

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

BOARD MEETING AGENDA

April 28, 2016

9:00 a.m.

A regular meeting of the Board of Directors will be held at 9:00 a.m. on Thursday, April 28, 2016, in the BART Board Room, Kaiser Center 20th Street Mall – Third Floor, 344 – 20th 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 (https://public.govdelivery.com/accounts/CATRANBART/subscriber/new?topic_id=CATRANBART_1904) or via regular mail upon request submitted to the District Secretary. Complete agenda packets (in PDF format) are available for review on the District's website no later than 48 hours in advance of the meeting.

Please submit your requests to the District Secretary via email to BoardofDirectors@bart.gov; in person or U.S. mail at 300 Lakeside Drive, 23rd 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.

2. CONSENT CALENDAR

- A. Approval of Minutes of the Meetings of April 14, 2016 (Regular); April 14, 2016 (Special).* Board requested to authorize.
- B. Award of Contract No. 09AU-150, Special Track Work Procurement Oakland Shops SPUR.* Board requested to authorize.
- C. Approval of Contract No. 03LM-451, Walnut Creek Station Bicycle Parking Pavilion.* Board requested to authorize.
- D. Award of Invitation for Bid No. 9002, 48V Batteries and Chargers.* Board requested to authorize.
- E. Reject all bids for Contract No. 15IF-130, Powell Street Ceiling Upgrades.* Board requested to authorize.

3. PUBLIC COMMENT – 15 Minutes

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

4. ADMINISTRATION ITEMS

Director Saltzman, Chairperson

- A. FY 2017 Preliminary Budget Procedural Actions.*
Board requested to authorize.
 - i. Release Budget Pamphlet.
 - ii. Set Date for Public Hearing.

5. ENGINEERING AND OPERATIONS ITEMS

Director McPartland, Chairperson

- A. Change Order to Contract No. 79HM-120, SFTS MB, with Manson Construction Company, Inc., for Revision of Structural Anchorages (C.O. No. 4).* Board requested to authorize.

- B. Automated License Plate Reader Technology.*
 - i. Test Deployment Report. For information.
 - ii. Public Comment.

6. PLANNING, PUBLIC AFFAIRS, ACCESS, AND LEGISLATION ITEMS
Director Raburn, Chairperson

- A. Draft Station Access Policy.* For information.
- B. Draft Electric Vehicle Charging Policy.* For information.

7. GENERAL MANAGER’S REPORT

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

8. BOARD MATTERS

- A. District Retiree Liability Valuation & Disclosure.* (Director Josefowitz request) For information.
- B. Board Member Reports.
(Board member reports as required by Government Code Section 53232.3(d) are available through the Office of the District Secretary. An opportunity for Board members to report on their District activities and observations since last Board Meeting.)
- C. Roll Call for Introductions.
(An opportunity for Board members to introduce a matter for consideration at a future Committee or Board Meeting or to request District staff to prepare items or reports.)
- D. In Memoriam.
(An opportunity for Board members to introduce individuals to be commemorated.)

9. 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.)

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

A. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Name of Case: Sheehan vs. BART, U.S. District Court, Northern District
Case no. C-14-03156 LB
Government Code Section: 54956.9(a)

11. OPEN SESSION

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

Board of Directors
Minutes of the 1,760th Meeting
April 14, 2016

A regular meeting of the Board of Directors was held April, 2016, convening at 9:03 a.m. in the Board Room, 344 20th Street, Oakland, California. President Radulovich presided; Kenneth A. Duron, District Secretary.

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

Absent: None. Director Murray entered the Meeting later.

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meetings of March 24, 2016 (Regular), and March 31, 2016 (Special).
2. Agreement with Aquitas Solutions, for Maximo Health, Safety and Environment Implementation Project (Agreement No. 6M4495).
3. Award of Contract No. 15QL-130, Maintenance Yards Surface Improvement - ODY.
4. Award of Invitation for Bid No. 8970A, Escalator Handrails.
5. Award of Invitation for Bid No. 8995, Yard Disconnect Switches.

Director McPartland made the following motions as a unit. Director Saltzman seconded the motions, which carried by unanimous electronic vote. Ayes – 8: Directors Blalock, Josefowitz, Keller, Mallett, McPartland, Raburn, Saltzman, and Radulovich. Noes - 0. Absent – 1: Director Murray.

1. That the Minutes of the Meetings of March 24, 2016 (Regular), and March 31, 2016 (Special), be approved.
2. That the General Manager be authorized to award Professional Services Agreement No. 6M4495, to Aquitas Solutions, of Roswell, Georgia, for implementation of the Maximo Health, Safety and Environment (HSE) System Project, for the proposed price of \$406,750.00, pursuant to notification to be issued by the General Manager, and subject to the District's protest procedures.
3. That the General Manager be authorized to award Contract No. 15QL-130, Maintenance Yards Surface Improvement – ODY, to Golden Bay Construction, Inc., of Hayward, California, for the Bid price of \$206,171.00, pursuant to notification to be issued by the General Manager.

discussed. Director Saltzman moved that the General Manager be authorized to award Contract No. 05EA-110, to USS Cal Builders, for the Bid price of \$7,628,400.00, pursuant to notification to be issued by the General Manager, and subject to compliance with the District's protest procedures and Federal Transit Administration's requirements related to protests; and subject to certification from the Controller/Treasurer of the availability of funding, that the General Manager be authorized to exercise Options 1 through 7 for \$1,842,500.00, consistent with the requirements of the Contract. Director Raburn seconded the motion, which carried by unanimous electronic vote. Ayes – 9: Directors Blalock, Josefowitz, Keller, Mallett, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes - 0.

Director McPartland brought the matter of Award of Contract No. 15LN-120, O & K Escalator Controller Replacement and Limited Renovation, before the Board. Ms. Cristiana Lippert, Manager of Electrical Engineering, presented the item. Director Raburn moved that the General Manager be authorized to award Contract No. 15LN-120, O&K Escalator Controller Replacement and Limited Renovation, to Excelsior Elevator Corporation, for the Bid amount of \$2,922,790.00, pursuant to notification to be issued by the General Manager. Director Blalock seconded the motion. The item was discussed.

Director McPartland exited the Meeting.

The motion carried by unanimous electronic vote. Ayes – 8: Directors Blalock, Josefowitz, Keller, Mallett, Murray, Raburn, Saltzman, and Radulovich. Noes - 0. Absent – 1: Director McPartland.

