and data, including:

- 6.5% discount rate
- Terminations, disabilities and retirements in accordance with CalPERS 2018 valuation assumption assumptions (1997-2015 CalPERS Experience Study)
- 3,718 active employees and 2,573 retirees receiving benefits.



Following is the change in the District's June 30, 2019 actuarial obligations and 2020/21 Actuarially Determined Contribution due to the proposed benefit changes.

<b>Retiree Healthcare Plan</b> (Amounts in \$000's)			
	<b>Before any Changes</b>	<b>After Proposed Changes</b>	<b>Increase/ (Decrease)</b>
■ June 30, 2019 Present Value of Projected Benefits	\$ 823,934	\$ 820,998	\$ (2,936)
■ June 30, 2019 Funded Status			
• Actuarial Accrued Liability (AAL)	603,964	601,150	(2,814)
• Market Value of Plan Assets	<u>340,470</u>	<u>340,470</u>	-
• Unfunded AAL	263,494	260,680	(2,814)
■ 2020/21 ADC - \$			
• Normal Cost	26,318	26,291	(27)
• Amortization of Unfunded AAL	<u>19,661</u>	<u>19,404</u>	<u>(257)</u>
• Total (future annual cost)	45,979	45,695	(284)

The Present Value of Projected Benefits represents the amount needed as of the valuation date to pay all future benefits for current members if all assumptions are met. The Actuarial Accrued Liability represents the portion of the Present Value of Projected Benefits that participants have earned (on an actuarial, not actual, basis) through the valuation date. The District's Actuarially Determined Contribution (ADC) is equal to the employer Normal Cost (the value of benefits earned during the year), plus an amortization payment on the unfunded liability (Actuarial Accrued Liability less Plan assets). Consistent with the 2019 valuation changes, the decrease in the unfunded liability due to the benefit change has been amortized over 14-years.

### **Conclusion**

The District's actuarial cost would decrease due to the proposed benefit changes. Bartel Associates is not a law firm and we are not qualified to render a legal opinion.

Information provided in this report is for the District's management purposes. Future results may differ significantly if the Plan or District's experience differs from our assumptions or if there are changes in plan design or actuarial assumptions. The project scope did not include an analysis of this potential variation. Our calculations are based on benefit provisions, participant data, and actuarial assumptions, and other information provided by the District as summarized in this letter and our June 30, 2019 actuarial valuation report. This study was conducted using generally accepted actuarial principles and practices. I am a member of the American Academy of Actuaries and meet the Academy Qualification Standards to issue the actuarial opinion in this report.

Diane M. Iwata  
November 12, 2020  
Page 3



Please contact Mary Beth Redding (mbredding@bartel-associates.com) or Doug Pryor (dpryor@bartel-associates.com) with any questions about this information.

Sincerely,

Mary Elizabeth Redding, FSA, MAAA, EA  
Vice President

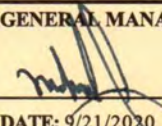
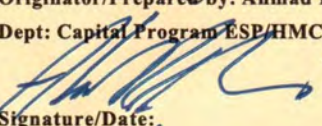
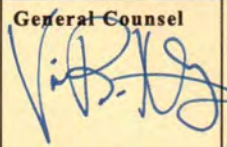


c: Doug Pryor, Bartel Associates, LLC

O:\Clients\BART\Projects\OPEB\19 val\7507 Benefit Change Costing\BA BART 20-11-12 Letter - Impact of Retiree Medical Benefit Changes Final.docx





## EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:  11/10/2020		GENERAL MANAGER ACTION REQ'D: Yes		
DATE: 9/21/2020		BOARD INITIATED ITEM: No		
Originator/Prepared by: Ahmad Rassai Dept: Capital Program ESP/HMC  Signature/Date: Nov. 02, 2020	General Counsel  11/10/20 [ ]	Controller/Treasurer  11/10/2020 [ ]	District Secretary [ ]	BARC  11.10.2020 [ ]

### Sole Source Contract for Concord Dual Wheel Truing Machine

#### PURPOSE:

To request Board authorization for the General Manager to enter into a Contract with Simmons Machine Tool Corporation as the sole source of procurement, in accordance with California Public Contract Code section 20227, for the procurement of a Dual Wheel Truing Machine for the BART Concord Yard Facility in an amount not to exceed \$3,900,000. Two Thirds Vote Required.

#### DISCUSSION:

A best practice in the transit industry is for every shop where revenue vehicles are serviced to have a wheel truing machine because these machines are critical to operations. Without them, defective wheels cannot be reprofiled and railcars must remain out of service until the defective conditions can be corrected. BART currently utilizes three Simmons Stanray Wheel Truing Machines at the Richmond, Hayward and Daly City Shops for typical BART axles and sends the eBART axles off site for truing.

In the course of procuring a new Wheel Truing Machine for the Concord Yard, staff has determined that a dual-gauge underfloor milling machine is the equipment that is required to perform this function; in order, to accommodate standard BART car axles, BART maintenance vehicle axles, and eBART car axles. Simmons Corporation is the only US manufacturer that has produced a Dual-Gauge Wheel Truing Machine. Further, the selection of this type of machine is based on past operational and quality performance of the three similar machines already operated by BART RS&S, existing machinist knowledge base, and



existing spare parts inventory. Staff has also determined that a sole source of procurement contract with Simmons Corporation for this machine, meets the requirements in Public Contract Code Section 20227.

Pursuant to Public Contract Code Section 20227, the Board may direct the purchase of any supply, equipment, or material without observance of competitive bidding upon a finding by two-thirds of all members of the Board that there is only a sole source of procurement and that the purchase is for the sole purpose of duplicating or replacing equipment in use.

The Office of the General Counsel will approve the Contract as to form.

Pursuant to the District's Disadvantaged Business Enterprise ("DBE") Program, the Office of Civil Rights is utilizing race and gender-neutral efforts for Sole Source Contracts. Therefore, no DBE goal was set for this Contract.

### **FISCAL IMPACT:**

The total not to exceed amount of \$3,900,000 for this procurement is included in the total project budget for 03QJ001.

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

<b>Proposed Funding</b>		
802B	2019B Measure RR GOB #2	20,314,642
8524	FY2012 Operating Capital Alloc	928,360
8530	FY16 Operating Capital Alloc	928,360
3012	FTA 5307/5337 CA-2018-036-00	7,165,450
802A	2017A Measure RR GOB #1	8,540
	<b>Total</b>	<b>\$ 29,348,170</b>

As of October 6, 2020, \$29,348,170 is the total budget for this project. BART has expended \$1,632,600 committed \$3,371,824 and reserved \$0 to date. This action will commit \$3,900,000 leaving an available fund balance of \$20,443,746 in these fund sources for this project.

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



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

**ALTERNATIVES:**

The Board can elect not to authorize the General Manager to execute a contract with Simmons. In such a case, the District would have to solicit for this equipment in an advertised procurement, even though staff is aware of only a single supplier that could be responsive. This will have the risk of a potential unproven supplier responding to the solicitation who would have to design, test, and manufacture a Dual Wheel Truing Machine. Furthermore, such a machine from a new supplier will not be compatible with three other existing BART Wheel Truing Machines with respect to reliability, parts, programing, training and operations. Such an alternative will increase the burdens on other District resources, increase revenue vehicle downtime and increase wheel repair lead-times.

**RECOMMENDATION:**

Staff recommends that the Board adopt the following motion:

**MOTION:**

Pursuant to California Public Contract Code Section 20227, the Board of Directors finds that Simmons Machine Tool Corporation is the sole source for the procurement of a Dual Wheel Truing Machine for the BART Concord Yard Facility and that the purchase is for the sole purpose of replacing or duplicating equipment in use.

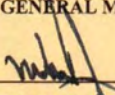

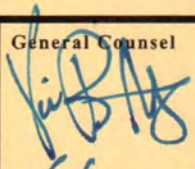
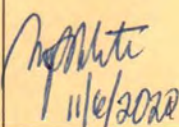

The Board of Directors authorizes the General Manager to execute a Contract with Simmons Machine Tool Corporation for the procurement of the Dual Wheel Truing Machine, in an amount not to exceed \$3,900,000.

Two thirds vote required.





## EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:  11/10/2020		GENERAL MANAGER ACTION REQ'D: Approve and Forward to Board of Directors		
DATE: 11/1/2020		BOARD INITIATED ITEM: No		
Originator/Prepared by: Denise McDonald Dept: Extensions  Signature/Date: 11/5/2020	General Counsel  11/6/20 [ ]	Controller/Treasurer  11/6/2020 [ ]	District Secretary [ ]	BARC  11.9.2020 [ ]

### Contract No. 07EA-120, 19th St/Oakland Station Modernization, Change Orders for Replacement Lighting System

#### PURPOSE:

To authorize the General Manager to execute Change Orders in an aggregate amount not to exceed \$550,000 to Contract No. 07EA-120, 19th St/Oakland Station Modernization Project with ProVen Management, Inc. for the procurement and installation of an alternative lighting system.

#### DISCUSSION:

Contract No. 07EA-120 was awarded on August 2, 2019. The Contract documents included the use of a power line carrier lighting control system in conformance with the BART Facility Standards (BFS) current at the time of design. This type of lighting control system has been discontinued and is no longer available for use on the project.

BART staff have been evaluating other potential lighting control systems for availability, cost, simplicity and compliance with current BFS requirements and have approved a replacement system. The replacement product is a wired network lighting control system. It requires additional conduit runs and control wiring for the controller modules. As such, there are additional costs associated with these materials and labor for installation.

Pursuant to Board Rule 5-2.3, Changes Orders involving expenditures greater than \$200,000 require Board approval. Staff therefore requests approval of Change Orders in an amount not to exceed \$550,000 to implement the procurement and installation of a replacement lighting control system.



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

#### **FISCAL IMPACT:**

Funding in the amount of \$550,000 for Change Orders for Contract No. 07EA-120 is included in the total project budget for 07EA011, 19th St/Oakland Station Modernization Project.

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

<b>FUND NO.</b>	<b>FUND DESCRIPTION</b>	<b>SOURCE</b>	<b>AMOUNT</b>
3610	FTA CA-2018-013-00 Tiger Grant	Federal	\$6,321,688
535A	FY2010-11 Prop 1B PTMISEA	State	\$8,417,135
535B	FY2014-15 Prop 1B PTMISEA	State	\$3,425,125
5414	State Trans. Improvement Prog. STIP	State	\$3,726,000
667C	2014 Measure BB TEP-19	Local	\$10,000,000
802B	2017A Measure RR GOB	Local	\$12,600,000
8603	FY2019 Cap Alloc. Station & Access	BART	\$1,000,000
<b>TOTAL</b>			<b>\$45,489,948</b>

As of October 29,2020, \$45,489,948 is the total budget for BART for this project. BART has expended \$8,714,444, committed \$29,088,330, and reserved \$0.0 to date. This action will commit \$550,000 leaving an available fund balance of \$7,137,174 in these fund resources for this project.

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

#### **ALTERNATIVES:**

The Board can elect to not authorize the approval of Change Orders for the replacement lighting system. This will delay the 19th St/Oakland Station Modernization contract from



completion as the existing lighting control system is no longer available.

**RECOMMENDATION:**

Adopt the following motion.

**MOTION:**

The General Manager is authorized to execute Change Orders, in an aggregate amount not to exceed \$550,000 to Contract No. 07EA-120, 19th St/Oakland Station Modernization with ProVen Management to provide a replacement lighting system.





## EXECUTIVE DECISION DOCUMENT

### ATTACHMENT #1

CONTRACT NO. 07EA-120

CO NO.: Various

### CHANGE ORDER SUMMARY

#### BACKGROUND

Name of Contractor: ProVen Management, Inc.  
Contract No./NTP: 07EA-120 / October 21, 2019  
Contract Description: 19<sup>th</sup> St/Oakland Station Modernization Project  
Percent Complete as of 9/30/2020: 16%

<b>COST</b>	<u>% of Award</u>	<u>Cost</u>	<u>Contract Amount</u>
Original Contract Award Amount			\$32,691,000.00
Change Orders:			
Other than Board Authorized CO's	(0.18%)	(\$60,000.00)	
These Change Orders up to:	1.68%	\$550,000.00	
Subtotal of All Change Orders	1.50%	\$490,000.00	
<b>Revised Contract Amount:</b>			<b>\$33,181,000.00</b>

#### SCHEDULE

Original Contract Duration: 900 Days  
Time Extension to Date: 0 Days  
Time Extension for these new Change Orders: To Be Determined  
Estimated Revised Contract Duration: 900 Days +TBD


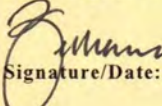
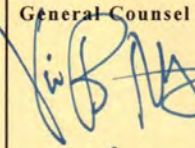
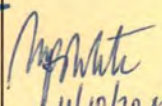

#### SUMMARY REASON FOR THIS CHANGE ORDER

The previous lighting system is no longer available necessitating a new lighting system.





## EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:  11/30/2020		GENERAL MANAGER ACTION REQ'D: Yes		
DATE: 11/2/2020		BOARD INITIATED ITEM: No		
Originator/Prepared by: Zecharias Amare Dept: Capital Program ESP/HMC  Signature/Date: 11/10/20	General Counsel  11/10/20 [ ]	Controller/Treasurer  11/10/20 [ ]	District Secretary [ ]	BARC  11.10.2020 [ ]

### Installation of Temporary Generators

#### PURPOSE:

To obtain Board authorization for the General Manager to execute Change Order No. 187, Installation of Temporary Generators to Contract No. 09AU-120, BART Earthquake Safety Program TBT Internal Retrofit in an amount not to exceed \$1,500,000.00.

#### DISCUSSION:

On December 1, 2016, the Board authorized the award of Contract No. 09AU-120, BART Earthquake Safety Program TBT Internal Retrofit to Shimmick/CEC Joint Venture with a base Contract value of \$267 Million. Notice to Proceed was issued on February 2, 2017. Later, Contract Options were exercised, and the total Contract value increased to \$314 Million. On July 23, 2020, the Board approved a significant revision to the Scope of Work for Contract No. 09AU-120, which included among other things, a reduction in the scope and a credit to the District of over \$28 Million. The revised Contract Price, including executed Change Orders, is \$324 Million.

The Contract indicated that the District would arrange for Pacific Gas and Electric (PG&E) power by means of the District's Construction Contract No. 09EK-130, Oakland Emergency Generator System (OEG), to be furnished to the TBT Contractor on July 7, 2020, so it could power its construction equipment to perform the retrofit work. Currently, due to delays in BART's OEG Contract, PG&E power is forecasted to be available in June 2021. In the interim, the Contractor secured two temporary generators to power its construction equipment. Change Order No. 187 compensates the Contractor for the cost of the procurement, installation, and maintenance of the temporary generators in a not to exceed amount of \$1,500,000.00. This provides for temporary power through the duration of the Contract in the event that PG&E power will not be available at the forecasted date.



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

The Procurement Department will review this Change Order for compliance with procurement guidelines prior to execution.

**FISCAL IMPACT:**

The total not to exceed amount of \$1,500,000 for the award of Change Order No. 187 to Contract No. 09AU-120 is included in the total budget for 09AU000 – TBT Retrofit #1 (Underwater).

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

<b>Earthquake Program Funds</b>	
801F & 801J - ESP GO Bond	\$ 333,524,072
801I - ESP GO Bond Interest Earnings	\$ 62,550,328
802A & 802B - 2017 Measure RR GO Bond	\$ 113,424,447
850V, 850W & 850X - Capital Allocations	\$ 207,229
6820 – SF County Transportation Authority	\$ 175,000
<b>TOTAL</b>	<b>\$ 509,881,076</b>

As of November 3, 2020, \$509,881,076 is the total budget for this project. BART has expended \$305,175,254, committed \$152,857,537, and reserved \$28,700 to date. This action will commit \$1,500,000 leaving an available fund balance of \$50,319,585 in these fund sources for this project.

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

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

**ALTERNATIVES:**

The Board can elect not to authorize the execution of this Change Order. If the Change Order is not executed; the Contractor will likely pursue a claim against the District for the cost of the additional work and delays attributable to the District. Such a claim and related litigation costs would increase the final costs to the District.

**RECOMMENDATION:**

That the Board approve the following motion:



**MOTION:**

The General Manager is authorized to execute Change Order No. 187, Installation of Temporary Generators, to Contract No. 09AU-120, BART Earthquake Safety Program TBT Internal Retrofit with Shimmick/CEC Joint Venture in an amount not to exceed \$1,500,000.00.



# SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

## EXECUTIVE DECISION DOCUMENT

### ATTACHMENT No 1

## CHANGE ORDER SUMMARY

### BACKGROUND

Program:	Earthquake Safety Program
Name of Contractor:	Shimmick/CEC Joint Venture
Contract No. / NTP:	09AU-120 / February 2, 2017
Contract Description:	TBT Internal Retrofit
Percent Complete as of 11/10/20	72.56%

### COST

	<u>% of Award</u>	<u>CO Totals</u>	<u>Contract Amount</u>
Original Contract Award Amount			\$ 267,083,110
Change Orders			
Board Authorized COs	14.55%	\$ 38,851,445	
Other Than Board Authorized COs	6.17%	\$ 16,474,802	
This Change Order No. 187	0.56%	\$ 1,500,000	
Subtotal of all Change Orders	21.28%	\$ 56,826,247	
<u>Revised Contract Amount</u>			<u>\$ 323,909,357</u>

### SCHEDULE

Original Contract Duration	1,800	days
Time Extension to Date		
Time Extension Due to Approved Cos	309	days
Time Extension Due to these CO 187	0	days
Revised Contract Duration	2,109	days



# **SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT**

## **EXECUTIVE DECISION DOCUMENT**

### **ATTACHMENT No 1**

#### **SUMMARY REASON FOR THIS CHANGE ORDER(S)**

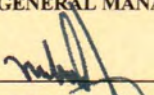
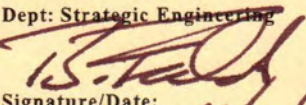
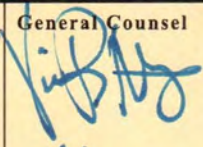
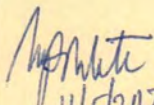

##### CO 187: OEG Generators

Compensates Contractor for additional costs associated with rental of generators to power their equipment. It was anticipated that Contract 09EK-130 Oakland Emergency Generator System (OEG) would be ready to supply the power needed to Contract 09AU-120 in July of 2020. The date OEG can supply power to the TBT Contractor has been delayed and has resulted in the need to rent generators to perform the work.





## EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:  DATE: 9/21/2020		GENERAL MANAGER ACTION REQ'D:		
DATE: 9/21/2020		BOARD INITIATED ITEM: No		
Originator/Prepared by: Bryant Fields Dept: Strategic Engineering  Signature/Date: 11/5/2020	General Counsel  11/6/20 [ ]	Controller/Treasurer  11/5/2020 [ ]	District Secretary [ ]	BARC  11.10.2020 [ ]

### Request for Authority to Execute Change Orders to Contract 15EJ-171

#### PURPOSE:

To obtain Board authorization for the General Manager to execute Change Order Nos. 012 and 025 to Contract No. 15EJ-171 for 34.5KV Cable Replacement M-Line MVS Switching Station and MTF, MSS, MPS and MTW Substations, in a total amount not to exceed \$850,000.00.

#### DISCUSSION:

On August 9, 2018 the Board of Directors authorized the General Manager to award Contract No. 15EJ-171, 34.5KV Cable Replacement M-Line MVS Switching Station and MTF, MSS, MPS and MTW Substations, to DMZ Builders Co., Inc. in the amount of \$79,195,100.00. The Contract provides for the upgrade of the aging 34.5 kV cable system and includes replacement and installation of sections of 34.5 kV feeder cable circuits (MLC and MRC circuits), on M2 and M1 tracks between MVS Switching Station and MTW Substations.

To date, the District has issued Change Orders to this Contract in the total amount of \$6,326,719.39, which is 8% of the original Contract amount. Project Staff has identified additional Change Orders (12 and 25) in the not to exceed amount (NTE) of approximately \$850,000.00.



Summary	Amount	Percentage of Base Bid
Total Base Bid Amount	\$79,195,100.00	
Agreed/Executed Change Orders (##)	\$6,326,719.39	7.99%
Potential Change Orders	\$850,000.00	1.07%
Revised Contract Amount	\$86,371,819.39	

Change Orders 12 and 25 will resolve costs associated with additional security enclosures for high voltage equipment and access restrictions impacting contractor work limits. Descriptions of the Change Orders cost are set forth below.

Change Order No. 12 – Anticipated Cost: \$400,000 for the labor, equipment, and material expenditure for constructing security enclosures for new Isolation Disconnect Switches (IDS's). Permanent security enclosures will further improve electrical safety and separate the new IDSs at the MSS and MTF substations from public access areas.

Change Order No. 25 – Anticipated Cost: Not to Exceed \$450,000 for the labor, equipment, and material expenditure for construction sequencing modifications. The District plans to remove 11 single tracking Sundays from the contractor's schedule, between 24<sup>th</sup> Street Station and Glen Park Station and shift work forward approximately one year. This reduction in 11 single tracking Sundays minimizes impacts to patrons on given dates and maintains the 30-minute headway. By shifting this work forward and completing now, the district can utilize the extended blanket and reduce BART's total cost by approximately \$2.13M dollars.

All change orders will be approved by the Office of General Counsel prior to execution.

#### **CAPITAL FISCAL IMPACT:**

Change Order No 012 funding is not to exceed amount of \$400,000. Change Order No. 025 funding is not to exceed amount of \$450,000. These two change orders add a total amount of \$850,000 to Contract No. 15EJ-171 and is included in the total project budget for FMS# 15EJ450 M-Line 34.5KV Replacement Phase II. The Office of Controller/Treasurer certifies that funds are currently available to meet this obligation. The following table depicts funding assigned to the referenced project and is included in totality to track funding history against spending authority. Funds needed to meet this request will be expended from a combination of these sources as listed.

As of September 21, 2020, \$120,234,481 is available for this project from the following



sources:

Fund Description	Amount
Various FTA Grant Sources	3,733,610
Local Area Bridge Toll	80,000
BART Funds	853,402
Measure RR GOB	115,567,469
Total	120,234,481

BART has expended \$53,203,719, committed \$46,730,505 and reserved \$0 to date for other action. Change Orders Nos. 012 and 025 will commit \$850,000 leaving an available fund balance of \$19,450,257 in this project.

There is no fiscal impact on available unprogrammed District Reserves

#### **ALTERNATIVES:**

The Board may elect not to authorize the execution of these Change Orders. Failure to issue these Change Orders will lead to revenue service delays and negative public safety issues.

#### **RECOMMENDATION:**

Recommend that the Board approve the following Motion:

#### **MOTION:**

The General Manager is authorized to execute Change Order Nos. 012 and 025 in an aggregate amount not to exceed \$850,000 to Contract No. 15EJ-171, 34.5KV Cable Replacement M-Line MVS Switching Station and MTF, MSS, MPS and MTW Substations.



## EXECUTIVE DECISION DOCUMENT

### ATTACHMENT #1

### CHANGE ORDER SUMMARY

#### BACKGROUND

Name of Contractor: DMZ Builders Co., Inc.

Contract No./NTP: 15EJ-171 / September 28, 2018

Contract Description: 34.5KV Cable Replacement M-Line MVS Switching Station and MTF, MSS, MPS and MTW Substations

Percent Complete as of 09/30/2020 53.65%

<u>COST</u>	<u>% of Award</u>	<u>CO Totals</u>	<u>Contract Amount</u>
Original Contract Award Amount			\$79,195,100.00
Change Orders:	7.99%	\$6,326,719.39	
Other than Board Authorized C.O.	1.07%	\$850,000.00	
Pending Board Authorized C.O.			
Subtotal of all Change Orders	9.06%	\$7,176,719.39	
<u>Revised Contract Amount:</u>			\$86,371,819.39

#### SCHEDULE

Original Contract Duration:	1800 days
Time Extension to Date:	249 days
Time Extension Due to Approved COs:	0 days
Revised Contract Duration	2049 days

#### SUMMARY REASON FOR THESE CHANGE ORDER(S)

- *Change Order No. 012:* Permanent security enclosures need to be constructed to separate the new IDSs at the MSS and MTF substations from public access areas.
- *Change Order No. 025:* Platforms at the 24th Street Mission station are being used by Berryessa trains on Sundays, which eliminates the Contractor's access to both tracks at the 24th Street Mission station during the Sunday single-tracking windows.



# SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

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## MEMORANDUM

**TO:** Board of Directors


**DATE:** November 13, 2020

**FROM:** General Manager

**SUBJECT: Overview of the Transit Security Advisory Committee**

Attached is the "Transit Security Advisory Committee" presentation that will be presented at the November 19, 2020 meeting as an information item.

If you have any questions about the document, please contact Tamar Allen, Assistant General Manager, Operations at (510) 464-7513.



