

BOARD MEETING AGENDA

February 13, 2014

9:00 a.m.

A regular meeting of the Board of Directors will be held at 9:00 a.m. on Thursday, February 13, 2014, in the BART Board Room, Kaiser Center 20<sup>th</sup> Street Mall – Third Floor, 344 – 20<sup>th</sup> Street, Oakland, California.

Members of the public may address the Board of Directors regarding any matter on this agenda. Please complete a “Request to Address the Board” form (available at the entrance to the Board Room) and hand it to the Secretary before the item is considered by the Board. If you wish to discuss a matter that is not on the agenda during a regular meeting, you may do so under Public Comment.

Any action requiring more than a majority vote for passage will be so noted.

Items placed under “consent calendar” are considered routine and will be received, enacted, approved, or adopted by one motion unless a request for removal for discussion or explanation is received from a Director or from a member of the audience.

Please refrain from wearing scented products (perfume, cologne, after-shave, etc.) to these meetings, as there may be people in attendance susceptible to environmental illnesses.

BART provides 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>), in the BART Board Room, and upon request, in person or via mail.

Meeting notices and agendas are available for review on the District's website (<http://www.bart.gov/about/bod/meetings.aspx>), and via email or via regular mail upon request. Complete agenda packets (in PDF format) are available for review on the District's website no later than 48 hours in advance of the meeting. Those interested in being on the mailing list for meeting notices (email or regular mail) can do so by providing the District Secretary with the appropriate address.

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, 23<sup>rd</sup> Floor, Oakland, CA 94612; fax 510-464-6011; or telephone 510-464-6083.

Kenneth A. Duron  
District Secretary

Regular Meeting of the  
BOARD OF DIRECTORS

The purpose of the Board Meeting is to consider and take such action as the Board may desire in connection with:

1. CALL TO ORDER

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

2. CONSENT CALENDAR

- A. Approval of Minutes of the Meetings of December 19, 2013, and January 23, 2014.\* Board requested to authorize.
- B. Revision to 2014 Standing Committee and Special Appointments.\* Board requested to authorize.
- C. Resolution of Local Support for the Regional Transportation Improvement Program (RTIP) Funds for the Stations Modernization Improvements Program.\* Board requested to adopt.
- D. Resolution of Local Support for a Metropolitan Transportation Commission (MTC) Transit Performance Initiative Project Application for the BART Metro Priority Improvements Project.\* Board requested to adopt.
- E. Award of Contract No. 15EI-170, Power Transformer Replacement and Installation for SBS and SPS Auxiliary Substations.\* Board requested to authorize.
- F. Fiscal Year 2014 First Quarter Financial Report.\* For information.

3. ADMINISTRATION ITEMS

Director Saltzman, Chairperson

- A. Resolution Authorizing Northern California Power Agency Renewable Power Purchase Agreement.\* Board requested to adopt.
- B. Time Extension for Agreement No. 6M4042, Broker and On-Call Consulting Services for Employee Benefits.\* Board requested to authorize.

4. ENGINEERING AND OPERATIONS ITEMS

Director McPartland, Chairperson

- A. Change Order to Contract No. 15PP-110A, BART Earthquake Safety Program Station Structures – C Line, with ProVen Management, Inc., for New Storefront Window Walls at Walnut Creek Station (C.O. No. 84).\* Board requested to authorize.
- B. Quarterly Performance Report, Second Quarter Fiscal Year 2014 - Service Performance Review.\* For information.

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

Director Raburn, Chairperson

- A. Proposed Transit-Oriented Development at the Millbrae Station - Report.\* For information.

6. GENERAL MANAGER'S REPORT

- A. Review of the Draft Agenda for the Capitol Corridor Joint Powers Board Meeting of February 19, 2014.\* For information.

7. BOARD MATTERS

- A. Labor Negotiations Review Ad Hoc Committee.\*
  - i. Report of the Committee. For information.
  - ii. Request for Authority. Board requested to authorize.
- B. Resolution Commending Detective Sergeant Thomas A. Smith.\* Board requested to adopt.
- C. Board Member Reports.  
(Board member reports as required by Government Code Section 53232.3(d) are available through the Office of the District Secretary.)
- D. 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.)
- E. In Memorium.  
(An opportunity for Board members to introduce individuals to be commemorated.)

8. PUBLIC COMMENT

(An opportunity for members of the public to address the Board of Directors on matters under their jurisdiction and not on the agenda.)

9. CLOSED SESSION (Room 303, Board Conference Room)

- A. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION  
Significant exposure to litigation pursuant to subdivision (b) of Government Code Section 54956.9: one potential case.
- B. CONFERENCE WITH REAL PROPERTY NEGOTIATORS  
Property: Property Located at the Walnut Creek BART Station  
District Negotiators: Robert Powers, Assistant General Manager, Planning & Development; and Jeffrey P. Ordway, Department Manager, Real Estate and Property Development  
Negotiating Parties: Walnut Creek Transit Lifestyles Associates, LLC, and San Francisco Bay Area Rapid Transit District  
Under Negotiation: Price and Terms  
Government Code Section: 54956.8
- C. CONFERENCE WITH REAL PROPERTY NEGOTIATORS  
Property: 300 Lakeside Drive and 344 20<sup>th</sup> Street, Oakland, CA  
District Negotiators: Robert Powers, Assistant General Manager, Planning & Development; and Jeffrey P. Ordway, Department Manager, Real Estate and Property Development  
Negotiating Parties: The Swig Co. and San Francisco Bay Area Rapid Transit District  
Under Negotiation: Price and Terms  
Government Code Section: 54956.8

10. OPEN SESSION

- A. Prevailing Wage Policy for Transit-Oriented Development for the East Parcel of the Walnut Creek Transit Village Project. Board requested to authorize.
- B. Expansion of District's Existing Leased Space at 300 Lakeside Drive and 344 20<sup>th</sup> Street, Oakland, CA, and Extension of Existing Lease Term. Board requested to authorize.

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

Board of Directors  
Minutes of the 1,696th Meeting  
December 19, 2013

A regular meeting of the Board of Directors was held December 19, 2013, convening at 9:07 a.m. in the Board Room, 344 20<sup>th</sup> Street, Oakland, California. President Radulovich presided; Kenneth A. Duron, District Secretary.

Directors present: Directors Blalock, Fang, Keller, Mallett, McPartland, Murray, Raburn, Saltzman, and Radulovich.

Absent: None.

President Radulovich introduced and welcomed Ms. Maryann Fleming, Founder and Executive Director, and Ms. Yensing Sihapanya, Associate Director, of the Excelsior and Portola Family Connections, the District's 2013 Holiday Toy Drive Recipient. A short video was shown describing the services of the organization and Ms. Fleming addressed the Board.

Consent Calendar item brought before the Board was:

1. Approval of Minutes of the Meetings of November 15, 2013 (Special), and November 21, 2013 (Regular).

Director McPartland moved that the Minutes of the Meetings of November 15, 2013 (Special), and November 21, 2013 (Regular), be approved. Director Blalock seconded the motion, which carried by unanimous electronic vote. Ayes - 9: Directors Blalock, Fang, Keller, Mallett, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes - 0.

President Radulovich announced that the Board would enter into closed session in the adjacent conference room under Item 3-A (Conference with Labor Negotiators) of the regular meeting agenda, and that the Board would reconvene in open session at the end of that closed session.

The Board Meeting recessed at 9:19 a.m.

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The Board reconvened in closed session at 9:21 a.m.

Directors present: Directors Blalock, Fang, Keller, Mallett, McPartland, Murray, Raburn, Saltzman, and Radulovich.

Absent: None.

The Board Meeting recessed at 11:42 a.m.

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The Board reconvened in open session at 11:44 a.m.

Directors present: Directors Blalock, Fang, Mallett, Murray, Raburn, Saltzman, and Radulovich.

Absent: Directors Keller and McPartland.

President Radulovich announced that the Board had met in closed session under Item 3-A of the agenda, and that there was no announcement to be made from the closed session.

Director Murray, Chairperson of the Administration Committee, brought the matter of Resolution Ratifying Collective Bargaining Agreement with the American Federation of State, County and Municipal Employees, Local 3993, before the Board. Mr. Carter Mau, Assistant General Manager, Administration and Budgets, and Mr. Rudolph Medina, Department Manager, Labor Relations, presented the item. Director Blalock moved adoption of Resolution No. 5238, In the Matter of Ratifying the 2013 – 2017 Collective Bargaining Agreement between the District and the American Federation of State, County and Municipal Employees, Local 3993. Director Radulovich seconded the motion, which carried by electronic vote. Ayes – 6: Directors Blalock, Fang, Murray, Raburn, Saltzman, and Radulovich. Noes – 1: Director Mallett. Absent – 2: Directors Keller and McPartland. (The vote was subsequently amended; see below.)

Director Murray brought the matter of Resolution Fixing the Employer's Contribution to CalPERS for the American Federation of State, County, and Municipal Employees Local 3993 under the Public Employees' Medical and Hospital Care Act before the Board.

Directors Keller and McPartland re-entered the Meeting.

Ms. Diane Iwata, Benefits and HRIS Manager, presented the item. Director Blalock moved adoption of Resolution No. 5239, In the Matter of Fixing the Employer's Contribution under the Public Employees' Medical and Hospital Care Act for Employees Represented by the American Federation of State, County and Municipal Employees (AFSCME). Director Saltzman seconded the motion, which carried by roll call vote. Ayes - 9: Directors Blalock, Fang, Keller, Mallett, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes – 0.

Directors Keller and McPartland requested that the vote on the adoption of Resolution No. 5238 be amended to reflect they had voted "aye." There being no objection from the Board, the vote was amended as follows. Ayes – 8: Directors Blalock, Fang, Keller, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes – 1: Director Mallett.

Director Fang, Chairperson of the Engineering and Operations Committee, had no report.

Director Blalock, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, had no report.

President Radulovich called for the General Manager's report. General Manager Grace Crunican thanked the Board for their leadership over the past year. Ms. Crunican reported on steps she

had taken and activities and meetings she had participated in. Ms. Crunican announced the retirement of Chief Transportation Officer Rudy Crespo.

President Radulovich brought the matter of Station Renaming Policy and Procedure: Proposed Amendment, before the Board. Director Mallett and Ms. Kerry Hamill, Assistant General Manager, External Affairs, presented the item. The item was discussed. Director Saltzman moved that the final paragraph of the Guiding Policy Statement for Consideration in Station Renaming be deleted in its entirety and replaced with the following paragraph:

All applicants shall be required to pay for staff costs to develop an estimate for station renaming. Successful applicants shall also be required to pay for all material, labor and permitting costs associated with the renaming of the station.

Director Murray seconded the motion, which carried by unanimous voice vote. Ayes - 9: Directors Blalock, Fang, Keller, Mallett, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes - 0.

President Radulovich called for Board Member Reports and Roll Call for Introductions.

Director Blalock reported he had participated in the HNTB design award process.

Director McPartland reported he had given a presentation at the American Geological University Fall Convention in San Francisco.

Director Raburn reported he had attended the BART Police Awards Ceremony.

Director Saltzman reported she had attended the Alameda County Building Trades Council annual luncheon and a stakeholder meeting regarding the redesign of the Downtown Berkeley BART plaza.

President Radulovich requested a new standard item, "In Memorium," be added to future Board Meeting agendas.

President Radulovich brought the matter of Election of Officers before the Board.