Director Blalock, Vice Chairperson of the Engineering and Operations Committee, brought the matter of Sole Source Procurement with Dailey and Wells Communications, Inc., for Harris Radio Equipment, before the Board. Mr. Doug Ellis, Principal Engineer, presented the item. The item was discussed. Director Murray moved that the Board find, by a two-thirds member vote, that in accordance with Public Contract Code 20227, Dailey and Wells Communications, Inc., is the single source of supply for Harris radio equipment, the only equipment which is compatible with the BART 800 MHz radio system, and that this procurement is for the purpose of replacing old and outdated equipment in use at the District; and that the General Manager be authorized to enter into direct negotiations with Dailey and Wells Communications, Inc., to provide approximately 300 units of model XG-75M mobile radios pursuant to the requirements of Project 79LT000, for a total price not to exceed \$1,450,000.00, including applicable taxes. Director Saltzman seconded the motion, which carried by unanimous electronic vote by the required two-thirds vote. Ayes – 8: Directors Blalock, Josefowitz, Keller, Mallett, Murray, Raburn, Saltzman, and Radulovich. Noes - 0. Absent – 1: Director McPartland.

Director Raburn, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, brought the matter of Millbrae Station Development before the Board.

Director McPartland re-entered the Meeting.

Ms. Ellen Smith, Planning Division Manager, and Mr. Sean Brooks, Department Manager, Real Estate and Property Development, presented the item, which consisted of a Millbrae Transit Oriented Development Project Update and an Extension of Exclusive Negotiating Agreement with Republic Millbrae, LLC, for Potential Development of Property Located at the BART Millbrae Station.

The following individuals addressed the Board.

Gina Papan
Quentin Kopp
Andrew Slivka
Eric Tassio
Matthew Davey
Bob Planthold
Carlos Martinez
Austin Hunter
Mike Conklin
Bronwyn Proust
Sonja Trauss
Leora Tanjuatco
Richard Ow
Jerry Grace
Chris Neale
Evelyn Stivers
Wayne Lee
Carole Lew
Michael Van Every

Director McPartland moved that the General Manager or her designee be authorized to extend the exclusive negotiating agreement with Republic Millbrae, LLC, for potential development of property located at the BART Millbrae Station for an additional twelve months; and that staff be directed to provide the Board with status reports on the project every three months. Director Blalock seconded the motion. The item was discussed. The motion carried by electronic vote. Ayes – 8: Directors Blalock, Keller, Mallett, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes - 0. Abstain – 1: Director Josefowitz.

President Radulovich announced that the order of agenda items would be changed, and that the Board would enter into closed session under Item 10-A (Conference with Real Property Negotiators) of the regular Meeting agenda, and that the Board would reconvene in open session at the conclusion of that closed session.

The Board Meeting recessed at 12:54 p.m.

The Board Meeting reconvened in closed session at 1:03 p.m.

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

Absent: None. Directors Josefowitz and Saltzman entered the meeting later.

The Board Meeting recessed at 1:34 p.m.

The Board Meeting reconvened in open session at 1:37 p.m.

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

Absent: None.

President Radulovich announced there was no announcement to be made on Item 10-A.

President Radulovich called for the General Manager's Report.

General Manager Grace Crunican reported on steps she had taken and activities and meetings she had participated in. General Manager Crunican wanted to give accolades to BART Dispatcher Robert Lowell who was honored at the 31st Annual Dispatchers Recognition Banquet.

Assistant General Manager Paul Oversier gave a report on the progress of resolving power distribution problems on the Pittsburg/Bay Point Line.

President Radulovich brought the matter of Proposed Ordinance to Prohibit Patrons from Utilizing More Than One Seat during Commute Hours before the Board. Director Keller presented the item, and moved that the Board adopt Ordinance 2016-1 regarding prohibiting patrons from utilizing more than one seat during commute hours, with such ordinance to not be effective until 180 calendar days following its passage; and that during the 180-day period the District shall educate the public about the upcoming rule change, develop an enforcement policy to be reviewed by the Board, and study the practicality of extending the ordinance to enforce senior and disabled priority seating. Director McPartland seconded the motion. The item was discussed.

Jerry Grace addressed the Board.

Director Saltzman presented and moved a substitute motion to conduct Public Outreach for 180 days to complete a car and fun social media campaign asking riders to give up the seats that will catch on and get people interested. Bring back the ordinance with the enforcement policy for a vote after 180 days of outreach. Director Radulovich seconded the motion, which failed by electronic vote. Ayes – 4: Directors: Josefowitz, Raburn, Radulovich and Saltzman. Noes – 5 Directors: Blalock, Keller, Mallett, McPartland and Murray.

Discussion continued.

Director Mallett moved adoption of the original motion as amended, that the Board adopts Ordinance 2016-1 regarding, prohibiting patrons from utilizing more than one seat during commute hours. Prior to being in effect the District shall develop an enforcement policy to be reviewed by the Board and study the practicality of extending the ordinance to enforce senior and disabled priority seating. Director Keller and McPartland accepted the amendment, which passed by electronic vote. Ayes – 5 Directors: Blalock, Keller, Mallett, McPartland and Murray. Noes – 4: Directors: Josefowitz, Raburn, Radulovich and Saltzman.

President Radulovich called for Board Member Reports , Roll Call and In Memoriam.

Director Raburn requested an operating and financial plan for improved off-peak service frequency to be developed and shared with the Board. During the February 25, 2016 Workshop discussion of the Fleet Transition Plan he asked if off-peak service improvements from the 20 minute headways was being planned for when we have sufficient equipment. The “BART Rail Service Forecast” (Figure 4-3 in the Short Range Transit Plan and Capital Improvement Plan) omits mention of off-peak service. Thanks to a constituent’s comparative analysis of the evening service by 45 other rail transit lines in North America, we know that only four other services besides BART offer only 20 minute service frequency after 8 p.m. (Customer comment by Stephen Lowens, 3/19/2016). Director Saltzman seconded the request.

Director Raburn requested staff assess the operational viability and passenger support for quiet car designation during peak hours. Such designations have been well received by morning commuters on Capitol Corridor trains. Are there other examples? Implementation may have to wait until 10-car trains are uniformly available on Transbay trains so that passengers can anticipate the car position. Director Radulovich seconded the request.

Director Murray reported that she attended the 2016 California Passenger Rail Summit where she was a moderator of the Rail Integration Panel.

Director Murray requested staff explore development of a policy on free fares for customers who experience a major service disruption. Discuss the revenue loss and implementation issues that could result from such a policy. As an alternative, suggest other methods of addressing customers inconvenience caused by a major service disruption, for example, rewards through the BART Perks program. Director Raburn seconded the request.

Director Blalock reported Warm Springs Extension issued an emergency procurement to fix circuit problems. He also reported that he attended Alameda County Mayors Conference.

President Radulovich called for Public Comment.

Jerry Grace addressed the Board.

The Board Meeting was adjourned at 2:45 p.m.