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Robert M. Powers

cc: Board Appointed Officers  
Executive Staff



# Overview of the Transit Security Advisory Committee

November 19, 2020

# Agenda

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- Prohibition Order Overview
- AB-716 and AB-730 Legislative History
- TSAC Overview
- Current TSAC Committee Members
- Tasks of TSAC
- BART Police Training
- Prohibition Orders
- Annual Prohibition Order Report

# Prohibition Order Overview

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- The purpose of AB-730 is to enhance safety and public transit system security by excluding public transit riders whose actions impact the safety and security of public transit passengers and public transit employees.
  - Authorizes BART to issue a prohibition orders to persons who have committed specific violations.
  - Prohibits a person subject to a prohibition order from entering the property, facilities, or vehicles of BART for a period of time deemed appropriate.
  - Specifies prohibition processes, notification procedures, and hearing and appeals procedures.
  - Requires BART to establish an advisory committee and to ensure that personnel charged with issuance and enforcement of prohibition orders receive training as emphasized and recommended by the advisory committee



# AB-716 and AB-730 History

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- In 2011, AB-716 (Dickinson) granted BART the authority for a pilot program to issue prohibition orders.
- In-mid 2012 the BART formed the BART Transit Security Advisory Committee (TSAC), as required by AB-716.
- BART began issuing prohibition orders in mid-2013.
- In 2017, BART received permanent authority to issue prohibition orders through the passage of AB-730 authored by Assembly member Bill Quirk (D-Hayward).

# TSAC Overview

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- TSAC members are appointed by the BART Board of Directors.
- TSAC members are subject matter experts in the areas of mental health, homelessness, public safety and youth advocacy and cultural awareness:
  - Mental Health Representative
  - Youth Advocates Representative
  - Law Enforcement Representative
  - At-Large Representatives
- The current TSAC consists of six members and one alternate.

# TSAC Committee Members

COMMITTEE MEMBER	ROLE DESCRIPTION	TERM EXPIRATION
Janet Abelson	Public-at-Large ( <i>BART Accessibility Task Force</i> )	January 22, 2021
Stephine Barnes	Public-at-Large ( <i>BART Station Agent</i> )	July 1, 2022
Randall Glock	Alternate ( <i>BART Accessibility Task Force</i> )	July 1, 2022
Sue Kuipers	Mental Health Advocate ( <i>Chaplain</i> )	January 22, 2021
Tiffany Lacsado	Public-at-Large	July 1, 2022
Armando Sandoval	Behavioral Health/Youth Advocate ( <i>CIT Coordinator</i> )	January 22, 2021
Manuel Vasquez	Public-at-Large ( <i>Behavioral Health Advocate</i> )	July 1, 2022
Vacant	Law Enforcement Representative	To be filled 1/2021
Vacant	Alternate	To be filled 1/2021

# TSAC Tasks

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The advisory committee is tasked with the following:

- Providing recommendations for the training of police officers who issue and enforce prohibition orders.
- Identifying services and programs to which persons who are homeless or who have psychiatric, developmental, or other disabilities may be referred by officers in conjunction with issuance of a prohibition order.
- Monitoring the issuance of prohibition orders to assist the transit district in ensuring compliance with Section 51 of the Civil Code, also known as the Unruh Civil Rights Act.
- Providing the governing board of the transit district and the Legislature with an annual report.



# BART Police Training

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All BART Police Officers must receive eight (8) hours of training on the following before issuing prohibition orders:

- History of AB-716
- Policy 417
- Practical exercises on understanding and responding to vulnerable populations

# Prohibition Orders

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A Prohibition Order may be issued to any person who:

- On at least three (3) separate occasions within a period of ninety (90) consecutive days, is cited for any act that constitutes a violation of any of the following:
  - Willfully disturbing others by engaging in boisterous or unruly behavior.
  - Carrying an explosive or acid, flammable liquid, or toxic or hazardous material.
  - Urinating or defecating in a system facility or vehicle, except in a lavatory.
  - Willfully blocking the free movement of another person in a system facility or vehicle.
  - Defacing transit property with graffiti or other inscribed material.
  - Interfering with the operation of a transit vehicle or impeding the safe boarding.
  - Committing an act that may cause harm or injury to any person or property.

# Prohibition Orders (cont'd)

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- The person is placed under arrest or convicted for a misdemeanor or felony for acts involving violence or threats of violence, lewd or lascivious behavior, or possession for sale of a controlled substance; or
- The person is convicted of a violation of one of the following offenses:
  - Loitering in a public place manifesting an intent to engage in drug-related activity.
  - Loitering in a public place with the intent to commit prostitution.

# Length of Prohibition Orders

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If issued for three qualifying acts within ninety (90) days, the period of exclusion shall be:

- For a period not-to-exceed thirty (30) days for the first prohibition order;
- For a period not-to-exceed ninety (90) days for the second prohibition order issued within a one-year period from the date of the first prohibition order; and
- For a period not-to-exceed 180 days for a third, or subsequent, prohibition order issued within a one-year period from the date of the first prohibition order.



# Length of Prohibition Orders (cont'd)

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If arrested or convicted for acts involving violence or threats of violence, lewd or lascivious behavior, or possession for sale of a controlled substance, or if convicted of loitering in a public place with intent to engage in drug-related activity or prostitution:

- For a period not-to-exceed thirty (30) days if issued pursuant to an arrest.
- Upon conviction of a misdemeanor, the duration of the prohibition order for the conviction, when added to the duration of the prohibition order shall not exceed 180 days.
- Upon conviction of a felony, duration of the prohibition order for the conviction, when added to the duration of the prohibition order for the initial shall not exceed one year.

# Annual Prohibition Order Report

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- Records of all prohibition orders are stored in the BART Police Department's database
- Data is reported to the TSAC and reviewed monthly
- BART staff uses the data to draft an annual report
- TSAC provides recommendations and approves the annual report
- Final report is submitted to the BART Board and the State Legislature
- Annual reports are posted on the BART website

# Questions/Discussion



## SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

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### MEMORANDUM

**TO:** Board of Directors

**DATE:** November 13, 2020

**FROM:** General Manager

**SUBJECT:** Quarterly Service Performance Review – First Quarter FY 2021

Attached is the “Quarterly Service Performance Review – First Quarter FY 2021” presentation that will be presented at the November 19, 2020 meeting as an information item.

If you have any questions about the document, please contact Tamar Allen, Assistant General Manager, Operations at (510) 464-7513.

  
\_\_\_\_\_  
Robert M. Powers

cc: Board Appointed Officers  
Executive Staff





# Quarterly Service Performance Review 1<sup>st</sup> Quarter, FY21

**July – September, 2020**

Engineering & Operations Committee  
November, 19 2020

SUMMARY CHART 1st QUARTER FY 2021										
PERFORMANCE INDICATORS	CURRENT QUARTER				PRIOR QTR ACTUALS		YEAR TO DATE			
					LAST QUARTER	THIS QTR LAST YEAR				
	ACTUAL	STANDARD	STATUS				ACTUAL	STANDARD	STATUS	
<b>Average Ridership - Weekday</b>	47,438	120,132	NOT MET		32,071	412,596	47,438	120,132	NOT MET	
<b>Customers on Time</b>										
Peak	95.68%	94.00%	MET		95.93%	89.91%	95.68%	94.00%	MET	
Daily	95.01%	94.00%	MET		95.32%	91.28%	95.01%	94.00%	MET	
<b>Trains on Time</b>										
Peak	92.14%	N/A	N/A		92.22%	83.41%	92.14%	N/A	N/A	
Daily	91.62%	91.00%	MET		91.94%	86.96%	91.62%	91.0%	MET	
<b>Peak Period Transbay Car Throughput</b>										
AM Peak	97.10%	97.50%	NOT MET		98.79%	98.72%	97.10%	97.50%	NOT MET	
PM Peak	97.29%	97.50%	NOT MET		98.43%	97.86%	97.29%	97.50%	NOT MET	
<b>Car Availability at 4 AM (0400)</b>	504	492	MET		541	631	504	492	MET	
<b>Mean Time Between Service Delays</b>	6,116	4,650	MET		5,556	4,282	6,116	4,650	MET	
<b>Elevators in Service</b>										
Station	99.59%	98.00%	MET		98.93%	98.93%	99.59%	98.00%	MET	
Garage	99.80%	97.00%	MET		99.60%	97.80%	99.80%	97.00%	MET	
<b>Escalators in Service</b>										
Street	95.27%	93.00%	MET		97.27%	95.07%	95.27%	93.00%	MET	
Platform	97.07%	96.00%	MET		96.03%	97.00%	97.07%	96.00%	MET	
<b>Automatic Fare Collection</b>										
Gates	99.53%	99.00%	MET		99.52%	99.29%	99.53%	99.00%	MET	
Vendors	98.53%	95.00%	MET		96.56%	98.86%	98.53%	95.00%	MET	
<b>Wayside Train Control System</b>	0.84	1.00	MET		1.28	1.13	0.84	1.00	MET	
<b>Computer Control System</b>	0.46	0.08	NOT MET		0.170	0.023	0.457	0.08	NOT MET	
<b>Traction Power</b>	0.05	0.20	MET		0.02	0.17	0.05	0.20	MET	
<b>Track</b>	0.15	0.30	MET		0.00	0.05	0.15	0.30	MET	
<b>Transportation</b>	0.35	0.50	MET		0.30	0.56	0.35	0.50	MET	
<b>Environment Outside Stations</b>	69.4%	66.0%	MET		N/A	64.9%	69.4%	66.0%	MET	
<b>Environment Inside Stations</b>	67.3%	64.0%	MET		N/A	61.5%	67.3%	64.0%	MET	
<b>Station Vandalism</b>	73.6%	73.0%	MET		N/A	70.6%	73.6%	73.0%	MET	
<b>Train Interior Cleanliness</b>	66.9%	70.0%	NOT MET		N/A	66.8%	66.9%	70.0%	NOT MET	
<b>Train Temperature</b>	80.5%	82.0%	NOT MET		N/A	78.8%	80.5%	82.0%	NOT MET	
<b>Customer Service</b>	77.5%	75.0%	MET		N/A	73.9%	77.5%	75.0%	MET	
<b>Homelessness</b>	33.7%	N/A	N/A		N/A	25.5%	33.7%	N/A	N/A	
<b>Fare Evasion</b>	23.3%	N/A	N/A		N/A	20.2%	23.3%	N/A	N/A	
<b>Customer Complaints</b>										
Complaints per 100,000 Passenger Trips	29.52	5.07	NOT MET		40.53	13.19	29.58	5.07	NOT MET	
<b>Safety</b>										
Station Incidents/Million Patrons	1.94	2.00	MET		4.13	1.58	1.94	2.00	MET	
Vehicle Incidents/Million Patrons	1.11	0.60	NOT MET		0.41	0.43	1.11	0.60	NOT MET	
Lost Time Injuries/Illnesses/Per OSHA	3.44	6.50	MET		3.96	8.89	3.44	6.50	MET	
OSHA-Recordable Injuries/Illnesses/Per OSHA	7.19	12.00	MET		7.19	14.49	7.19	12.00	MET	
Unscheduled Door Openings/Million Car Miles	0.000	0.200	MET		0.080	0.350	0.000	0.200	MET	
Rule Violations Summary/Million Car Miles	0.230	0.250	MET		0.170	0.150	0.230	0.250	MET	
<b>Police</b>										
BART Police Presence	13.7%	12.0%	MET		0.0%	9.8%	13.7%	12.0%	MET	
Quality of Life per million riders	483.49	N/A	N/A		446.29	69.40	483.49	N/A	N/A	
Crimes Against Persons per million riders	24.86	2.00	NOT MET		31.85	3.53	24.86	2.00	NOT MET	
Auto Burglaries per 1,000 parking spaces	1.29	6.00	MET		1.67	6.94	3.52	6.00	MET	
Auto Thefts per 1,000 parking spaces	0.40	2.25	MET		0.49	1.56	0.83	2.25	MET	
Police Response Time per Emergency Incident (Minutes)	4.33	5.00	MET		3.73	5.65	4.33	5.00	MET	
Bike Thefts (Quarterly Total and YTD Quarterly Average)	12	100.00	MET		7	116	12	100.00	MET	

LEGEND:

Goal Met

Goal Unmet by < 5%

Goal Unmet by > 5%

# FY21 First Quarter Overview



- **Average Weekday Ridership** compared to the same quarter a year ago decreased due to the pandemic; Total ridership 88.0% lower than a year ago; Average peak ridership 90% lower; weekends 86% lower
- **Train on time performance** improved to 91.62%, and met goal
- **ROW Equipment Reliability:** Rail Cars, Traction Power, Wayside Train Control and Track met goal. Computer Systems did not meet goal
- **Station Equipment Availability:** All elements met goal. Elevators (Station), Elevators (Garage), Escalators (Platform), Escalators (Street) Ticket Machines and Fare Gates.
- **Passenger Environment:** Environment Outside Stations & Inside Stations, Vandalism, Customer Service, and Police Presence met goal. Train Cleanliness and Train Temperature did not meet goal
- **Total rate of Customer Complaints** increased compared to same quarter a year ago, improved by 27% compared to prior quarter.

# eBART Service Report



	eBART SERVICE REPORT FOR 4TH QUARTER FY20									
PERFORMANCE INDICATORS	CURRENT QUARTER				PRIOR QTR ACTUALS		FY20 YEAR TO DATE			
					LAST QUARTER	THIS QTR LAST YEAR				
	ACTUAL	STANDARD	STATUS				ACTUAL	STANDARD	STATUS	
<b>Ridership</b>										
Average Ridership - Weekday	1,802	8,000	NOT MET		1,327	8,348	1,802	8,000	NOT MET	
Average Ridership - Weekend	599	n/a	n/a		424	2,222	599	n/a	n/a	
<b>Service Delivery</b>										
On-Time Performance	96.53%	95.00%	MET		96.91%	93.01%	96.53%	95.00%	MET	
<b>Transfers to BART</b>										
On-Time Connections	98.81%	98.50%	MET		99.27%	98.80%	98.81%	98.50%	MET	
<b>Equipment</b>										
Train Mean Distance Between Failures (miles)	63,164	14,000	MET		21,118	9,352	63,164	14,000	MET	
Station Elevator Availability	99.74%	98.00%	MET		99.84%	99.17%	99.74%	98.00%	MET	
Station Escalator Availability	100.00%	96.00%	MET		96.29%	99.06%	100.00%	96.00%	MET	
<b>Customer Feedback</b>										
Complaints/Hundred Thousand Patrons	10.50	7.00	NOT MET		2.08	7.55	10.50	7.00	NOT MET	
<b>Safety</b>										
Passenger Incidents	1.00	n/a	n/a		0.00	0.00	1.00	n/a	n/a	
Workplace Injuries	0.00	n/a	n/a		0.00	0.00	0.00	n/a	n/a	

## LEGEND:

Engineering & Operations Committee

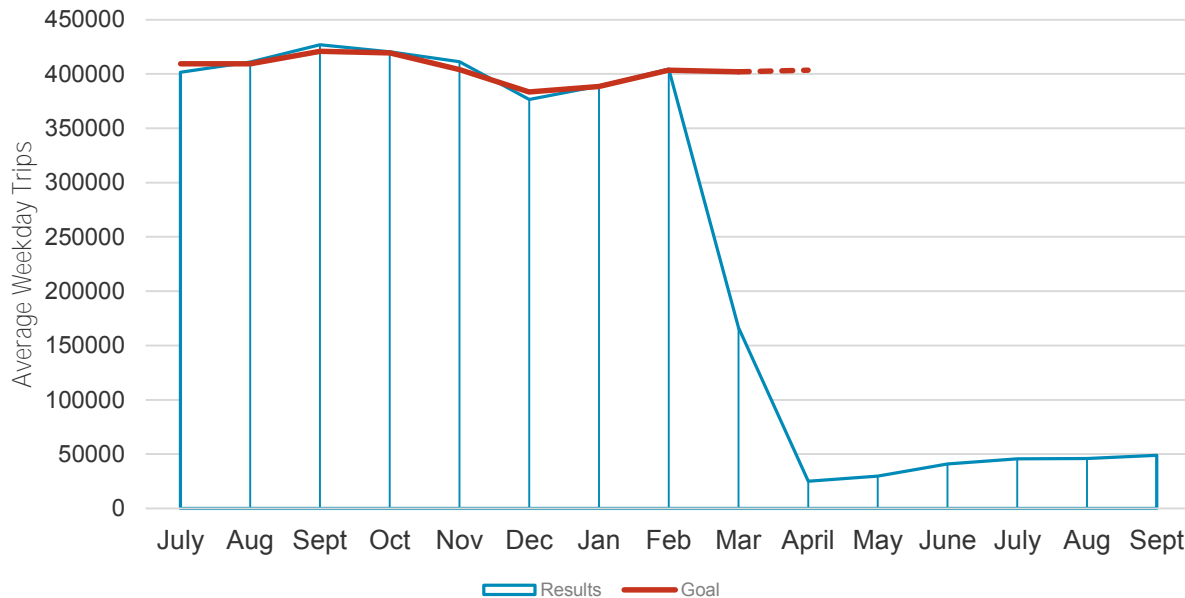
Goal Met

Goal Unmet by <= 5%

Goal Unmet by > 5%



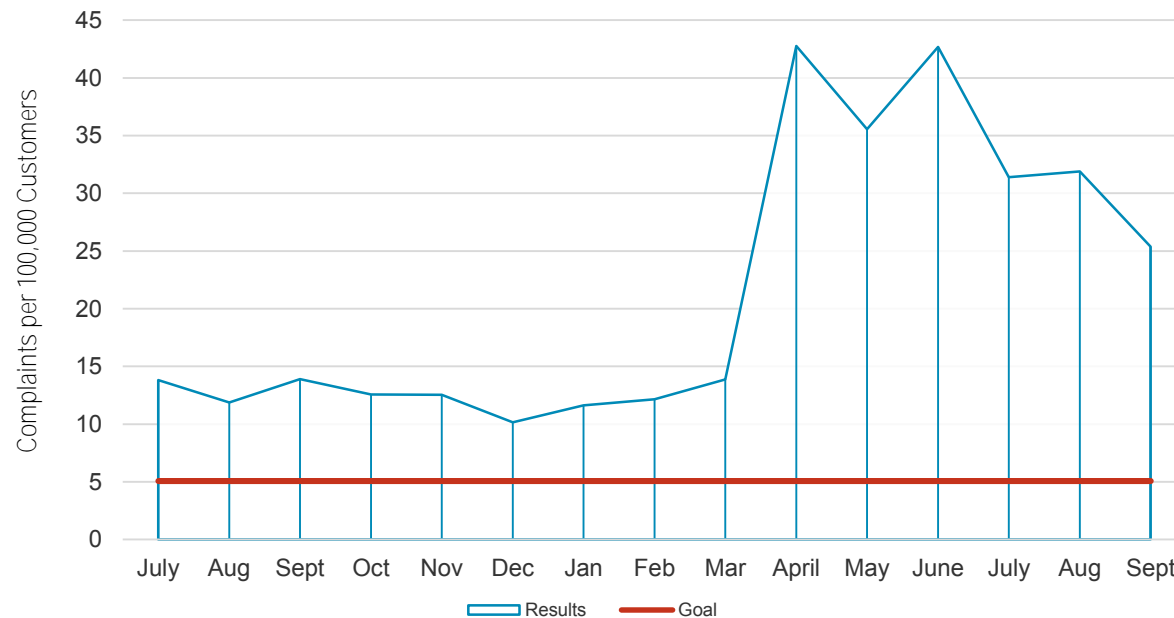
# Customer Ridership - Weekday Trips



Goal:	To Be Determined
Actual:	47438
Met:	No

- Total ridership decreased by 88% compared to same quarter last year
- Average weekday ridership (46,813) down by 89% from same quarter last year
- Average peak ridership down by 90% compared to same quarter last year
- Saturday and Sunday down by 86% and 85%, respectively, from same quarter last year

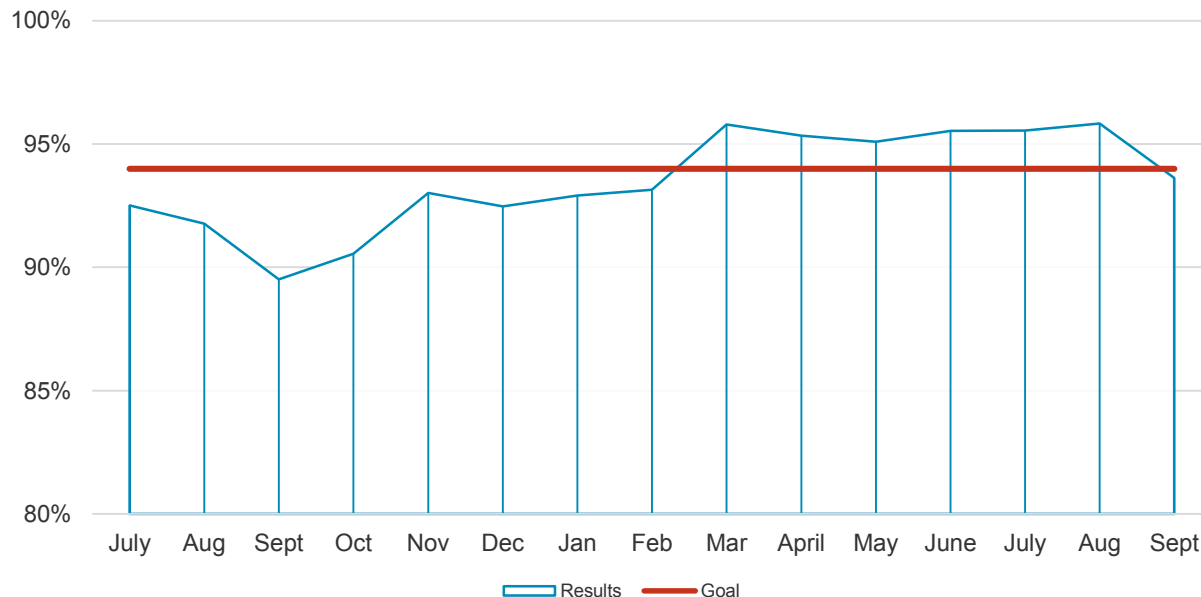
# Customer Complaints



Goal:	5.07
Actual:	29.52
Met:	No

- 27% improvement over last quarter, 124% decline over same quarter last year
- Complaints decreased for AFC, Bike Program, Noise, Quality of Life (transients and mental health), Station Cleanliness, Train Cleanliness
- Complaints increased for Announcements (too loud), BART App, Covid (hand sanitizer), Parking, Personnel, Train Temperature

# On-Time Service - Customer

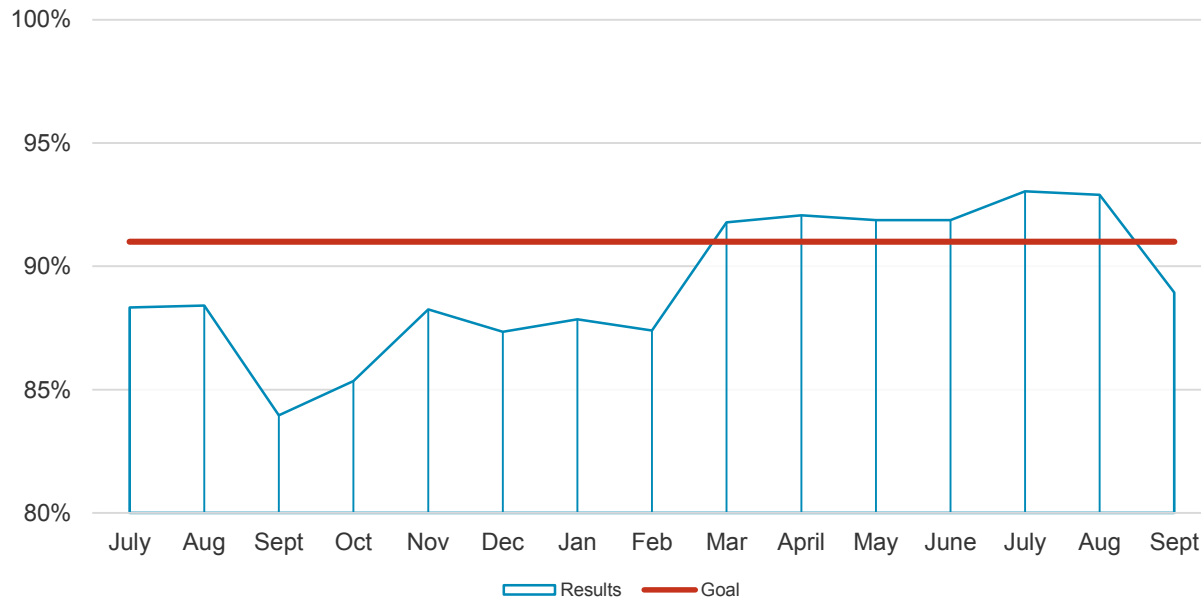


Goal:	94.00%
Actual:	95.01%
Met:	Yes

Delay Source	% of Trains
POLICE ACTIONS	22.2%
TRAIN CONTROL	18.3%
VEHICLE	9.6%
VANDALISM	7.7%
MISC OTHER	5.1%
PERSON ON TRACKWAY	4.8%
TRANSPORTATION	4.2%
CONGESTION	3.8%
CIVIL PROTEST	3.6%
TRAIN STRUCK PATRON	3.4%

- 0.33% reduction over last quarter, 4.08% improvement over same quarter last year
- Major contributors
  - Equipment – 28%
  - Police – 22%
  - People/Behavior – 20%