President Radulovich shared his comments on the events of the past year of his Presidency.

President Radulovich opened the floor for nominations for President. Director Murray nominated Director Keller for President of the Board of Directors. Director Blalock moved to close nominations. Director Murray moved that Director Keller be elected Board President for 2014. Director Blalock seconded the motion, which carried by unanimous voice vote. Ayes - 9: Directors Blalock, Fang, Keller, Mallett, Murray, Raburn, Radulovich, Saltzman, and McPartland. Noes - 0.

President Keller assumed the gavel.

President Keller shared comments on the upcoming year.

President Keller opened the floor for nominations for Vice President. Director McPartland nominated Director Blalock for Vice President of the Board of Directors. Nominations were closed. Director McPartland moved that Director Blalock be elected Board Vice President for 2014. Director Murray seconded the motion, which carried by unanimous voice vote. Ayes - 9; Directors Blalock, Fang, Keller, Mallett, Murray, Raburn, Radulovich, Saltzman, and McPartland. Noes - 0.

Director Blalock shared comments on the upcoming year.

President Keller called for Public Comment.

The following individuals addressed the Board.

Ms. Julia Halsne

Mr. Chris Finn

Mr. Pete Castelli

Mr. Gabriel Holland

Ms. Roxanne Sanchez

The Board Meeting was adjourned at 12:43 p.m. in memory of Mr. Leland Clayton Smith.

Kenneth A. Duron  
District Secretary



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

Board of Directors  
 Minutes of the 1,699th Meeting  
 January 23, 2014

A regular meeting of the Board of Directors was held January 23, 2014, convening at 9:01 a.m. in the Board Room, 344 20<sup>th</sup> Street, Oakland, California. Vice - President Blalock presided; Kenneth A. Duron, District Secretary.

Directors present: Directors Fang, Mallett, Murray, Raburn, Radulovich, Saltzman, and Blalock.

Absent: Director Keller. Director McPartland entered the meeting later.

Vice-President Blalock asked for a moment of silence for fallen BART Police Sergeant Thomas "Tommy" Smith Jr.

Director Mallett stated he wanted the record to reflect that he intended to abstain on Item 3-B Amended and Restated San Francisco Bay Area Rapid Transit District Flexible Benefits Plan at January 9, 2014 Board Meeting.

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meetings of January 2, 2014 (Special), and January 9, 2014 (Regular).
2. BART Accessibility Task Force New Member Appointment.
3. Award of Contract No. 15SV-110, Site Restoration at Various Locations.
4. Award of Invitation for Bid No. 8917, Dump Truck With Over the Cab Loader.
5. Reject all Bids for Contract No. 15EI-230, Procurement of 75KVA, 34.5KV/208Y-120C Control Transformer.

Director Mallett made the following motions as a unit. Director Radulovich seconded the motions, which carried by unanimous acclimation. Ayes - 7: Directors Fang, Mallett, Murray, Raburn, Radulovich, Saltzman, and Blalock. Noes - 0. Absent - 2: Directors Keller and McPartland.

1. That the Minutes of the Meetings of January 2, 2014 (Special), and January 9, 2014 (Regular), be approved.
2. That the Board accepts the recommendation of the BATF and appoints the nominated candidate, Megan O'Brien, for membership to the BATF for a term effective January 23, 2014 to June 30, 2015, or until the Board makes

new appointments and/or reappointments for a new term, whichever occurs later.

3. That the General Manager is authorized to award Contract No. 15SV-110, Earthquake Safety Program Site Restoration at Various Locations to California Restoration On-Call, Inc. dba Avalon Construction Co. for the bid amount of \$345,680.00 pursuant to notification to be issued by the General Manager and subject to the District's protest procedures.
4. That the General Manager is authorized to award IFB No. 8917, for the procurement of a dump truck with an over the cab loader, to Golden Gate Truck Center for the bid amount of \$179,588.00, pursuant to notification to be issued by the General Manager, and subject to compliance with the District's protest procedures.
5. That all Bids for Contract No. 15EI-230 for Procurement of 75KVA, 34.5 KV/208Y-120V Control Transformers, be rejected.

Vice-President Blalock announced that the order of agenda items would be changed.

Vice-President Blalock called for the General Manager's report.

Ms. Grace Crunican, General Manager, asked BART Police Chief Rainey to give a report on the Officer involved shooting of January 21, 2014. Chief Rainey provided a report

BART Independent Police Auditor Mark Smith described his Office's role in monitoring the investigation.

Ms. Crunican, reported on her recent activities and meetings she had participated in. Ms. Crunican reported on the Oakland Airport Connector test train event on January 21, 2014. Ms. Crunican announced the Lunar Year Celebration will be held on February 5, 2014.

Director Raburn, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, brought the matter of Sister Transit Agency: Shanghai Metro Memorandum of Understanding, before the Board. Mr. Robert Powers, Assistant General Manager of Planning & Development, presented the item. The item was discussed.

Director McPartland entered the meeting.

Director Fang moved that the General Manager or designee execute a Sister Transit Agency Memorandum of Understanding between BART and Shanghai Metro. Directors Murray and Blalock seconded the motion, which carried by unanimous acclimation. Ayes - 8: Directors Fang, Mallett, McPartland, Murray, Raburn, Radulovich, Saltzman, and Blalock. Noes - 0. Absent - 1: Director Keller.

Director Raburn brought the matter of 2014 State & Federal Legislative Goals, before the Board. Ms. Kerry Hamill, Assistant General Manager of External Affairs and Mr. Paul Fadelli, Legislative Officer, presented the item. Mr. Tim Schott and Mr. Jim Lites, representing Schott & Lites, addressed the Board on State Legislative Goals.

Ms. Karey Christ-Janer addressed the Board.

Director Fang exited the meeting.

The item was discussed.

Ms. Emily Bacque and Ms. Lynn Jacquez, representing CJ Lakes, addressed the Board on Federal Legislative Goals. The item was discussed. Director Radulovich amended the motion to include District support for an oil and gas severance tax. Director McPartland moved that the Board approve the State and Federal advocacy programs, as amended. Director Saltzman seconded the motion, which carried by unanimous acclamation. Ayes - 7: Directors Mallett, McPartland, Murray, Raburn, Radulovich, Saltzman, and Blalock. Noes - 0. Absent – 2 Directors Fang and Keller.

Director Saltzman, Chairperson of the Administration Committee, brought the matter of Resolution Fixing the Employer's Contribution under the California Public Employees Retirement System for employees represented by Amalgamated Transit Union Local 1555 and Service Employees International Union Local 1021 under the Public Employees' Medical and Hospital Care Act., before the Board. Ms. Diane Iwata, Human Resources Program Manager HRIS & Benefits, presented the item. Director McPartland moved the adoption of resolutions 5243, 5244 and 5245 In the Matter of Fixing the Employer's Contribution under the Public Employees' Medical and Hospital Care Act for Employees Represented by American Transit Union Local 1555, Service Employees International Union Local 1021 and Non-Represented employees. Director Blalock seconded the motion. Ayes - 6: Directors McPartland, Murray, Raburn, Radulovich, Saltzman, and Blalock. Noes - 0. Abstain – 1 Director Mallett Absent – 2 Directors Fang and Keller.

Director Saltzman brought the matter of Resolution for Employer Paid Member Contribution under the California Public Employees Retirement System for employees represented by Amalgamated Transit Union Local 1555, American Federation of State, County and Municipal Employees, Local 3993, Service Employees International Union Local 1021 and Non-Represented Employees, before the Board. Ms. Iwata presented the item. Director McPartland moved adoption of resolutions No. 5246, 5247, 5248 and 5249 authorizing the Board President to sign the resolutions on behalf of the Board. Director Murray seconded the motion. Ayes - 6: Directors McPartland, Murray, Raburn, Radulovich, Saltzman, and Blalock. Noes - 0. Abstain – 1: Director Mallett Absent – 2: Directors Fang and Keller.

Director Saltzman brought the matter of Amendment to the San Francisco Bay Area Rapid Transit District Money Purchase Pension Plan for employees represented by Amalgamated Transit Union, Local 1555, American Federation of State, County and Municipal Employees, Local 3993, Service Employees International Union, Local 1021, and Non-Represented Employees, before the Board. Ms. Iwata presented the item. Director Blalock moved the authorization of the Board President to execute an amendment to the 2013 Restatement of the San Francisco Bay Area Rapid Transit District Money Purchase Pension Plan (MPPP) that provides for: (1) a deduction of \$37 per month from the contribution of 1.627% of Payroll for members of ATU, SEIU and AFSCME enrolled in District medical plans; and (2) a deduction of 0.0888% of Payroll from the contribution of 1.627% of Payroll for members of ATU, SEIU, AFSCME and non-represented employees. Director McPartland seconded the motion. Ayes - 6: Directors

McPartland, Murray, Raburn, Radulovich, Saltzman, and Blalock. Noes - 0. Abstain - 1: Director Mallett. Absent - 2: Directors Fang and Keller.

Director Saltzman brought the matter of On-Call Economic and Property Development Consultant Services: Agreement with Economic & Planning Systems Inc. (Agreement No. 6M4283A); Agreement with Keyser Marston Associates, Inc. (Agreement No. 6M4357); Agreement with Bard Consulting, Inc. (Agreement No. 6M4358); and Agreement with Savvy City/Charles A. Long (Joint Venture) (Agreement No. 6M4359), before the Board. Director Murray recused herself from the item noting she had a potential financial conflict of interest and exited the meeting. Ms. Susan Shaffer, Principal Right of Way Officer, presented the item. The item was discussed. Director Mallett moved that the General Manager or her designee is authorized to award the following Professional Services Agreements to provide On-Call Economic and Property Development Consultant Services for a five-year period (or to the completion date of any Work Directive issued with such five-year period, if later), each in an amount not to exceed \$250,000, pursuant to notification to be issued by the General Manager and subject to the District's protest procedures and FTA requirements related to protests. Director Blalock seconded the motion. Ayes - 6: Directors Mallett, McPartland, Raburn, Radulovich, Saltzman, and Blalock. Noes - 0. Absent - 3 Directors Fang, Keller and Murray.

Director Murray entered the meeting.

Director Saltzman brought the matter of Independent Auditor's Report on Basic Financial Statements and Internal Control for the Fiscal Year Ended June 30, 2013, before the Board. Mr. Scott Schroeder, Controller/Treasurer and Mr. Chris Gan Assistant Controller presented the item. The item was discussed. Director McPartland moved the acceptance of the Independent Auditor's reports for Fiscal Year Ended June 30, 2013. Director Blalock seconded the motion, which carried by unanimous acclamation. Ayes - 7: Directors Mallett, McPartland, Murray, Raburn, Radulovich, Saltzman, and Blalock. Noes - 0. Absent - 2: Directors Fang and Keller.

Director Saltzman brought the matter of Title VI of the Civil Rights Act of 1964: District Civil Rights Program 2013 Triennial Update, before the Board. Mr. Wayne Wong, Department Manager, Civil Rights and Mr. Robert Mitroff, Manager, Fleet and Capacity Planning, presented the item. The item was discussed.

Mr. Jerry Grace addressed the Board.

Director Raburn moved the Board of Directors approve the District's Title VI Civil Rights Program 2013 Triennial Update, including System-wide Service Monitoring Results. Director Mallett seconded the motion, which carried by unanimous acclamation. Ayes - 7: Directors Mallett, McPartland, Murray, Raburn, Radulovich, Saltzman, and Blalock. Noes - 0. Absent - 2: Directors Fang and Keller.