Kenneth A. Duron
District Secretary

DRAFT

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

Board of Directors
Minutes of the 1,761st Meeting
April 14, 2016

A special meeting of the Board of Directors was held April 14, 2016, convening at 2:46 p.m. in the Board Room, 344 20th Street, Oakland, California. President Radulovich presided; Kenneth A. Duron, District Secretary.

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

Absent: None.

President Radulovich called for Public Comment on Item 3 only. No comments were received.

President Radulovich announced that the Board would enter into closed session under Item 3-A (Conference with Labor Negotiators) of the Special Meeting agenda, and that the Board would reconvene in open session upon the conclusion of the closed session.

The Board Meeting recessed at 2:47 p.m.

The Board Meeting reconvened in closed session at 2:52 p.m.

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

Absent: None.

The Board Meeting recessed at 4:03 p.m.

The Board Meeting reconvened in open session at 4:04 p.m.

Directors present: Director Radulovich.

Absent: Directors Blalock, Josefowitz, Keller, Mallett, McPartland, Murray, Raburn, and Saltzman.

President Radulovich announced that the Board had concluded its closed session, and that there was no announcement to be made.

The Meeting was adjourned at 4:04 p.m.

Kenneth A. Duron
District Secretary



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>[Signature]</i>		GENERAL MANAGER ACTION REQ'D: Approve and Forward to the Board		
DATE: <i>for GM's office</i>		BOARD INITIATED ITEM: No		
Originator/Prepared by: Emilia Sanchez Dept: PD&C <i>[Signature]</i> Signature/Date: <i>4/19/16</i>	General Counsel <i>[Signature]</i> Signature/Date: <i>4/19/16</i> []	Controller/Treasurer <i>[Signature]</i> Signature/Date: <i>4/19/16</i> []	District Secretary []	BARC <i>[Signature]</i> Signature/Date: <i>4/19/16</i> []

TITLE:

Award of Contract No. 09AU-150, Special Trackwork Procurement Oakland Shops Spur

NARRATIVE:

PURPOSE:

To obtain the Board's authorization for the General Manager to Award Contract No. 09AU-150, Special Trackwork Procurement Oakland Shops Spur to Voestalpine Nortrack, Inc., of Seattle, Washington, for the Bid price of \$642,978.00

DISCUSSION:

Contract No. 09AU-150 provides for the procurement of special trackwork needed to construct the Oakland Shop Spur. The Spur is needed to support the upcoming Transbay Tube retrofit. The procurement under this Contract, in general, consists of procuring all the following track components for each application, except for rail: turnouts, timber crosstie for open track and for turnouts/crossovers, switch stands, and incidental associated track, including uploading, delivering, unloading and stockpiling of all furnished materials.

On February 5, 2016, the Advance Notice to Bidders was sent to 41 prospective bidders and Contract Documents were sent to 21 plan rooms. The Contract was advertised on February 5, 2016 in local publications. A total of four (4) firms purchased copies of the Contract documents. A pre-Bid meeting was conducted on February 24, 2016 with three (3) prospective Bidders attending. There was one (1) addendum issued for this Contract.

Two (2) Bids were received and publicly opened on March 22, 2016. A tabulation of the Bids, including the Engineer's Estimate is as follows:

<u>Contractor</u>	<u>Location</u>	<u>Total Base Amount</u>
Progress Rail Services Corporation	Walnut Creek, CA	\$506,255.00
Voestalpine Nortrack Inc.	Seattle, WA	\$642,978.00
Engineer's Estimate		\$918,260.00

After review of the Bids by District staff, the Bid submitted by Progress Rail Services Corporation, the apparent low Bidder, was deemed non-responsive due to the addition of

disclaimers and conditions to its Bid, as well as failure to acknowledge the addenda.

The next low Bidder, Voestalpine Nortrack, Inc. was deemed responsive to the solicitation. Examination of Voestalpine Nortrack Inc's license, business experience and financial capabilities has resulted in a determination that this Bidder is responsible. Staff has also determined that the Total Base Bid Price of \$642,978.00 is fair and reasonable.

Pursuant to the District's Non-Discrimination in Subcontracting Program, the Availability Percentages for this Contract are 10% for Minority Business Enterprises ("MBEs") and 12% for Women Business Enterprises ("WBEs"). The Bidder committed to 0% MBE and 82% WBE. The Bidder did not meet the MBE Availability Percentage; therefore, the Bidder was requested to provide the District with information to determine if it had discriminated on the basis of race. Based on the review of the information submitted by the Bidder, the District's Office of Civil Rights found no evidence of discrimination.

Pursuant to the District's Non-Federal Small Business Program, the Office of Civil Rights set a 5% Small Business Prime Preference for this Contract for Small Businesses certified by the California Department of General Services. The lowest responsive Bidder is not a certified Small Business and, therefore, is not eligible for the 5% Small Business Prime Preference.

FISCAL IMPACT:

Funding of \$642,978 for the award of Contract No. 09AU-150 is included in the total project budget for FMS #09AU000 - TBT Retrofit #1 (Underwater). The Office of the Controller/Treasurer certifies that funds are currently available to meet this obligation. The following table depicts funding assigned to the referenced project since January 2011, and is included in totality to track funding history against spending authority. Funds needed to meet this request will be expended from a combination of these sources as listed.

As of April 1, 2016, \$290,324,587 is the total budget for this project from the following sources:

F/G 801F - ESP GO Bond	\$ 18,866,723
F/G 801J - ESP Unissued GO Bond	\$ 271,457,864
Total	\$ 290,324,587

BART has expended \$7,566,067 and committed \$989,355 and reserved \$276,656,606 to date for other actions. This action will commit an additional \$642,978 leaving an available fund balance of \$4,469,581 in this project.

There is no fiscal impact on available unprogrammed District Reserves.

ALTERNATIVES:

The alternatives are to decline to award the Contract, or re-bid. Declining to award the Contract would delay all of the preliminary work required to retrofit the Transbay Tube. Delays associated with re-bidding the Contract could potentially result in increased Project costs due to those

delays.

RECOMMENDATION:

It is recommended that the Board adopt the following motion:

MOTION:

The General Manager is authorized to award Contract No. 09AU-150, Special Trackwork Procurement Oakland Shops Spur to Voestalpine Nortrack Inc., for the Bid amount of \$642,978.00 pursuant to notification to be issued by the General Manager and subject to compliance with the District's protest procedures.

