

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

Board of Directors  
Minutes of the 1,859th Meeting  
March 12, 2020

A regular meeting of the Board of Directors was held on March 12, 2020, convening at 9:00 a.m. in the BART Board Room, 2040 Webster Street, Oakland, California. President Simon presided; Jacqueline R. Edwards, Assistant District Secretary.

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

Absent: Directors Ames and Dufty.

President Simon gave remarks regarding administration of the Meeting and called for Introduction of Special Guests. Mr. Randall Glock, Chairperson of the BART Accessibility Task Force (BATF), and Mr. Allen Smith, Vice Chairperson of the BATF, gave a report on the BATF and submitted a letter of support for the proposed elevators at 19th Street Oakland Station.

Director McPartland thanked Mr. Glock and Mr. Smith for their service and recognized Mr. Robert Franklin, Director of Customer Access, Systems Development, for his contributions.

Director Foley echoed the sentiments of Director McPartland; thanked Mr. Glock and Mr. Smith for their service; commented on the glass partitions around the seating area at eBART/Antioch Station and the challenges created by the partitions for those who are visually impaired; and requested that the BATF provide potential recommendations to staff regarding improvement of the partitions. Mr. Smith commented that the glass partitions present similar challenges at the Pleasant Hill, Pittsburg/Bay Point, Civic Center, and Antioch stations; shared his experience with the glass partition; noted the BATF's reporting of this issue to management and discussion of the issue in its meeting; and indicated that he has not been to the stations to see if any changes have been made and that the glass partitions are a hazard. Director Foley requested that staff provide feedback on the glass partition issue in a future memo or agenda item. Mr. Glock indicated that the glass partition issue would be included as an item on the BATF agenda.

President Simon thanked Mr. Glock and Mr. Smith for their service on behalf of the Board and staff.

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meeting of February 27, 2020.
2. 2020 Organization of Committees and Special Appointments Revision.
3. BART Car Replacement Funding Exchange and Reserve Account Withdrawal and Regional Measure 2 Allocation.

4. Resolution Authorizing the Submittal of BART to Antioch Operations Application, and Supporting Documents, for the Fiscal Year 2019-2020 Low Carbon Transit Operations Program (LCTOP).
5. Amendment to Agreement No. 6M4593, with Occupational Health Centers of California, to Provide Pre-Employment Physicals, Hepatitis B Vaccinations, Drug and Alcohol Screening.
6. Award of Contract No. 20LZ-130, Train Control Room Battery Systems Replacement, Phase 3.

Director Saltzman made the following motions as a unit. Director Li seconded the motions, which carried by unanimous electronic vote. Ayes: 7 – Directors Allen, Foley, Li, McPartland, Raburn, Saltzman, and Simon. Noes: 0. Absent: 2 – Directors Ames and Dufty.

1. That the Minutes of the Meeting of February 27, 2020 be approved.
2. That the Board of Directors ratify the proposed revision to the 2020 Organization of Committees and Special Appointments.
3. That (1) the withdrawal of up to \$220,100,000.00 from the BART Car Replacement Funding Exchange and Reserve Account to fund the purchase of railcars under the 775 Rail Car Procurement Project be approved; (2) Resolution No. 5437, In the Matter of Support of Regional Measure 2 Resolution of Project Compliance for BART Rail Replacement Program, be adopted; and (3) the Initial Project Report for the allocation of \$40,000,000.00 of Regional Measure 2 (“RM2”) funds towards the Project be approved.
4. That Resolution No. 5438, In the Matter of Authorizing the Submittal of BART to Antioch Operations Application, and Supporting Documents, for FY 19-20 Low Carbon Transit Operations Program (LCTOP), be adopted.
5. That the General Manager be authorized to execute an amendment to Agreement No. 6M4593 with Occupational Health Centers of California to increase the total compensation by \$75,000.00.
6. That the General Manager be authorized to award Contract No. 20LZ-130 for Train Control Room Battery Replacement to Becker Electric, Inc. for an amount of \$4,723,680.69, pursuant to a notification to be issued by the General Manager, subject to compliance with the District’s Protest Procedures and the Federal Transit Administration’s (FTA) requirements related to protests.

Consent Calendar report brought before the Board was:

1. Fiscal Year 2020 Second Quarter Financial Report.

President Simon announced that the order of agenda items would be changed and called for the General Manager’s Report.