Director McPartland Chairperson of the Engineering and Operations Committee, brought the matter of Change Order No. 8 to Contract No. 15EK-210, Procurement of Traction Power Substations, Phase 1, Addition of RRY substation, before the Board. Mr. Paul Oversier, Assistant General Manager of Operations presented the item. The item was discussed. Director Mallett moved that the General Manager is authorized to execute Change Order No. 8 to Contract No. 15EK-210 Procurement of Traction Power Substations, Phase 1, in the amount of \$1,612,168.00, plus applicable sales tax, to Powell Electrical Systems, Inc. Director Saltzman seconded the

motion which carried by unanimous acclimation. Ayes - 7: Directors Mallett, McPartland, Murray, Raburn, Radulovich, Saltzman, and Blalock. Noes - 0. Absent - 2: Directors Fang and Keller.

Vice-President Blalock called for Board Member Reports and Roll Call for Introductions.

Director McPartland reported on his providing retiree organization with an update pertaining to BART. He thanked the Customer Service Department for signing up 30 seniors with the Clipper Card.

Director Raburn reported on the delivery of the Oakland Airport Connector railcars.

Director Mallett requested the revision of revenue estimates for the proposed transit oriented development at the Millbrae Station, to be completed by February 2014.

Director Mallett requested that reserved parking pricing at stations be different for non-District residents.

Vice-President Blalock reported that he attended the South Bay Engineers Club.

Vice-President Blalock advised the Board that the Agenda would reflect an In Memorium section on an ongoing basis.

Vice-President Blalock brought the matter of Board Meeting Schedule before the Board. The item was discussed.

Vice-President Blalock brought the matter of Resolution In the Matter of Directing the General Counsel to Take all Necessary and Appropriate Steps to File an Amicus Curiae Brief in the Matter of the State of California, acting by and through Caltrans, et. al. vs. United States Department of Labor, before the Board. Director Mallett presented the item. The item was discussed. Director Mallett moved that the Board approve Resolution 5250 In the Matter of Directing the General Counsel to Take all Necessary and Appropriate Steps to File an Amicus Curiae Brief in the Matter State of California vs. United States Department of Labor (Case No. 2:13-CV-02069). Director Radulovich seconded the motion which carried by unanimous acclimation. Ayes - 7: Directors Mallett, McPartland, Murray, Raburn, Radulovich, Saltzman, and Blalock. Noes - 0. Absent - 2: Directors Fang and Keller.

Mr. Jerry Grace addressed the Board.

The Board Meeting was adjourned at 12:23 p.m. in memory of Sergeant Thomas "Tommy" Smith, Jr. and Dr. Martin Luther King Jr.

Kenneth A. Duron  
District Secretary

**SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT**

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**MEMORANDUM**

**TO:** Board of Directors

**DATE:** February 7, 2014

**FROM:** President

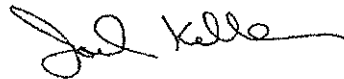
**SUBJECT:** 2014 Standing Committee and Special Appointments - Revision

With the concurrence of Chairperson Blalock, Directors Fang and Radulovich I am proposing a revision of the Wayside Safety Ad Hoc Committee membership. Director Radulovich is being added to the Ad Hoc Committee, joining Directors McPartland, Saltzman and Chairperson Blalock.

Board Rule 3-3.2 requires the ratification by a majority vote of all members of the Board any appointment of any Committee member by the Board President. The Rule includes a provision that such appointments shall be submitted directly to the Board.

In accordance with Board Rule 3-3.2, I am bringing the 2014 Standing Committee and Special Appointments before the Board of Directors for ratification at the Regular Board Meeting on February 13, 2014.

Should you have any questions about the recommended appointments, please contact me or the District Secretary at your convenience.



Joel Keller

Attachments

cc: Board Appointed Officers  
Deputy General Manager  
Executive Staff

RATIFICATION OF 2014 STANDING COMMITTEE AND SPECIAL APPOINTMENTS  
REVISION: Wayside Safety Ad Hoc Committee

MOTION:

That the Board of Directors ratifies the proposed revision to the 2014 Standing Committee and Special Appointments: Wayside Safety Ad Hoc Committee.

Wayside Safety Ad Hoc Committee

Thomas M. Blalock (Chairperson)

John McPartland

Tom Radulovich

Rebecca Saltzman



# EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Marisa DeSautels</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: 2/5/14		BOARD INITIATED ITEM: No		
Originator/Prepared by: Kimberly White Dep. Capital Development & Control <i>Kimberly White 2.3.14</i>	General Counsel <i>Michael P. ... 2/3/14</i>	Controller/Treasurer [ ]	District Secretary [ ]	BARC <i>[Signature] 2/4/14</i>
Status: Routed		Date Created: 01/27/2014		

TITLE:  
**Adoption of a Resolution of Local Support for a Regional Transportation Improvement Program Application for the Stations Modernization Improvements Program**

NARRATIVE:

**Purpose:**

To obtain Board approval of a Resolution of Local Support for a \$13 million application to the Metropolitan Transportation Commission ("MTC") for a Regional Transportation Improvement Program ("RTIP") grant for the Stations Modernization Improvements Program ("Project").

**Discussion:**

MTC Resolution No. 4028 "Policies and Project Selection Criteria for the 2014 Regional Transportation Improvement Program (RTIP)" requires that a project sponsor approve a Resolution of Local Support when the project sponsor submits an application for RTIP funds. Staff has prepared the attached Resolution of Local Support to support its application for \$13 million in RTIP funding for the Project. MTC is responsible for developing the region's funding priorities for the RTIP and for submitting the proposed projects to the California Transportation Commission ("CTC") for adoption into the State Transportation Improvement Program ("STIP").

Currently, there are \$13 million in RTIP funds programmed for the eBART Project in fiscal year 2016. However, because the RTIP funds are federalized and the eBART Project requires State-only funding, the eBART Project will be unable to accept these funds. Accordingly, BART staff has been working collaboratively with the staff of Contra Costa Transit Authority ("CCTA") and MTC to identify a project to substitute for the federalized RTIP funds. The Project has been identified as the ideal candidate for substitution because it can accept federalized funds and by accepting such funds, it will then be able to provide an equivalent amount of State-only Proposition 1B funds to the eBART Project. Both CCTA and MTC support this exchange.

The \$13 million in RTIP funds for which Staff is applying will be used for the construction of the Project. The Project consists of improvements to the station sites, building envelope, vertical transportation, circulation, wayfinding, HVAC and other station equipment replacements/upgrades, and lighting and ambient environment improvements. CCTA and MTC



approved this application in January, pending BART Board approval of the attached Resolution.

**Fiscal Impact:**

Approval of the Resolution of Local Support is a requirement for the District to apply for an RTIP grant for the Project. There is no direct fiscal impact on the District as no BART funds will be used to match this grant.

**Alternatives:**

Do not adopt the attached Resolution of Local Support. The Project would then be ineligible for the \$13 million in RTIP funds and would be unable to provide the eBART Project with an equivalent amount of State-only funds in substitution. This would leave the eBART Project with a \$13 million deficit because the eBART Project funding plan includes the \$13 million in RTIP funds in its budget but it cannot accept such funds since the funds are federalized and the eBART Project does not have NEPA clearance.

**Recommendation:**

Approval of the following Motion.

**Motion:**

The BART Board of Directors adopts the Resolution, "In the Matter of the Approval of a Resolution of Local Support for a RTIP Project Application for the Stations Modernization Improvements Program."

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

**In the Matter of the Approval of a  
Resolution of Local Support for a  
RTIP Project Application for the  
Stations Modernization Improvements Program**

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

**Authorizing the filing of an application for funding assigned to MTC and  
committing any necessary matching funds and stating the assurance to complete the project**

**WHEREAS**, the San Francisco Bay Area Rapid Transit District (herein referred to as APPLICANT) is submitting an application to the Metropolitan Transportation Commission (MTC) for \$13,000,000 in funding assigned to MTC for programming discretion, which includes federal funding administered by the Federal Highway Administration (FHWA) and federal or state funding administered by the California Transportation Commission (CTC) such as Surface Transportation Program (STP) funding, Congestion Mitigation and Air Quality Improvement (CMAQ) funding, Transportation Alternatives (TA) funding, and Regional Transportation Improvement Program (RTIP) funding (herein collectively referred to as REGIONAL DISCRETIONARY FUNDING) for the Stations Modernization Improvements Program (herein referred to as PROJECT) for the 2014 Regional Transportation Improvement Program (RTIP) (herein referred to as PROGRAM); and

**WHEREAS**, the Moving Ahead for Progress in the 21<sup>st</sup> Century Act (Public Law 112-141, July 6, 2012) and any extensions or successor legislation for continued funding (collectively, MAP 21) authorize various federal funding programs including, but not limited to the Surface Transportation Program (STP) (23 U.S.C. § 133), the Congestion Mitigation and Air Quality Improvement Program (CMAQ) (23 U.S.C. § 149) and the Transportation Alternatives Program (TA) (23 U.S.C. § 213); and

**WHEREAS**, state statutes, including California Streets and Highways Code §182.6 and §182.7 and California Government Code §14527, provide various funding programs for the programming discretion of the Metropolitan Planning Organization (MPO) and the Regional Transportation Planning Agency (RTPA); and

**WHEREAS**, pursuant to MAP-21, and any regulations promulgated thereunder, eligible project sponsors wishing to receive federal or state funds for a regionally-significant project shall submit an application first with the appropriate MPO, or RTPA, as applicable, for review and inclusion in the federal Transportation Improvement Program (TIP); and

**WHEREAS**, MTC is the MPO and RTPA for the nine counties of the San Francisco Bay region; and

**WHEREAS**, MTC has adopted a Regional Project Funding Delivery Policy (MTC Resolution No. 3606, revised) that sets out procedures governing the application and use of REGIONAL DISCRETIONARY FUNDING; and

**WHEREAS**, APPLICANT is an eligible sponsor for REGIONAL DISCRETIONARY FUNDING; and

**WHEREAS**, as part of the application for REGIONAL DISCRETIONARY FUNDING, MTC requires a resolution adopted by the responsible implementing agency stating the following:

- the commitment of any required matching funds; and
- that the sponsor understands that the REGIONAL DISCRETIONARY FUNDING is fixed at the programmed amount, and therefore any cost increase cannot be expected to be funded with additional REGIONAL DISCRETIONARY FUNDING; and
- that the PROJECT will comply with the procedures, delivery milestones and funding deadlines specified in the Regional Project Funding Delivery Policy (MTC Resolution No. 3606, revised); and
- the assurance of the sponsor to complete the PROJECT as described in the application, subject to environmental clearance, and if approved, as included in MTC's federal Transportation Improvement Program (TIP); and
- that the PROJECT will have adequate staffing resources to deliver and complete the PROJECT within the schedule submitted with the project application; and
- that the PROJECT will comply with all project-specific requirements as set forth in the PROGRAM; and
- that APPLICANT has assigned, and will maintain a single point of contact for all FHWA- and CTC-funded transportation projects to coordinate within the agency and with the respective Congestion Management Agency (CMA), MTC, Caltrans, FHWA, and CTC on all communications, inquiries or issues that may arise during the federal programming and delivery process for all FHWA- and CTC-funded transportation and transit projects implemented by APPLICANT; and
- in the case of a transit project, the PROJECT will comply with MTC Resolution No. 3866, revised, which sets forth the requirements of MTC's Transit Coordination Implementation Plan to more efficiently deliver transit projects in the region; and
- in the case of a highway project, the PROJECT will comply with MTC Resolution No. 4104, which sets forth MTC's Traffic Operations System (TOS) Policy to install and activate TOS elements on new major freeway projects; and
- in the case of an RTIP project, state law requires PROJECT be included in a local congestion management plan, or be consistent with the capital improvement program adopted pursuant to MTC's funding agreement with the countywide transportation agency; and

**WHEREAS**, that APPLICANT is authorized to submit an application for REGIONAL DISCRETIONARY FUNDING for the PROJECT; and

**WHEREAS**, there is no legal impediment to APPLICANT making applications for the funds; and

**WHEREAS**, there is no pending or threatened litigation that might in any way adversely affect the proposed PROJECT, or the ability of APPLICANT to deliver such PROJECT; and

**WHEREAS**, APPLICANT authorizes its Executive Director, General Manager, or designee to execute and file an application with MTC for REGIONAL DISCRETIONARY FUNDING for the PROJECT as referenced in this resolution; and

**WHEREAS**, MTC requires that a copy of this resolution be transmitted to the MTC in conjunction with the filing of the application.