FUNDING SUMMARY - EARTHQUAKE SAFETY PROGRAM

ESP Financial Summary for 15PB-120	Baseline	Current	
PROJECT ELEMENT	Budget	Forecast	REMARKS
	(2004 GO Bond)	as of	
		4/19/16	
ENVIRONMENTAL, ENGINEERING, AND CONSTRUCTION MANAGEMENT			
GEC (Bechtel Team)	\$105,000,000	\$257,500,000	
Other GEC	\$81,478,000	\$0	
Subtotal GEC	\$186,478,000	\$257,500,000	
CM	\$61,498,000	\$95,400,000	
Environmental	\$1,042,796	\$2,198,237	
TOTAL E, E & CM	\$249,018,796	\$355,098,237	
CONSTRUCTION			
Transbay Tube			
Oakland Ventilation Structure	\$1,033,000	\$1,153,096	
Oakland Landside	\$17,970,000	\$10,699,433	
San Francisco Ferry Plaza			
SFTS (including Tube liner)	\$73,037,000	\$5,655,414	
Marine Vibro Demo	\$101,285,000	\$11,000,000	
Stitching	\$82,962,000	\$0	
Additional TBT Retrofits	\$0	\$317,295,302	
Aerial Guideways			
West Oakland/North Oakland	\$112,923,000	\$85,258,770	
Fremont	\$178,224,000	\$45,700,000	
Concord	\$36,500,000	\$12,370,889	
Richmond	\$80,155,000	\$34,800,000	
San Francisco/Daly City	\$36,590,000	\$9,600,000	
Stations (18)	\$126,961,000	\$78,700,000	
Other Structures			
LMA	\$5,529,000	\$12,100,000	
Yds & Shops	\$12,436,000	\$19,500,000	
Parking Structures	\$14,437,000	\$14,600,000	
Miscellaneous Cleanup		\$2,620,764	
At Grade Trackway	\$22,361,000	\$0	
34.5kV Replacement		\$42,490,000	
Systems	\$7,066,000	\$17,500,000	
TOTAL CONSTRUCTION	\$909,469,000	\$721,043,668	
PROGRAM COSTS			
Program Costs (Hazmat, ROW, Consult, Staff)	\$159,894,204	\$217,198,150	
Add Auth to Execute Agrmt w/Public & Private Entities		\$5,000,000	
Contingency	\$32,104,000	\$11,100,000	
TOTAL PROGRAM COSTS	\$191,998,204	\$233,298,150	
BASELINE FUNDING			
	\$1,350,486,000		
REVISED FUNDING			
		\$1,309,440,055	
		\$1,277,375,274	Adopted Funding
		\$32,064,781	Outside Adopted Funding



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>[Signature]</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: <i>2. 04/18/16</i>		BOARD INITIATED ITEM: No		
Originator/Prepared by: Steve Beroldo Dept: Customer Access	General Counsel	Controller/Treasurer	District Secretary	BARC
Signature/Date: <i>[Signature] 4-18-16</i>	<i>[Signature] 4/18/16 []</i>	<i>[Signature] 4/18/16 []</i>	[]	<i>Powers 19 APR 2016 []</i>
Status: Approved		Date Created: 04/08/2016		

TITLE:

Award of Contract No. 03LM-451, Construction of Walnut Creek Bike Pavilion

NARRATIVE:

PURPOSE:

To obtain the Board's authorization for the General Manager to award Contract No. 03LM-451, Construction of the Walnut Creek Bike Pavilion, to Empire Engineering and Construction, Inc. (Empire Engineering), of San Francisco, California, for the Bid price of \$310,903.00.

DISCUSSION:

The scope of this Contract includes, but is not limited to, all labor, materials, equipment and accessories necessary to complete the construction of the Walnut Creek Station Bike Parking Pavilion.

Bike parking facilities are currently scattered in multiple locations around the station. This project will provide an enlarged and improved space at the Walnut Creek BART Station to focus bike parking facilities. The project includes an enlarged concrete pad, new lighting, new pigeon control, drought tolerant landscaping and irrigation. The facility will have capacity for 96 BikeLink electronic lockers and 80 bike rack spaces. The project site is located under the trackway south of the fare gates directly behind the BART police substation. When the substation is relocated, as part of the TOD project, an additional 66 racks space can be incorporated into this one contiguous bike parking facility.

On January 22, 2016, the Advance Notice to Bidders was sent to 333 prospective bidders and Contract Documents were sent to 25 Plan Rooms. The Contract was advertised on January 22, 2016 in local publications. A total of ten (10) firms purchased copies of the Contract documents. A pre-Bid meeting and site tour was held on February 1, 2016, with five (5) prospective Bidders attending.

Six (6) Bids were received and publicly opened on March 8, 2016. The Bids, including the Engineer's Estimate are as follows:

	BIDDER	LOCATION	TOTAL BASE BID
1	Empire Landscaping	Davis, CA	\$293,000.00
2	Empire Engineering and Construction	San Francisco, CA	\$310,903.00
3	Bay Construction	Oakland, CA	\$342,148.00
4	ALTA Engineering Group	Oakland, CA	\$399,881.00
5	GEMS Environmental Management Services	Concord, CA	\$559,084.42
6	SPOSETO Engineering	Oakland, CA	\$692,100.00
	Engineer's Estimate		\$253,750.80

After review by District staff, the Bid submitted by Empire Engineering was determined to be responsive to the solicitation. Examination of Empire Engineering's license, business experience, and financial capabilities has resulted in a determination that this Bidder is responsible. Staff has also determined that the Total Base Bid Price of \$310,903.00 is fair and reasonable.

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 it consists of minor alterations of existing facilities involving no expansion of use.

The project will also receive federal funding and is therefore subject to the National Environmental Policy Act (NEPA). The federal funding agency, Federal Transit Administration (FTA), has concurred that implementation of the project will not have a significant impact on the environment and qualifies for a categorical exclusion as defined under 23 CFR 771.117(c)(16) for operating assistance to transit authorities to continue existing service or increase service to meet routine changes in demand.

Pursuant to the District's Disadvantaged Business Enterprise Program Small Business Elements, this Contract was advertised as a Micro Small Business Entity (MSBE) Set-Aside. All prospective Bidders who are interested in submitting a Bid on MSBE Set-Aside contracts must be certified first by BART's Office of Civil Rights as an MSBE. The lowest Bidder, Empire Landscaping, was not a BART certified MSBE at the time of bid and therefore was deemed non-responsive. The lowest responsive Bid was submitted by Empire Engineering and Construction, Inc.

FISCAL IMPACT:

Funding for this project comes from two grants (FTA and Measure J). Funding of \$310,903 for the award of Contract No. 03LM-451 is included in the total project budget for FMS # 03LM000 - Walnut Creek Bike Pavilion. The Office of Controller/Treasurer certifies that funds are currently available to meet this obligation. The following table depicts funding assigned to the referenced project and is included in totality to track funding history against spending authority. Funds needed to meet this request will be expended from a combination of these sources as listed.