Mr. Robert Powers, General Manager, provided an update on the Coronavirus (COVID-19) situation, including communication of information; cleaning efforts in stations and trains; running 10-car trains during commute periods; providing cleaning supplies at employee locations; posting good personal

hygiene materials at stations and employee work locations; installation of at least one hand sanitizer station at each station; the supply of disinfectant; the establishment of a task force; decline in ridership; posting daily ridership information on the BART website; sending correspondence to BART's delegations requesting immediate operating assistance; and requesting assistance from the Metropolitan Transportation Commission (MTC). Mr. Powers introduced the Continuation of Operations Plan and Ms. Tamar Allen, Assistant General Manager, Operations, reported on the Plan, including analysis of communication with stakeholder groups, receipt of information, data collection regarding internal and external occurrences, application of data, and internal and external triggers that could impact the level of service that BART could provide; addressing triggers; and meeting with labor unions. Mr. Powers also commented on Ms. Pamela Herhold, Assistant General Manager, Performance and Budget, and staff's discussions and efforts regarding the budgets for Fiscal Year 20 and Fiscal Year 21.

President Simon commented on her conversations with BART staff, the Governor's Office of Emergency Preparedness, and senior officials from Alameda County Public Health Department, San Francisco Department of Public Health, and Contra Costa Health Services; BART staff's communication with health professionals, departments, and senior elected offices of cities and counties; BART's continuance of service with available resources and requesting additional resources; and BART's compliance with the recommendations of the health professionals that govern BART's counties.

Director Allen commended a train operator who continuously talked to riders regarding good sanitation practices; indicated that the train operator's actions were a great public service announcement; and expressed gratitude for the train operator's actions.

President Simon asked how senior managers are advising and training frontline staff.

Director McPartland commented on first responders' identification of manufacturers that have the ability to disinfect large areas, such as ambulances; indicated that the product most utilized by emergency responders could be used in BART cars and that the cars could be disinfected in approximately three to five minutes by spraying the entire area; and noted that the product is biodegradable and nontoxic.

Director Saltzman commented on the improvement in communication, the information published over social media, to the media, and on the BART website, and the public's desire for information; requested, at minimum, weekly memos providing updates regarding ridership, impact on finances, sanitizing efforts, increases in workers calling in sick and efforts to address the staffing issue, and information outlining efforts to land the budget in the right place; and asked how staff would communicate reductions in service in real time to riders, if service needs to be reduced because more employees are calling in sick and whether there is a large number of employees who know how to communicate reductions in service in real time to riders in case the regular employees who do this work are out sick.

President Simon commented on senior and Communications staff's commitment to provide daily updates to the public on the BART website, even if the information is the same, regarding BART's activities, requested precautions, and BART's response to COVID-19.

Director Foley expressed appreciation for transparency and open communication with staff and riders, noting that regular, recurring updates are key to winning confidence that BART is doing all it can to make riders safe, and requested that the COVID-19 response be a standing item on future agendas and that staff to return to the Board with information regarding preparation for a remote workforce, including working from home, suspending unnecessary travel by staff, and reducing the number of person-to-

person meetings through avoidance, deferment, or teleconferencing, and installing hand washing stations or re-opening restrooms at all stations.

Director Li expressed support for the transparency and accessibility efforts and appreciation to Ms. Alicia Trost, Chief Communications Officer, for tweeting positive feedback regarding staff cleaning railings and trains; commented that the BART application and webpage do not include immediate access to information, noting that one must scroll down to the news; requested clear access to information on the BART website and application and that memos include information about impacts on procurement and capital construction; expressed concern over the 7-10 day supply of hand sanitizer; asked what resources government agencies have to provide public services so that BART could obtain more hand sanitizer, whether a coordinated procurement effort exists for hand washing stations, and whether Mr. Jeffrey Lau, Chief Safety Officer, System Safety, was working with other experts to determine the impact of COVID-19, noting that the function of public transit is unique; commented that resources differ among cities and counties and suggested that staff keep track of different quarantine and employment rules among various jurisdictions, as the Board Members represent different jurisdictions; and requested that Mr. Lau inform the Board as he receives more information.