**NOW, THEREFORE, BE IT RESOLVED** that the APPLICANT is authorized to execute and

file an application for funding for the PROJECT for REGIONAL DISCRETIONARY FUNDING under MAP-21 or continued funding; and be it further

**RESOLVED** that APPLICANT will provide any required matching funds; and be it further

**RESOLVED** that APPLICANT understands that the REGIONAL DISCRETIONARY FUNDING for the project is fixed at the MTC approved programmed amount, and that any cost increases must be funded by the APPLICANT from other funds, and that APPLICANT does not expect any cost increases to be funded with additional REGIONAL DISCRETIONARY FUNDING; and be it further

**RESOLVED** that APPLICANT understands the funding deadlines associated with these funds and will comply with the provisions and requirements of the Regional Project Funding Delivery Policy (MTC Resolution No. 3606, revised) and APPLICANT has, and will retain the expertise, knowledge and resources necessary to deliver federally-funded transportation and transit projects, and has assigned, and will maintain a single point of contact for all FHWA- and CTC-funded transportation projects to coordinate within the agency and with the respective Congestion Management Agency (CMA), MTC, Caltrans, FHWA, and CTC on all communications, inquiries or issues that may arise during the federal programming and delivery process for all FHWA- and CTC-funded transportation and transit projects implemented by APPLICANT; and be it further

**RESOLVED** that PROJECT will be implemented as described in the complete application and in this resolution, subject to environmental clearance, and, if approved, for the amount approved by MTC and programmed in the federal TIP; and be it further

**RESOLVED** that APPLICANT has reviewed the PROJECT and has adequate staffing resources to deliver and complete the PROJECT within the schedule submitted with the project application; and be it further

**RESOLVED** that PROJECT will comply with the requirements as set forth in MTC programming guidelines and project selection procedures for the PROGRAM; and be it further

**RESOLVED** that, in the case of a transit project, APPLICANT agrees to comply with the requirements of MTC's Transit Coordination Implementation Plan as set forth in MTC Resolution No. 3866, revised; and be it further

**RESOLVED** that, in the case of a highway project, APPLICANT agrees to comply with the requirements of MTC's Traffic Operations System (TOS) Policy as set forth in MTC Resolution No. 4104; and be it further

**RESOLVED** that, in the case of an RTIP project, PROJECT is included in a local congestion management plan, or is consistent with the capital improvement program adopted pursuant to MTC's funding agreement with the countywide transportation agency; and be it further

**RESOLVED** that APPLICANT is an eligible sponsor of REGIONAL DISCRETIONARY FUNDING funded projects; and be it further

**RESOLVED** that APPLICANT is authorized to submit an application for REGIONAL DISCRETIONARY FUNDING for the PROJECT; and be it further

**RESOLVED** that there is no legal impediment to APPLICANT making applications for the funds; and be it further

**RESOLVED** that there is no pending or threatened litigation that might in any way adversely affect the proposed PROJECT, or the ability of APPLICANT to deliver such PROJECT; and be it further

**RESOLVED** that APPLICANT authorizes its Executive Director, General Manager, or designee to execute and file an application with MTC for REGIONAL DISCRETIONARY FUNDING for the PROJECT as referenced in this resolution; and be it further

**RESOLVED** that a copy of this resolution will be transmitted to the MTC in conjunction with the filing of the application; and be it further

**RESOLVED** that the MTC is requested to support the application for the PROJECT described in the resolution and to include the PROJECT, if approved, in MTC's federal TIP.



## EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>[Signature]</i>		GENERAL MANAGER ACTION REQ'D: Forward to Board		
DATE: c <i>2/5/14</i>		BOARD INITIATED ITEM: No		
Originator/Prepared by: Todd Morgan Dept: Capital Development <i>[Signature]</i>	General Counsel <i>[Signature]</i>	Controller/Treasurer <i>[Signature]</i>	District Secretary [ ]	BARC <i>[Signature]</i> 2-6-14 [ ]
Signature/Date: <i>2.5.14</i>				

TITLE:

### Adoption of a Resolution of Local Support for a Transit Performance Initiative - Incentive Program application for Three Elements of the BART Metro Priority One Elements Project

NARRATIVE:

#### Purpose:

To obtain Board approval of a Resolution of Local Support for a \$3,459,057 application to the Metropolitan Transportation Commission ("MTC") for a Cycle 2 Transit Performance Initiative - Incentive (TPI-Incentive) grant for construction of three elements of the BART Metro Priority One Elements Project ("Project").

#### Discussion:

On January 8, 2014, MTC announced a call for projects for the FY2013-14 TPI-Incentive Program which is funded through the OneBayArea Grant Program Cycle 2 Surface Transportation Program (STP), and Congestion Mitigation and Air Quality Improvement (CMAQ) funding programs. Eligible projects must meet fund source eligibility requirements and are subject to MTC Resolution 4035 (STP/CMAQ Cycle 2 Program Policy) and Resolution 3606 (Regional Project Funding Delivery Policy). Resolutions 4035 and 3606 require that a project sponsor approve a Resolution of Local Support when the project sponsor submits an application for TPI-Incentive funds. The focus is on making cost-effective operational improvements on significant trunk lines which carry the largest number of passengers in the San Francisco Bay Area including transit signal prioritization, passenger circulation improvements at major hubs, and boarding/stop improvements. Staff has prepared the attached Resolution of Local Support for \$3,459,057 in TPI-Incentive funding for the Project.

The BART Metro Study and follow-on analysis have been on the Board and workshop agendas several times starting in 2011 and most recently at the September 12, 2013 meeting. For Cycle 2, staff proposes to advance three of the BART Metro Priority One elements, 1) Millbrae Tail Track extension to 10 cars (San Mateo), 2) Dublin Tail Track extension to 10 cars (Alameda), and 3) Lafayette Pocket Track lengthening of siding and installation of higher speed switches (Contra Costa). These projects are consistent with the weighted goals discussed at the September 12, 2013 Board meeting which are to be used to evaluate proposed investments as part of the BART Metro Visions study. In Cycle 1 BART was programmed \$3,493,189 for repair & return to service of two accident damaged rail vehicles and upgrades to the train control system and turn-back facilities at the 24th Street Station.

Staff is applying for \$3,459,057 of TPI-Incentive Cycle 2 funds for the construction of the Project. The \$3,459,057 is included within the \$8.5 million total Project budget and is necessary for completion of the Project. Although this application is due to MTC in February, the TPI-Incentive funds are expected to be available in fiscal year 2015-16. Project activities will commence with \$5 million match funding provided through future, planned capital allocations from the Operating Budget.

**Fiscal Impact:**

Approval of the Resolution of Local Support is a requirement for the District to apply for a TPI-Incentive grant for the Project. \$5 million of planned, future capital allocations from the Operating Budget will be used to provide match and complete Project funding, pending CTC approval.

**Alternatives:**

Do not adopt the attached Resolution of Local Support. The Project would then be delayed to a future round of TPI-Incentive funding.

**Recommendation:**

Approval of the following Motion.

**Motion:**

The BART Board of Directors adopts the Resolution, "In the Matter of the Approval of a Resolution of Local Support for a TPI-Incentive Project Application for Three Elements of the BART Metro Priority One Elements Project."

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

**In the Matter of the Approval of a  
Resolution of Local Support for a  
TPI-Incentive Project Application for Three Elements  
of the BART Metro Priority One Elements Project**

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

**Authorizing the filing of an application for funding assigned to MTC and  
committing any necessary matching funds and stating the assurance to complete the project**

**WHEREAS**, the San Francisco Bay Area Rapid Transit District (herein referred to as APPLICANT) is submitting an application to the Metropolitan Transportation Commission (MTC) for \$3,459,057 in funding assigned to MTC for programming discretion, including but not limited to federal funding administered by the Federal Highway Administration (FHWA) such as Surface Transportation Program (STP) funding, Congestion Mitigation and Air Quality Improvement (CMAQ) funding and/or Transportation Alternatives (TA) funding (herein collectively referred to as REGIONAL DISCRETIONARY FUNDING) for three elements of the BART Metro Priority One Elements (herein referred to as PROJECT) for the FY2013-14 Transit Performance Initiative -- Incentive Program (herein referred to as PROGRAM); and

**WHEREAS**, the Moving Ahead for Progress in the 21<sup>st</sup> Century Act (Public Law 112-141, July 6, 2012) and any extensions or successor legislation for continued funding (collectively, MAP 21) authorize various federal funding programs including, but not limited to the Surface Transportation Program (STP) (23 U.S.C. § 133), the Congestion Mitigation and Air Quality Improvement Program (CMAQ) (23 U.S.C. § 149) and the Transportation Alternatives Program (TA) (23 U.S.C. § 213); and

**WHEREAS**, state statutes, including California Streets and Highways Code 182.6 and 182.7 provide various funding programs for the programming discretion of the Metropolitan Planning Organization (MPO) and the Regional Transportation Planning Agency (RTPA); and

**WHEREAS**, pursuant to MAP-21, and any regulations promulgated thereunder, eligible project sponsors wishing to receive federal funds for a project shall submit an application first with the appropriate MPO for review and inclusion in the MPO's Transportation Improvement Program (TIP); and

**WHEREAS**, MTC is the MPO and RTPA for the nine counties of the San Francisco Bay region; and

**WHEREAS**, MTC has adopted a Regional Project Funding Delivery Policy (MTC Resolution No. 3606, revised) that sets out procedures governing the application and use of federal funds; and

**WHEREAS**, APPLICANT is an eligible sponsor for REGIONAL DISCRETIONARY FUNDING; and

**WHEREAS**, as part of the application for REGIONAL DISCRETIONARY FUNDING, MTC requires a resolution adopted by the responsible implementing agency stating the following:

1. the commitment of any required matching funds; and
2. that the sponsor understands that the REGIONAL DISCRETIONARY FUNDING is fixed at the programmed amount, and therefore any cost increase cannot be expected to be funded with additional REGIONAL DISCRETIONARY FUNDING; and
3. that the project will comply with the procedures, delivery milestones and funding deadlines specified in the Regional Project Funding Delivery Policy (MTC Resolution No. 3606, revised); and
4. the assurance of the sponsor to complete the project as described in the application, subject to environmental clearance, and if approved, as included in MTC's federal Transportation Improvement Program (TIP); and



5. that the project will comply with all project-specific requirements as set forth in the PROGRAM; and
6. that the project (transit only) will comply with MTC Resolution No. 3866, revised, which sets forth the requirements of MTC's Transit Coordination Implementation Plan to more efficiently deliver transit projects in the region.