As of April 8, 2016, \$508,303 is available for this project from the following sources:

Fund No.	Fund Description	Source	Amount
354L	FY09 Flex Funds for PM & Parking	FTA	450,000.00
6637	CCTA-Measure J Res 10-03-P	Local	58,303.00
Total			508,303.00

BART has expended \$7,510 has committed \$111,740 and reserves \$0 to date for other action. This action will commit \$310,903 leaving an available fund balance of \$78,150 in this project.

There is no fiscal impact on available un-programmed District Reserves.

ALTERNATIVE:

The alternatives are to decline to award the Contract, or rebid. Declining to award the Contract would mean delaying or not expanding secure bike parking at Walnut Creek, as well as, delaying or not implementing the other station enhancing elements of the project. Delays associated with rebidding the Contract could potentially result in increased Project costs due to those delays.

RECOMMENDATION:

It is recommended that the Board adopt the following motion:

MOTION:

The General Manager is authorized to award Contract No. 03LM-451, Construction of Walnut Creek Bike Pavilion to Empire Engineering and Construction, Inc. of San Francisco, California for the Bid price of \$310,903.00, pursuant to notification to be issued by the General Manager and subject to compliance with the District's protest procedures and the FTA's requirements related to protest procedures.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>[Signature]</i> for GM's office		GENERAL MANAGER ACTION REQ'D: Approve and Forward to the Board		
DATE: <i>4/18/16</i>		BOARD INITIATED ITEM: No		
Originator/Prepared by: Reta Hessabi Dept: Maintenance & Engineering <i>[Signature]</i> Signature/Date: <i>4/18/16</i>	General Counsel <i>[Signature]</i> Signature/Date: <i>4/18/16</i> []	Controller/Treasurer <i>[Signature]</i> Signature/Date: <i>4/18/16</i> []	District Secretary []	BARC <i>[Signature]</i> <i>FOR P.O.</i> []
Status: Approved		Date Created: 04/06/2016		

TITLE:

Award Invitation for Bid No. 9002, 48V Batteries and Chargers

NARRATIVE:

PURPOSE:

To request Board authorization to award Invitation for Bid (IFB) No. 9002 to Storage Battery Systems LLC of Menomonee Falls, WI in the amount of \$568,414.28, including all applicable sales taxes, for the purchase of 48V Batteries and Chargers.

DISCUSSION:

This Contract is for the procurement of sixty-four (64) sets of 48V batteries and chargers. These batteries serve as an emergency 48V power source for the control and operation of DC breakers at traction power substations in the event of a main power failure. This new battery system will replace the existing battery system which has been in service for over twenty years and has exceeded its useful lifespan. The new battery sets will be consistent with the latest District requirements for better field operations and will ensure that more reliable power delivery takes place within the BART system.

A notice requesting Bids for IFB No. 9002 was published on February 23, 2016 and Bid requests were mailed to four (4) prospective Bidders. The Bid opening for this IFB took place on March 29, 2016 and the following three (3) Bids were received:

<u>Bidder</u>	<u>Grand Total including 10% Sales Tax</u>
Storage Battery Systems LLC	\$568,414.28
National Railway Supply LLC	\$933,900.00
American Power Systems	\$1,275,328.08
Independent cost estimate by BART Staff:	\$741,510.00

After a review, staff has determined that the apparent low Bid submitted by Storage Battery Systems (Storage) is responsive to the solicitation. Staff has also determined that Storage's Bid price is fair and reasonable based on staff's independent cost estimate. Furthermore, a review of Storage's business experience and financial capabilities has resulted in a determination that Storage is a responsible Bidder.

DBE GOAL:

Pursuant to the District's revised Disadvantaged Business Enterprise (DBE) Program for federally-funded contracts, the Office of Civil Rights is utilizing race and gender neutral efforts for all IFB contracts. Therefore, no DBE goal was set for this Contract.

FISCAL IMPACT:

Funding of \$568,414 for the award of IFB No. 9002 is included in the total project budget for FMS #15EI600 – 34.5Kv Rectifier – Transformer. The Office of Controller/Treasurer certifies that funds are currently available to meet this obligation. The following table depicts funding assigned to the referenced project and is included in its totality to track funding history against spending authority.

As of March 31, 2016, \$7,032,408 is available for this project from the following sources:

Fund Number	Fund Description	Fund Source	Funded Amount
3001	FTA CA-05-0253 FY11 Capital Improvements	FTA	\$1,200,000
3401	FTA CA-05-0263 FY12 Capital Improvements	FTA	\$800,000
347X	FTA CA-05-0211 FY06 Capital Improvements	FTA	\$3,040,000
347Z	FTA CA-05-0216 FY07 Capital Improvements	FTA	\$101,273
3602	FTA CA-54-0007 FY13 Capital Improvements	FTA	\$400,000
6018	FY11-12 Project Match MTC Res#4044	Regional	\$200,000
850W	FY00-06 Capital Allocation	BART	\$760,000
850Z	Capital Maint. Allocation	BART	\$53,450
851W	FY07-11 Capital Allocation	BART	\$177,685
8523	Capital Surcharge - Station to Station	BART	\$300,000
Total			\$7,032,408

BART has expended \$4,634,206, committed \$424,944 and reserved \$392,971 to-date for other actions. This action will commit \$568,414 leaving an available fund balance of \$1,011,873 in this project.

There is no fiscal impact on available unprogrammed District Reserves.

ALTERNATIVE:

Reject Bid and re-advertise the Contract. This is not likely to result in better competition or lower prices and would delay the critical ongoing replacement of the District's 48V batteries and battery chargers.

RECOMMENDATION:

It is recommended that the Board adopt the following Motion:

MOTION:

The General Manager is authorized to award IFB No. 9002, for the Procurement of 48V Battery and charger to Storage Battery Systems LLC of Menomonee Falls, WI in the amount of \$568,414.28, including all applicable sales taxes, pursuant to notification to be issued by the General Manager, and subject to the District's protest procedures and the Federal Transit Administration's requirements related to protests procedures.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>[Signature]</i>		GENERAL MANAGER ACTION REQ'D: Approve and Forward to the April 28th E&O Committee Meeting		
DATE: <i>for GM's office</i>		BOARD INITIATED ITEM: No		
Originator/Prepared by: Shirley J Ng Dept:	General Counsel <i>[Signature]</i>	Controller/Treasurer <i>[Signature]</i>	District Secretary []	BARC <i>[Signature]</i>
Signature/Date: <i>[Signature]</i> 4/21/16	<i>[Signature]</i> 4/21/16 []	<i>[Signature]</i> 4/22/16 []	[]	<i>[Signature]</i> 4/20/16 []
Status: Routed		Date Created: 04/18/2016		

TITLE: **Reject All Bids for Contract No. 15IF-130, Powell Street Station Ceiling Upgrades**

NARRATIVE:

PURPOSE:

To request that the Board reject all Bids for Contract No. 15IF-130, Powell Street Station Ceiling Upgrades and authorize the General Manager to re-advertise the Contract.