# On-Time Service - Train



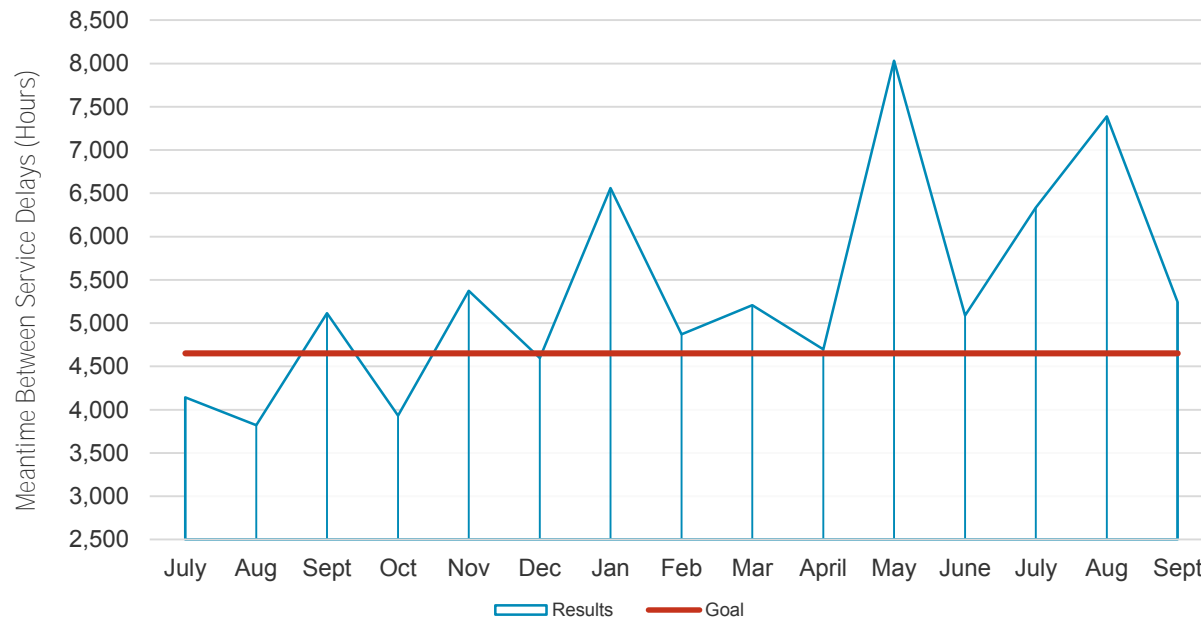
Goal:	91.00%
Actual:	91.62%
Met:	Yes

#	Date	Location	Description	Time	Cause	Trains
1	09/13/20	Systemwide	ICS/FIP Comm. Link	0800-1327	Equip	88
2	09/28/20	M-Line	Vehicle Yard (Maint. Proc.)(Pyle National Coupler Not Installed In Prior Visit)	0532-0927	Procedure	52
3	07/13/20	Glen Park	Fire Near Trackway (Track Inspection)	1142-1500	Environment	50
4	09/14/20	Bay Fair	Track(Rail Joint Bar Damaged Track/Vibration/Expansion)	1346-1731	Equip	24
5	09/16/20	MacArthur	Train Struck A Person On Trackway	1646-1823	People	23
6	08/08/20	Montgomery	Vandalism (Platform Trip)	1114-1257	People	20
7	09/29/20	Systemwide	Earthquake (Track Inspection/NPF)	0907-0940	Weather	19
8	08/04/20	P.Hill I-Lock	False Occupancy (FO's C55D02 & C55X2A)(F/O C54B01/C54B02)	1317-2116	Equip	16
9	08/15/20	D.C. I-Lock	Weather (Excessive Heat)(Switch Hardware Expansion)	1431-1449	Weather	15
10	08/13/20	S. Hayward	Track Misalignment	1618-1755	Equip	14



# Car Equipment – Reliability

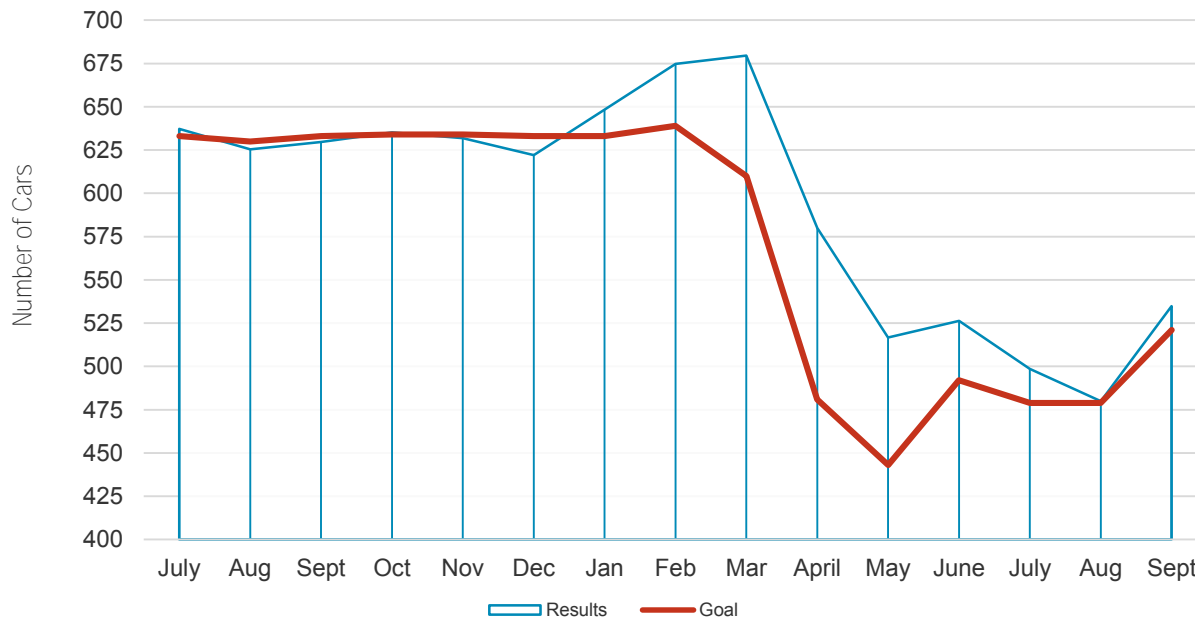
## Meantime Between Service Delays



Goal:	4,650 Hours
Actual:	6116 Hours
Met:	Yes

- 10.1% improvement over last quarter, 42.8% improvement over last year the same quarter
  - Legacy Fleet MTBSD 8460 hours (Sidelined worst performing legacy cars)
  - FOTF Fleet MTBSD 3193 hours

# Car Equipment – 4:00AM Availability

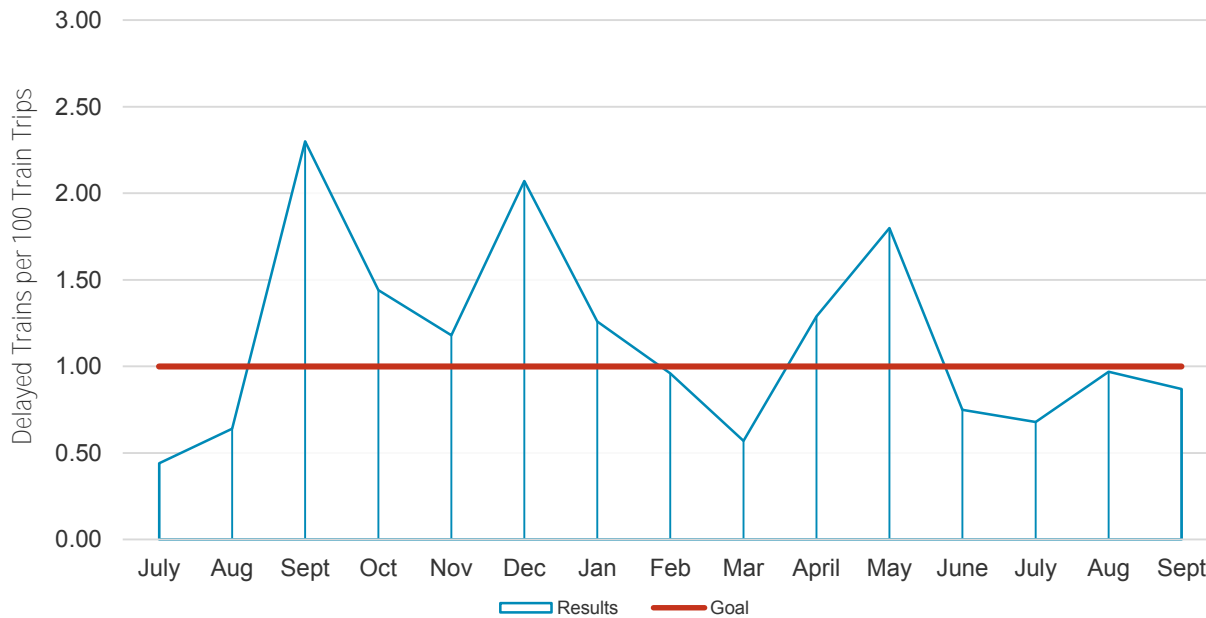


Goal:	492
Actual:	504
Met:	Yes

- Goal Met, requirement has increased as trains have been added for social distancing
- 16 legacy cars have been decommissioned by end of quarter
- 208 FOTF had been accepted by end of quarter

# Wayside Train Control System

## Delayed Trains per 100 Train Trips

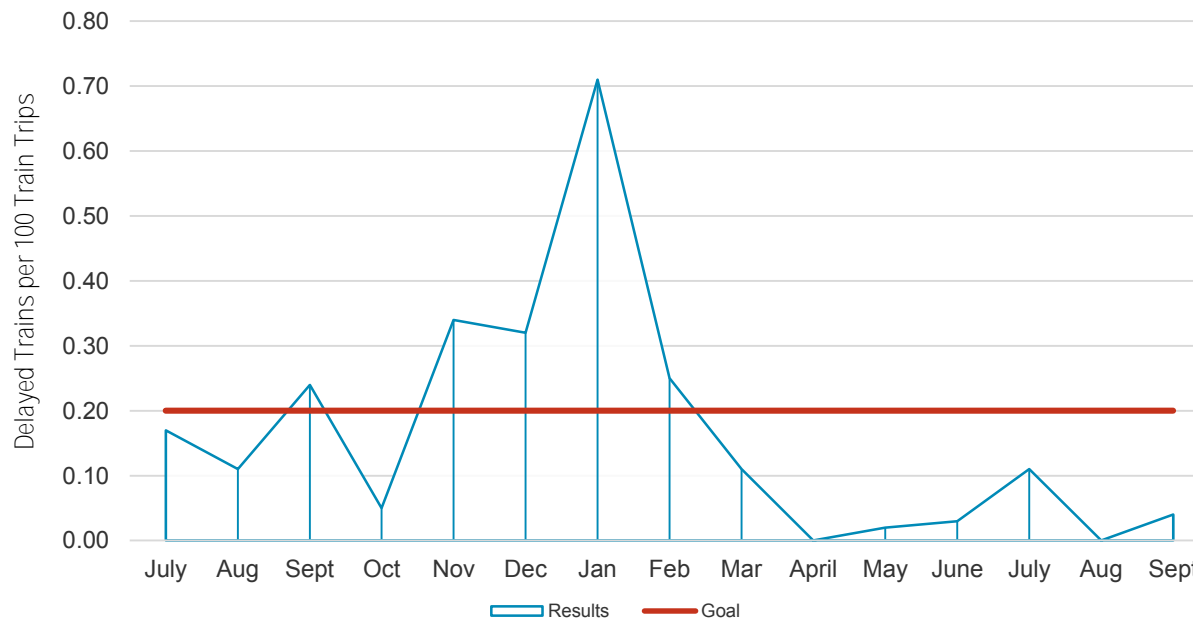


Goal:	1.00
Actual:	0.84
Met:	Yes

- 34.4 % improvement from previous quarter, 25.4% improvement from same quarter in the previous year

# Traction Power

## Delayed Trains per 100 Train Trips



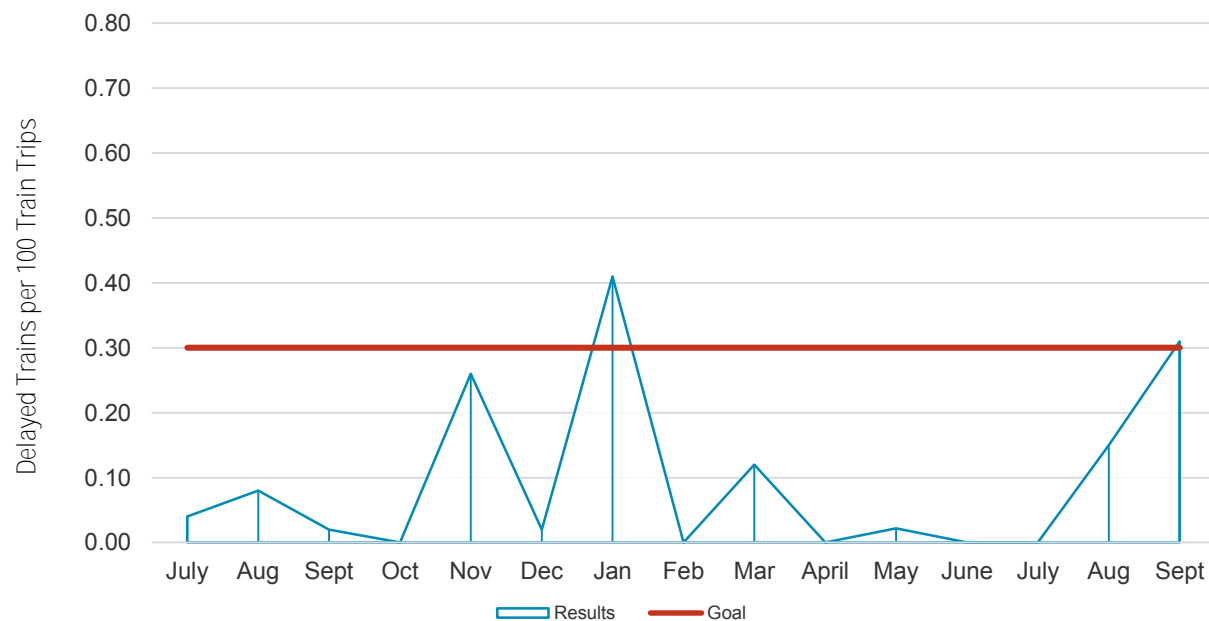
Goal:	0.20
Actual:	0.05
Met:	Yes

- 200% reduction from last quarter, 71.2% improvement from same quarter last year
- Projects continue to replace Third Rail insulator and coverboard
- Negative Return upgrades with interlocking replacements



# Track

## Delayed Trains per 100 Train Trips

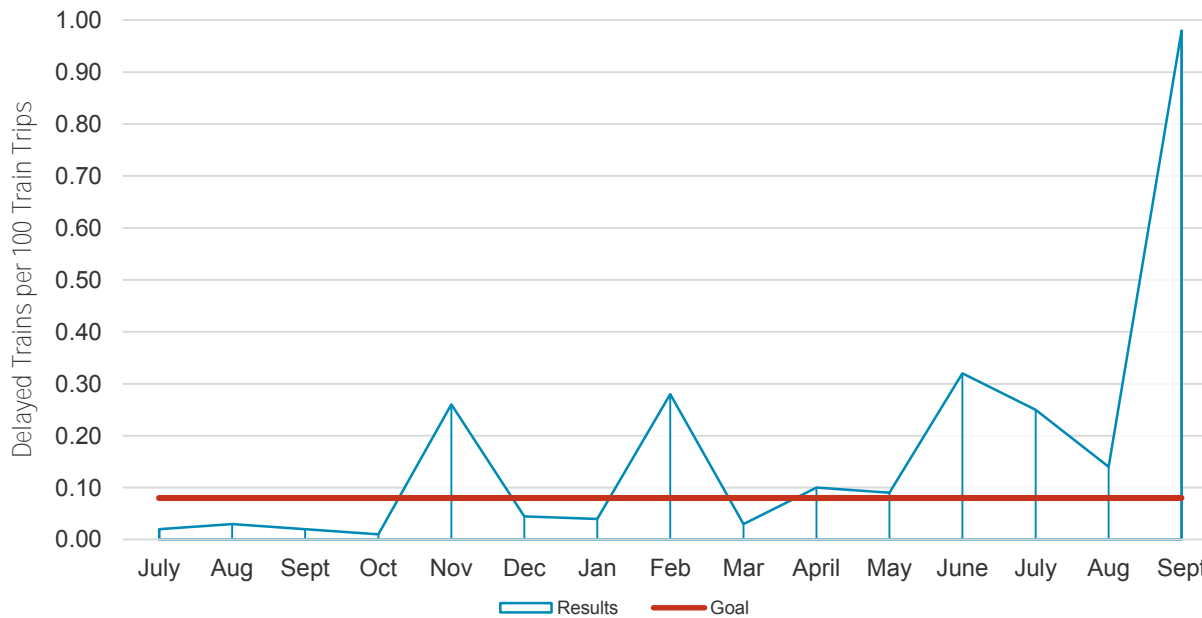


Goal:	0.30
Actual:	0.15
Met:	Yes

- Significant reduction from last quarter attributable to two incidents
  - August 13 – Hayward Yard interlocking point detection failure due to excessive pumping in the adjacent composite ties
  - September 14 – Bay Fair interlocking wheel burn defect

# Computer Control System

## Delayed Trains per 100 Train Trips

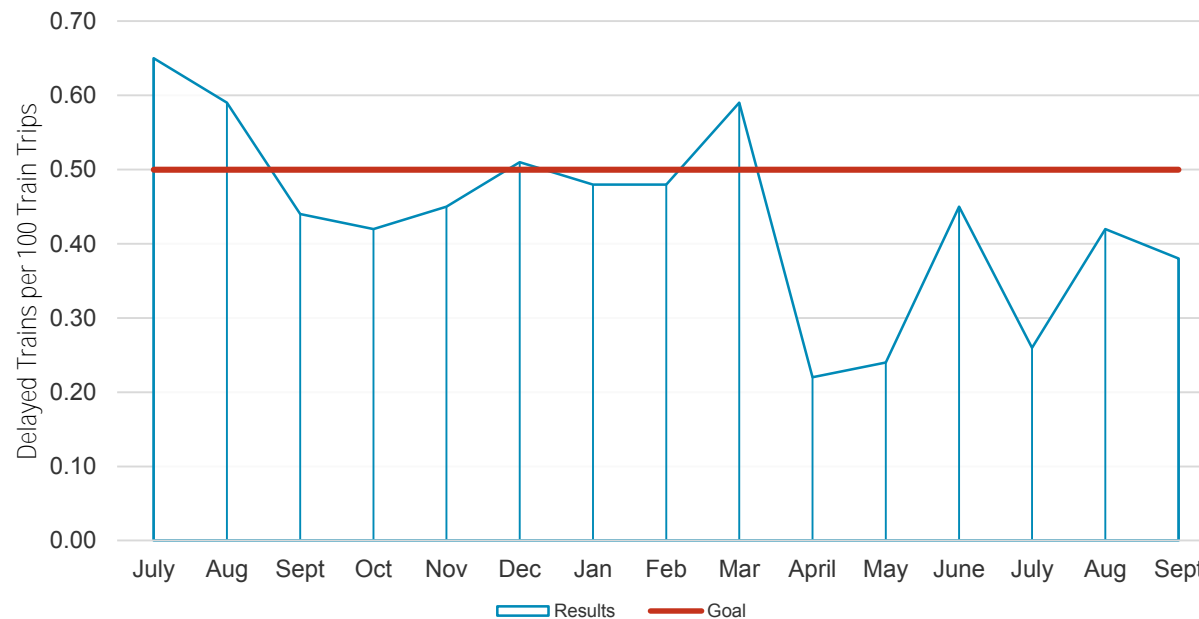


Goal:	0.08
Actual:	0.46
Met:	No

- Significant reduction from last quarter attributable to three incidents
  - July 11 – Field component failure led to loss of control from Operations Control Center for three interlocking outside Daly City Yard
  - August 16 – Wiring fault led to constant traction power trip at Fruitvale Substation
  - September 13 – Field device failure created a network ‘broadcast storm’ that prevented Operations Control Center monitoring and controlling the plant resulting in delayed system opening

# Transportation

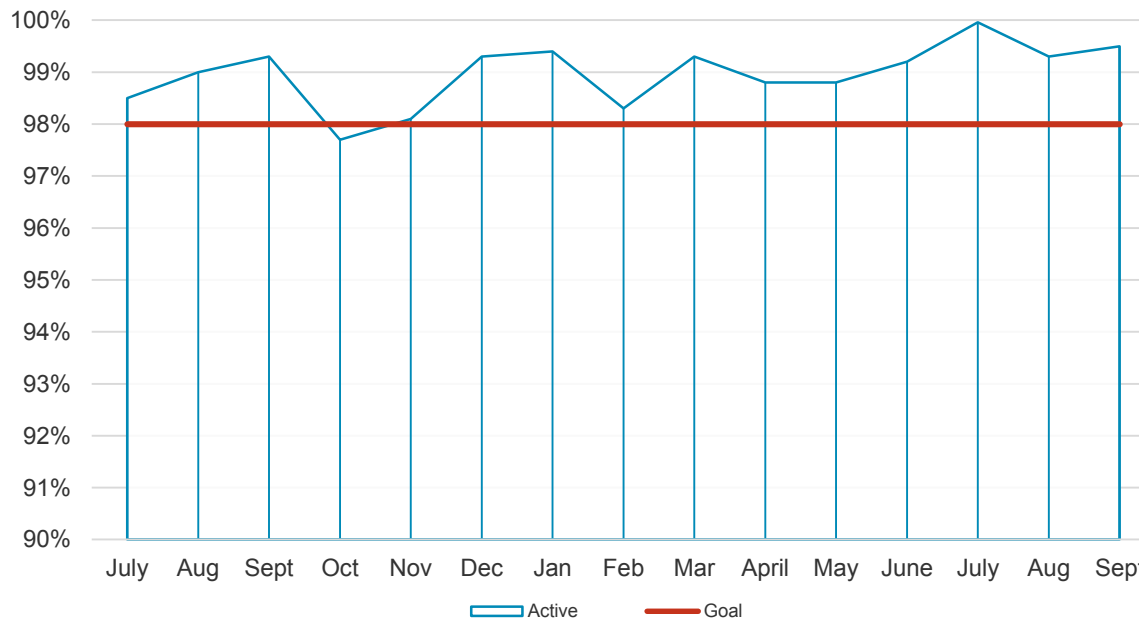
## Delayed Trains per 100 Train Trips



Goal:	0.50
Actual:	0.35
Met:	Yes

- 16.48% reduction from last quarter, 36.9% improvement from same quarter last year

# Elevator Availability - Stations

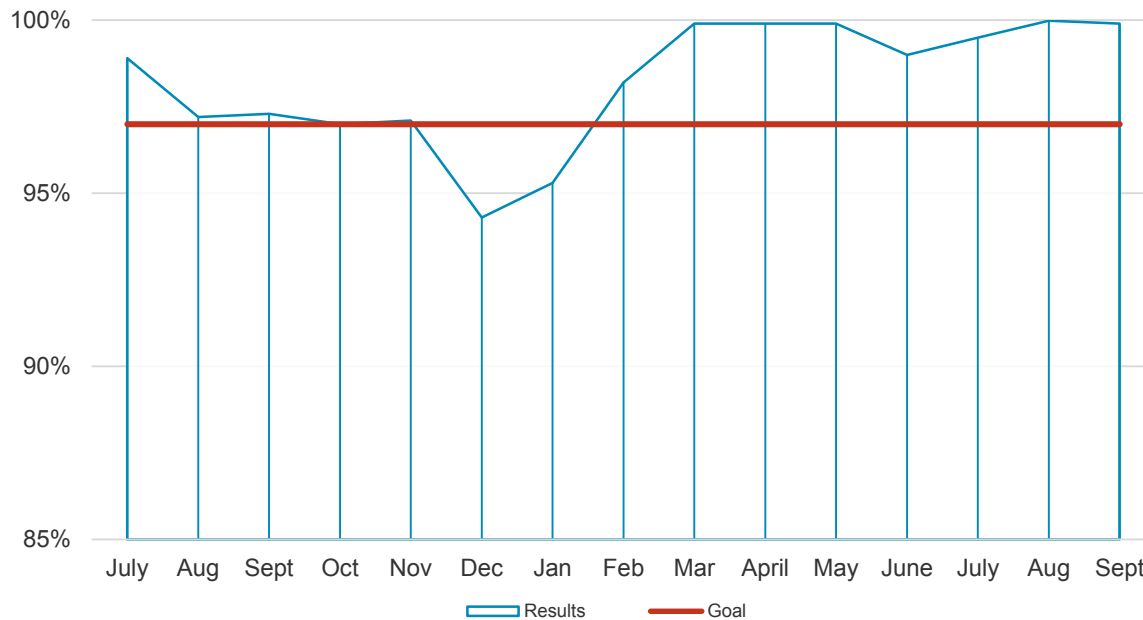


Goal:	98.00%
Actual:	99.59%
Met:	Yes

- 0.2% improvement over last quarter, 0.66% improvement over same quarter last year
- Major Outages:
  - Daly City Station circuit board and software replacement, out of service 131 hours
  - 19<sup>th</sup> St. Station hydraulic ram seal replacement, out of service 88 hours
  - Civic Center Station motor replacement, out of service 24 hours