**NOW, THEREFORE, BE IT RESOLVED** that the APPLICANT is authorized to execute and file an application for funding for the PROJECT for REGIONAL DISCRETIONARY FUNDING under MAP-21 for continued funding; and be it further

**RESOLVED** that the APPLICANT by adopting this resolution does hereby state that:

1. APPLICANT will provide any required matching funds; and
2. APPLICANT understands that the REGIONAL DISCRETIONARY FUNDING for the project is fixed at the MTC approved programmed amount, and that any cost increases must be funded by the APPLICANT from other funds, and that APPLICANT does not expect any cost increases to be funded with additional REGIONAL DISCRETIONARY FUNDING; and
3. APPLICANT understands the funding deadlines associated with these funds and will comply with the provisions and requirements of the Regional Project Funding Delivery Policy (MTC Resolution No. 3606, revised) and APPLICANT has, and will retain the expertise, knowledge and resources necessary to deliver federally-funded transportation projects, and has assigned, and will maintain a single point of contact for all FHWA-funded transportation projects to coordinate within the agency and with the respective Congestion Management Agency (CMA), MTC, Caltrans and FHWA on all communications, inquires or issues that may arise during the federal programming and delivery process for all FHWA-funded transportation projects implemented by APPLICANT; and
4. PROJECT will be implemented as described in the complete application and in this resolution, subject to environmental clearance, and, if approved, for the amount approved by MTC and programmed in the federal TIP; and
5. APPLICANT and the PROJECT will comply with the requirements as set forth in MTC programming guidelines and project selection procedures for the PROGRAM; and
6. APPLICANT (for a transit project only) agrees to comply with the requirements of MTC's Transit Coordination Implementation Plan as set forth in MTC Resolution 3866, revised; and therefore be it further

**RESOLVED** that APPLICANT is an eligible sponsor of REGIONAL DISCRETIONARY FUNDING funded projects; and be it further

**RESOLVED** that APPLICANT is authorized to submit an application for REGIONAL DISCRETIONARY FUNDING for the PROJECT; and be it further

**RESOLVED** that there is no legal impediment to APPLICANT making applications for the funds; and be it further

**RESOLVED** that there is no pending or threatened litigation that might in any way adversely affect the proposed PROJECT, or the ability of APPLICANT to deliver such PROJECT; and be it further

**RESOLVED** that APPLICANT authorizes its Executive Director, General Manager, or designee to execute and file an application with MTC for REGIONAL DISCRETIONARY FUNDING for the PROJECT as referenced in this resolution; and be it further

**RESOLVED** that a copy of this resolution will be transmitted to the MTC in conjunction with the filing of the application; and be it further

**RESOLVED** that the MTC is requested to support the application for the PROJECT described in the resolution and to include the PROJECT, if approved, in MTC's federal TIP.



## EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Alvin DeVander</i>		GENERAL MANAGER ACTION REQ'D: Approve and Forward to the Board	
DATE: <i>2/5/14</i>		BOARD INITIATED ITEM: <input type="checkbox"/> No	
Originator/Prepared by: Reza Hessabi Dept: Maintenance & Engineering	General Counsel	Controller/Treasurer	District Secretary
Signature/Date: <i>Reza Hessabi 1/30/14</i>	<i>Andrew P. ... 1-21-14</i>	<i>[Signature]</i>	<i>Paul ... 2/4/14</i>
Status: Routed		Date Created: 01/29/2014	

TITLE:

### Award Contract No. 15EI-170 - Power Transformer Replacement and Installation for SBS and SPS Auxiliary Substations

NARRATIVE:

#### PURPOSE:

To obtain Board authorization for the General Manager to award Contract No. 15EI-170 for Power Transformer Replacement and Installation for SBS and SPS Auxiliary Substations.

#### DISCUSSION:

In February 2013, cast coil transformer X1 of substation SPS failed. It was determined that damage was due to defects in manufacturing similar to previous cast coil transformer failures at BART. BART Facility Standards now require use of natural (biodegradable) oil filled transformers for 34.5kV Power Substation applications.

This Contract will provide 2 new oil filled transformers, one to replace the damaged transformer at the Santa Paula Auxiliary Substation (Substation SPS) and one to replace the existing cast coil transformer which is similar to other failed cast coil transformers at the San Bruno Auxiliary Substation (Substation SBS). The work under this Contract will restore power redundancy to the original design level for the ventilation fans and other auxiliary equipment.

The Advance Notice to Bidders was mailed to 86 prospective Bidders and Contract Documents were sent to 24 plan rooms. The Contract was advertised on November 5, 2013. A Pre-Bid Meeting and jobsite tour were conducted on November 26, 2013 with 18 prospective bidders attending. There were three (3) Addenda issued for this Contract. The following 9 Bids were received and publicly opened on January 14, 2014.

BIDDER		TOTAL BID
Blocka Construction, Inc.	Fremont, CA	\$839,300.00
Cal Electro, Inc.	Redding, CA	\$881,400.00

Shimmick Construction Co., Inc.	Oakland, CA	\$883,950.00
The Ryan Company, Inc.	Norton, MA	\$886,900.00
DMZ Builders	Concord, CA	\$997,000.00
Agbayani Construction Corp.	Daly City, CA	\$1,047,700.00
JDI Electrical Services, Inc.	Manteca, CA	\$1,078,117.64
ABM Electrical & Lighting Solutions, Inc.	Pleasanton, CA	\$1,439,923.00
Steiny and Company, Inc.	Vallejo, CA	\$1,544,053.00
Engineer's Estimate		\$1,076,003.00

Bids were evaluated and staff determined that the apparent low Bid submitted by Blocka Construction, Inc. of Fremont, CA is responsive to this solicitation. Further examination of business experience and financial capabilities of Blocka Construction, Inc. has resulted in the determination that the Bidder is responsible and the Bid price of \$839,300.00 submitted by Blocka Construction, Inc. is fair and reasonable based upon sufficient price competition.

This contract was advertised pursuant to the revised DBE Program requirements. The Office of Civil Rights reviewed the scope of work for this contract and determined that there were subcontracting opportunities; therefore, a DBE participation goal of 8% was set for this contract. The low bidder, Blocka Construction, Inc., committed to subcontracting 9.74% to DBEs.

**FISCAL IMPACT:**

Funding of \$839,300 for the award of Contract 15EI-170 is included in the total project budget for FMS #15EI600 – 34.5KV Rectifier – Transformer. The Office of the Controller/Treasurer certifies that funds are currently available to meet this obligation.

As of January 23, 2014, \$6,732,408 is available for this project from the following source:

Fund Number	Fund Description	Fund Source	Funded Amount
3001	FY11 Capital Improve FG MOD	FTA	1,200,000
3401	FG MOD - FY 12 Capital Improve	FTA	800,000
347X	FTA CA-05-0211-00 FY06	FTA	3,200,000
347Z	FTA CA-05-0216-00 FY07 FG MOD	FTA	101,273
6018	FY11-12 Prj Match MTC Res#4044	Regional	200,000
850W	FY00-06 Capital Alloc	BART	800,000
850Z	Capital Mainten. Alloc	BART	53,450
851W	FY07-11 Capital Alloca	BART	77,685
8523	Cap Surchrg-Statn 2 St	BART	300,000
Total			6,732,408

BART has expended \$144,954, committed \$0, and reserved \$4,250,000 to date for other actions. This action will commit \$839,300 leaving an available fund balance of \$1,498,154 in this project.

There is no fiscal impact on available unprogrammed District Reserves.

**ALTERNATIVE:**

Reject all Bids and re-advertise the Contract. Rejecting the Bids and re-advertising the Contract is not likely to result in better pricing and would delay this critical ongoing replacement.

**RECOMMENDATION:**

On the basis of analysis and evaluation by staff, it is recommended that the Board adopt the following Motion.

**MOTION:**

The General Manager is authorized to award Contract No. 15EI-170, for Power Transformer Replacement and Installation at the San Bruno Auxiliary Substation (SBS) and the Santa Paula Auxiliary Substation (SPS) to Blocka Construction, Inc. for the Bid price of \$839,300.00 pursuant to notification to be issued by the General Manager, subject to compliance with the District's protest procedures and FTA requirements related to protests.

# SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

## MEMORANDUM

**TO:** Board of Directors

**DATE:** February 7, 2014

**FROM:** General Manager

**SUBJECT:** FY14 First Quarter Financial Report

The FY14 First Quarter Financial Report (July - September 2013) is attached. The net operating result was favorable to budget by \$10.0 million (M), in large part due to timing of non-labor expenses. Recently available results for October (not included in this report) which include the 2<sup>nd</sup> strike, narrow the favorable result to \$5M. The strikes did produce some labor cost savings; however, this was offset by reduced fare revenue and increased purchased transportation costs.

### Operating Sources

**Ridership** was negatively impacted by the July labor strike, with an estimated loss of 1.8M trips and \$5.6M of fare revenue during the days with no or limited service. Total trips in August and September were 0.2% and 0.6% above budget. Fortunately, fare revenue was strong due to better than budget growth in passenger trip length and actual average fare.

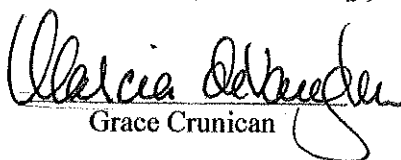
**Sales Tax** revenue results in the first quarter of FY14 showed growth of 3% from one year earlier and finished \$0.6M under budget. We received the second quarter results in December, which showed a slightly higher growth of 6% from one year earlier and \$1.2M over budget, resulting in year-to-date growth up 4.6%. Some of the lower growth is tied to timing of state payments, but it may also indicate that sales tax is returning to a more sustainable long-term growth rate.

### Operating Uses

**Labor and benefits** were favorable by \$0.9M (1.0%) for the quarter. July labor was \$2.9M below budget, but both August and September ran over budget. In addition, labor costs for the quarter did not include wage increases specified in the Collective Bargaining Agreements (CBAs). Wage increases and pension contributions were retroactive to the start of the fiscal year, and will be included in the second and third quarters. **Purchased Transportation** was unfavorable due to \$0.5M of additional bus service provided during the July strike. **Electric Power** was favorable by \$1.5M (14.9%) due to the market price of power coming in lower than budget and carbon fee expense timing. **Other Non-Labor** was favorable by \$7.7M (26.8%) for the quarter, due to timing of actual expenses as compared to the budget and is expected to steadily diminish as the year proceeds.

For the first half of FY14, ridership growth over the prior year is slowing. Through January, weekday trips are up 1.4% absent strike impacts, and down 2.9% including strike days. Decreases in ridership and sales tax growth (should the current trends continue) coupled with higher labor costs due to implementation of the CBAs, may result in unfavorable financial results in the future. Expenses need to be carefully managed as we are moving into a period of major operating funding commitments for the Capital Program.