Director Raburn expressed that he hopes to be prepared to immediately embark on all interlocking and Transbay Tube retrofit work 24 hours per day, 7 days per week if the BART system shuts down, so that BART can provide better service when the system restarts.

President Simon thanked staff, managers, frontline workers, and consultants for working to ensure that BART is safe and secure; commented on people's reliance on working in and using the BART system, her feelings of safety, security, and cleanliness of stations, and BART's daily response; thanked and commended officers, system service workers, and non-represented and represented staff for their commitment to ensuring that people within the District arrive at their destinations; noted that BART's consistent communication with healthcare professional throughout the region and the country is Mr. Powers' commitment and BART's number one priority is safety, security, and transporting people in a timely manner; thanked the Board Members for consistently communicating information to their constituents; and reiterated Board Members' requests for daily responses on the BART website that are easily accessible to the public, providing frontline workers with talking points and directions regarding safety, and responses to other technical questions.

President Simon called for Public Comment. No comments were received.

President Simon brought the matter of Quarterly Report of the Controller/Treasurer for the Period Ending December 31, 2019 before the Board. Ms. Rosemarie Poblete, Controller/Treasurer, presented the report.

Director Allen commented on the amount of unfunded pension liabilities, BART's current funding status as compared its funding status in 2009 after the crash, the importance of addressing the problem, especially now given the rocky state of the stock market which will impact the numbers now and in the future, and collecting debt from the San Francisco Municipal Transportation Agency (SFMTA); asked whether a projection of the impact of the decreasing yields on short term securities has been completed and for the amount of interest income received last year; commented on the inclusion of the Quarter Financial Report in Consent Calendar agenda, which includes the operating numbers, the format of the Controller/Treasurer's Quarterly Report, the presentation of the actual operating results and the Controller/Treasurer's Quarterly Report in the same packet, the absence of discussion regarding operating results, operating costs in excess of the budget, revenue in excess of the budget, the difference

between budgeted figures and current figures, the coverage period of the Fiscal Year 2020 Second Quarter Financial Report, and the impact of COVID-19 and the decrease in ridership; suggested that operating results be included in the Controller/Treasurer's Quarterly Report; and requested regular budget discussions throughout the year and better financial information in future Quarter Financial reports for transparency.

President Simon asked Director Allen to recommend the frequency of the additional financial reporting she requested, and Director Allen suggested that staff provide quarterly financial statements. President Simon agreed with Director Allen's suggestion and requested that the Administration Committee contact the General Manager's Office and the Office of Performance and Budget.

Director Saltzman requested that future quarterly reports by the Controller/Treasurer include information regarding the pension trust.

President Simon brought the matter of Quarterly Report of the Independent Police Auditor before the Board. Mr. Russell Bloom, Independent Police Auditor, presented the report.

Director Saltzman asked whether policy changes are posted on the BART website and how the public is informed of a policy change; requested that the BART Board Meeting agenda packets include policy updates if the Independent Police Auditor's report includes policy updates; and asked whether the BART Police Citizen Review Board's (BPCRB) online agenda includes the meeting packet and whether the packet is posted online.

President Simon requested that updates regarding policy changes and collaborative work be communicated to the public and expressed a desire for information be as easy as possible to find.

Director Li requested that the BPCRB's information be posted on Legistar, noting that the current online posting requires additional effort to review information and that Legistar provides direct access to information; commented on the benefit of utilizing Legistar in relation to re-branding the Office of the Independent Police Auditor (OIPA) and promoting the work of the OIPA; and requested that the Independent Police Auditor's report include a presentation or memo, noting accountability, public noticing, public documentation, and the various items the Independent Police Auditor would be reporting on.

Director McPartland, Chairperson of the Administration Committee, brought the matter of Resolution to Amend California Public Employees Retirement System (CalPERS) Contract to Include Cost Sharing of Employer Contribution for BART Police Officers' Association and BART Police Managers' Association before the Board.

Director Allen moved that (1) Resolution No. 5439, Resolution Authorizing an Amendment to the Contract, be adopted; and (2) the Board President be authorized to sign the Resolution and Amendment on behalf of the Board. President Simon seconded the motion, which carried by unanimous electronic vote. Ayes: 7 – Directors Allen, Foley, Li, McPartland, Raburn, Saltzman, and Simon. Noes: 0. Absent: 2 – Director Ames and Dufty.