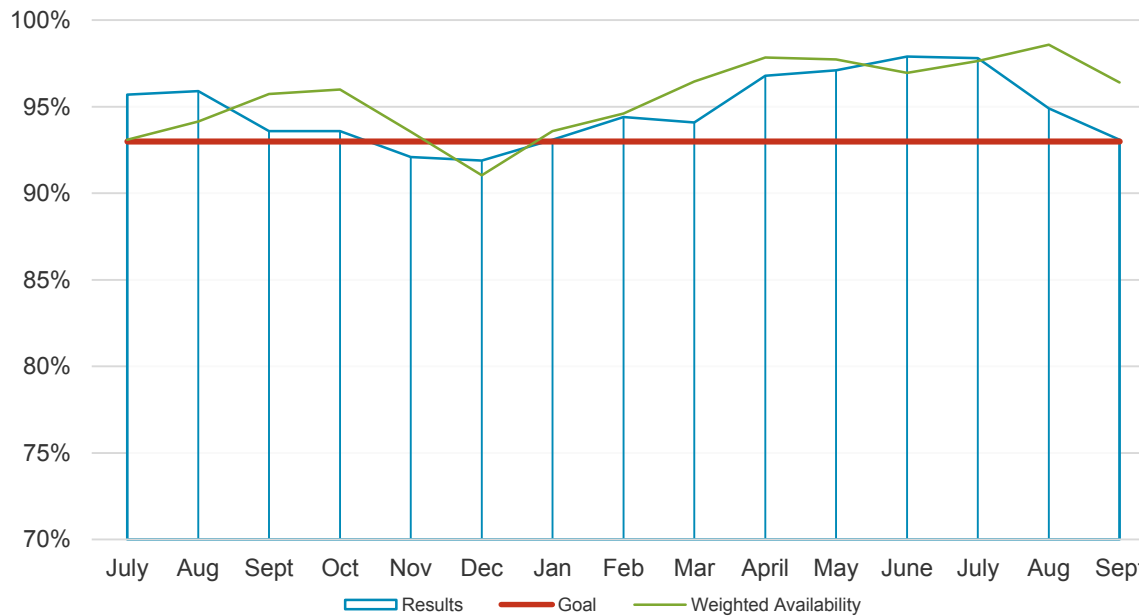
# Elevator Availability - Garage



Goal:	97.00%
Actual:	99.80%
Met:	Yes

- Parking structure elevators, where ADA parking is on first floor of structure, were disabled on May 14 to reduce maintenance cost

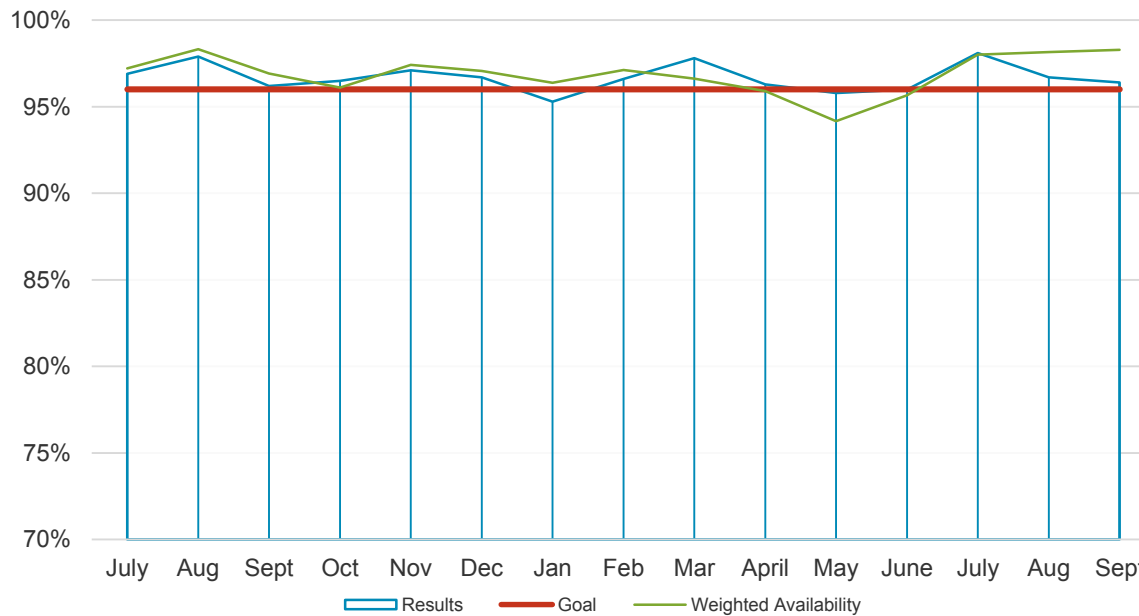
# Escalator Availability - Street



Goal:	93.00%
Actual:	95.27%
Met:	Yes

- 2.06% reduction from last quarter, 0.21% improvement from same quarter last year
- Major Outages
  - Montgomery Station planned step chain replacement, out of service 251 hours
  - 16<sup>th</sup> Street Station unplanned extensive trouble shooting to CAT5 cable replacement, out of service 247 hours
  - Rockridge Station planned handrails replacement, out of service 194 hours

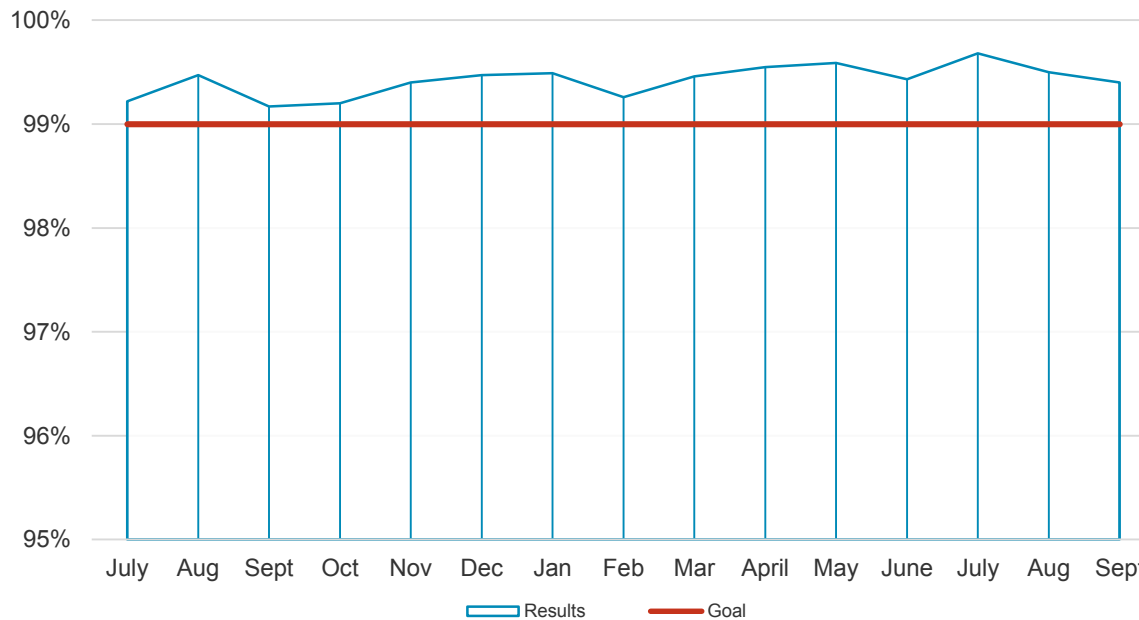
# Escalator Availability - Platform



Goal:	96.00%
Actual:	97.07%
Met:	Yes

- 1.08% improvement over last quarter, 0.07% improvement over same quarter last year
- Major Outages
  - Dublin/Pleasanton Station unplanned step chain, track alignment and controller issues, out of service 566 hours
  - Colma Station planned handrails replaced and handrail system upgrade, out of service 422 hours
  - Pleasant Hill Station planned step chain replacement, out of service 386 hours
  - Fremont Station planned step chain replacement, out of service 303 hours

# AFC Gate Availability

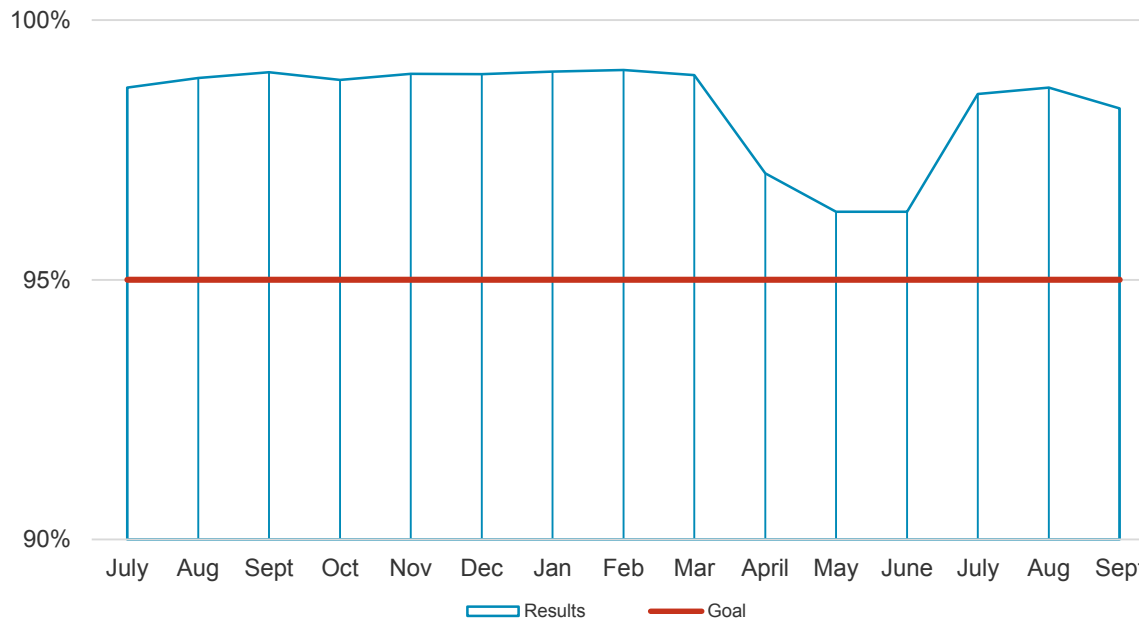


Goal:	99.00%
Actual:	99.53%
Met:	Yes

- Same as last quarter, 0.24% improvement over same quarter last year
- Richmond Station Swing Gate continues to operate reliably
- Coliseum Station installed Swing Gate at elevator enclosure



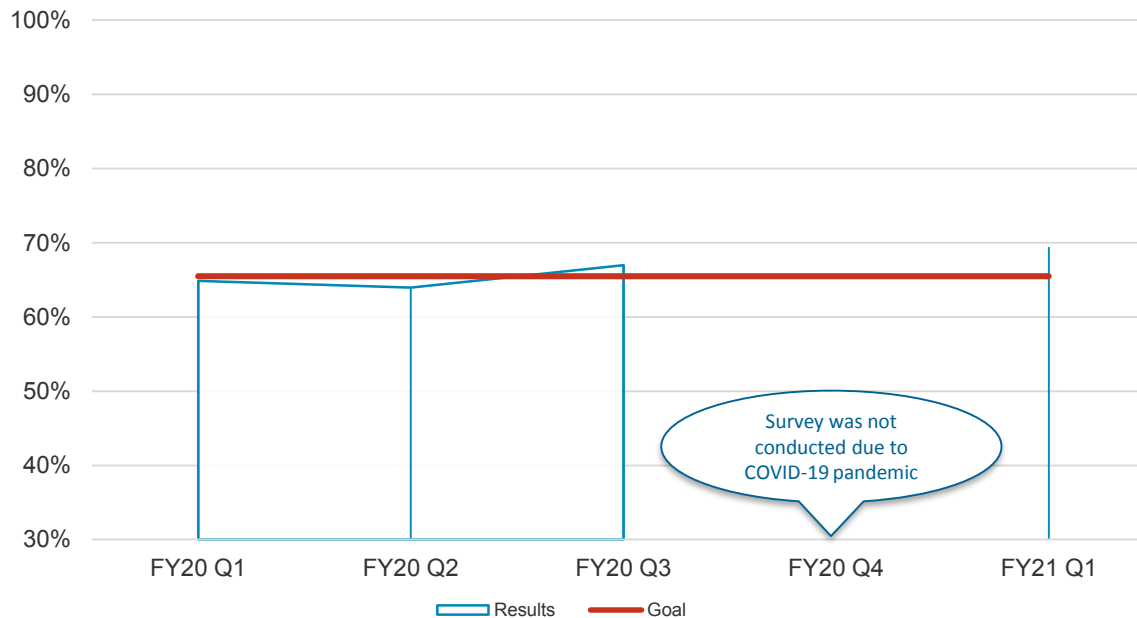
# AFC Vendor Availability



Goal:	95.00%
Actual:	98.53%
Met:	Yes

- 2.04% improvement over last quarter, 0.34% reduction from same quarter last year
- 80% of stations converted to Clipper only by end of quarter
- 100% District-wide Clipper only scheduled to be completed on December 11, 2020

# Environment – Outside Stations



Goal:	66.0%
Actual:	69.4
Met:	Yes

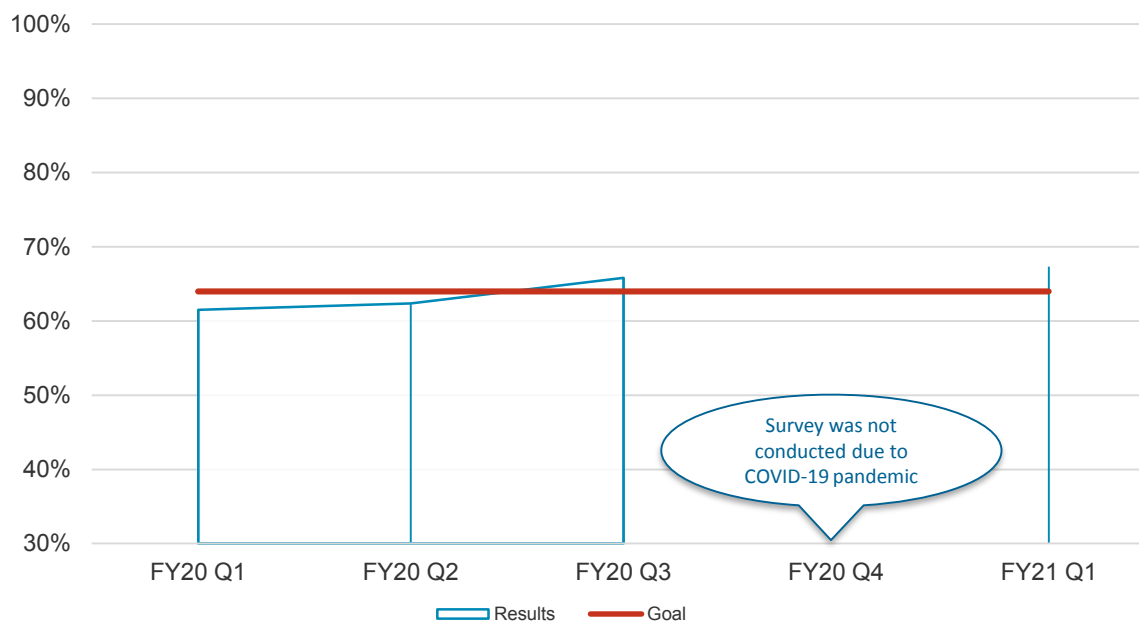
Composite Rating Based on Appearance of:

- **Landscaping Walkways, & Entry Plaza: 66.6%**  
(Weighted 67%)
- **Parking Lot Cleanliness: 76.3%**  
↑ (Weighted 33%)

↑ indicates a statistically significant increase from prior quarter

- 7% improvement over same quarter last year
- Lower parking lot usage has allowed for more access for maintenance
- BPD and Grounds Crews have been responsive to increase in homeless living in the landscape

# Environment – Inside Stations



Goal:	64.0%
Actual:	67.3
Met:	Yes

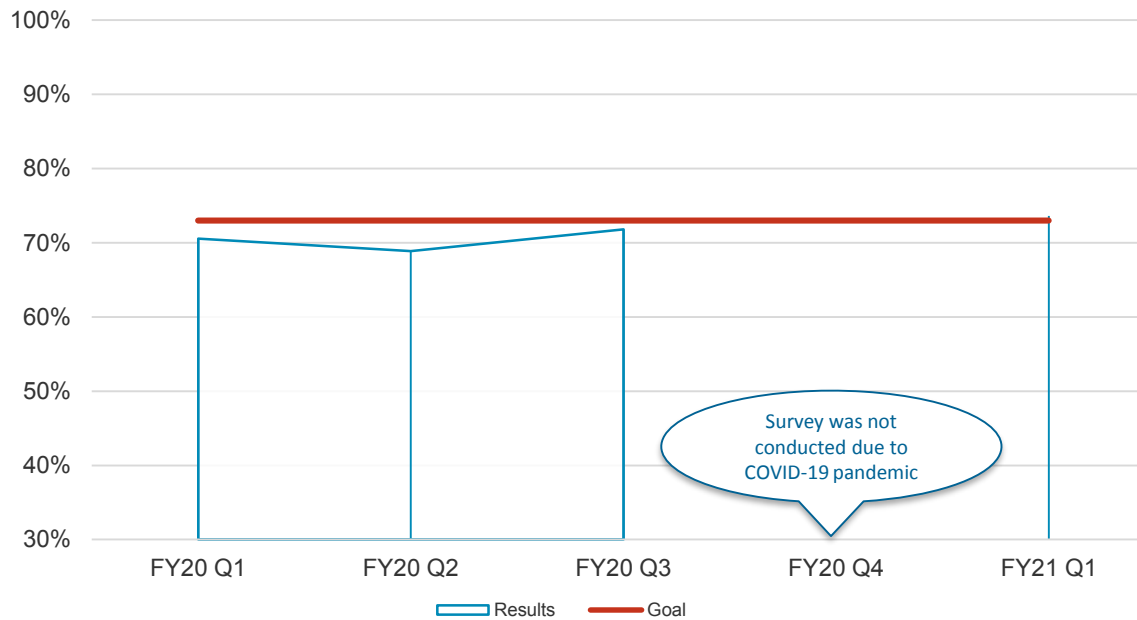
Composite Rating Based on Appearance of :

- **Platform:** 70.0% (Weighted 40%)
- **Concourse:** 69.4%↑ (Weighted 25%)
- **Escalator:** 67.7% (Weighted 10%)
- **Stairwells:** 62.9% (Weighted 7.5%)
- **Elevator:** 64.8% ↑ (Weighted 10%)
- **Restroom:** 52.8% ↑ (Weighted 7.5%)

↑Indicates a statistically significant increase from prior quarter

- 4% improvement over same quarter last year
- Focus on disinfecting and cleaning all high touch areas

# Station Vandalism

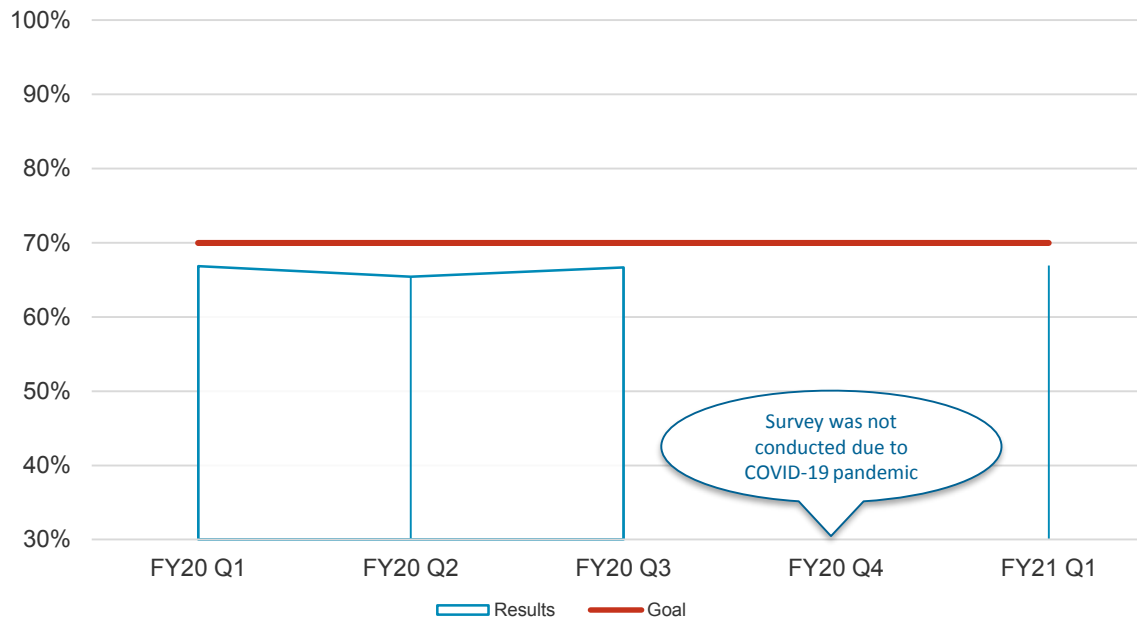


Goal:	73.0%
Actual:	73.6
Met:	Yes

- 4% improvement over same quarter last year
- Good response to vandalism



# Train Interior Cleanliness



Goal:	70.0%
Actual:	66.9%
Met:	No

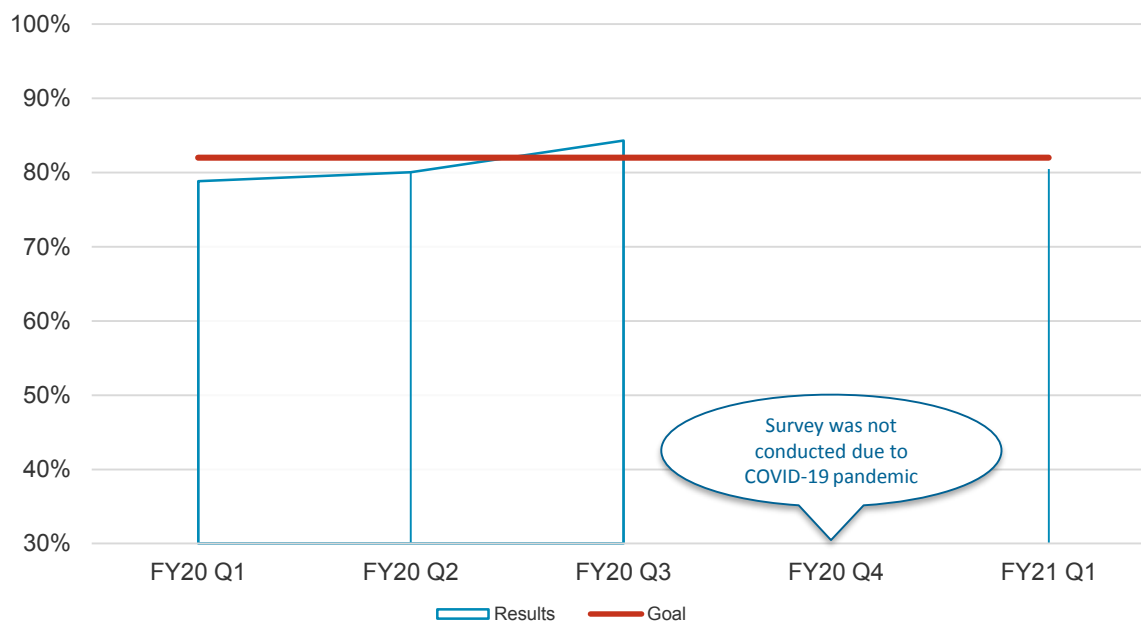
Composite Rating Based on Train Interior:

- **Cleanliness: 59.9%** (Weighted 60%)
- **Kept Free of Graffiti: 79.5%↓** (Weighted 40%)

↓ indicates a statistically significant decrease from prior quarter

- 0.15% improvement over same quarter last year
- Priority remains electrostatically disinfecting of the fleet nightly
- Interior thorough cleanings is now aligned with vehicle Preventive Maintenance
- Weekday transient counts remains at 50 per 100 cars