Lastly, the Quarterly Performance Report for the first quarter is normally produced in November. As with last year, the monthly general ledger closings have been delayed due to a few remaining issues related to integration of data into the enterprise system. Accounting plans to expedite closing processes during the remainder of the fiscal year.

  
Grace Crunican

cc: Board Appointed Officers  
Deputy General Manager  
Executive Staff

**Quarterly Financial Report**  
**First Quarter**  
**Fiscal Year - 2014**

	Current Quarter		Year to Date	
	Budget	Actual	Budget	Actual
<b>Revenue</b>				
Net Passenger Revenue	103.5	102.8	103.5	102.8
Parking Revenue	4.6	4.5	4.6	4.5
Other Operating Revenue	5.0	5.8	5.0	5.8
<b>Total Net Operating Revenue</b>	<b>113.0</b>	<b>113.0</b>	<b>113.0</b>	<b>113.0</b>
<b>Expense</b>				
Net Labor	97.9	97.0	97.9	97.0
OPEB Unfunded Liability	0.4	0.6	0.4	0.6
Electric Power	10.4	8.9	10.4	8.9
Purchased Transportation	4.1	4.5	4.1	4.5
Other Non Labor	28.8	21.1	28.8	21.1
<b>Total Operating Expense</b>	<b>141.6</b>	<b>132.0</b>	<b>141.6</b>	<b>132.0</b>
<b>Operating Surplus (Deficit)</b>	<b>(28.6)</b>	<b>(18.9)</b>	<b>(28.6)</b>	<b>(18.9)</b>
<b>MTC Rail Fund Car Swap</b>	<b>(18.0)</b>	<b>(19.7)</b>	<b>(18.0)</b>	<b>(19.7)</b>
<b>Financial Assistance and Allocations</b>				
Sales Tax	54.4	53.8	54.4	53.8
Property Tax, Other Assistance	1.6	1.6	1.6	1.6
MTC Rail Fund Car Swap Grant	18.0	19.7	18.0	19.7
Debt Service	(14.6)	(14.6)	(14.6)	(14.6)
Capital and Other Allocations	(37.3)	(36.6)	(37.3)	(36.6)
OPEB Unfunded Liability Offset	0.4	0.6	0.4	0.6
<b>Net Financial Assistance</b>	<b>22.4</b>	<b>24.5</b>	<b>22.4</b>	<b>24.5</b>
<b>Net Operating Result</b>	<b>(24.1)</b>	<b>(14.1)</b>	<b>(24.1)</b>	<b>(14.1)</b>
<b>System Operating Ratio</b>	<b>79.8%</b>	<b>85.7%</b>	<b>79.8%</b>	<b>85.7%</b>
<b>Rail Cost / Passenger Mile</b>	<b>0.320 ¢</b>	<b>0.307 ¢</b>	<b>0.320 ¢</b>	<b>0.307 ¢</b>

\* Totals may not add due to rounding to the nearest million.

**Revenue**

- Avg weekday trips for the quarter were 377,815, 2.4% under the same quarter last year due to the strike in July. Core trips down 2.4% and SFO trips down 2.0% compared to 1QFY13. As a result, net passenger revenue was 0.7% under budget.
- Parking revenue \$0.1M unfavorable due to July strike.
- Other operating revenue \$0.8M favorable due to one-time payments.

**Expense**

- Labor and benefits were favorable by \$0.9M (1.0%); July strike savings offset by over budget labor in August and September.
- OPEB unfunded liability is shown as an expense and is offset; there is no bottom line impact.
- Purchased Transportation unfavorable due to bus service during the strike, approximately \$0.5M cost in first quarter.
- Electric Power favorable for the quarter due to market price of power lower than budget and carbon fee cost timing difference from budget.
- Other Non Labor was favorable by \$7.7M (26.8%) for the quarter. This positive variance is caused by timing of actual expenses vs. the budget and is projected to decline the rest of the year. Last year Other Non Labor was over budget by 10%.

**Operating Deficit**

- The operating deficit (revenue minus expense) was \$9.6M favorable for the quarter because of the favorable operating expense variance.

**MTC Rail Car Swap**

- The MTC rail car fund swap is a funding exchange program between MTC and BART that does not affect the net operating result.

**Financial Assistance and Allocations**

- Sales Tax for the quarter grew 2.8% over 1QFY13. The quarter was \$0.6M unfavorable because the budget assumption was 4% growth.
- Capital and Other Allocations were \$0.7M under budget due to reverse capital allocations for rail car seats, which were budgeted as capital but are more properly classified as operating expenses.

**Net Operating Result**

- The Net Operating Result for the quarter was favorable by \$10.0M, mainly due to favorable Operating Expense results. This positive variance was primarily due to timing and will diminish during the year.

\*\*\*\*The Other Post Employment Benefits liability is a non-cash expense recognition of the unfunded obligation for life insurance provided to retirees and does not affect the Net Operating Result. Beginning in FY14 the District is paying the full Annual Required Contribution for retiree medical, so there is no longer an unfunded OPEB adjustment booked for retiree medical. Life insurance is not part of the Retiree Medical Trust.

No Problem  
Caution: Potential Problem/Problem Being Addressed  
Significant Problem



# EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>[Signature]</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: c 2/5/14		BOARD INITIATED ITEM: No		
Originator/Prepared by: Connee Lloyd Dept: Operating Budgets Signature/Date: <i>[Signature]</i> 2/6/14	General Counsel <i>[Signature]</i> 2/6/14	Controller/Treasurer <i>[Signature]</i>	District Secretary [ ]	BARC <i>[Signature]</i> 2-4-14 [ ]

TITLE:

## Approval of Northern California Power Agency Agreement for Lake Nacimiento Hydroelectric Power Supply

NARRATIVE:

### PURPOSE

To obtain Board approval to adopt the attached resolution to authorize the General Manager to execute the Northern California Power Agency (NCPA) Transaction Authorization and Confirmation approval form for NCPA to enter into a 20-year Power Purchase Agreement (PPA) for the output of the Lake Nacimiento Hydroelectric Unit of the Monterey County Water Resources Agency on behalf of the District.

### DISCUSSION

Hydroelectric power is one of the most desirable sources of renewable power because it provides a constant, round-the-clock supply in contrast to wind and solar generation which provide an intermittent source of supply. The PPA would further the District's objectives to increase the use of renewable energy for the District's operations. The proposed supply is hydroelectric power which is an emission-free, renewable energy source. It would come from the Lake Nacimiento Hydroelectric Project (LN Project) of the Monterey County Water Resources Agency (MCWRA). The agency provides water supply and flood control services for Monterey County, including providing irrigation water to the Salinas Valley.

The LN Project is part of MCWRA's water supply system. It consists of hydroelectric generation facilities rated at 4.3 megawatts (MW.) The generation facilities were constructed in 1987 and the electricity was sold to Pacific Gas and Electric (PG&E) through an agreement which expired in December 2012. The LN Project underwent extensive refurbishment during the first half of 2013. MCWRA issued a Request for Indicative Offers to sell the power output of the LN project on May 30, 2013. BART responded and the District's indicative offer was accepted. BART and NCPA developed the power purchase agreement with MCWRA. There is the potential that MCWRA will upgrade part of the LN Project to increase water supply efficiency, which would also increase the project output to approximately 5.0 MW. If the facilities are upgraded, the PPA provides that BART would take this additional capacity at the same price as the current capacity; any upgrade costs would be borne by MCWRA.

Under the statutory provisions that govern the District's power supply arrangements BART is allowed to buy power from a "publicly owned electric utility" such as the NCPA; MCRWA does not meet the definition of a publicly owned electric utility. Therefore, the power purchase

agreement needs to be between MCRWA and NCPA. At its January 23, 2014 meeting, the NCPA Commission authorized execution of the PPA following the Board's approval of this EDD. At its January 27, 2014 meeting, the MCWRA also authorized execution of the PPA. The General Manager will execute the Transaction Authorization and Confirmation approval form.

The LN Project would supply about 4% of BART's total annual energy requirement. Commercial terms have an initial price of \$75.00/megawatt hour (MWh) with an annual price escalation of 1.5 percent. The agreement would have a 20-year term and the District takes all the energy delivered from the LN Project. This power is supplied on a "Unit Contingent" basis, paying only for the hydroelectric power generated. If water supplies are insufficient to generate power, the District pays nothing. While the historical output from the plant has varied from about 6,600 MWh to 19,900 MWh annually depending on hydrologic conditions, the average output has been 14,000 MWh; expected average output of an expanded 5.0 MW plant would be 16,000 MWh. The power supplied under this agreement will cost approximately \$1,050,000 in the first year, based on an annual average delivery of 14,000 MWh. This is \$36,000 more than current market price. However, assuming an annual 4.5% increase in the cost of the market supply and comparing that to the 1.5% annual PPA escalator, the LN Project power would cost less than market supply after 8 years. Hydroelectric power also does not incur any carbon fees. Over 20 years this contract is estimated to save more than \$4.4 million over comparable market based power purchases based on the current 4.3 MW output. Assuming the LN Project output increases to 5.0 MW in year 5 of the PPA, this contract would save \$5.1 million. See Attachment 1 for more details.

<b>Cost of Power Supply</b>							
<b>(Cost in \$ millions)</b>							
<b>Fiscal Year</b>	<b>PPA Year</b>	<b>Market Cost 14,000 MWh</b>	<b>LN Cost 14,000 MWh</b>	<b>LN vs Market Cost 14,000 MWh</b>	<b>Market Cost 14,000 MWh to 16,000 in Year 5</b>	<b>LN Cost 14,000/16,000 MWh</b>	<b>LN vs Market Cost 14,000 &amp; 16,000 MWh</b>
2014	1	\$1.014	\$1.050	\$0.036	\$1.014	\$1.050	\$0.036
2033	20	\$2.227	\$1.393	(\$0.834)	\$2.545	\$1.592	(\$0.953)
<b>Total Contract:</b>		<b>\$28.726</b>	<b>\$24.279</b>	<b>(\$4.447)</b>	<b>\$32.282</b>	<b>\$27.137</b>	<b>(\$5.145)</b>

The Office of the General Counsel will approve the final PPA as to form prior to the General Manager executing the Transaction Authorization and Confirmation.

#### FISCAL IMPACT

The District currently procures most of its electric power through short and medium-term market power purchase agreements. This exposes the District to the variability in energy market prices. In addition to procuring renewable energy supplies, another goal of the District's Strategic Plan for Energy Procurement is to enter into long-term agreements tied to specific generating facilities to eliminate market price uncertainty. This proposed fixed price plus escalation agreement is consistent with that strategic procurement goal.



The District's FY14 electrical power budget is \$41.7 million with an energy cost of approximately \$72 per megawatt hour. The cost of the hydroelectric power is about \$4.4 million less than estimated market prices over the term of the agreement, or up to \$5.1 million if the LN Project output increases to 5.0 MW.

#### ALTERNATIVES

The District could choose not to participate in this power purchase agreement. The District's electrical power needs would continue to be served by conventional market supply.

#### RECOMMENDATION

It is recommended that the Board of Directors authorize the General Manager to execute the Transaction Authorization and Confirmation under the SMSA with NCPA as specified in the following motion.

#### MOTION

That the Board of Directors adopt the attached Resolution.