DISCUSSION:

Contract No. 15IF-130 will provide for the replacement of the existing fluorescent lighting in the Powell Street Station with new energy efficient lighting, installation of a new ceiling with a screen to deter birds from entering the space, an upgraded closed circuit television (CCTV) system, an upgraded fire sprinkler system, and other ancillary work.

On March 10, 2016, the Board authorized the General Manager to award Contract No. 15IF-130 to USS Cal Builders, Inc. for the Bid price of \$7,678,907.00. (See attached EDD)

The Contract has not yet been awarded. It is now recommended that the Board reject all the Bids for the following reasons.

After a careful further analysis of the Bids received and the Bidding process followed on this Contract, staff has determined that, the District inadvertently omitted two Planholders from the distribution of an Addendum to the Contract prior to Bid. This omission created confusion in the bids received and resulted in an arguably unfair Bidding process. One of the affected firms filed a protest related to this issue. In order to ensure a fair process to all the Bidders, staff recommends that the Board withdraw its authorization to award this Contract and instead reject all Bids. Following rejection of Bids, staff will revise certain portions of the Contract to clarify the scope and will re-advertise the Contract.

FISCAL IMPACT:

There is no fiscal impact as a result of rejecting all Bids.

ALTERNATIVE:

Proceed to award the Contract to the apparent low Bidder, USS Cal Builders, Inc. and risk a successful protest which, if litigated, would likely delay proceeding with the work for several months even if the court rules in BART's favor. In addition, there would be a risk of a protest appeal to the Federal Transit Administration (FTA) which, if successful could jeopardize the Federal funding or delay performance of the work as the Contract is re-advertised.

RECOMMENDATION:

It is recommended that the Board adopt the following motion:

MOTION:

All Bids for Contract No. 15IF-130, Powell Street Station Ceiling Upgrades, are rejected and the General Manager is authorized to re-advertise the Contract.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>[Signature]</i>		GENERAL MANAGER ACTION REQ'D: Place on the April 28, 2016 Board of Directors Agenda		
DATE: <i>[Signature]</i>		BOARD INITIATED ITEM: No		
Originator/Prepared by: Robert Umbreit Dept: Budget	General Counsel <i>[Signature]</i>	Controller/Treasurer <i>[Signature]</i>	District Secretary	BARC <i>[Signature]</i>
Signature/Date: <i>[Signature]</i> 4/18/16	<i>[Signature]</i> 4/18/16 []	<i>[Signature]</i> 4/18/16 []	[]	<i>[Signature]</i> 4-18-16 []

TITLE:

Fiscal Year 2017 Preliminary Budget Procedural Actions

NARRATIVE:

PURPOSE:

1. To formally direct staff to publish a pamphlet containing a copy of the Fiscal Year 2017 Preliminary Budget.
2. To set a public hearing on the Fiscal Year 2017 Preliminary Budget.

DISCUSSION:

The rules of the Board of Directors provide that the Board direct a Preliminary Budget Pamphlet to be prepared no later than the first day of June (Rule 5-1.2). Staff's schedule calls for this pamphlet to be available by May 2, 2016. The rules of the Board of Directors also provide that a public hearing on the budget be held on or before June 20 (Rule 5-1.3). Staff proposes that this hearing be held on May 26, 2016.

In addition to the public hearing, BART will host an online Town Hall meeting to answer questions from the public about the proposed budget on May 25, 2016 from 12:00 - 1:00 P.M. The Town Hall will be able to be viewed on the web at www.bart.gov/townhall, and the public will be able to submit questions via Twitter or email.

The budget will also be presented and discussed at the BART Accessibility Task Force meeting May 26, 2016 from 2:00 - 4:00 P.M., and at the Title VI/Environmental Justice Advisory Committee meeting on May 9 at 2:00 P.M.

FISCAL IMPACT:

According to Board Rules, the FY17 Budget must be adopted on or before June 30, 2016.

ALTERNATIVES:

Under Board Rules 5-1.2 and 5-1.3, publishing a budget pamphlet and holding a public hearing are required steps to adopt the Fiscal Year 2016 annual budget. The Board could suspend rules 5-1.2 and 5-1.3 or postpone the hearing to another date prior to June 20.

RECOMMENDATION:



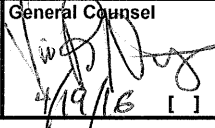
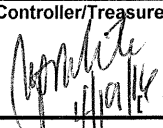
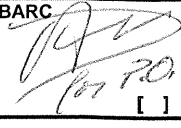
That the Board adopt the following motions:

Motions:

1. That the staff be directed to publish a Budget Pamphlet for Fiscal Year 2017 to be available for distribution no later than May 2, 2016.
2. That a public hearing on the Fiscal Year 2017 Preliminary Budget be set for Thursday, May 26, 2016 in the Board Room.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: 		GENERAL MANAGER ACTION REQ'D: yes		
DATE: <i>for GM's Office</i>		BOARD INITIATED ITEM: No		
Originator/Prepared by: Ahmad Rassai Dept: PD&C-ESP  Signature/Date: 04-19-2016	General Counsel  4/19/16 []	Controller/Treasurer  []	District Secretary []	BARC  for 70 []

TITLE:

Contract No. 79HM-120 SFTS MB, Change Order No. 4: Revised Structural Anchorages

NARRATIVE:

PURPOSE:

To obtain Board authorization for the General Manager to execute Change Order No. 4 - Revised Structural Anchorages, to Contract No. 79HM-120, in the amount of \$429,350.

DISCUSSION:

Award of Contract No. 79HM-120, SFTS MB was authorized by the Board on February 12, 2015; Notice to Proceed was granted on May 19, 2015. The District has executed seventeen Change Orders to date for a total of \$710,490. Three Change Orders are pending for a total of \$478,098.

The Contract Documents reflected a design that, following award, was found to include errors in the anchorage details. Among other things, the design interfered with future District maintenance requirements. There were design and fabrication issues associated with the steel assembly anchorage that needed to be resolved. The Designer was directed by BART to redesign the anchorages so that the District could perform required maintenance. The redesign resolved several issues and eliminated utility relocation work required under the prior design. Change Order No. 4 will compensate the contractor for the costs associated with the design changes to the structural anchorages.

Pursuant to Board Rule 5-2.4, Change Orders involving expenditures greater than \$200,000 require Board approval.