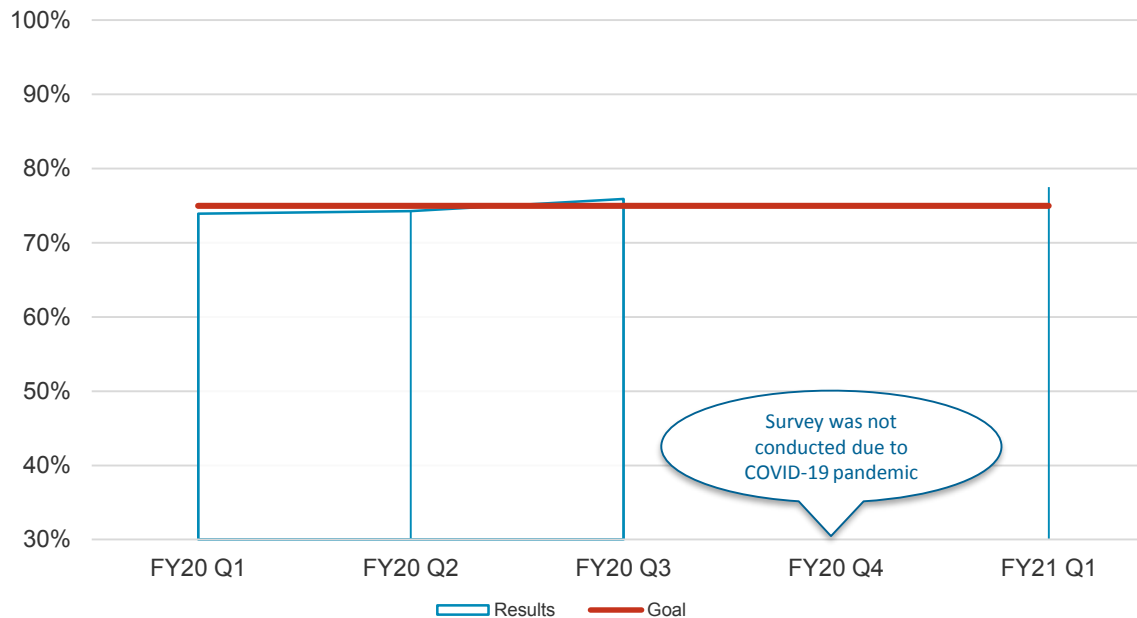
# Train Temperature



Goal:	82.0%
Actual:	80.5
Met:	No

- 4% improvement over same quarter last year
- C1 Cars accounted for 59% of failures
- A2 cars accounted for 32% of failures

# Customer Service

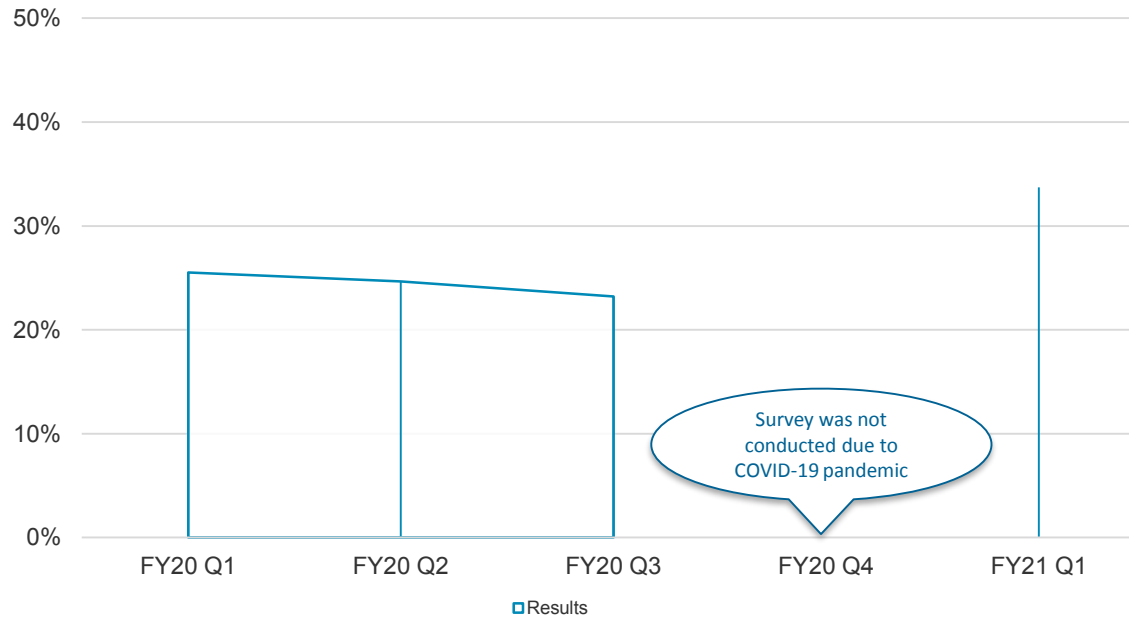


Goal:	75.00%
Actual:	77.5
Met:	Yes
Average Rating of: <ul style="list-style-type: none"> <li>Customer Service Station Agent (if used today): <b>76.4%</b></li> <li>Onboard Next Stop, Destination and Transfer Announcements: <b>78.5%</b></li> <li>Onboard Delay Announcements (if delayed today): <b>77.6%</b></li> </ul>	
↑ indicates a statistically significant increase from prior quarter	

- 1.5% improved over same quarter last year
- More and improved communication between supervisors and frontline employees
- Partnership between ATU and Management on customer service
- Finding opportunities to celebrate successes: Commendations are published in Ops Newsletter

# Homelessness - Passenger Survey

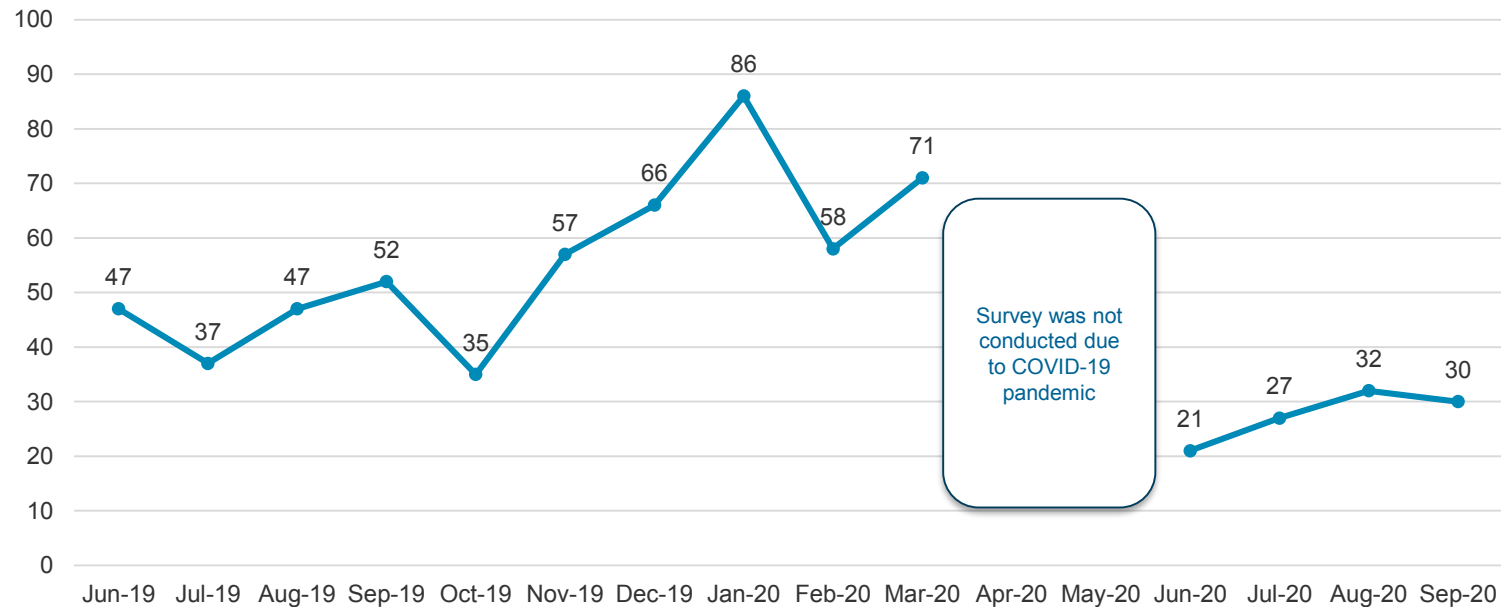
“How well is BART addressing homelessness?”



Goal:	N/A
Actual:	33.7
Met:	N/A

- 32% improvement over same quarter last year

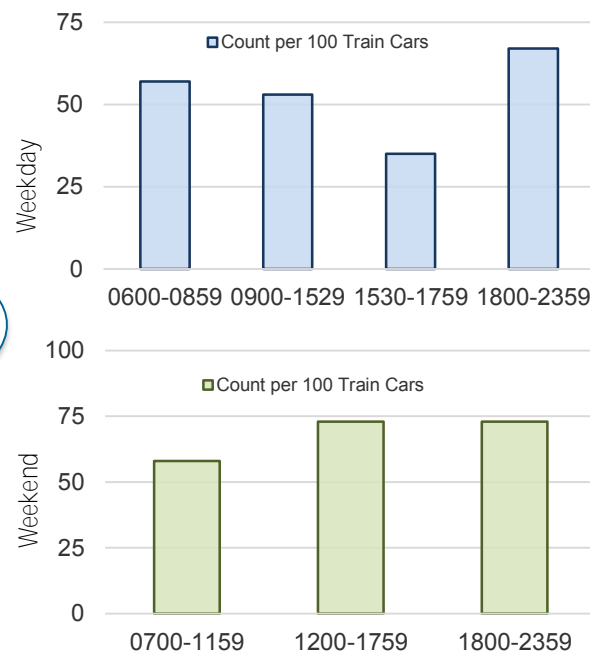
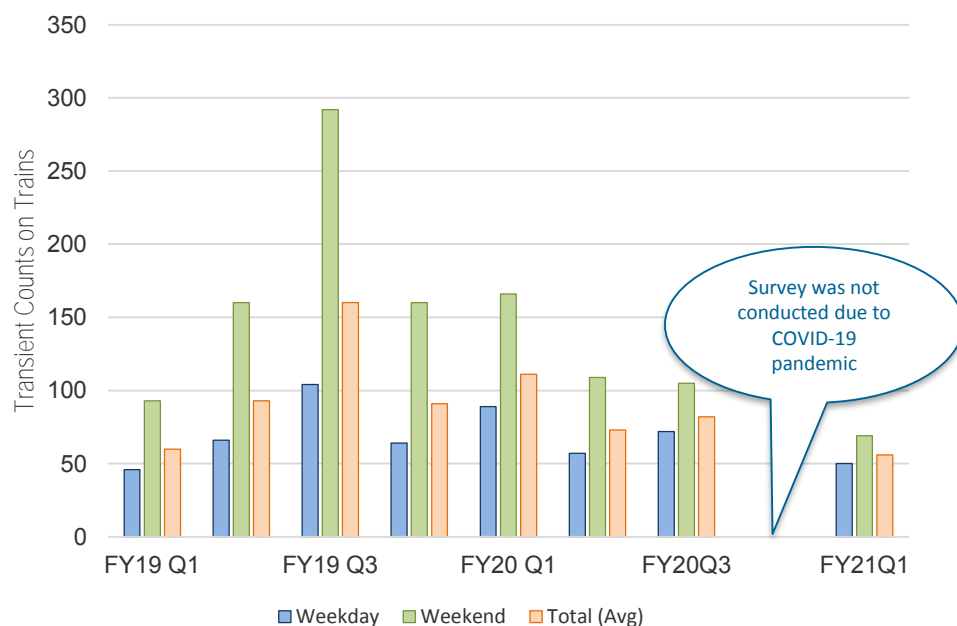
# Transient Counts in San Francisco Stations



- 35% reduction in the number of transients in the downtown stations as compared to the same quarter last year



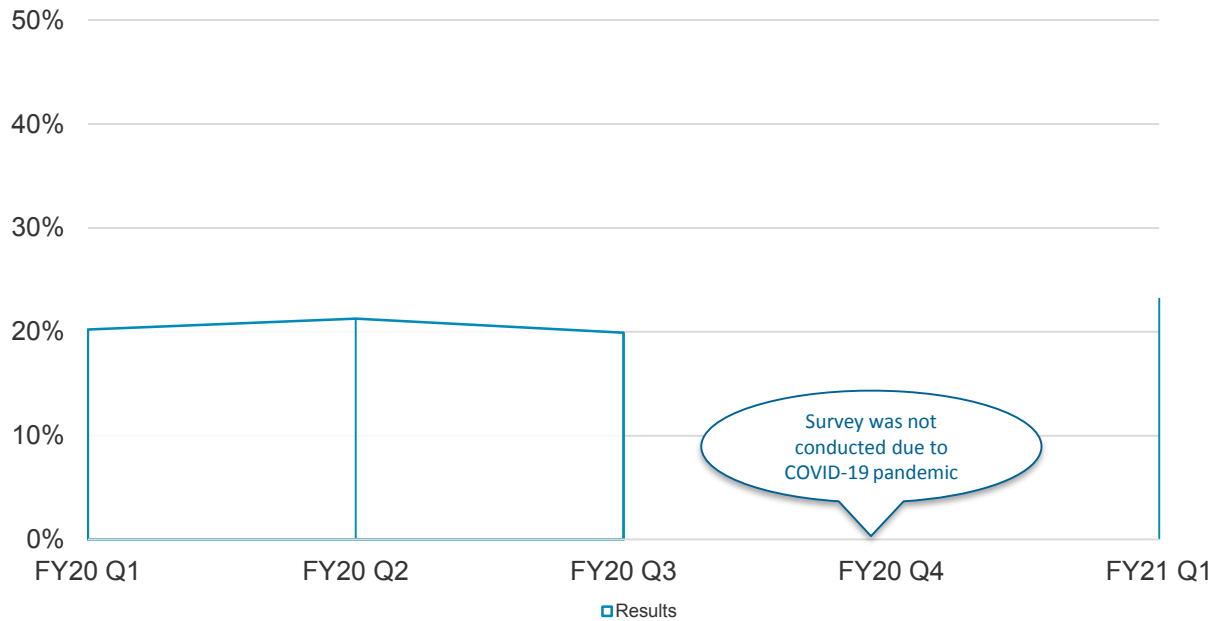
# Transient Counts on Trains



- The number of transients on trains has decreased
- The numbers of transients on trains during the evenings and on weekends remain higher than in peak ridership hours

# Fare Evasion Passenger Survey

“Did you see anyone not pay their fare at the station you entered?”

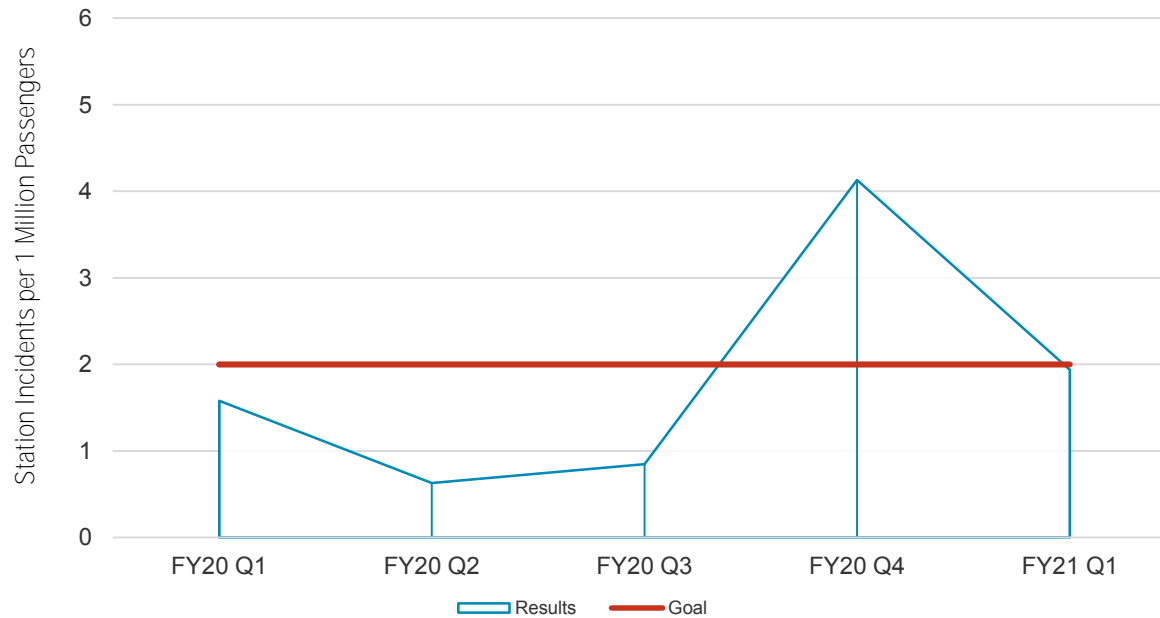


Goal:	N/A
Actual:	23.3
Met:	N/A

- 15% improvement over same quarter last year

# Patron Safety – Station

## Incidents per 1 Million Passengers

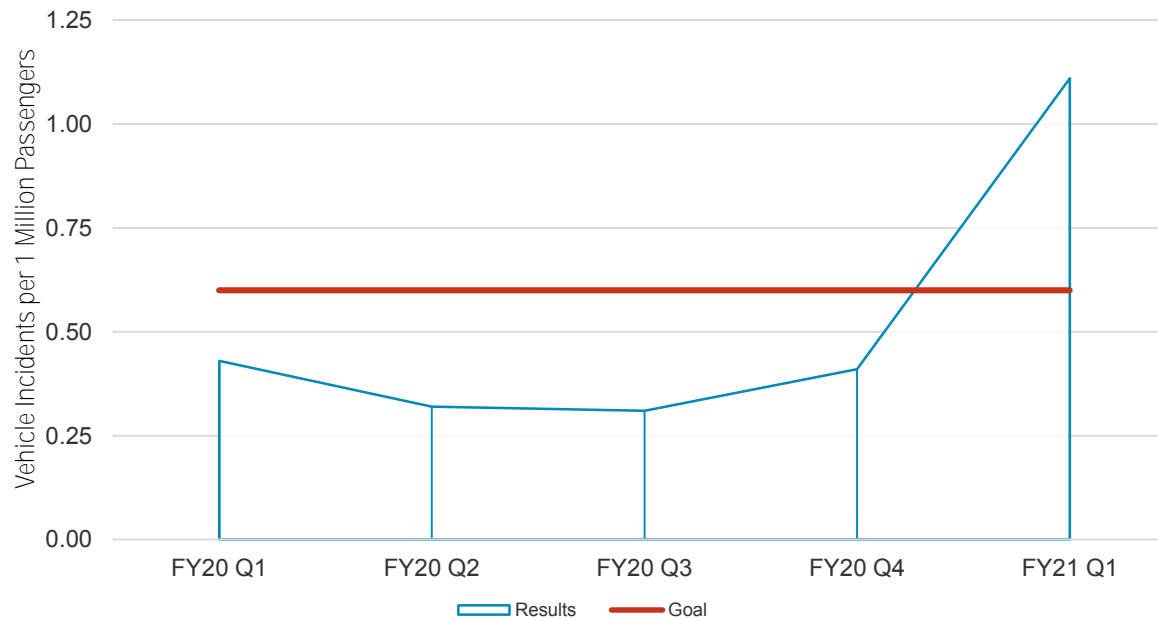


Goal:	2.00
Actual:	1.94
Met:	Yes

- 53% improvement over last quarter, 22.78% decline from same quarter last year

# Patron Safety – Vehicle

## Incidents per 1 Million Passengers

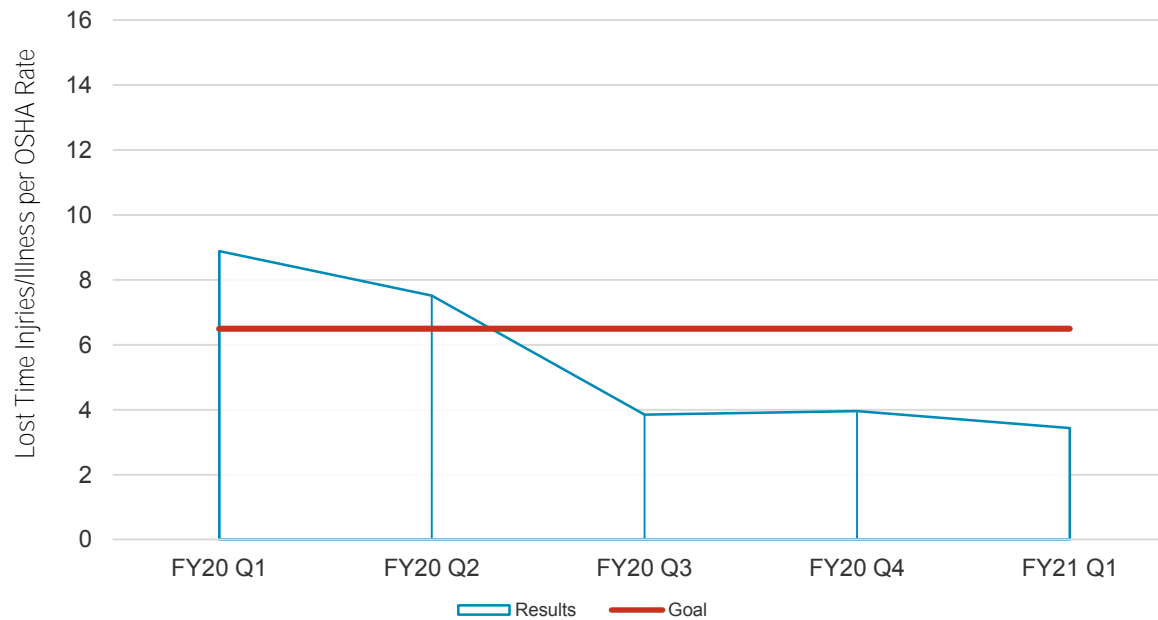


Goal:	0.60
Actual:	1.11
Met:	No

- 171% decline over last quarter, 158% improvement over same quarter last year
- Four incidents this quarter
  - Two onboard incidents
  - One alighting incident
  - One boarding incident

# Employee Safety – Lost Time

## Lost Time Injuries per OSHA Rate



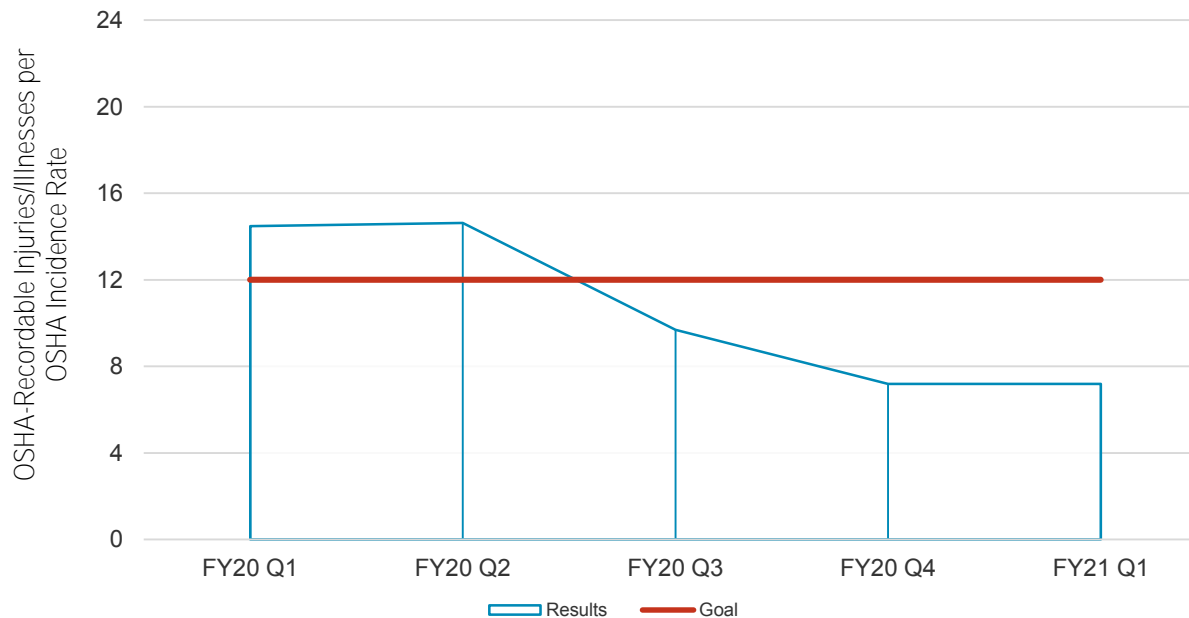
Goal:	6.50
Actual:	3.44
Met:	Yes

- 13% improvement over last quarter, 61% improvement over same quarter last year



# Employee Safety – Injury Count

## OSHA Recordable Injuries per OSHA Incidence Rate

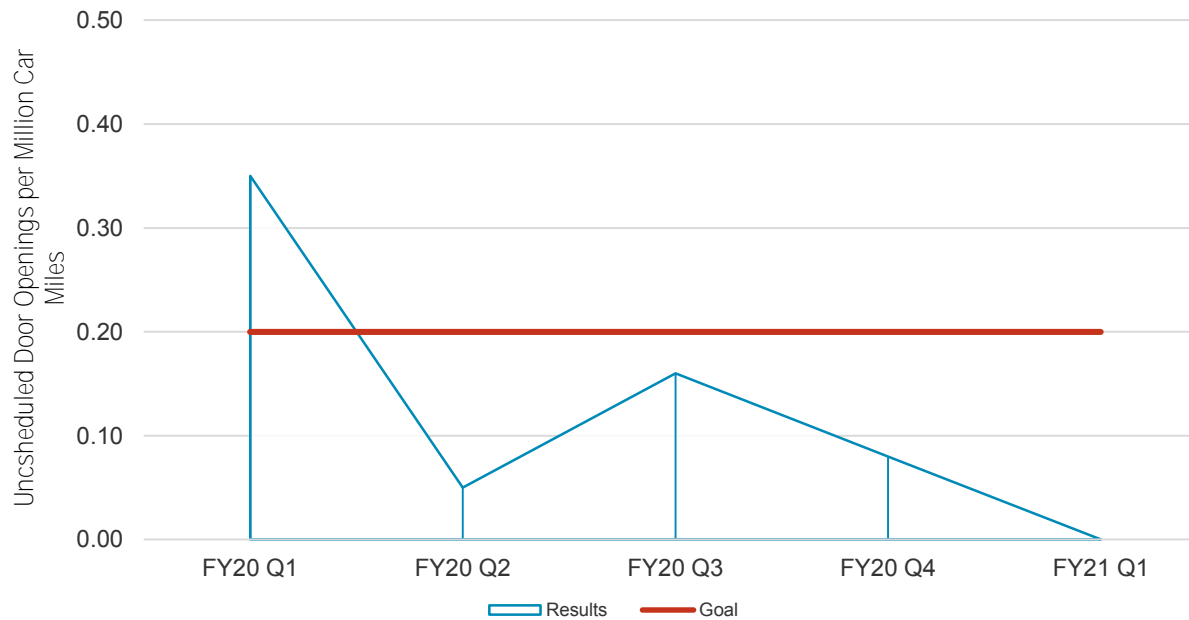


Goal:	12.00
Actual:	7.19
Met:	Yes

- Same as last quarter, 50.38% improvement over last quarter
  - Laceration injuries decreased 83%
  - Mental stress injuries decreased 75%
  - Strain injuries increased 53%