## Attachment 1 Cost of Power Supply

(Forward Procurements & Carbon Fee)

Fiscal Year	PPA Year	Market			Market Cost 14,000 MWh	LN Cost 14,000 MWh	LN vs Market Cost 14,000 MWh	Market Cost		
		Cost per MWh	LN Price per MWh	Diff				14,000 MWh to 16,000 in Year 5	LN Cost 14,000/ 16,000 MWh	LN vs Market Cost 14,000 & 16,000 MWh
2014	1	\$72	\$75	\$3	\$1,014,000	\$1,050,000	\$36,000	\$ 1,014,000	\$ 1,050,000	\$ 36,000
2015	2	\$66	\$76	\$10	\$927,000	\$1,066,000	\$139,000	\$ 927,000	\$ 1,066,000	\$ 139,000
2016	3	\$67	\$77	\$10	\$938,000	\$1,082,000	\$144,000	\$ 938,000	\$ 1,082,000	\$ 144,000
2017	4	\$68	\$78	\$11	\$950,000	\$1,098,000	\$148,000	\$ 950,000	\$ 1,098,000	\$ 148,000
2018	5	\$74	\$80	\$6	\$1,036,000	\$1,114,000	\$78,000	\$ 1,184,000	\$ 1,274,000	\$ 90,000
2019	6	\$78	\$81	\$3	\$1,089,000	\$1,131,000	\$42,000	\$ 1,244,000	\$ 1,293,000	\$ 49,000
2020	7	\$82	\$82	\$0	\$1,144,000	\$1,148,000	\$4,000	\$ 1,308,000	\$ 1,312,000	\$ 4,000
2021	8	\$86	\$83	(\$3)	\$1,203,000	\$1,165,000	(\$38,000)	\$ 1,375,000	\$ 1,332,000	\$ (43,000)
2022	9	\$90	\$84	(\$6)	\$1,265,000	\$1,183,000	(\$82,000)	\$ 1,446,000	\$ 1,352,000	\$ (94,000)
2023	10	\$95	\$86	(\$9)	\$1,331,000	\$1,201,000	(\$130,000)	\$ 1,521,000	\$ 1,372,000	\$ (149,000)
2024	11	\$100	\$87	(\$13)	\$1,400,000	\$1,219,000	(\$181,000)	\$ 1,600,000	\$ 1,393,000	\$ (207,000)
2025	12	\$105	\$88	(\$17)	\$1,473,000	\$1,237,000	(\$236,000)	\$ 1,683,000	\$ 1,414,000	\$ (269,000)
2026	13	\$111	\$90	(\$21)	\$1,550,000	\$1,255,000	(\$295,000)	\$ 1,771,000	\$ 1,435,000	\$ (336,000)
2027	14	\$117	\$91	(\$26)	\$1,631,000	\$1,274,000	(\$357,000)	\$ 1,864,000	\$ 1,456,000	\$ (408,000)
2028	15	\$123	\$92	(\$30)	\$1,717,000	\$1,293,000	(\$424,000)	\$ 1,963,000	\$ 1,478,000	\$ (485,000)
2029	16	\$129	\$94	(\$35)	\$1,808,000	\$1,313,000	(\$495,000)	\$ 2,066,000	\$ 1,500,000	\$ (566,000)
2030	17	\$136	\$95	(\$41)	\$1,904,000	\$1,332,000	(\$572,000)	\$ 2,176,000	\$ 1,523,000	\$ (653,000)
2031	18	\$143	\$97	(\$47)	\$2,006,000	\$1,352,000	(\$654,000)	\$ 2,292,000	\$ 1,546,000	\$ (746,000)
2032	19	\$151	\$98	(\$53)	\$2,113,000	\$1,373,000	(\$740,000)	\$ 2,415,000	\$ 1,569,000	\$ (846,000)
2033	20	\$159	\$99	(\$60)	\$2,227,000	\$1,393,000	(\$834,000)	\$ 2,545,000	\$ 1,592,000	\$ (953,000)

Expected Contract Savings

(\$4,447,000)

(\$5,145,000)

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

In the Matter of Approving and Authorizing  
the General Manager to Execute a Transaction  
Authorization and Confirmation  
for the Purchase of Electrical Power from the  
Northern California Power Agency Relating to  
the Output of the Lake Nacimiento Hydroelectric  
Unit of the Monterey County Water Resources Agency

Resolution no. \_\_\_\_\_

WHEREAS, (1) electrical power is necessary for the San Francisco Bay Area Rapid Transit District, hereinafter referred to as the District, to provide transit service to the public; and

WHEREAS, (2) the District has statutory authority (California Public Utilities Code section 701.8) to procure electrical power from federal power marketing agencies and local publicly owned electrical utilities and to require that such power be transmitted to it by the Pacific Gas & Electric Company ("PG&E"); and

WHEREAS, (3) the District has responded to a Request for Offers issued by the Monterey County Water Resources Agency ("MCWRA") for the output of its approximately 4.3MW Lake Nacimiento hydroelectric generating facility and has reached an agreement with MCWRA for the purchase of the output from Lake Nacimiento over a period of 20 years; and

WHEREAS, (4) MCWRA is neither a federal power marketing agency nor a local publicly owned electric utility and the District therefore has no ability to demand that PG&E transmit power generated at Lake Nacimiento to it; and

WHEREAS, (5) the District is a member of the Northern California Power Agency ("NCPA") a joint powers agency composed of 14 member utilities and which constitutes a local publicly owned electric utility; and

WHEREAS, (6) the District and NCPA have previously entered into a Single Member Services Agreement ("SMSA") dated as of December 1, 2005 whereby NCPA may agree from time to time to provide services to the District, including the purchase of power; and

WHEREAS, (7) the District has requested that, under the terms of the SMSA, NCPA enter into the proposed power purchase agreement with MCWRA in NCPA's own name, thereby taking title to the power, and then transfer the power to the District so that the District is acquiring the power from a local publicly owned utility; and

WHEREAS, (8) the Board has reviewed the proposed power purchase agreement and the written Transaction Authorization and Confirmation ("Confirmation") of services under the terms of the SMSA by which the District would direct NCPA to enter into the power purchase agreement on the District's behalf; and

WHEREAS, (9) the District has previously entered into a Facilities Agreement and a Schedule Coordination and Programming Agreement with NCPA which jointly set forth the terms on which NCPA operates and schedules power over the electrical grid for projects; and

WHEREAS, (10) the Board desires to approve the SMSA Confirmation and the power purchase transaction with MCWRA, and to accept financial responsibility for such transaction under the terms of the SMSA, the Facilities Agreement and the Schedule Coordination and Programming Agreement between NCPA and the District; and

WHEREAS, (11) the Board acknowledges receipt of a Risk Disclosure Statement from NCPA pursuant to the SMSA (in the form of a NCPA staff report to the NCPA Commission), with respect to the risks involved in the proposed transaction and Confirmation, and further acknowledges that the SMSA limits the liability of NCPA with respect to its management of the proposed transaction and Confirmation, and that BART is waiving all NCPA liability under the terms of the SMSA relating to the proposed transaction and Confirmation, including for its NCPA's own negligence; and

WHEREAS, (12) the General Counsel has approved the agreements as to form; now, therefore be it

RESOLVED, (a) That the proposed transaction between NCPA and MCWRA on behalf of the District is approved, and the General Manager is authorized and directed to execute the SMSA Transaction Authorization and Confirmation on behalf of the District.

RESOLVED, (b) The Board confirms the obligation of the District to comply with the terms of the SMSA, including but not limited to maintenance of appropriate security deposits, payment of invoices when due relating to the proposed transaction, provision of additions to security accounts and to maintain rates adequate to pay for the obligations of the power purchase agreement.

RESOLVED, (c) The Board confirms the obligation of the District to comply with the terms and obligations under the Facilities Agreement and the Schedule Coordination and Programming Agreement.

Adopted at a regular meeting of the Board of Directors of the San Francisco Bay Area Rapid Transit District this \_\_\_\_ day of \_\_\_\_\_, 2014.

Signed: \_\_\_\_\_  
President

Attest: \_\_\_\_\_  
District Secretary



## EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Walter Delaugh</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: 2/5/14		BOARD INITIATED ITEM: No		
Originator/Prepared by: Diane Iwata Dept: Human Resources <i>Diane Iwata</i> Signature/Date:	General Counsel <i>Andrew Rawas</i> 1-31-14 [ ]	Controller/Treasurer <i>[Signature]</i> [ ]	District Secretary [ ]	BARC <i>[Signature]</i> 2/3/14 [ ]
Status: Routed		Date Created: 01/30/2014		

### Time Extension for Agreement No. 6M4042, Broker and On-Call Consulting Services for Employee Benefits

**NARRATIVE:**

**PURPOSE:**

To obtain the Board's authorization for the General Manager or her designee to execute a change order to Agreement No. 6M4042, Broker and On-Call Consulting Services for Employee Benefits, with Keenan & Associates (the Agreement), to extend the termination date from March 30, 2014 to September 30, 2015 (18 months).

**DISCUSSION:**

In 2009, the Board authorized award of the Agreement for a period of five years for an amount not to exceed \$1,709,440. The Agreement is currently under budget by approximately \$386,000. Keenan & Associates provides broker and on-call consulting services, which include actuarial services. Staff has concluded that is not necessary for one vendor to provide both broker and actuarial services and can no longer justify bundling the two services.

Staff would like more time to develop two separate RFPs, one for broker services and the other for actuarial services, which would potentially create additional contracting opportunities.

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

**FISCAL IMPACT:**

The Extension will not require approval of additional funding. District obligations will continue to be subject to a series of Annual Work Directives outlined in the Agreement. Keenan has provided a proposal to extend the contract to September 30, 2015. The District will be charged a lump sum fee of \$97,500, plus the cost of Annual Work Directives issued during the extension, estimated to be approximately \$250,000. The total estimated amount of \$347,500 to be paid by the District during the extension does not exceed the remaining dollar amount in the Agreement.

**ALTERNATIVES:**

Not approve any time extension. This is not feasible as the District would not have necessary consultant services between the termination date of the Agreement and the execution of new agreements following an RFP process. The Board could approve a shorter time extension than requested, with the funding reduced accordingly. However, staff needs a minimum of twelve months for the RFP process and execution of new agreements.

**RECOMMENDATION:**

Staff recommends that the Board adopt the following motion:

**MOTION:**

The General Manager or her designee is authorized to execute a change order to Agreement No. 6M4042, Broker and On-Call Consulting Services for Employee Benefits, with Keenan & Associates, extending the term of the Agreement for an additional 18 months to September 30, 2015.



## EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Maega Oberlander</i>		GENERAL MANAGER ACTION REQ'D: Approve and forward to Board of Directors		
DATE: 2/5/14		BOARD INITIATED ITEM: No		
Originator/Prepared by: Thomas Horton Dept: Planning and Development <i>Thomas Horton</i> Signature/Date: 2/4/14	General Counsel <i>[Signature]</i> 2/4/14	Controller/Treasurer <i>[Signature]</i> 2/4/14	District Secretary <i>[Signature]</i>	BARC <i>[Signature]</i> 2/5/14
Status: Approved		Date Created: 01/09/2014		

TITLE:

**Contract No. 15PP-110A, Earthquake Safety Program Station Structures - C Line, Change Order No. 84, New Storefront Window Walls at Walnut Creek Station**

NARRATIVE:

### PURPOSE:

To authorize the General Manager to execute Change Order No. 84 to Contract No. 15PP-110A, Earthquake Safety Program, Station Structures - C Line for new storefront window walls and associated work at the Walnut Creek Station for an amount not to exceed \$356,833.