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

FISCAL IMPACT:

Funding of \$429,350 for Contract No. 79HM-120 Change Order No. 4 will come from project budget 79HM000 TRANSITION BARRIERS. The following table depicts funding assigned to the referenced project since May 26, 2007, and is included in its totality to track funding history against spending authority. Funds needed to meet this request will be expended from a combination of these sources as listed. The Office of the Controller/Treasurer certifies that funds are currently available to meet this obligation. As of April, 14 2016, \$95,995,255.18 is available

for this project from the following fund sources:

Fund	Description	Amount
2261	1999 S/T REV DEBT SERV2	\$99,671.80
352X	FY05 CAP ASST PGM CA-9	\$782,403.20
352Z	FY07 CAP ASST PGM CA90	\$17,354,280.00
3704	DHS FEMA ARRA TSGP-CP0	\$5,143,219.00
3751	FY2007 TSGP GR#2007-RL-T7-K001	\$4,574,190.81
3752	FY2007 TSGP GR#2007-RL-T7-K111	\$1,722,115.04
3754	FY2009 TSGP GRANT#2009	\$1,957,507.32
3755	FY11 TSGP Security CCTC and WI	\$20,768,000.00
3757	FY 13 TSGP - USDHS RA-00004	\$10,009,500.00
3758	DHS FY2014 EMW RA-00011-S01	\$17,400,250.00
3907	FY06 HOMELAND SECURITY	\$1,900,000.00
3908	FY06 UASI REGIONAL FUN	\$213,937.00
535F	FY08-09 CTSGP PROP 1B (SECTY G	\$1,748,628.09
535T	FY07-08 CTSGP PROP 1B(HOMELND)	\$1,275,576.65
5371	FY09-10 CTSGP PROP 1B(HOMELND)	\$267,170.35
5372	FY010-11 CTSGP PROP 1B(HOMELND	\$1,811,637.97
5373	FY11-12 CTSGP PROP 1B(HOMELND)	-
5374	FY12-13 CTSGP Prop 1B (CalEMA)	-
5375	FY13-14 CTSGP Prop 1B (CalEMA)	\$244,078.73
5376	FY 14-15 CTSGP Prop 1B #6761	\$4,288,590.22
6011	BRIDGE TOLL ALLOC 07376802	\$1,215,861.00
6015	BRIDGE TOLL ALLOC 09387201	\$95,929.00
6213	REGIONAL MEAS 2 08382301	\$3,122,709.00
	Total	\$95,995,255.18

BART has expended \$44,136,344.89 and committed \$44,510,468.09 to date for other actions. This action will commit an additional \$429,350 leaving an uncommitted balance of \$6,919,092.20 in these fund sources.

There is no fiscal impact on available un-programmed District Reserves.

ALTERNATIVE:

The Board can elect not to authorize the execution of this Change Order. If not resolved, failure to issue this Change Order will require a Suspension of Work while the technical problems are resolved. Such action will delay completion of the Contract and increase the Contract cost.

RECOMMENDATION:

Recommend that the Board approve the following motion:

MOTION:

The General Manager is authorized to execute Change Order No. 4 for the Revision of Structural Anchorages, in the amount of \$429,350, to Contract No. 79HM-120, SFTS MB, with Manson Construction Company, Inc.

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

EXECUTIVE DECISION DOCUMENT

Date: 03/29/16

ATTACHMENT No 1
CONTRACT 79HM-120

CO No. 4

CHANGE ORDER SUMMARY

BACKGROUND

Program:	Transition Barriers
Name of Contractor	Manson Construction Co.
Contract No. / NTP	79HM-120 / May 20, 2015
Contract Description:	SFTS MB
Percent Complete as of 03/18/16:	20.31%

<u>COST</u>	<u>% of Award</u>	<u>CO Totals</u>	<u>Contract Amount</u>
Original Contract Award Amount			\$ 49,686,000
Change Orders			
Board Authorized COs	0.72%	\$ 355,490	
Other Than Board Authorized COs	0.71%	\$ 355,000	
This Change Order No. 4	0.86%	\$ 429,350	
Subtotal of all Change Orders	2.29%	\$ 1,139,840	
<u>Revised Contract Amount</u>			<u>\$ 50,825,840</u>

SCHEDULE

Original Contract Duration	730	days
Time Extension to Date	0	days
Time Extension Due to Approved Cos	0	days
Time Extension Due to this CO4	0	days
Revised Contract Duration	730	days

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

Memorandum

TO: Board of Directors **DATE:** April 18, 2016

FROM: General Manager

SUBJECT: E & O Agenda Item #5-B: Test Deployment of Automated License Plate Reader (ALPR) Technology

Beginning in 2011, the BART Police Department began looking at Automated License Plate Reader (ALPR) technology as a law enforcement tool for automated detection of license plates. ALPR technology converts data associated with vehicle license plates for official law enforcement purposes, including identifying stolen or wanted vehicle, stolen license plates and missing persons. ALPRs may also be used to gather information related to active warrants, homeland security, suspect interdiction, stolen property recover, and parking fee collection and enforcement. ALPR technology can be deployed in fixed positions or mounted on vehicles, and is widely used by law enforcement and private entities in the Bay Area.

In 2013, the BART Police Department identified funding for a pilot program through California Proposition 1B Security Funds and purchased ALPR equipment for the project. This pilot program utilizes fixed ALPR technology at the MacArthur Station parking structure and the installation was completed in late 2015.

While the ALPR equipment for this pilot project was being installed, Senate Bill 34, Automated License Plate Recognition Systems: Use of Data (Jerry Hill, D-San Mateo), passed through the state legislature and was approved by the Governor. Senate Bill 34 (SB-34) emphasizes transparency, policy, and procedure in the use of ALPR technology. This includes:

- Publicly viewable policy;
- Data security and reporting measures; and
- An opportunity for the public to comment before implementation of the technology

The BART Police Department Bulletin, Test Deployment of Automated License Plate Readers, included with this memorandum, details the Department's policy for use of ALPRs. This policy complies with the requirements of SB-34 and will be posted to the BART Police Department website before implementation of the program.

This policy also complies with the requirements of the Northern California Regional Intelligence Center (NCRIC), with which the BART Police Department is a member agency and part of the NCRIC Data Sharing Partnership, allowing for the exchange of gathered ALPR data.

Please contact Deputy Chief Ben Fairow at (510) 464-7054, if you have questions or need additional information.



Grace Crunican

cc: Board Appointed Officers
Deputy General Manager
Executive Staff



**BART POLICE DEPARTMENT
KENTON W. RAINEY, CHIEF OF POLICE**

**BULLETIN NO.
DATE OF ISSUE:**

TEST DEPLOYMENT OF AUTOMATED LICENSE PLATE READERS

The Department is conducting a test of fixed Automated License Plate Reader (ALPR) technology at selected locations in the District. These tests will involve fixed units, located at entrances and exits of parking lots and/or garages and is expected to assist in the suppression and investigation of crime, thereby enhancing public safety in the BART System. A formal policy will be issued in the event ALPR technology is adopted for long-term use by the Department.