# Operating Safety – Door Openings

## Unscheduled Door Openings per Million Car Miles

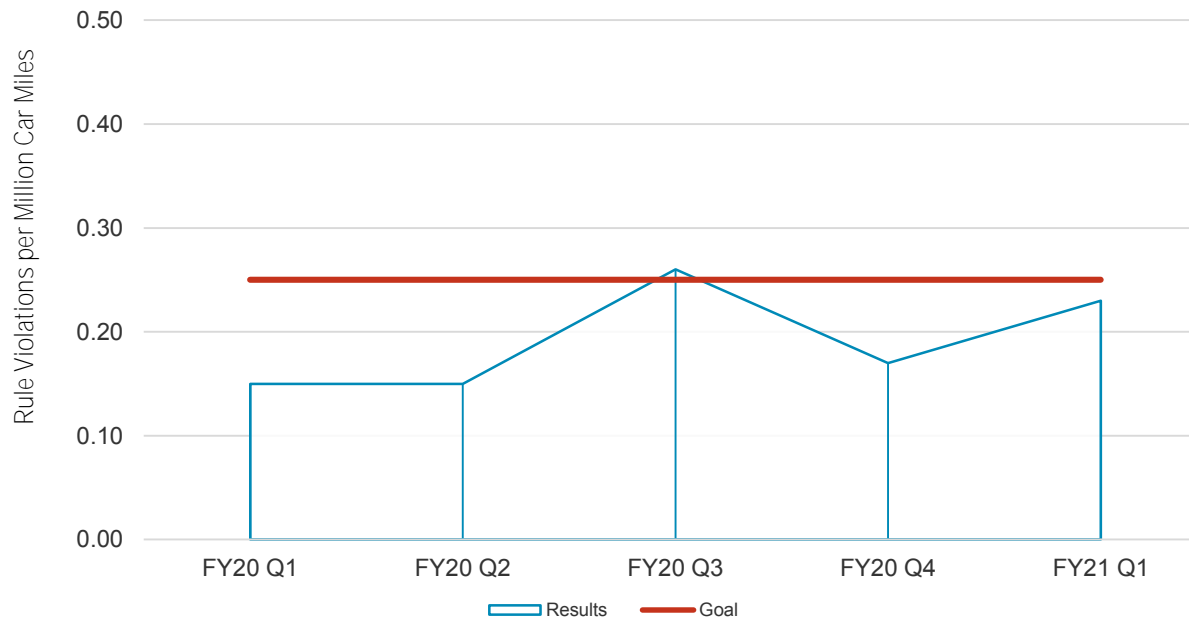


Goal:	0.20
Actual:	0.00
Met:	Yes

- Zero incident this quarter

# Operating Safety – Rule Violations

## Rule Violations per Million Car Miles

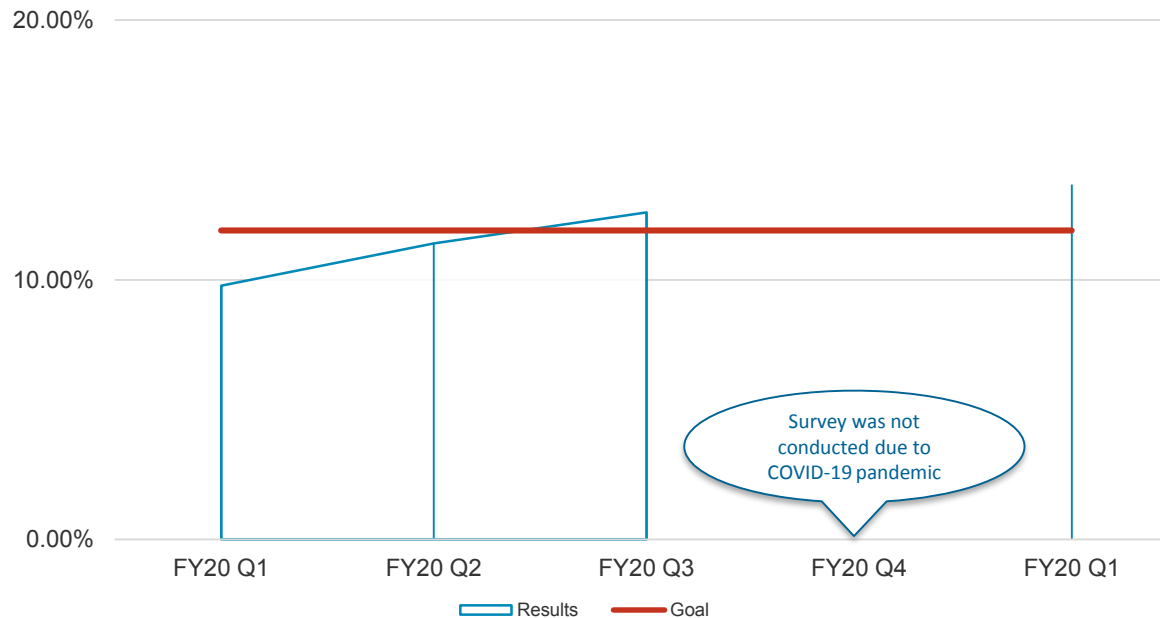


Goal:	0.25
Actual:	0.23
Met:	Yes

- 35% decline from last quarter, 53% decline from same quarter last year
- July 25 – Revenue train signal violation in yard
- August 6 – Revenue train hold instruction violation
- September 16 – Revenue train signal violation in yard

# BART Police Presence

“Did you see BART Police on the Train/Inside Station?”

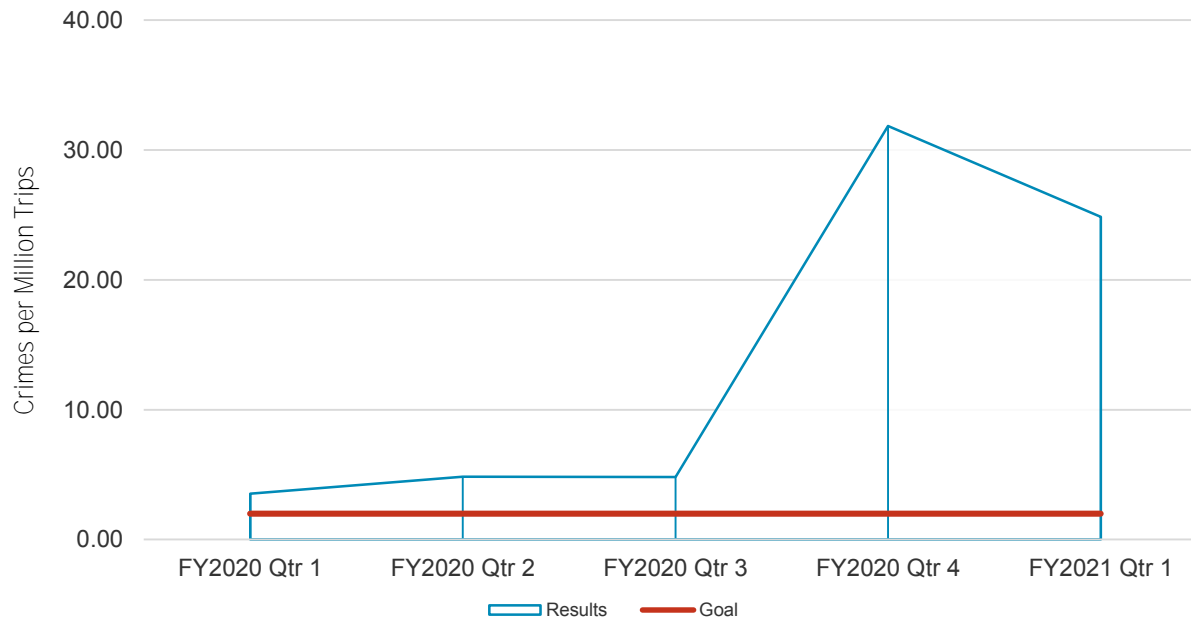


Goal:	12.0%
Actual:	13.7%
Met:	Yes
Average Score of Police Seen For:	
All Time Periods	
<ul style="list-style-type: none"> <li>On Train</li> <li>Outside the Station</li> <li>In the Station</li> </ul>	
and	
After 7PM and Weekends	
<ul style="list-style-type: none"> <li>On Train</li> <li>Outside the Station</li> <li>In the Station</li> </ul>	
↑ indicates a statistically significant increase from prior quarter	

- Increase in presence with our CSO's and Ambassadors in the stations and platforms, along with our Fare Inspectors working both day shift and swing shift. This is in addition to our officers also being in the stations and riding trains.

# Crimes Against Persons

## Crimes per Million Trips



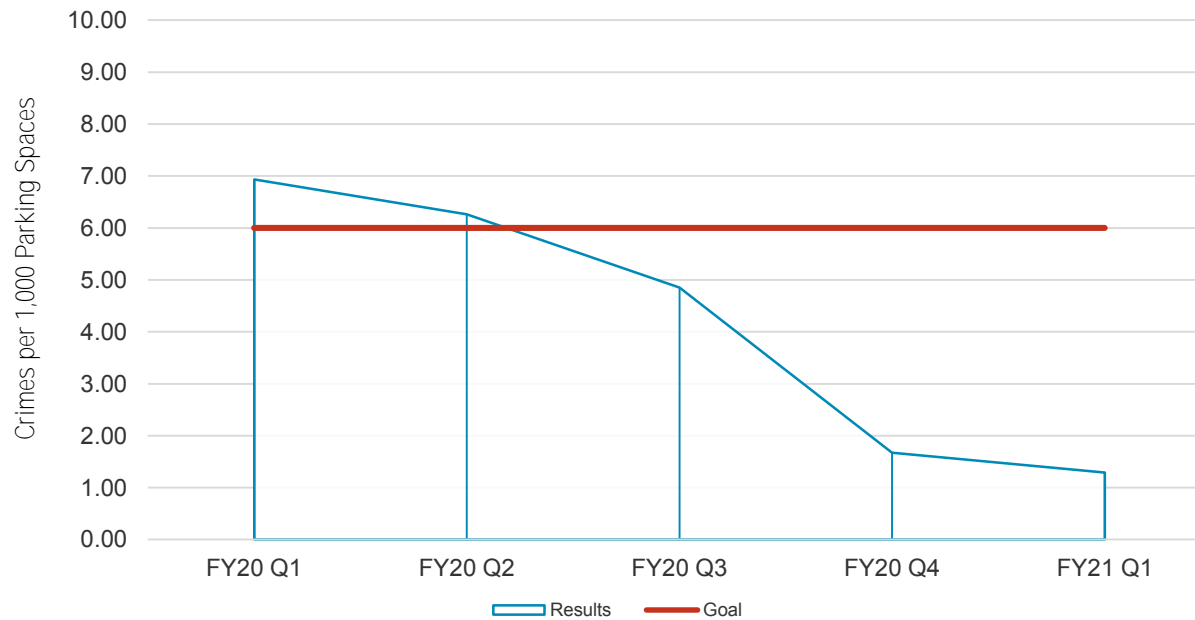
Goal:	2.00
Actual:	24.86
Met:	No
Violations Include:	
<ul style="list-style-type: none"><li>Homicide</li><li>Rape</li><li>Robbery</li><li>Aggravated Assault</li></ul>	

- The goal was not met. Overall, the total cases of crimes against persons showed an increase of +16% from 89 reported incidents this quarter compared to 77 reported incidents last quarter.



# Auto Burglary

## Crimes per 1,000 Parking Spaces

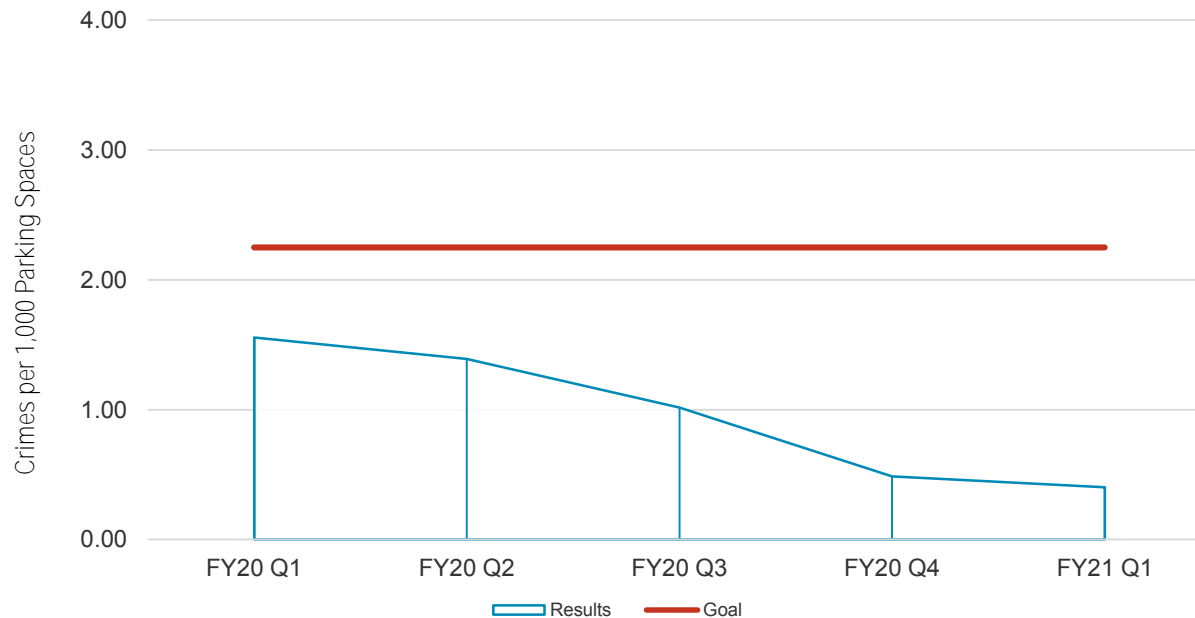


Goal:	6.00
Actual:	1.29
Met:	Yes
Violations Include:	
<ul style="list-style-type: none"> <li>Auto Burglary</li> </ul>	

- All time low of car break-in's in reflection to passenger loads
- PD personnel continue to monitor parking structures and lots for suspicious activity

# Auto Theft

## Crimes per 1,000 Parking Spaces

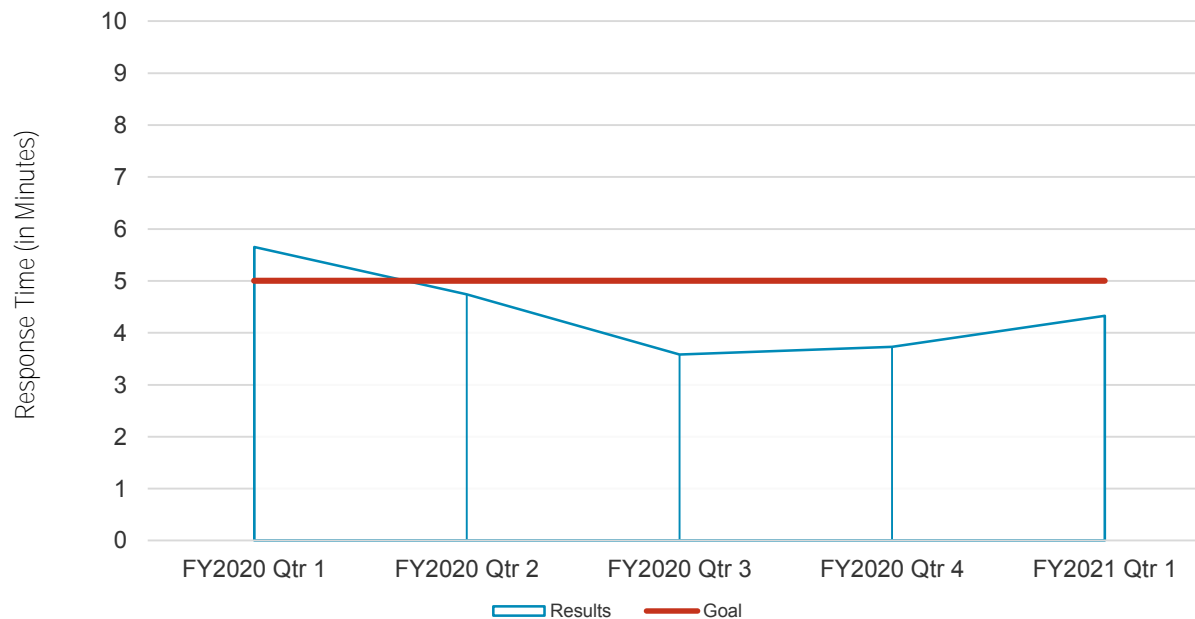


Goal:	2.25
Actual:	0.40
Met:	Yes
Violations Include:	
<ul style="list-style-type: none"> <li>Auto Theft</li> </ul>	

- An average of 8 vehicle thefts per COVID month
- About 5-10 vehicles are usually recovered by either BART PD or outside agency police department each month

# Average Emergency Response Time

Response Time (in Minutes)

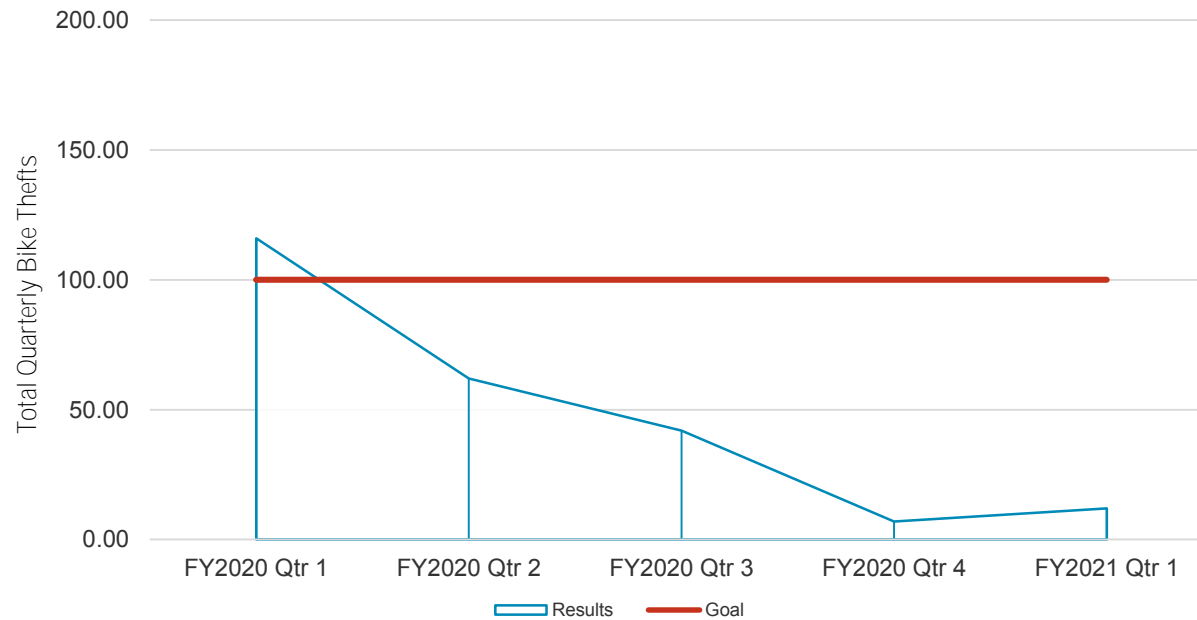


Goal:	5.00
Actual:	4.33
Met:	Yes

- Officers continue to make quick response times, especially in San Francisco and San Mateo counties (average response time is less than three minutes to be on scene of an emergency incident)
- Response times in Alameda and Contra Costa average around 4 minutes per emergency
- Santa Clara County, only 5 emergency calls since opening
- Average of 110 emergency calls districtwide per month since shelter in place began

# Bike Theft

## Count of Bike Thefts



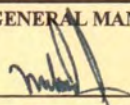

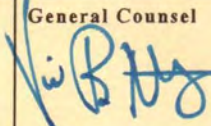
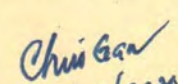

Goal:	100
Actual:	12
Met:	Yes
Violations Include:	
<ul style="list-style-type: none"> <li>Bicycle Thefts</li> </ul>	

- We continue to see drops in bicycle theft in contrast to the ridership





## EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:  11/12/2020		GENERAL MANAGER ACTION REQ'D:		
DATE: 8/5/2020		BOARD INITIATED ITEM: No		
Originator/Prepared by: Heath Maddox Dept: Customer Dev & Station Access  Signature/Date: 11.12.2020	General Counsel  11/12/20 [ ]	Controller/Treasurer  11/12/2020 [ ]	District Secretary [ ]	BARC  11/12/2020 [ ]

### To Request Board Authorization to Execute a Single-source Electronic Bicycle Locker Procurement

#### PURPOSE:

To request Board authorization, in accordance with Public Contract Code Section 20227, to execute a single-source procurement of electronic bicycle lockers from eLock Technologies of Berkeley, CA to match the existing lockers in use throughout the District.

#### DISCUSSION:

Electronic shared use bike lockers are a key asset in the District's inventory of secure bike parking. The lockers, which are supplied and maintained by eLock Technologies, are currently at all East Bay stations and all stations from Glen Park west and have proven to be durable, secure, and well-liked by the public. Customers access the lockers using eLock's pre-paid BikeLink keycard operating system. The BikeLink platform is also used to control access to the District's self-serve bike stations.

Continued expansion of shared-use electronic bicycle lockers is a central component of the District's efforts to provide convenient, secure bike parking. The following considerations support the purchase of these products from eLock Technologies:

- Standardized Product/Operating System - the District currently owns and operates 1,745 BikeLink lockers located at 38 stations. In addition, partner jurisdictions (e.g. City of Oakland, City of El Cerrito, SFMTA, Capital Corridor) own and operate the same lockers in proximity to BART stations for the use of BART riders and other public transportation users.



- Consistent Customer Experience - currently all shared use lockers (as well as self-serve Bike Stations) operate using the BikeLink operating system providing a consistent customer experience from station to station. The BikeLink program includes a 24/7 customer service operation supported fully by user fees. For even greater consistency with BART fare media, a demonstration project at North Berkeley has shown compatibility with Clipper and can be rolled out District-wide when funding can be secured.
- No Other Equal/Better Product - to date no other comparable product exists that meets BART requirements for security, shared use, payment options and visibility of contents. The perforated stainless-steel lockers have been extensively field tested and modified as necessary to provide a strong deterrent to theft while offering sufficient visibility of contents at all times to meet BART security requirements. No other equal products have come to market since eLock Technologies was the single bidder to supply the District lockers in 2011. Attachment 1 to this memo is a table listing the results of a recent survey by the BART Customer Access team of American manufacturers of electronic shared use bicycle lockers.
- Locally Built/Maintained - eLock Technologies is a local Bay Area company. Product development, assembly and maintenance are all supplied by local staff and ownership. In addition, owning a single type of locker has the advantage of keeping maintenance costs lower.

This request is for the following :

- Locker Procurement: purchase of 23 eLocker quads (92 bike capacity): 10 quads/40 spaces for West Oakland, 6 quads/24 spaces for El Cerrito Plaza, 2 quads/8 spaces for Hayward, and 5 quads/20 spaces for San Leandro.

Pursuant to Public Contract Code Section 20227, the Board may direct the purchase of any supply, equipment or material without observance of competitive bidding upon a finding of two-thirds of all members of the Board that there is only a single source of procurement and that the purchase is for the sole purpose of duplicating or replacing equipment currently in use. Because eLock Technologies is the single source of procurement for the District's chosen lockers; no other comparable product currently exists that meets BART requirements for security, shared use and visibility of contents; and the District already owns and operates a large number of identical lockers, the board may direct this purchase without a competitive process.

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.

