

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

Board of Directors  
Minutes of the 1,891st Meeting  
September 9, 2021

A regular meeting of the Board of Directors was held on September 9, 2021, convening at 9:02 a.m. via teleconference, pursuant to Governor Gavin Newsom's Executive Order N-08-21. President Foley presided; Jacqueline R. Edwards, District Secretary.

President Foley gave instructions on viewing the Meeting, accessing presentation materials online, and Public Comment.

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

Absent: None.

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meeting of August 26, 2021.
2. Revision to Succession Resolution.
3. Audit of Directors' Use of District Property for Fiscal Year 2021.

President Foley announced that the Board would not make any authorization for the Deputy Assistant District Secretary position under Item 2-B, Revision to Succession Resolution, as the position had become vacant after the publication of the agenda.

Director McPartland made the following motions as a unit. Director Saltzman seconded the motions.

1. That the Minutes of the Meeting of August 26, 2021, be approved.
2. That Resolution No. 5488, In the Matter of Designating an Alternate for the General Manager And Authorizing Certain District Officers to Use Facsimile Signatures On District Warrant-Checks, be adopted as amended.
3. That the report of the Audit of Directors' Use of District Property for Fiscal Year 2021, be accepted.

President Foley called for Public Comment on the Consent Calendar. No comments were received.

The motions brought by Director McPartland and seconded by Director Saltzman carried by unanimous roll call vote. Ayes: 9 – Directors Allen, Ames, Dufty, Li, McPartland, Raburn, Saltzman, Simon, and Foley. Noes: 0.

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

Tom Panas  
Roland Lebrun  
Aleta Dupree  
Clarence Fisher

Director Li, Chairperson of the Administration Committee, brought the matter of Change Order to Agreement No. 6M4625A, with KPMG, LLP, for the Development of the District's Project Portfolio Management System (C.O. No. 03) before the Board. Pamela Herhold, Assistant General Manager, Performance and Budget, presented the item.

Director Simon moved that the General Manager be authorized to execute Change Order No. 3 to Agreement No. 6M4625A with KPMG, LLP for the development of the District's Project Portfolio Management (PPM) System for an amount not to exceed \$400,000.00. Director Dufty seconded the motion.

The item was discussed, with the following highlights:

Director Allen inquired about the status of the work that had been completed under the \$5 million contract to date, the percentage of work that had been completed for \$5 million, how much of the \$5 million contract had been paid, and implementation of the PPM System; and requested that staff provide an update to the Board on the full implementation of the PPM System in four to six months.

President Foley expressed support for Director Allen's request for an update on the full implementation of the PPM system and the need for the enhancement.

Director McPartland expressed agreement with Director Allen regarding the need for surveillance and commented on moving forward with the item.

Director Li requested that the implementation update in four to six months include adoption rates.

The motion brought by Director Simon and seconded by Director Dufty carried by unanimous roll call vote. Ayes: 9 – Directors Allen, Ames, Dufty, Li, McPartland, Raburn, Saltzman, Simon, and Foley. Noes: 0.

Director Simon, Chairperson of the Engineering and Operations Committee, brought the matters of (1) Change Order to Invitation for Bid for No. 9085, Hayward Maintenance Complex (Phase 2) Mainline Trackwork Procurement, with Voestalpine Railway Systems Nortrak, Inc., for Termination of Contract in Part by BART (C.O. No. 002); and (2) Change Orders to Contract No. 15EK-140, Traction Power Substation Replacement ASL Installation, with Aldridge Electric, Inc. before the Board.

Director Dufty made the following motions as a unit. President Foley seconded the motions.

1. That the General Manager be authorized to execute Change Order No. 002 for Invitation for Bid (IFB) No. 9085, Hayward Maintenance Complex (Phase 2), Mainline Trackwork Procurement, with voestalpine Railway Systems Nortrak, Inc. for termination of contract in part by BART.

2. That the General Manager be authorized to execute Change Order Nos. 004 and 010B in an aggregate amount not to exceed \$286,000.00 to Contract No. 15EK-140 for Traction Power Substation Replacement ASL Installation with Aldridge Electric, Inc.

Aleta Dupree addressed the Board.

The items were discussed, with the following highlights:

Director Ames inquired about the lessons learned, redesign, and next steps regarding the Hayward Maintenance Complex.

Director Simon requested that staff provide a brief summary in response to Director Ames and follow-up with Director Ames after the Board Meeting.

The motions brought by Director Dufty and seconded by President Foley carried by unanimous roll call vote. Ayes: 9 – Directors Allen, Ames, Dufty, Li, McPartland (Director McPartland made a “yes” gesture to the District Secretary and the District Secretary made the announcement verbally), Raburn, Saltzman, Simon, and Foley. Noes: 0.