Director Raburn, Vice Chairperson of the Engineering and Operations Committee, brought the matter of Award of Agreements for General Construction Oversight Services in Support of BART's Train Control Modernization Program before the Board. Mr. Carl Holmes, Assistant General Manager, Design and Construction, and Mr. Scott Van Dussen, Senior Project Manager, Extensions, presented the item.

John Valsecchi and Ismael Pugeda addressed the Board.

Director Allen asked for an explanation of the role of 75 million dollars' worth of construction management in the process; commented on the selection of a design-build firm; asked for clarification of the role of the two consultants that were being selected; asked whether the two firms would be primarily responsible for cost reporting, financial information, scheduling, budget information, and project completion cost.

Director Li asked whether a firewall exists between the firms if a problem arises; for clarification of the oversight; for confirmation of the contract that was to be awarded; and how the oversight process would function with an oversight firm that is separate from the design-build firm, if a problem arises.

Director Foley commented that he did not foresee the agreements for general construction oversight services when the Communications Based Train Control (CBTC) design-build contract was approved in January; expressed concern and a desire for the discussion of the CBTC design-build contract to have included any additional contracting needs and asked whether any additional contracts related to the CBTC project are forthcoming and when the project would begin.

Director Li moved that the General Manager be authorized to award Agreement No. 6M8171 to Jacobs Engineering Group Inc. and Agreement No. 6M8187 to CPM Associates, Inc. to provide General Construction Oversight Services in support of BART's Communications Based Train Control Contract, in an amount not to exceed \$37,500,000.00 for each agreement, pursuant to notification to be issued by the General Manager, and subject to the District's Protest Procedures and the Federal Transit Administration's (FTA) requirements related to protests. Director Saltzman seconded the motion, which carried by unanimous electronic vote. Ayes: 7 – Directors Allen, Foley, Li, McPartland, Raburn, Saltzman, and Simon. Noes: 0. Absent: 2 – Director Ames and Dufty.

Director Saltzman, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, brought the matter of BART Headquarters Office Building (2150 Webster St., Oakland, CA) before the Board. Mr. Michael Jones, Deputy General Manager; Mr. Sean Brooks, Director of Real Estate and Property Development, Systems Development; Mr. John Stevens, Principal Property Development Officer, Systems Development; and Mr. Travis Engstrom, Director of Technology, Office of the Chief Information Officer, presented the item.

Sal Cruz addressed the Board.

Director Raburn thanked Mr. Cruz for his comments; commented that he had asked whether the contract is for construction only or in perpetuity and that he was told that the contract is for construction only; asked for confirmation that the contract is for construction only; and proposed an amendment to the presented motion to strike the word "for" before the address 2150 and add "during construction of," and summarized the motion as amended.

Director Raburn moved that the General Manager be authorized to extend and amend agreements for property management and other related building services during construction of 2150 Webster Street, in the total amount not to exceed \$970,000.00 to RiverRock Real Estate Group and other building service providers, pursuant to notification to be issued by the General Manager or his designee. Director Saltzman seconded the motion, which carried by unanimous electronic vote. Ayes: 7 – Directors Allen, Foley, Li, McPartland, Raburn, Saltzman, and Simon. Noes: 0. Absent: 2 – Director Ames and Dufty.

Director Foley expressed appreciation to management for their outreach and listening to staff, not just talking at staff; commented on the importance of change management, the personal nature of cubicles and workspaces, expressed appreciation to staff for their listening and guidance and to President Cruz and local union leaders for their guidance; expressed support for all workstations to have sit-stand desks, noting the importance of sit-stand desks from an ergonomics perspective regarding the future of a mobile workforce and avoiding job injuries; and commented on ensuring that shared workspaces can be sanitized, indicating that safety should be ensured because keyboards and mice would be shared in conference rooms and workspaces.

Director Allen asked whether the General Manager would be authorized to extend or amend the contracts listed in Exhibit A with the people listed in Exhibit A, or would the General Manager also be authorized to negotiate with other people; commented on the meaning of “extend and amend” existing contracts; asked whether Crown Energy Services was the building engineer and for clarification of the information that would be included in the General Manager’s quarterly report if the presented motion was amended to include “negotiate new” and approved; commented on the structure of the motion, transparency, the established process, and the General Manager’s existing authority; asked for confirmation of the information that would be included in the General Manager’s quarterly report; and commented on the process and her desire to refrain from creating exceptions to the process.