#### **CAPITAL FISCAL IMPACT:**



Funding for the proposed \$348,203 procurement comes from five sources, including a total of \$245,000 (70%) in local and regional grant funds:

1. BAAQMD's FY20 Regional Transportation Fund for Clean Air (TFCA): \$110,000;
2. Alameda County FY20 TFCA County Fund: \$100,000;
3. Contra Costa County Measure J: \$35,000;
4. BART Measure RR General Obligation Bond: \$100,000; and
5. BART Station Access Fund: \$3,201.

The following description of the capital fiscal impacts includes details and amounts for these funds for the current procurement as well as the larger project budget.

Funding in the amount of \$348,203 for Electronic Bike Lockers is included in the total project budget for FMS # 91CW013 – Bike Program Capital. The Office of Controller/Treasurer certifies that funds are currently available to meet this obligation. The following table depicts funding assigned to the referenced project and is included in totality to track funding history against spending authority. Funds needed to meet this request will be expended from a combination of these sources as listed.

As of July 5, 2020 \$692,469 is available for this project from the following sources:

<b>Fund #</b>	<b>Source</b>	<b>Fund Description</b>	<b>Amount</b>
5908	State	2019 AHSC - META Housing Corp	75,000
662J	Regional	2020 BAAQMD - TFCA Agreement	110,000
663L	Local	CCTA Measure J Res 10-04-P	35,002
667B	Local	Alameda CTC	100,000
802B	BART	Measure RR GOB	100,000
8528	BART	Station & Access From Parking Revenue	272,467
		<b>Total</b>	<b>692,469</b>

BART has expended \$27,814, committed \$116 and reserved \$0 to date for other action. This action will commit \$348,203 leaving an available fund balance of \$316,336.

There is no fiscal impact on available unprogrammed District Reserves.

#### **ALTERNATIVES:**



The alternative is to not authorize the purchase and to turn down the \$245,000 in grant funds that have been allocated specifically for this procurement from local and regional sources.

**RECOMMENDATION:**

It is recommended that the Board adopt the following motion.

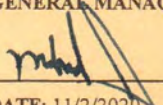
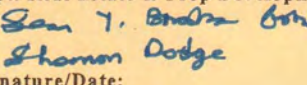
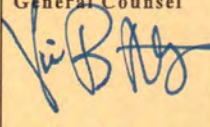
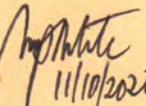

**MOTION:**

The Board finds, by two-thirds majority vote, pursuant to Public Contract Code Section 20227, that eLock Technologies is the single source of procurement for 23 additional electronic bicycle locker quads. The General Manager is authorized to purchase the lockers for an amount not to exceed \$348,203.10.





## EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:  11/10/2020		GENERAL MANAGER ACTION REQ'D:		
DATE: 11/2/2020		BOARD INITIATED ITEM: No		
Originator/Prepared by: Shannon Dodge Dept: Real Estate & Prop Development  Signature/Date: 11/09/2020	General Counsel  11/10/20 [ ]	Controller/Treasurer  11/10/2020 [ ]	District Secretary [ ]	BARC  11/9/2020 [ ]

### Authorization for the El Cerrito Plaza Station Transit-Oriented Development Exclusive Negotiating Agreement Award

#### PURPOSE:

To authorize the General Manager or his designee to execute an Exclusive Negotiating Agreement (ENA) with Holliday Development and The Related Companies of California for Transit-Oriented Development (TOD) at the El Cerrito Plaza BART station.

#### DISCUSSION:

BART owns four parcels constituting approximately 8.3 acres at the El Cerrito Plaza BART Station (the Station) which are primarily occupied by the Station itself and patron surface parking lots on three city blocks (the Property).

The City of El Cerrito developed the San Pablo Avenue Specific Plan, adopted by the City Council in 2014. The Specific Plan established a vision for the larger area and zoned the BART-owned properties adjacent to the station for high-intensity mixed-use development at a maximum of 85' in height. Three of the parcels making up the Property are within the Specific Plan area. The fourth parcel, north of the station and Central Ave., is zoned for mixed-use development with a maximum of 65' in height. However, state law, enacted pursuant to AB 2923, will allow for development up to 7 stories beginning on July 1, 2022.

BART staff hosted two public meetings in 2019 to establish the goals and objectives for TOD on the property, which were subsequently approved by the El Cerrito City Council in November 2019 and reviewed by the BART Board in January 2020. Certain critical decisions still need to be made that will impact development of the Property, including whether it would include a city-funded library as well as the amount of replacement parking to be made available for BART customers. Because of these outstanding issues, staff opted to select a



qualified developer with whom BART and the City could work through these decisions.

On July 21, 2020, staff released a Request for Qualifications for developer teams. A virtual pre-submittal conference was held for interested developers and possible consultants on August 4, and a virtual small business networking session was held on August 14. On September 9, BART received four submittals.

An evaluation committee comprised of four BART and three City of El Cerrito Staff - with guidance from BART's Office of Civil Rights and an independent economic consultant - reviewed the qualifications packages and conducted interviews with all four teams. These teams were:

- AMCAL Equities/Eden Housing
- Holliday Development/The Related Companies of California/Satellite Affordable Housing Associates (SAHA)
- The Republic Family of Companies/The Michaels Organization
- Windflower Development/MidPen Housing

Submittals were scored using criteria in the following categories:

- *Experience with Directly Relevant Projects:* includes master-planned and transit-oriented development; public agency partnerships and complex land transactions; community engagement.
- *Preliminary Development Concept:* addresses BART's goals and objectives for site, while being sensitive to community transition; quantity and depth of affordable housing; demonstration of overall innovation and creativity.
- *Financial Capability:* Resources available to complete pre-development activities; references from public agencies and lenders.
- *Team Member Roles and Responsibilities:* Capacity and skills of team to complete pre-development activities; percentage commitment to small business participation.

Based on the committee scoring on these criteria, as well as the strength of the teams in the oral interview, the top two scoring teams were:

1. Holliday Development/The Related Companies of California/SAHA ("Holliday/Related")
2. Windflower Development/MidPen Housing ("Windflower/MidPen")

While all the teams appeared to be capable of delivering this project, on balance, the Holliday/Related team was overwhelmingly recommended as the strongest performer. Factors impacting this determination included:

- Significant experience with comparable mixed-use, mixed-income, mid-rise projects, including master planned projects and TOD



- Directly relevant credentials of both the firms and their day-to-day staff in working with public agencies, including BART and the City of El Cerrito
- Preliminary development concept aligned with Specific Plan and BART's Goals & Objectives
- Balancing the provision of affordable housing with a realistic approach to generation of revenue for BART
- Successful community engagement strategies with prior relevant projects, and deep knowledge of the surrounding community.
- Proposed small business participation commitment of 10%.

The second ranked team, Windflower/MidPen, provided a strong submittal which reflected excellent urban design and community engagement experience, and had a superior level of small business participation. However, one of the developer partners had only completed a single project (Union Flats at Union City BART), and the proposed development concept was not as strong as the Holliday/Related team. Nonetheless BART staff believe that the Windflower/MidPen team could successfully deliver a TOD since Union Flats, due to its location and components, was very similar to this project.

Given these rankings, staff requests authorization to enter into an ENA to advance a TOD project at El Cerrito Plaza BART Station with a joint venture of Holliday and Related provided that, if BART and Holliday/Related cannot agree upon terms for the ENA, or the ENA process does not result in a satisfactory agreement regarding the TOD project such that the ENA terminates, staff may seek to enter into an ENA with the second ranked team of Windflower/MidPen. This provision will protect BART from a situation where a developer withdraws, and, as a result, the potential TOD is delayed. This is particularly important given the uncertainty associated with the pandemic.

If, at the end of the 24 month ENA period, staff determines that Holliday/Related have substantially met the terms of the ENA, but that it is premature to return to the Board for approval of deal terms, the ENA would allow BART and Holliday/Related to agree to a 12 month extension of the ENA. Any further extension of the ENA would require Board authorization.

#### **FISCAL IMPACT:**

If approved, BART staff in the Real Estate and Property Development Department will work with the selected developer to execute an Exclusive Negotiating Agreement and initiate development scoping. BART staff time is programmed into the operating budget and the FY 2021 work plan already. The developer will submit a \$100,000 ENA deposit to compensate the District for BART staff time, consultants, and outside legal fees; the ENA will require Holliday/Related to deposit additional amounts in the event that BART's expenses exceed \$100,000. This action will not have any impact on unprogrammed District reserves.



Since this solicitation process considered qualifications and not proposals, ground lease revenue and ridership increases have not yet been projected. Staff will ensure that the combination of the ground lease and ridership revenues result in a net positive fiscal impact to BART. The BART Board will review the terms of the deal at key milestones to monitor its fiscal impact and will be asked to approve the deal terms of any lease option agreement resulting from negotiations under the ENA.

**ALTERNATIVES:**

1. Do not authorize staff to proceed with an Exclusive Negotiating Agreement. Staff will not pursue the El Cerrito Plaza TOD further without direction from the Board.
2. Authorize staff to proceed with an Exclusive Negotiating Agreement with a different team.

**RECOMMENDATION:**

Adopt the following Motion.

**MOTION:**

Authorize the General Manager or his designee to enter into an exclusive negotiating agreement (ENA) with a joint venture comprised of Holliday Development and the Related Companies of California for a term of 24 months, with an additional 12 month extension option.

If BART and Holliday/Related cannot in good faith negotiate an ENA, or if the ENA terminates by its own terms or due to mutual agreement of the parties, the Board authorizes the General Manager or his designee to enter into an ENA with Windflower and MidPen Housing, or an entity comprised of both, for a term of up to 24 months, with an additional 12 month extension option.



# El Cerrito Plaza

## Transit-Oriented Development (TOD)

November 19, 2020

Award of Exclusive Negotiating Agreement



# TOD Timeline & Outreach

## 2014

- City of El Cerrito adopts *San Pablo Avenue Specific Plan*

## 2019

- El Cerrito Plaza Station access survey – January-February
- Open houses – August & October
- El Cerrito City Council meeting – November

## 2020

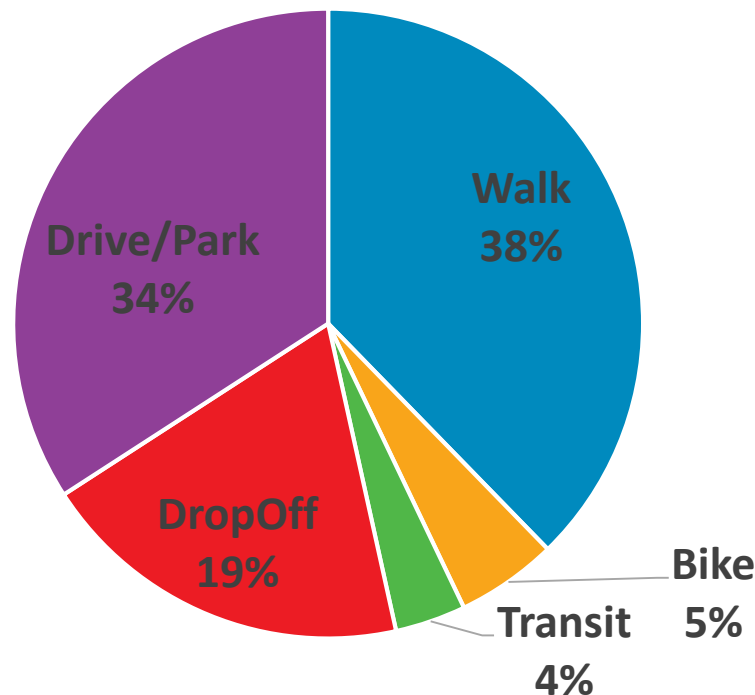
- BART Board review of Goals & Objectives – January
- Request for Qualifications (RFQ) released – July
- BART Board considers authorization of Exclusive Negotiating Agreement (ENA) – today



# El Cerrito Plaza – Station Access Overview

- Access Type: Balanced Intermodal  
**Urban with Parking (Aspirational)**
- Walking is leading mode of travel to El Cerrito Plaza BART, at 38%
- Driving & parking at the station has gone down by 20%
  - From 42% in 2008 to 34% in 2015
- 190 Bike parking spaces
- 740 BART patron parking spaces
- Median distance traveled:
  - Walk: 0.52 mi / Park & Ride: 1.41 mi
- Comprehensive study of R line access is currently in progress using CalTrans & FTA grant funds

2015 Station Access Survey –  
Modes to BART for El Cerrito Plaza



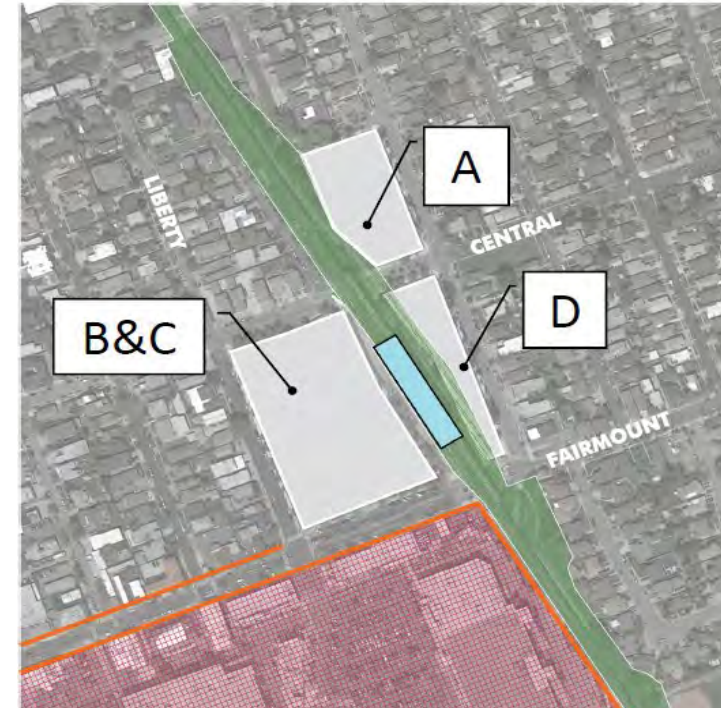


# Developer Selection Process

- Request for Qualifications (RFQ) released – Jul 21, 2020
- Pre-Submittal Conference – Aug 4
- Small Business Networking Events – Aug 14
- Four (4) submittals received – Sep 9
- Interviews with 4 teams – Oct 5

Selection committee comprised of:

- 4 BART staff + 3 City of El Cerrito staff
- Advised by Economic & Planning Systems (EPS) and BART's Office of Civil Rights



# El Cerrito Plaza TOD: Four Teams

- AMCAL Equities / Eden Housing
- Holliday Development / The Related Companies of California / SAHA
- The Republic Family of Companies / The Michaels Organization
- Windflower Development / MidPen Housing

Union Flats  
Union City BART  
Windflower Development



# Developer Evaluation

## **Written Submittal (100 points)**

### *A. Team's experience with directly relevant projects*

Master Planned, Public Partner, TOD, Community Engagement

### *B. Preliminary development concept*

Meets Goals & Objectives, Affordable Housing, Innovation

### *C. Financial capability of developer*

Secure Funding, Lender References

### *D. Team organization and small business participation*

## **Oral Interview (30 points)**

### *A. Content:* Understanding of key Issues and how to address

### *B. Team:* Project manager communication and strategy style, collaboration

### *C. Presentation:* Ability to communicate well in public setting

# Holliday/Related/SAHA Qualifications Highlights

- Team success with comparable projects, including master planning & TOD
- Directly relevant credentials of both the firms and their day-to-day staff in working with public agencies, including BART and the City of El Cerrito
- Preliminary development concept aligned with BART's Goals & Objectives and City's San Pablo Avenue Specific Plan
- Affordable housing concept envisions 37% affordable housing for those with incomes up to 80% of Area Median Income (AMI), plus 12% "missing middle" housing up to 120% of AMI
- Successful community engagement on prior relevant projects, including in West Oakland, Coliseum and El Cerrito, and deep knowledge of the surrounding community

*Mayfair Apartments  
El Cerrito del Norte BART  
Holliday Development*



# Holliday/Related/SAHA Team Organizational Chart

**BART**

## DEVELOPMENT TEAM

### HOLLIDAY DEVELOPMENT

LEAD DEVELOPER, MARKET-RATE  
Jamie Hiteshaw,  
*Director of Development*

### RELATED CALIFORNIA

LEAD DEVELOPER, AFFORDABLE  
Ann Silverberg, *CEO NorCal Affordable*

### SAHA

CO-DEVELOPER, AFFORDABLE  
Susan Friedland, *CEO*

## DESIGN TEAM

### PYATOK

CO-ARCHITECT  
Peter Waller, *Principal*  
(Kevin Markarian, *Design Principal*)

### VMWP

CO-ARCHITECT  
Rick Williams, *Partner*  
Ben Chuaqui, *Design Principal*

### EINWILLERKUEL

LANDSCAPE ARCHITECT  
Sarah Kuehl, *Founder*

## ADDITIONAL TEAM MEMBERS

### FACTORY\_OS

OFF-SITE CONTRACTOR  
Kevin Brown, *President*

### UPP

ENTITLEMENT/  
COMMUNITY ENGAGEMENT  
Lynette Davis, *President/ Principal*

### MONICA WILSON

SMALL BUSINESS  
PROCUREMENT CONSULTANT  
Monica Wilson, *President/ Principal*



# Team Small Business & Nonprofit Participation

- Committed to 10% SB participation –aiming to achieve 30% SB participation – from planning through construction.
- Includes Small Business Procurement Consultant and 2 other SBEs at this time: Landscape Architect & Community Engagement/Entitlements consultant
- Partnership with Factory\_OS, union modular housing facility which works with Delancey St. Foundation & CA Prison Industry Authority to offer 2<sup>nd</sup> chance hires
- Co-developer, Berkeley-based nonprofit Satellite Affordable Housing Associates (SAHA)
  - SAHA not party to ENA, but active development partner and co-owner of each affordable housing building



Image: Pyatok Architects

# Holliday/Related Team: Staff Prior Experience



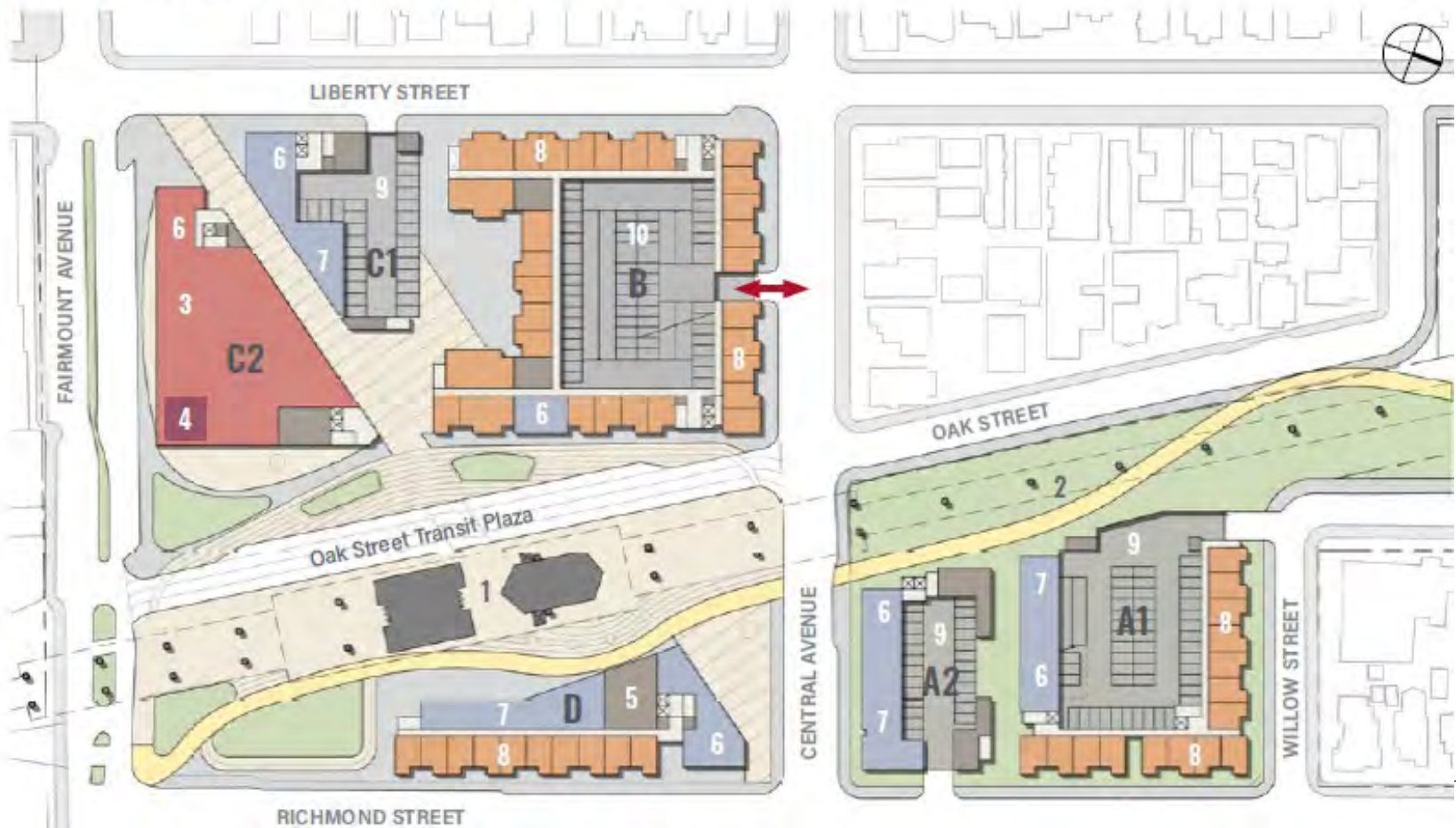
*Lion Creek Crossings / Coliseum  
Related California  
Pyatok Architects*

*Marea Alta, San Leandro BART  
BRIDGE Housing  
(Lead staff now at Holliday)*



# Preliminary Development Concept

SITE PLAN OPTION 1 – WITH LIBRARY





# Board Motion

- Authorize the General Manager or his designee to enter into an exclusive negotiating agreement (ENA) with a joint venture comprised of Holliday Development and the Related Companies of California for a term of 24 months, with an additional 12 month extension option.
- If BART and Holliday/Related cannot in good faith negotiate an ENA, or if the ENA terminates by its own terms or due to mutual agreement of the parties, the Board authorizes the General Manager or his designee to enter into an ENA with Windflower and MidPen Housing, or an entity comprised of both, for a term of up to 24 months, with an additional 12 month extension option.

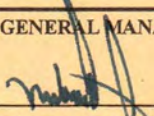
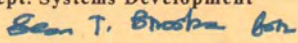
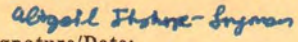
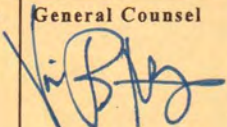
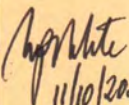
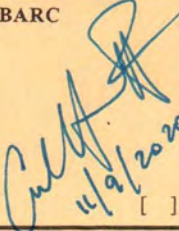
The Mayfair  
El Cerrito del Norte BART  
Holliday Development







## EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:  11/10/2020		GENERAL MANAGER ACTION REQ'D:		
DATE: 11/2/2020		BOARD INITIATED ITEM: Yes		
Originator/Prepared by: Abigail Thorne-Lyman Dept: Systems Development   Signature/Date: 11/09/2020	General Counsel  11/10/20 [ ]	Controller/Treasurer  11/10/2020 [ ]	District Secretary [ ]	BARC  11/9/2020 [ ]

### Authorization for an Extension of Exclusive Negotiating Agreement with LMTOD, LLC and East Bay Asian Local Development Corporation (EBALDC) for Lake Merritt BART Station Transit-Oriented Development

#### PURPOSE:

To authorize the General Manager or his designee to execute an extension to the Exclusive Negotiating Agreement (ENA) with LMTOD, LLC and East Bay Asian Local Development Corporation (EBALDC) (together "Development Team") for Transit-Oriented Development (TOD) at the Lake Merritt BART Station.

#### DISCUSSION:

On September 13, 2018 the BART Board of Directors authorized BART staff to enter into an Exclusive Negotiating Agreement (ENA) with the Development Team of Strada Investment Group and EBALDC to develop two BART owned properties: the Lake Merritt BART parking lot between Oak and Fallon Streets, and the Metro Center building site at 101 8<sup>th</sup> Street.

The proposal for the parking lot (Phase I) is for a high-rise mixed-income residential building of approximately 360 units and an affordable Senior housing building of approximately 97 units. The proposal for the Metro Center site (Phase II) includes a high-rise office building of approximately 500,000 square feet and an affordable residential building of approximately 100 units. Altogether, roughly 40% of the units proposed would be affordable to moderate-, low-, very low-, and extremely low-income households, and roughly 20% of the commercial space would be available at below market rents. The Phase I development would also



include a paseo connecting Oak Street to Fallon Streets, supporting eventual creation of a three-block linear greenway linking the Buddhist Church of Oakland to the BART Station and Laney College.