Director Raburn, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, brought the matter of Update on BART Headquarters Office Building (2150 Webster St., Oakland, CA) before the Board. Carl Holmes, Assistant General Manager, Design and Construction; Emilia Sanchez, Group Manager, Capital Projects; Maceo Wiggins, Director of the Office of Civil Rights; Leah Turner, Operations Manager, Interiors and Special Projects Division, Turner Construction Company; and Abigail Thorne-Lyman, Group Manager, Transit Oriented Development (TOD), Real Estate and Property Development, presented the item.

The item was discussed, with the following highlight:

Director Raburn commended the work of Group Manager Sanchez, staff, Office of Civil Rights Director Wiggins, Operations Manager Turner, and TOD Group Manager Thorne-Lyman.

Aleta Dupree addressed the Board.

Discussion continued, with the following highlights:

Director Li congratulated BART, Turner Construction Company, and contractors on their work; thanked the San Francisco and Oakland African American Chambers of Commerce for pushing BART to do better and Turner Construction Company for sharing contractors and firms’ stories; and inquired about the timeline for use of the new Board Room, the retail space on the first floor of BART Headquarters (BHQ), and the public’s access to BHQ.

Director McPartland commended staff on their work; commented on the controlled access to BHQ; congratulated staff for their work; and expressed gratitude for staff’s work.

Director Saltzman seconded the gratitude and congratulations that had been expressed; expressed satisfaction with the BHQ project; inquired about the decision not to utilize the retail space on the first floor of BHQ as a BART store; requested that utilization of the retail space as a BART store be

brought before the Board for discussion within the next couple of months; and commented on use of the retail space as a Board-level decision.

Director Simon recognized staff and Turner Construction Company for their work; commented on BART's previous exclusionary contracting practices, BART's history of working with the civil rights community to remedy the failure to engage other members of the contracting community and diverse members of the small business community, and BART and Turner Construction Company's efforts to ensure that members of the Bay Area diverse business community participated in the BHQ project; thanked Assistant General Manager Holmes for his work; expressed pride in the Board, BART leadership, and staff's efforts to establish BHQ; and expressed gratitude for the work of staff and the Board and for the public's trust and feedback.

Director Allen exited the Meeting.

Discussion continued, with the following highlights:

Director Ames thanked contractors, staff, leadership, and Assistant General Manager Holmes for their work and suggested that the retail space on the first floor of BHQ be shared with a community-based organization and include a BART store.

Director Dufty acknowledged past Board President, Director Simon for her leadership with engaging the small and minority business community; Turner Construction Company for its commitment to achieving goals that reflected BART's values; Robert Powers, General Manager, and Michael Jones, Deputy General Manager, for their work with Jones Lang LaSalle IP, Inc. (JLL); Tom Maloney, Executive Managing Director, JLL, and David Churton, Executive Managing Director, JLL, and the JLL team for their work; former BART Controller/Treasurer Rose Poblete for the financial package she developed; former Director of Real Estate and Property Development Sean Brooks and the leadership team for their work; and Assistant General Manager Holmes for his build-out and construction expertise. Director Dufty thanked Group Manager Sanchez for her work, BART's labor partners for their interest, represented employees for their feedback, and the District Secretary's Office its work; acknowledged President Foley for his leadership; and expressed satisfaction with the BHQ project.

President Foley expressed support for Director Saltzman's request for staff to return to the Board for an early discussion of the retail space on the first floor of BHQ; noted that he had been discussing the status of the new Board Room and safely returning to in-person Board meetings with the District Secretary; congratulated and thanked staff, Turner Construction Company, and contractors for their work; expressed pride in the small business commitment on the BHQ project; and thanked former Board President, Director Simon for her leadership, labor partners for their leadership, and employees for their cooperation with the move to BHQ.

Director Raburn thanked Directors Simon and Dufty for their work to ensure that the BHQ project reflects the community; commented on the cultural change that is represented by the BHQ project; expressed agreement with considering a BART store and the existing company store at Lake Merritt Station in relation to the retail space on the first floor of BHQ; commented on providing an opportunity for the public to enter and view BHQ and park bicycles in front of BHQ under security cameras; expressed pride in the BHQ project and the technology included in the project; and thanked all who worked on the BHQ project for their work.

Doug Parrish and Clarence Fisher addressed the Board.

Director Raburn brought the matter of Update on Link21 Program before the Board. Sadie Graham, Capital Project Manager, Link21; Camille Tsao, Manager of Special Projects, Capitol Corridor Joint Powers Authority New Transbay Rail Crossing; and Andrew Tang, Manager of Special Projects, Link21, presented the item.