Director Saltzman expressed appreciation for the additional transparency, noting that the motion was a good model to show more when possible, and commented that it is good to inform the Board and the public when an item will involve the General Manager’s authority.

Director McPartland commented on the open architecture concept and his experience monitoring Workday, Inc.’s (Workday) process; noted that he has not observed the interpersonal dynamics in operation at Workday; commented on the change from vying for the corner office to desire for the window seat; expressed desire to observe the completed project; and commented that as the work transitions from temporary construction work with temporary employees to maintenance, he would contact the union to determine why the union does not wish to be responsible for window washers, as the washers would be permanent employees, but would prefer that the work be performed by contract employees.

Director Saltzman brought the matter of Transit-Oriented Development (TOD) Policy Amendment – Affordable Housing Financial Terms before the Board. Mr. Holmes and Ms. Abigail Thorne-Lyman, Group Manager, Transit-Oriented Development, Systems Development, and Mr. Sean Brooks presented the item.

Pedro Galvao addressed the Board.

President Simon asked for clarification of the project referenced by staff; expressed appreciation of staff's engagement in community processes; commented on her tour of Skyline, the price of a two-bedroom unit at Skyline, affordable housing units at Skyline, considering how to best use BART's space to support increased affordable housing, luxury development, penthouse tenants' use of parking lots, data regarding lower income earners' reliance on public transportation, luxury developer's use of BART's land to make profit on non-affordable units, the affordability of non-affordable units, the income requirement to qualify for a unit at Skyline excluding parking, and the preciousness of BART's land; and expressed concern over top wage earners' being able to have the closest access to public transportation, noting that access to public transportation is a right for all.

Director Raburn thanked Ms. Thorne-Lyman, Shannon Dodge, and the Enterprise team for the briefing on affordable financing and encouraged all the Board Members to take advantage of this resource; expressed support for moving toward the 60% discount and increasing the lease period to 75 years for eligible properties; commented that the reason for supporting the 60% discount and 75 year lease period for eligible properties is that the residential and affordable goals set for 2025 are not being met, noting that BART is at 75% of affordable because of a lack of capital; indicated that lowered land costs could fill the funding shortfall gap; expressed support for the concept of deeper discounts for deeper affordability, highlighting a flexible range and his support of the developing framework; requested that the framework address the opportunities to assemble BART land with adjacent private land, noting that this is included in BART's policy but it should be included in the framework and that this is a key component because BART has small parcels that are not developable by themselves, but these parcels could be developed with adjacent private parcels; requested that more BART trips be encouraged and that travel training and providing Clipper® cards be included, indicating that changing behavior requires assistance to overcome the threshold of learning how to use transit on a daily basis; commented that some residents do not have a Clipper card by nature, but have a car, and that BART needs to appeal to counties and develop partnerships so that the tenants of affordable units have been filtered to identify people who are likely to become transit dependent, not just based on their income level, but their employment location; and noted that he does not foresee any big changes and that he would like BART to reach the goal of 7,000 affordable units.

Director Allen asked whether the change would allow staff to negotiate with developers on deals and include the discounts in the negotiations and for clarification of the purpose of the policy change; commented on her experience with negotiating with developers; expressed uncertainty regarding BART's benefit from communicating discounts upfront during negotiations and support for conducting negotiations and returning to the Board for additional authority as opposed to establishing discounts upfront; commented on subsidizing housing by agreeing upfront to give a portion of the fair market value of BART's properties away to developers in the name of housing and giving transit money away to housing; asked for clarification of the people who would receive the discounts if the policy were changed and adopted and the "but-for" test, how the fare revenue was modeled, who modeled the fare revenue, and whether the number of riders lost from the removal of parking was subtracted; commented on the use of data from 2004; confirmed whether Ms. Thorne-Lyman created the numbers based on what she knows; asked whether an outside party has provided analysis, noting 2004 increases in ridership were attributed to different projects and the creation of parking to replace it and expand ridership; commented on the projected ridership revenue increase, even in 2020, the decrease in ridership since 2016, and accurately determining how much of ridership is from TOD projects of the past and future; asked whether low income discounts were factored into total fare revenue; commented on giving subsidies to developers, the shortfall on the capital budget over the next fifteen years, the payment of land by taxpayers, the absence of a subsidy by riders of BART's land and parking lots; indicated that if BART