Following Board authorization, BART entered into an ENA with EBALDC and Strada on January 25, 2019, for a period of 24 months. In October 2019 Strada partnered with the California State Teachers' Retirement System (CalSTRS) to form a Delaware Limited Liability Company known as LMTOD, LLC, which is owned solely by Strada and CalSTRS and managed by Strada. The ENA rights and obligations were assigned to this new company. The Board was notified of the assignment in a February 4, 2020 memorandum. For the last 22 months, the developer team has worked diligently to advance its development concept. Staff has determined that LMTOD, LLC has substantially met the terms of the ENA within the ENA period, as evidenced by the following achievements:

- **Site Due Diligence:**
  - Scan of tunnel infrastructure –September 2019
  - Completed Phase I, Phase II, Geotechnical Investigations– April 2020
- **Design Review:**
  - Submittal of initial drawings to BART for review – September 2019
  - BART approval of initial proposal – February 2020
- **Entitlements:**
  - Initial Submittal of Preliminary Development Plan (PDP) to City of Oakland – February 2020
  - Submittal of Revised PDP to City with additional requests – October 2020
  - Submittal of Tentative Tract Map & Revision– May 2020 / October 2020
- **Environmental:**
  - CEQA Kick-Off – September 2019
  - Entered into Remedial Action Agreement with Alameda County Dept of Environmental Health – July 2020
- **Planning:**
  - Community Workshops, Stakeholder Meetings – January 2020, June 2020 & October 2020
  - Completed Access Study - November 2020

Upon submitting its initial set of drawings to BART in August 2019, the Development Team underwent a 6-month design review process with BART, which was warranted given the complexity, safety, and operational concerns of proposing buildings in close proximity to the underground BART tracks. The Development Team submitted its first Preliminary Development Plan (PDP) application to the City of Oakland in February and has responded to additional requests for information from the City over the past 8 months. This intensive coordination with BART and the City reflects a good faith effort by the Development Team to advance the project.



Because the Development Team will not be ready to return to the Board with the project and ground lease option at the end of the ENA period in January 2021, staff is recommending an extension of the ENA with EBALDC and LMTOD, LLC, for a period of one (1) year, with an option for a six (6) month extension if needed. This extension to the ENA will include payment of an additional fee of \$37,500 to BART for one year, as well as full compensation for BART's legal and consultant fees, and all BART staff costs associated with design review. The following are the milestones the Development Team proposes to meet during the extension period, as calendar year quarter estimates:

- Preliminary Entitlements & CEQA Approval: Q1 2021
- Submit Housing and Infrastructure Grant Applications: Q4 2020 – Q3, 2021
- Lease Option for Board Approval: Q3 2021
- NEPA Kickoff: Q3 2021
- Execute Lease Option Agreement: Q4 2021 – Q1 2022

Since the City of Oakland has not yet accepted the Development Team's application, the milestone timing is dependent on external factors associated with the City's entitlement process.

#### **FISCAL IMPACT:**

Per the terms of the current ENA, EBALDC and LMTOD, LLC are responsible for all external legal and consultant fees that BART incurs in reviewing agreements and materials. Additionally, EBALDC and LMTOD, LLC will compensate BART for all design review costs incurred by BART Operations staff, and the ENA fee covers a portion of expenses associated with coordination by the Real Estate and Property Development department. Additional BART staff work is part of BART's current work plan, thus this action will not have any impact on unprogrammed District reserves.

The initial, non-binding proposal includes ground lease revenue and ridership increases that are favorable to BART. The ground lease terms are yet to be negotiated, but staff will ensure that the combination of the ground lease and off- or reverse-commute ridership revenues result in a net positive fiscal impact to BART. The BART Board will review the terms of the deal at key milestones to monitor its fiscal impact and will ultimately approve the deal terms with the project and lease option.

#### **ALTERNATIVES:**

Do not authorize staff to proceed with an extension to the Exclusive Negotiating Agreement. Staff will not pursue the Lake Merritt TOD further without direction from the Board.

#### **RECOMMENDATION:**

Adopt the following Motion.



**MOTION:**

Authorize the General Manager or his designee to extend BART's current Exclusive Negotiating Agreement (ENA) with EBALDC and LMTOD, LLC for a term of 12 months, with an additional 6-month extension option.





# ▶ Lake Merritt Transit-Oriented Development Extension of Exclusive Negotiating Agreement

BART Board of Directors  
November 19, 2020





# Lake Merritt Development Blocks



*Image courtesy EBALDC, Strada*



# Proposed Development Plan



~550 housing units, 40% affordable & below market rate  
~560,000 office, 20% below market rate  
~17,000 retail

# Accomplishments to Date

September 2018: Board Approves ENA

January 2019: ENA Executed

September 2019: CEQA initiated, first Developer Submittal to BART

January 2020: Community Workshop

February 2020: First Submittal to City

February 2020: CalSTRS partners with Strada to become LMTOD, LLC. ENA reassigned

October 2020: Community Workshop

October 2020: Access Study Completed, Revised Submittal to City

## January 2020 Community Workshop



*Images courtesy  
EBALDC, Strada*





# Upcoming Milestones\*

Q1 2021: Preliminary Entitlements & CEQA

Q4 2020 + Q1 2021: Submit Grant Applications

Q3 2021: BART Board Considers Lease Option for Approval

Q3 2021: Submit Final Development Package to City

Q3 2021: NEPA Kickoff

Q4 2021/Q1 2022: Execute Option Agreement

\* Calendar Year. Dependent on City acceptance of current application



*Images courtesy EBALDC, Strada*

## Board Motion

Authorize the General Manager or his designee to extend BART's current Exclusive Negotiating Agreement (ENA) with EBALDC and LMTOD, LLC for a term of 12 months, with an additional 6-month extension option.

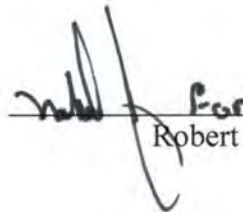
**SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT**

**MEMORANDUM**

**TO:** Board of Directors **DATE:** November 13, 2020  
**FROM:** General Manager  
**RE:** PPAAL Agenda Item: Update on BART New Headquarters - For Information

At the Board of Directors meeting on November 19, 2020, the BART New Headquarters located at 2150 Webster Street, Oakland, CA, will be presented for information.

If you have any questions, please contact Carl Holmes, Assistant General Manager, Design & Construction, at 510-464-7592.

 For  
\_\_\_\_\_  
Robert Powers

cc: Board Appointed Officers  
Deputy General Manager  
Executive Staff



# BART Headquarters Update

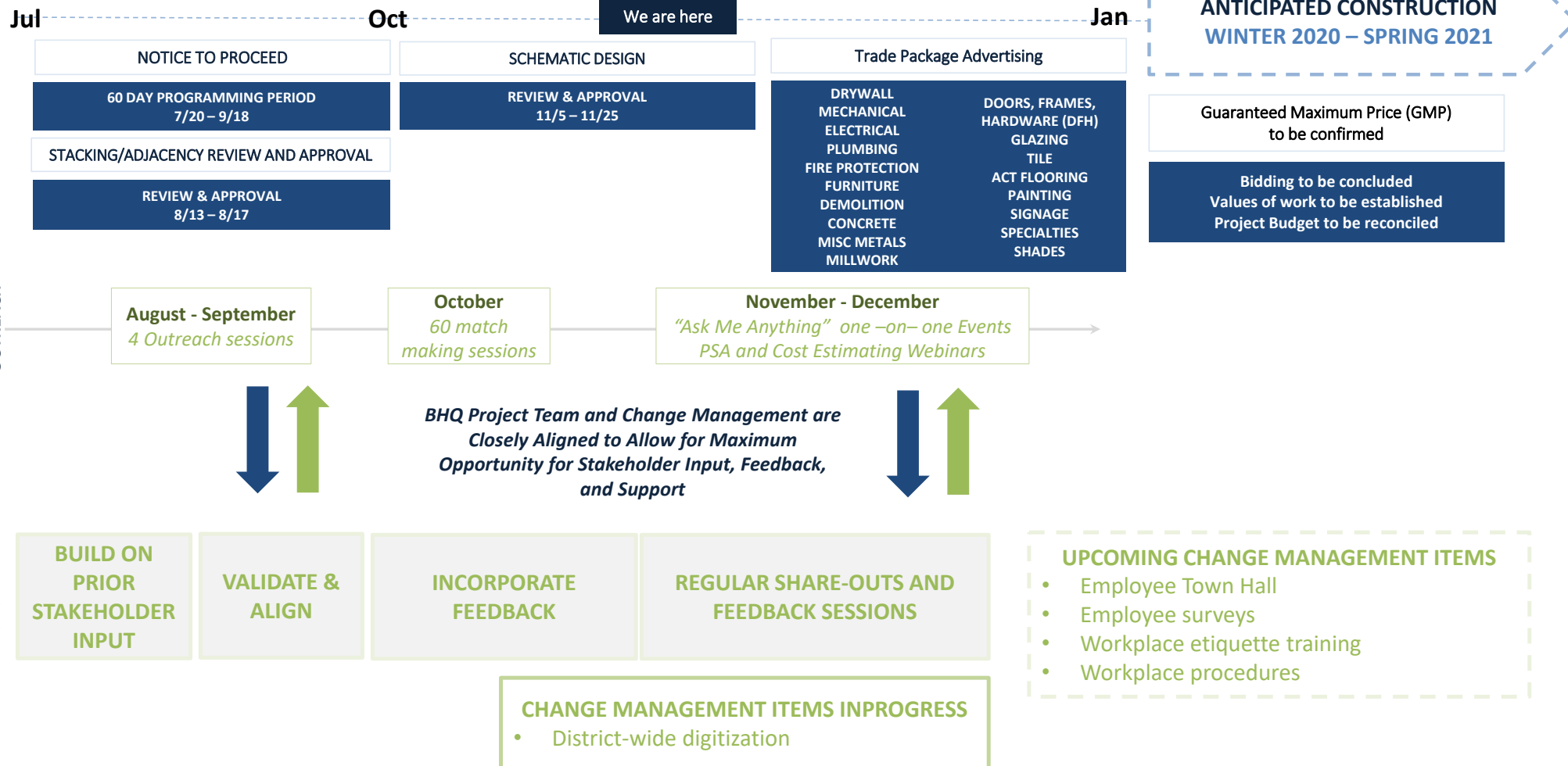
11/19/2020

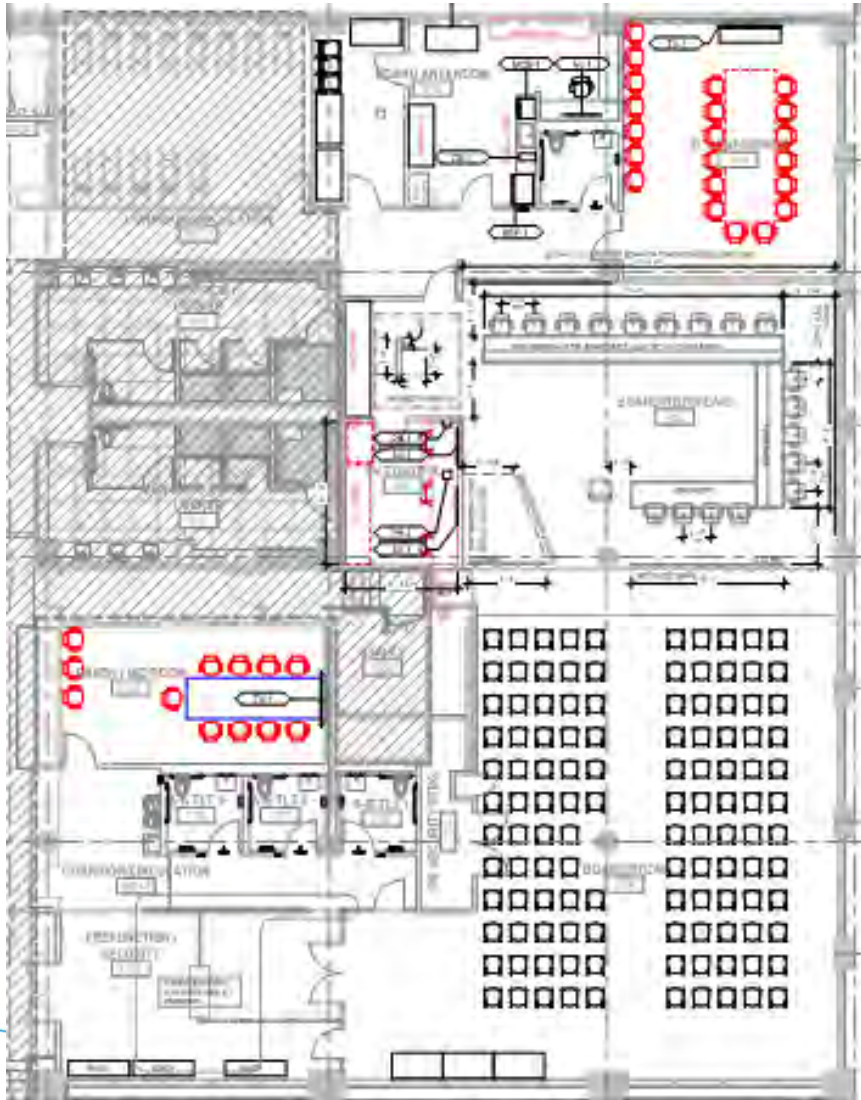
Board Presentation





# BHQ Project Timeline





## Board Facilities

	Existing Board Room	BHQ Board Room
Public Seating Distance from Dias	23ft.	21ft. - 9in.
Square Footage	2,200	2,860
Seating Area Capacity	102	136

## BART NEW OUTREACH EVENTS



### Webinar Training Series

- 11/03 PSA Part 1
- 11/12 PSA Part 2
- 11/04 Cost Estimating 1
- 11/13 Cost Estimating 2

Webinars will be recorded and readily available to view on BART's Small Business Support Services' webpage



### Ask Me Anything (#AMA) Events

- These AMA events will provide participants with 1-on-1 level assistance with subject matter experts on PSA and Cost Estimating
- These AMA events will occur weekly in the month of November



### Trade Package Outreach

- The Office of Civil Rights, through BART's SBSS, will perform targeted outreach for each individual trade package that is publicly bid



**BART SB GOAL**  
(SMALL BUSINESS)

**32%**

**\$18 MIL**  
CONTRACT VOLUME

## BART SB GOALS & OUTREACH EFFORTS

AS OF NOVEMBER 5, 2020

**4 OUTREACH MEETINGS**

SUCCESSFULLY HELD VIRTUALLY

**349 FIRMS**

IN ATTENDANCE AT OUTREACH MEETINGS

**141 SPECIALTY CONTRACTORS\***

IN ATTENDANCE AT OUTREACH MEETINGS

**60 MATCHMAKING**

(ONE-ON-ONE) MEETINGS HELD

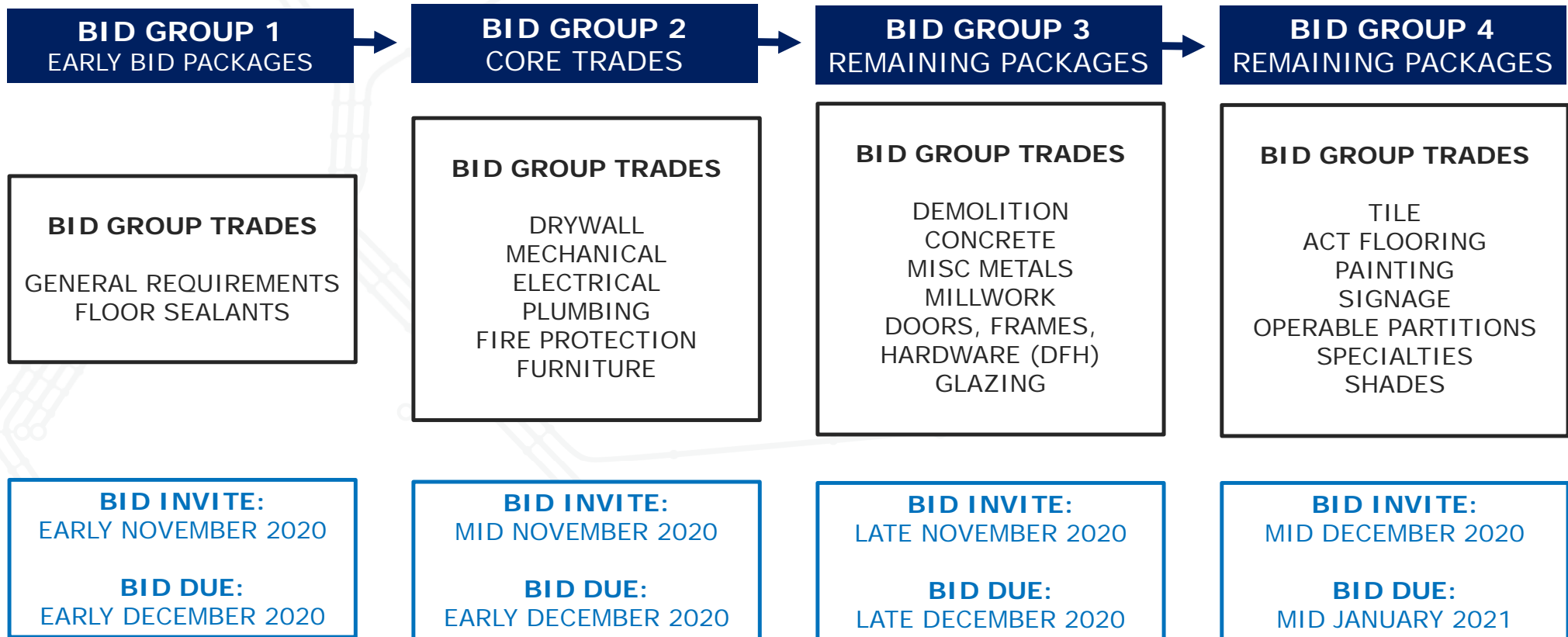
**\*19** OF THESE FIRMS ARE CURRENTLY PARTICIPATING IN THE **TURNER SCHOOL OF CONSTRUCTION MANAGEMENT** TRAINING PROGRAM

**Turner R1M**  
BART HEADQUARTERS



# BID TIMELINE

AS OF NOVEMBER 5, 2020



# TURNER PROJECT GOALS

AS OF NOVEMBER 5, 2020



## CO-HOSTS FOR OUTREACH MEETINGS

- Asian American Contractors Association
- Asian, Inc
- BuildOUT California
- Cervantes Design Associates
- Lowe Consulting
- MARCON Builders
- NAMC

- Priority Architectural Graphics
- Rainbow Chamber Silicon Valley
- Rubecon
- Sacramento Rainbow Chamber of Commerce
- Western Region Minority Supplier Development Council
- Yerba Buena Engineering

## OUTREACH COLLABORATORS

- Oakland African American Chamber of Commerce
- San Francisco African American Chamber of Commerce

**Turner R1M**  
BART HEADQUARTERS

## TURNER'S EXECUTION PLAN

AS OF NOVEMBER 5, 2020

### TURNER'S PLAN TO PROMOTE INCLUSIVE CONSTRUCTION CONTRACTING

- Matchmaking sessions
- Prequalification assistance
- Core Trade partnership and bid package strategies to allow maximum UBE engagement
- Encourage Mentor Protégé agreements
- Training on project controls including safety, estimating, accounting, engineering
- Pre-Bid meetings – In depth review of project goals and requirements
- Enrollment of SB firms in Turner School of Construction Management

**Turner R1M**  
BART HEADQUARTERS

## Next Steps

- Coordinate with the City of Oakland
- Complete the Design Process
- Advise on subcontractor trade packages
- Review and Approve Subcontractor Packages
- Create Public Design Participation Opportunities for the Board Room



# SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

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## MEMORANDUM

**TO:** Board of Directors

**DATE:** November 13, 2020

**FROM:** District Secretary

**SUBJECT:** Resolution in Support of the Seamless Transit Principles

At the request of President Simon, Director Saltzman, and Director Li, the attached Resolution, In the Matter of Support of the Seamless Transit Principles, is submitted for consideration at the November 19, 2020, Board Meeting.

If you have any questions, please contact Director Saltzman or me.

Thank you.

A handwritten signature in blue ink, reading "Patricia K. Williams", is written over a horizontal line.

Patricia K. Williams

cc: Board Appointed Officers  
Deputy General Manager  
Executive Staff

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

**In the Matter Of Seamless Transit Principles**

**Resolution No. \_\_\_\_\_**

WHEREAS The San Francisco Bay Area, despite being an exceptional place to live, faces an uncertain future due to several interrelated crises -- decreasing housing affordability, increasing congestion, rising pollution, widening inequality, and the recent COVID-19 public health crisis -- with a complex public transportation system which strives to be World Class;

WHEREAS, BART plays a critical role in regional transportation, providing high-capacity heavy rail transit to five counties, directly serving multiple regional job centers and transit hubs, and serving as a key connector with other operators in the Bay Area;

WHEREAS The California Air Resources Board reported in 2018 that no California regions, including the Bay Area, are on track to meet their greenhouse gas reduction targets, with increasing Vehicle Miles Travelled (VMT) and declines in transit ridership cited as a primary factors;

WHEREAS UCLA completed a study for the Metropolitan Transportation Commission (presented to the Commission in January 2020) which identified possible explanations for declining transit use in the Bay Area to be changing residential locations relative to jobs (in the context of the housing affordability crisis) and competition from new mobility options such as transit network companies;

WHEREAS Using public transit in the Bay Area can be inconvenient and costly for some types of trips, requiring riders to: use multiple transit systems; pay multiple separate fares; experience unpredictable transfers; and navigate different wayfinding systems;

WHEREAS Low income people, many of whom have experienced displacement and have long commutes requiring multiple transit services, are among the most adversely affected by the lack of integration of the Bay Area's public transportation system, experiencing a significant financial burden from needing to pay multiple separate transit fares or being pushed into costly vehicle ownership;

WHEREAS, A well-funded and more seamless-to-the-customer regional public transit system with integrated transit fares, schedules, and transfer points has the potential to both benefit low-income transit riders and attract new riders, thereby increasing overall transit ridership and reducing travel by private vehicle;

WHEREAS, A well-functioning and coordinated transit system plays a critical role in supporting public health and safety during an emergency, with 31% of Bay Area essential workers relying off public transit to get to work. It also plays a critical role in supporting an economic recovery. During and in the aftermath of major disruptions to our transit system, close coordination among agencies facilitates prioritization of the most critical needs, efficient deployment of resources, and clear communication to customers.

WHEAREAS, BART has been actively engaged with regional efforts to make transit more seamless, including the Metropolitan Transportation Commission (MTC) fare integration study, the MTC Blue Ribbon Task Force (including goal to develop a business case for transit network management), regional Hub Signage Program, Bay Area transit schedule coordination, oversight of the East Bay Paratransit Consortium, and being an early participant in the Clipper START means based fare discount program.

NOW, THEREFORE, BE IT RESOLVED BY The San Francisco Bay Area Rapid Transit District AS FOLLOWS:

BART affirms commitment to working collaboratively with state agencies, the MTC, municipalities and other public agencies to develop a highly integrated regional transportation system that provides convenient, seamless, and affordable transit for customers.

The BART Board of Directors supports the Seamless Transit Principles listed in Attachment (A), and agrees for BART to be publicly listed as a supporter of these principles.



## ATTACHMENT A

**The Seamless Transit Principles** Viewable at: [www.seamlessbayarea.org/seamless-transit-principles](http://www.seamlessbayarea.org/seamless-transit-principles)



### 1) Run all Bay Area transit as one easy-to-use system

Public transit should work as one seamless, connected, and convenient network across the San Francisco Bay Area and beyond. Getting around on transit should be as fast and easy as driving a car. Coordinated bus, rail, and ferry routes and schedules should encourage effortless transfers. Consistent and clear customer information, branding, and maps should make using transit simple and dignified.



### 2) Put riders first

Riders should feel comfortable when using transit and be treated like valued customers. Public transit agencies must do more to listen to riders and continuously improve service. They must prioritize riders' needs above all else, and overcome all operational, political and bureaucratic barriers to provide an excellent and seamless customer experience.



### 3) Make public transit equitable and accessible to all

People of all income levels, ages, abilities, genders, and backgrounds should have access to world-class public transit. People who are the most reliant on transit are best served by a universal, inclusive, regionally integrated, connected system that is used by all. People with limited means to pay for transit should be provided with discounts.



### 4) Align transit prices and passes to be simple, fair, and affordable

Transit should provide good value for money. Fares across the region's 27 public transit agencies must be aligned into a consistent, fair, and affordable system that encourages using transit for all types of trips and doesn't punish riders for transferring. Cost-effective monthly passes should work across the Bay Area and should be widely available to individuals, employers, and schools.



### 5) Connect effortlessly with other sustainable transportation

A person's journey does not end when they get off a bus or exit a station. Excellent pedestrian, bicycle, and other pollution-free transportation options should seamlessly connect public transit to communities and destinations, supporting door-to-door trips that don't require a car.



### 6) Plan communities and transportation together

High quality public transit should be at the heart of communities across the Bay Area. Transportation should be closely aligned with our region's land use, promoting a connected network of transit-oriented, walkable communities that expands access to affordable housing and job opportunities, and reduces car travel and greenhouse gas emissions.



### 7) Prioritize reforms to create a seamless network

A regionally integrated, world-class transit system won't happen on its own -- it will take leadership, unprecedented levels of cooperation, and changes to existing local, regional, and state policies. The cities, counties, public transit agencies, regional authorities, business leaders, advocacy groups and elected representatives of the San Francisco Bay Area and Northern California megaregion must prioritize the broad public interest and urgently work together collaboratively to advance critical reforms. Our future depends on it!