The following individuals addressed the Board:

Aleta Dupree  
Roland Lebrun  
Clarence Fisher

The item was discussed, with the following highlights:

Director Li thanked the Link21 team for its work; acknowledged Capital Project Manager Graham, Special Projects Manager Tsao, and Special Projects Manager Tang for their presentation of the material and Peter Gertler, Senior Vice President, HNTB, Jeff Morales, Managing Principal, InfraStrategies LLC, and Elisa Tejedor, Associate Director, Steer, for their partnership with BART; commented on the stage gate process, defining the project, goals, risks, and areas of alignment, and the importance of maximizing transparency with the public and stakeholders; and encouraged staff to present information before the first stage gate decision.

Director McPartland thanked Director Li for her observations and expressed agreement with her; commented on the global perspective of public transportation, BART's role in providing local transportation and connections to northern California, and collaborating with municipalities on public land use; and thanked Director Li for her work on the project.

Director Saltzman expressed excitement about the progress of the project and agreement with Director Li regarding the presentation of the material; requested that data be presented in a more digestible manner in the agenda packet and online in the future; commented on the 45% unmet rail potential in the megaregion and including this information on Link21 materials, the website, and factsheets; and expressed excitement about the future presentation to the Board on value capture.

Director Ames requested that staff provide a feasibility study on ridership and the projections to explain how the potential market analysis data was developed; commented on the physical features building block, gathering asset data to be transparent to the public, and freight growth; and expressed a desire for a feasibility study on ridership growth, a study on freight growth, and an asset management plan.

Director Dufty associated himself with the comments of Director Li; expressed agreement about the ability to share the presentation with the public; and commented on outreach, public participation, and developing a transit citizenship curriculum to engage high school students in and around the Bay Area around the investments that will be made over the next thirty to forty years to address climate change, global warming, and creating a society more focused on transit than single passenger automobiles.

President Foley expressed support for staff's recommended approach; associated himself with Directors Li and Saltzman's comments; and requested that future presentations include a narrative that highlights key elements of the data.

Director Raburn commented on gathering data for the project and distilling information into simple objectives to share with the public.

Director Raburn brought the matter of BART 2020 Sustainability Annual Report before the Board. Rajiv Dabir, Group Manager, Sustainability Program, and Michael Cox, Principal Performance Analyst, Sustainability, presented the item.

Aleta Dupree addressed the Board.

The item was discussed, with the following highlights:

Director Ames inquired about tracking resources; commented on the impact of the Green Movement; and requested that staff provide information about where project products are made and where materials are derived from in the future.

Director Saltzman expressed excitement about the progress of sustainability efforts, disappointment about the lack of progress in waste reduction, and a desire for progress in the waste reduction area; and thanked staff for their work.

Director Raburn expressed excitement about the opportunity provided by BHQ to measure the waste generated by BART and commented on creating a car washing facility that uses recycled water at the Hayward Maintenance Complex.

Director Raburn brought the matter of Electric Vehicle Charging Policy before the Board. Val Menotti, Chief Planning and Development Officer, Systems Development, and Monica Meagher, Manager of Special Projects, Sustainability, presented the item.

The item was discussed, with the following highlight:

Director Raburn thanked Special Projects Manager Meagher and Chief Planning and Development Officer Menotti for their work; and requested that staff publicly engage stakeholders from university transportation programs, environmental groups, including the Sierra Club, 350 Bay Area, The Greenlining Institute, and others, and think tanks, such as The International Council on Clean Transportation, to solicit advice to the BART Board on a charging policy that will help BART succeed in adopting electric vehicles (EVs) in the non-revenue fleet and incentivize EVs over the internal combustion engine.

Aleta Dupree addressed the Board.

Discussion continued, with the following highlights:

Director Li expressed appreciation for the question of how to appropriately balance land use needs and policies adopted by the Board; and commented on affordable housing as the best use of BART land, better understanding the land and specific parcels at stations that are developable and ready for

EV charging, maximizing state and federal funding for building EV infrastructure, ensuring that EV technology is as open source, adaptable, and flexible as possible, determining whether an in-house, third party, or hybrid approach should be used for building EV infrastructure, and better understanding the demand for EV charging at stations.

Director McPartland applauded Director Li for her comments and commented on addressing the future expansion of the demand for EV charging stations.

Director Saltzman expressed support for the EV Policy, agreement with Director Li regarding planning around housing development, and excitement about moving forward with electric non-revenue vehicles; inquired whether Director Raburn's outreach recommendation is included in staff's plan; and expressed agreement with Director Raburn's outreach recommendation and a desire to prioritize outreach while moving forward with the EV Policy as planned.