decides against parking lots, BART should sell land at fair market value and refrain from giving subsidies to housing developers to make their projects pencil out, that development is a different type of business that BART should not be involved in; commented on how BART as a transit agency developed affordable housing goals, Board Members' participation in homeless activities and initiatives to bolster affordable housing, taxpayers' lack of consideration of funding housing when they decided to fund a transit agency, and the absence of housing in bond measures; expressed that she would oppose the policy; commented on the 10 million dollar overspending problem in the current fiscal year, 125 million dollar budget deficit in the next three years, and the discussion of subsidizing affordable housing.

Director Li commented that transit systems are not ahistorical and do not exist in a vacuum, noting that every issue that exists in the places throughout the system are issues that BART must bear as well, that BART is not a homeless service agency, but that BART must respond when homelessness impacts ridership and systems, and that she feels similarly about housing; expressed that she is more aligned with the concept that public lands are public goods; noted that BART has the land, that each Board Member represents a different set of constituents, that her constituency is asking where affordable housing is being built, that BART is not a fair market value system, that BART is not like Uber Technologies Inc. and Lyft, Inc. with surge or dynamic pricing, that BART does not match supply and demand for fares on a daily basis, that BART is a public transit agency, and that BART should not maximize pure value and build penthouses; commented on the scale of the discounts and the loss of revenue; asked when BART would know when the discounts are effective, and whether BART would know if the model is correct; commented that BART could not constantly change the policies because doing so would prevent the Board from observing the impact of the policies, on the structure of the proposed discounts based on existing information regarding possible outside revenue and policies, and on changes in the future; asked how the discount model would be able to shift and modify if there is significant future investment in affordable housing and whether BART would need to provide a large discount in the future if local jurisdictions were able to close the gap even more; indicated that she could foresee that in three years the Governor of California would allocate money toward affordable housing which could change BART's discounts for BART land; asked for clarification of the \$30,000.00 per unit assumption; commented that the presented charts are hypothetical but the location of BART land is not hypothetical; suggested that applying the charts to station areas would be helpful; commented that more work regarding the ridership impacts and benefits needs to be completed; requested that staff conduct a case study of an affordable housing unit on a decent acreage of land in Seattle, Washington to determine the delta regarding ridership and return to the Board with actual numbers for comparison to the model so that the Board can better understand ridership benefits; and expressed support for the policy, prioritizing affordable housing on BART land, and maximizing the number of affordable housing units that could be built.

Director McPartland commented that he is not interested in market rate; expressed that he is concerned about the homeless and providing affordable housing; noted that BART is a transportation business and that it is acceptable to provide affordable housing through Assembly Bill (AB) 2923, that BART's first responsibility is transportation and that it is acceptable to provide affordable housing on a cost-neutral basis, that BART would not be cost neutral if it provided affordable housing with discounts of 60% or more without subsidies either from BART or other government agencies; commented on and explained that there are four categories of the homeless and housing crisis: (1) the hardcore homeless, (2) victims of circumstance, (3) victims of socioeconomic shift, and (4) the increasing spread between the available housing and jobs, BART's lack of purview or power to address (4) and the absence of others addressing (4), and that the problem that BART solves and pays for in perpetuity would change, noting that the bottom would fall out in the not too distant future and that the problem would not be solved; reiterated

that he is not concerned with market value; noted that he desires to do everything he can to help the homeless and low income housing if the low income housing is provided in a fiscally responsible way so that the housing is cost neutral to BART as a transportation agency because transportation is BART's business; and expressed that he could not support the policy as presented.