### DISCUSSION:

The Board of Directors authorized award of Contract No. 15PP-110A to ProVen Management, Inc. on May 26, 2011. The scope of the Contract was to seismically strengthen the Orinda, Walnut Creek and Pleasant Hill Stations. At the Walnut Creek Station, the retrofit work required partial removal and subsequent restoration of the existing window wall and associated structural and electrical components.

The District recently replaced a similar window wall at the Pleasant Hill Station with a new design that provides more light and ventilation into the station interior, improves thermal comfort and improves station aesthetics. The District wishes to construct a similar design at the Walnut Creek Station. Since the Contractor for 15PP-110A is already mobilized at Walnut Creek and must partially restore the window wall, the District can save money, install the new design more rapidly and avoid additional impact to the station by having the Contractor remove the entire window wall and replace it with a new design similar to that used at Pleasant Hill Station. The Contractor plans to subcontract much of the installation work to the same firm that installed this design at the Pleasant Hill Station. Staff came to a negotiated amount of \$356,833 for the additional work.

District staff has determined that this work is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Title 14, California Code of Regulations, Section 15301, Existing Facilities, because the work is a minor alteration of an existing facility involving no expansion of use.

Pursuant to Board Rule 5-2.4, Change Orders involving expenditures greater than \$200,000 require Board approval. The Procurement Department will review this Change Order prior to execution for compliance with procurement guidelines. The Office of the General Counsel will approve the Change Order as to form prior to execution.

**FISCAL IMPACT:**

The additional cost is funded by the District's Station Modernization Program, and as such has no impact on the Earthquake Safety Program budget. Funding of \$356,833.00 for executing this Change order will come from project budget 15RY001 Conc & Integ Proj - Stn Mod. The Office of the Controller/Treasurer certifies that funds are currently available to meet this obligation. As of January 14, 2014, \$3,000,000.00 is available for this project from the following fund sources:

FUND	DESCRIPTION	AMOUNT
535A	FY2010-11 PROP 1B-PTMISEA	3,000,000.00
Total		3,000,000.00

BART has expended \$176,018.95, and committed \$1,068,273.44 to date for other actions. This action will commit an additional \$356,833.00 leaving an uncommitted balance of \$ 1,398,874.61 in these fund sources.

There is no fiscal impact on available unprogrammed District Reserves.

**ALTERNATIVES:**

The alternative is to decline to proceed with the Change Order. The window wall at Walnut Creek Station would be restored to its existing condition, and the District would have to execute a new contract in the future if it desires to install a storefront window wall design consistent with the design at Pleasant Hill.

**RECOMMENDATION:**

Recommend that the Board approve the following motion:

**MOTION:**

The General Manager is authorized to execute Change Order No. 84, New Storefront Window Walls at Walnut Creek Station, to Contract No. 15PP-110A, Earthquake Safety Program Station Structures - C Line, for an amount not to exceed \$356,833, with ProVen Management Co. Inc.



# EXECUTIVE DECISION DOCUMENT

## ATTACHMENT #1

### CHANGE ORDER SUMMARY

#### BACKGROUND

Name of Contractor: ProVen Management, Inc.  
Contract No./NTP: 15PP-110A / July 5, 2011  
Contract Description: C Line Station Structures Retrofit  
Percent Complete as of 12/31/2013 75%

<u>COST</u>	<u>% of Award</u>	<u>CO Totals</u>	<u>Contract Amount</u>
Original Contract Award Amount			\$13,773,800
Change Orders:			
Other than Board Authorized C.O.s	5.04%	\$693,512	
Board Authorized Change Order (CO#33)	21.78%	\$3,000,000.00	
Pending Change Order #84	<u>2.59%</u>	<u>\$356,833.00</u>	
Subtotal of all Change Orders	29.41%	\$4,050,345	<u>\$4,050,345</u>
<u>Revised Contract Amount:</u>			\$17,824,145

#### SCHEDULE

Original Contract Duration: 1080 days  
Time Extension to Date: 0 days  
Time Extension Due to Approved COs: 64 days  
Revised Contract Duration 1144 days

#### SUMMARY REASON FOR THIS CHANGE ORDER

Design, furnish materials, installation of new storefront window walls and other associated miscellaneous work at Walnut Creek Station.



MEETING OF THE BOARD OF DIRECTORS

Wednesday February 19, 2014

10:00 a.m.

City Council Chambers  
Suisun City Hall  
701 Civic Center Blvd., Suisun City, CA  
(see attached map)

A simultaneous teleconference call will take place at:

San Jose City Hall – Tower Building  
200 E. Santa Clara Street, Room #T1853  
San Jose, CA

Placer County Transportation Planning Agency  
299 Nevada Street, 2<sup>nd</sup> Floor Conference Room  
Auburn, CA

**DRAFT AGENDA**

- I. Call to Order
- II. Roll Call and Pledge of Allegiance
- III. Report of the Chair
- IV. Minutes of the November 20, 2013 Meeting
- V. Consent Calendar [No items] *Action*
- VI. Action and Discussion Items
  - 1. CLOSED SESSION: Conference with Legal Counsel - Existing Litigation
    - Name of Case: National Railroad Passenger Corporation (AMTRAK) v. Capitol Corridor Joint Powers Authority, Surface Transportation Board, Finance Docket No. 35790. Gov't. Code Section: 54956.9(a)
  - 2. Amtrak FY2014 Call Center Charges *Discussion*
  - 3. Business Plan Update (FY 2014-15 – FY 2015-16) *Action\**
  - 4. Sacramento-Roseville 3<sup>rd</sup> Track Project – Status Report *Action*
  - 5. Legislative Matters/Governor's Draft FY 14-15 Budget *Action*
  - 6. Managing Director's Report *Info*
  - 7. Work Completed *Info*
    - a. Capitol Corridor Annual Performance Report (FY 2013)
    - b. CCJPA Annual Independent Audit (FY13)
    - c. February 17, 2014 Schedule/Timetable Change
    - d. Marketing Activities (November 2013 – January 2014)
  - 8. Work in Progress *Info*
    - a. Status of CCJPA Bicycle Access Program
    - b. Oakland-San Jose Phase 2 Track Project
    - c. Proposition IB Transit Safety/Security Improvement Projects
    - d. Positive Train Control Update
    - e. Improvements to CCJPA Website and Automated Interactive Voice Response System
    - f. Proposed Extension of Capitol Corridor Trains to Salinas
    - g. Upcoming Marketing Activities
- VII. Board Member Reports
- VIII. Public Comments
- IX. Adjournment. Next Meeting Date: 10:00 a.m., April 16, 2014, at City Council Chambers, Suisun City Hall, 701 Civic Center Blvd., City of Suisun City, CA

Notes:  
Members of the public may address the Board regarding any item on this agenda. Please complete a "Request to Address the Board" form (available at the entrance of the Boardroom and at a teleconference location, if applicable) and hand it to the Secretary or designated staff member before the item is considered by the Board. If you wish to discuss a matter that is not on the agenda during a regular meeting, you may do so under Public Comment. Speakers are limited to three (3) minutes for any item or matter. The CCJPA Board reserves the right to take action on any agenda item.

Consent calendar items are considered routine and will be enacted, approved or adopted by one motion unless a request for discussion or explanation is received from a CCJPA Board Director or from a member of the audience.

\* Approval of the business plan requires an affirmative vote of at least two-thirds (11) of the appointed members.

The CCJPA Board provides services/accommodations upon request to persons with disabilities who wish to address Board matters. A request must be made within one and five days in advance of a Board meeting, depending on the service requested. Call (510) 464-6085 for information.

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

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MEMORANDUM

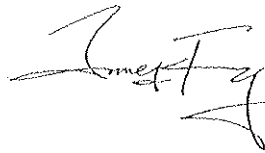
**TO:** Board of Directors **DATE:** February 4, 2014  
**FROM:** Chairperson, Labor Negotiations Review Ad Hoc Committee  
**SUBJECT:** Labor Negotiations Review Ad Hoc Committee Report and Request for Authority

The Labor Negotiations Review Ad Hoc Committee conducted its initial meeting on Tuesday, February 4. We are continuing to develop the list of specific areas of concentration for inclusion in the review and subsequent report of the recent labor negotiations.

President Keller has agreed to agendize an opportunity for the Ad Hoc Committee to provide the Board with a brief summary of our discussions at the February 13 Regular Board Meeting. We will request the authority to engage a consultant to conduct a review and provide a report and identify a budget for consultant services. The Ad Hoc Committee will return to the Board with a recommendation for the preferred consultant.

Should you have any questions please contact me or my fellow Ad Hoc Committee members, Directors Mallett, Murray and Saltzman.

Thank you.



James Fang

cc: Board Appointed Officers  
Deputy General Manager

**MOTION:**

The Board of Directors authorizes the Labor Negotiations Review Ad Hoc Committee to select and recommend the services of an independent public sector labor relations negotiations consultant, scope of work, and budget (amount not to exceed) to the Board of Directors.

Before the Board of Directors of the  
**SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT**

RESOLUTION COMMENDING  
**Thomas (Tommy) A. Smith, Jr.**

Resolution No.

**Whereas**, Thomas A. Smith, Jr. served the BART Police Department from April 4, 1990 to January 21, 2014, with distinction and dedication to the District and community, and

**Whereas**, Thomas A. Smith, Jr. joined the District as a Police Cadet, was promoted to Police Officer in 1996, was selected to serve in the Canine Unit from 2000 to 2007 with his police dog "Boris", before being promoted to Detective in 2008. He advanced to the position of Sergeant in 2009, and achieved the ranking of Detective Sergeant in July, 2011, and

**Whereas**, Thomas A. Smith, Jr., throughout his career, exhibited an unwavering dedication to police work and a passion for helping young police recruits enter the law enforcement profession through his work as a Police Officer Recruit Trainer at the Law Enforcement Training Center of Contra Costa County, and

**Whereas**, Thomas A. Smith, Jr. embraced a plethora of special assignments designed to enhance his career and the capabilities, community outreach and prestige of the BART Police Department, and

**Whereas**, Thomas A. Smith, Jr. touched and improved the lives of the many customers and employees with whom he came in contact during his day-to-day policing duties, and

**Whereas**, Thomas A. Smith, Jr. was a friend, a colleague, and a mentor who bettered the lives of his family, friends and co-workers through his spirit, "can do" attitude, his contagious laugh and smile, and

**Whereas**, the passing of Thomas A. Smith, Jr., represents a significant personal loss for all who know him, the BART Police Department, and the District,

**Now, Therefore, be it resolved** that the BART Board of Directors of the San Francisco Bay Area Rapid Transit District does hereby take public cognizance of the immeasurable contributions Sgt. Thomas A. Smith, Jr. has made to the BART organization, and

**Be It Further Resolved** that a suitably engrossed copy of this Resolution be tendered to the family of Sgt. Thomas A. Smith Jr. as a token of the high esteem in which Sgt. Smith is held by the members of the San Francisco Bay Area Rapid Transit District Board of Directors.

Adopted by the Board of Directors  
of the San Francisco Bay Area Rapid Transit District  
February 13, 2014

*ATTEST:*

\_\_\_\_\_  
Kenneth A. Duron  
District Secretary

\_\_\_\_\_  
Joel Keller  
President