Director Ames expressed concern about changes in EV technology, antiquated EV infrastructure, and the resources used to develop EV infrastructure; and commented on improving access to stations as opposed to creating innovative technologies and focusing on encouraging people to walk and bike to BART, instead of driving.

Director Dufty expressed that BART should be involved in the shift to EVs and that he supports EV charging efforts; and commented on his experience with electric vehicles, involving the BART Police Department in the implementation of overnight parking, ensuring that bidders are required to conduct repair of EV charging stations within twenty-four to forty-eight hours, and the importance of providing opportunities for EV brands other than Tesla to charge EVs at facilities developed by BART.

President Foley expressed support for converting BART's non-revenue fleet to sustainable fuel; inquired about the number of non-revenue vehicles that are not powered by fossil fuels, the next opportunity to invest in new technology for the non-revenue vehicle fleet, the availability of EV charging services, using a check-in process for peak hour EV charging usage, and a cost-neutral option for EV charging; and commented on evaluating BART's ownership and operation of the EV charging system, as opposed to utilizing a third party vendor.

Director Raburn expressed appreciation for Director Li's comments regarding transit-oriented development and President Foley's comments regarding cost-neutral EV charging, and commented on BART's Station Access Policy and the access hierarchy; equity; seeking input from experts from transportation institutes, such as those at Berkeley, Mineta Transportation Institute, and University of California, Davis, national experts affiliated with environmental groups, and think tanks to further develop the EV Policy; and bringing the EV Policy before the Board again soon.

President Foley called for the General Manager's Report. General Manager Powers reported on the new fare gates at Rockridge Station, the community celebration at El Cerrito del Norte Station the next day, the Equality California Equality Awards event that he would attend with Directors Dufty and Li the next evening, BART's completion of the Association of American Railroads Quality Assurance certification (AARQA 5000 Certification), applying for \$2.2 billion in additional American Rescue Plan Act of 2021 funding for transit agencies, the COVID-19 vaccination rate among employees, ridership, and his Listening Tour; and congratulated Shane Edwards, Interim Assistant General Manager, Operations, former BART staff, and David

Hardt, Chief Mechanical Officer, Rolling Stock and Shops Administration, for ensuring that BART becomes World Class Transit.

Aleta Dupree addressed the Board.

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

Director Raburn reported that Senate Bill 2, regarding police decertification, was pending approval from Governor Gavin Newsom and that he had attended the joint meeting of the Title VI/Environmental Justice and Limited English Proficiency advisory committees; recognized the District Secretary's Office and Emily Alter, Senior Workforce and Policy Compliance Analyst, Office of Civil Rights, for their efforts to post the joint meeting agenda attachments on Legistar; and thanked Jacqueline R. Edwards, District Secretary, for fulfilling the Board's request for advisory committee agenda attachments to be posted online when the agenda is posted.

Director Saltzman expressed excitement about the community celebration at El Cerrito del Norte Station the next day; reported that she had presented virtually to the Rotary Club of San Leandro; shared feedback she had received regarding the cleanliness of the trains; congratulated staff who have cleaned trains and identified where to deploy cleaners in trains and stations; reported that she had traveled to Martinez using BART, Central Contra Costa Transit Authority (County Connection), and Western Contra Costa Transit Authority (WestCAT) transit services; commented on making transit connections to BART more viable; and reported that she had planned to travel using Eastern Contra Costa Transit Authority (Tri Delta Transit) and Livermore Amador Valley Transit Authority (Wheels) transit services and that she had observed the new fare gates at Rockridge Station.

Director Ames recognized the City of Fremont for its approval of the Trails Strategy Plan.

President Foley encouraged riders to attend the community celebration at El Cerrito del Norte Station the next day and thanked Lisa Ward, Administrative Coordinator, Labor Relations, for her assistance with scheduling and Dinah Garcia, Senior Computer Support Coordinator, Desktop and Network Services, for her assistance with a technological issue.

President Foley announced that the Board would enter into closed session under Items 9-A (Conference with Labor Negotiators) and 9-B (Conference with Legal Counsel – Existing Litigation) 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 12:42 p.m.

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The Board reconvened in closed session at 12:57 p.m.

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

Absent: None. Directors Dufty and McPartland entered the Meeting later.

Director McPartland entered the Meeting.



Director Dufty entered the Meeting.

The Board Meeting recessed at 2:17 p.m.

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The Board reconvened in open session at 2:18 p.m.

President Foley announced that the Board had concluded its closed session under Items 9-A and 9-B and that there were no announcements to be made.

The Meeting adjourned at 2:18 p.m.

Jacqueline R. Edwards  
District Secretary