Director Foley thanked staff for their briefing and Ms. Thorne-Lyman and Mr. Tim Chan, Group Manager, Station Planning, Systems Development, for their presentation of a webinar regarding AB2923; commented that BART is attempting to solve an issue for the developers, noting that the developers need BART's discount to make their projects pencil out; questioned when BART asks if a project pencils out for BART; expressed that cost-neutral is not sufficient and that a project pencils out for BART if it generates positive revenue, noting that the property could and should generate income and that BART should find ways to leverage, not maximize, this; asked whether BART is legally required to provide housing on any of its property, whether cities are legally required to explore and begin development of housing on all of their surplus property before coming to BART for development, and how the increase in fare revenue for prior years was measured; commented that modeling is acceptable for forecasting, and that the real numbers would be compared to the model for actual results; asked whether comparing the real numbers regarding fare revenue to the model is accurate and whether the comparison was performed; expressed the importance of knowing whether BART is successful, specifically whether an increase in ridership exists as a result of the TOD; indicated that trying to make sure to identify whether an increase in ridership exists as a result of the TOD would be critical to deciding how BART moves forward down the road; asked whether the discount would be provided to non-profit developers only or to for-profit developers; expressed that he would support only non-profit developers; requested information regarding the ground leases for the projects that have been completed, noting that he would like to review what the projects looked like and what they would have looked like if the policy were applied where possible.

Director Allen commented that BART could survey the residents of existing TODs to periodically ask them how often they use BART as a way to determine effectiveness and how much transit ridership is from TOD; on data regarding frequency of BART use at Pleasant Hill Station and Lafayette Station; and on the use of 1.4 and the effect of available parking, and questioned how BART can move forward with saying that BART would provide discounts without data regarding the frequency of BART use at existing TODs.

Director Saltzman commented that transit and housing are inextricably linked, that BART must be concerned about housing and land use if BART is going to be a transit agency of the current times, that people do not just show up at BART stations, and that if they can no longer afford to live in the Bay Area, they will move to Tracy, Stockton, or leave California all together and BART loses them as riders, that creating affordable housing on and around BART properties is important to the Bay Area and BART's bottom line, that BART needs riders to stay in the Bay Area, and that BART is responsible for making sure they can stay in the Bay Area; noted that BART desires for city and county partners to assist with housing and that BART owns some of the best transit-oriented land because the land is located next to BART stations; indicated that better data would be good and that the estimates are likely low because the ridership in 2004 was significantly lower, noting that ridership is generally higher than in 2004, that people are increasingly having a car-light lifestyle, and that the data needs to be updated; expressed support for more surveys; asked whether the survey could be incorporated in other survey efforts, such as the Station Profile study, or whether a separate survey is needed; requested that staff present ideas regarding data collection to the Board in April so that the Board has real time data from the different projects, including information regarding the difference between projects that have a high level of

affordability versus projects that do not; commented that BART should have its own data, that BART should look at the whole picture, including the ridership gains and eligibility for state grants, station modernization, the state budget this year, the lack of extra money to allocate to affordable housing, the amount of money allocated to affordable housing if such an allocation occurs, BART helping to fill the gap, and BART's competitiveness for local funding sources; commented on BART's discussions with the City of Berkeley regarding the North Berkeley and Ashby stations, the City's willingness to provide funding for affordable housing, BART's cooperation with the City, the importance of passing the policy, the impact of the updated TOD policy and the staff booklet on BART's relationships with developers and cities, the importance of being clear upfront so that BART does not favor any one developer or city, and communicating with people so that they know what to expect as BART does with the remainder of the TOD policy; expressed support for the policy; asked for an explanation of the impact of restricting discounts to non-profit developers and whether people could work around the restriction in the future if it were implemented; expressed that she is amenable to the policy including the restriction of discounts to non-profit developers; and requested that developers for current developments be "grandfathered in" to receive the discount without being forced to find new development partners.

Director Raburn expressed support for Director Foley's suggestion of restricting discounts to non-profit developers.

Director Saltzman asked Ms. Thorne-Lyman if she needed any additional information from the Board.

Jerry Grace addressed the Board.

Director Saltzman brought the matter of Update on BART and Valley Transportation Authority Phase I before the Board. Mr. Holmes; Mr. Shane Edwards, Chief Maintenance and Engineering Officer; and Mr. Manan Garg, Chief Transit System Development Officer, Design and Construction, presented the item.

Director Allen asked whether a staff member has replaced Mr. Edwards in Operations.

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

Director Raburn reported that that he had attended the Diridon Station Area Joint Policy Advisory Board meeting.

President Simon commented on Board Members speaking with constituents and being in communities and thanked them for being stewards of a difficult and uncertain time.

President Simon called for Public Comment. No comments were received.

The Meeting was adjourned at 12:22 p.m.

Jacqueline R. Edwards  
Assistant District Secretary