PURPOSE AND SCOPE

ALPR technology, also known as License Plate Recognition, provides automated detection of license plates. ALPRs are used by the Bay Area Rapid Transit Police Department to convert data associated with vehicle license plates for official law enforcement purposes, including identifying stolen or wanted vehicles, stolen license plates and missing persons. ALPRs may also be used to gather information related to active warrants, homeland security, suspect interdiction, stolen property recovery, and parking fee collection and enforcement.

ADMINISTRATION OF ALPR DATA

All installation and maintenance of ALPR equipment, as well as ALPR data retention and access shall be managed by the Support Services Deputy Chief of Police. The Support Services Deputy Chief of Police will assign personnel under his/her command to administer the day-to-day operation of the ALPR equipment and data.

ALPR OPERATION

Use of an ALPR is restricted to the purposes outlined below. Department personnel shall not use, or allow others to use the equipment or database records for any unauthorized purpose.

- a) An ALPR shall only be used for official and legitimate law enforcement business.
- b) An ALPR may be used in conjunction with any criminal investigation. Reasonable suspicion or probable cause is not required before using an ALPR.
- c) No member of this department shall operate ALPR equipment or access ALPR data without first completing department-approved training.
- d) No ALPR operator may access California Law Enforcement Telecommunications System (CLETS) data unless otherwise authorized to do so.
- e) If practicable, the officer should verify an ALPR response through CLETS before taking enforcement action that is based solely on an ALPR alert.

ALPR DATA COLLECTION AND RETENTION

All data and images gathered by an ALPR are for the official use of the Bay Area Rapid Transit Police Department and because such data may contain confidential CLETS information, it is not open to public review. ALPR information gathered and retained by this department may be used and shared with prosecutors or others only as permitted by law. All ALPR data collected by the Department is electronically transmitted to the Northern California Regional Intelligence Center (NCRIC).

All ALPR data will be stored for a minimum of one year (Government Code § 34090.6), and thereafter should be purged unless it has become, or it is reasonable to believe it will become, evidence in a criminal or civil action or is subject to a lawful action to produce records. In those circumstances the applicable data should be downloaded from the server onto portable media and booked into evidence.

ACCOUNTABILITY AND SAFEGUARDS

All saved data will be closely safeguarded and protected by both procedural and technological means. The Bay Area Rapid Transit Police Department will observe the following safeguards regarding access to and use of stored data:

- a) All non-law enforcement requests for access to stored ALPR data shall be referred to the Records Supervisor and processed in accordance with applicable law related to public records requests.
- b) All ALPR data downloaded to NCRIC shall be accessible only through a login/password-protected system capable of documenting all access of information by name, date and time.
- c) Persons approved to access ALPR data under these guidelines are permitted to access the data for legitimate law enforcement purposes only, such as when the data relate to a specific criminal investigation or department-related civil or administrative action.
- d) Such ALPR data may be released to other authorized and verified law enforcement officials and agencies at any time for legitimate law enforcement purposes.
- e) ALPR system audits should be conducted on a regular basis.

Kenton W. Rainey
Chief of Police

KWR:bhf

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

Memorandum

TO: Board of Directors **DATE:** April 21, 2016
FROM: General Manager
SUBJECT: PPAAL Agenda Item #6-A: BART Station Access Policy – For Information

Based on input provided at the February 25, 2016 Board Workshop, staff will bring back a revised version of the Draft Station Access Policy for discussion. The Draft Policy will include a Vision, Goals and Strategies to guide future investment decisions, management of access resources, and the continued development of partnerships with local jurisdictions and station access providers.

Materials for the April 28 meeting will highlight updates to staff tools for policy implementation including Station Access Typology graphics, Station Access Design Hierarchy, a Work Plan overview, and Performance Measures.

The intent is for staff to return to the Board in May for adoption of the Station Access Policy.


Grace Crunican

cc: Board Appointed Officers
Deputy General Manager
Executive Staff

DRAFT BART STATION ACCESS POLICY

DRAFT 4/21/2016

VISION

For more than 40 years, the San Francisco Bay Area Rapid Transit District (BART) has been a steward of major public investment to connect people and places. The BART Station Access Policy is designed to support the broader livability goals of the Bay Area, reinforce sustainable communities, and enable riders to get to and from stations safely, comfortably, affordably, and cost-effectively.

GOALS

A. Safer, Healthier, Greener. Advance the region's safety, public health, and greenhouse gas (GHG) and pollution-reduction goals.

1. Ensure safe access for all users of the BART system.
2. Promote and invest in active transportation access modes to improve public health.
3. Prioritize the most sustainable access modes, with a focus on the lowest GHG and pollutant emissions per trip.

B. More Riders. Invest in station access to connect more riders cost-effectively, especially where and when BART has available capacity.

1. As ridership grows, invest in and manage access resources so as not to exacerbate peak period – peak direction crowding, including by ensuring users can find parking spaces at all times of day.
2. Develop access solutions that promote reverse-peak and off-peak ridership to optimize use of the BART system.

C. More Productive and Efficient. Manage access investments, programs, and current assets to achieve goals at the least cost.

1. Consider life-cycle costs, including capital and operating budget implications, using best asset management practices.
2. Factor land value in decision-making, prioritizing access that generates the most riders with the least space.
3. Consider the Station Access Typology (Attachment A) in identifying contextual access investments at each station, and develop station-level designs that are consistent with the Station Design Access Hierarchy (Attachment B).

D. Better Experience. Be a better neighbor, and strive for an excellent customer experience, including on the first and last mile of the trip to and from BART stations.

1. Expand station access choices for all riders.
2. Promote Transit-Oriented Development on and off of BART property as a powerful access tool, putting more riders within walking distance of stations, and connecting communities.

DRAFT BART STATION ACCESS POLICY

3. Collaborate with local jurisdictions to improve station access and create more sustainable communities, including by promoting access improvements off BART property.

E. Equitable Services. Invest in access choices for all riders, particularly those with the fewest choices.

1. Ensure that disadvantaged communities share in the benefits of BART accessibility.
2. Strive to be a partner to reduce the cost of living (i.e., mobility and housing) in the Bay Area for low-income communities by increasing access and housing options (i.e. TOD), providing greater access to opportunity.
3. Use Universal Design principles to ensure access is available for everyone at all times.

F. Innovation and Partnerships. Be an innovation leader, and establish durable partnerships with municipalities, access providers, and technology companies.

1. Involve BART riders in station access decision-making.
2. Lead partnerships with municipalities, transit operators, developers, technology providers, corporate shuttles, Transportation Network Companies, bike share operators, and other entities to best meet access goals.
3. Continue to research and pilot emerging technologies and new forms of access services to keep up with rapidly-changing technology.
4. Remain technology- and operator-agnostic; and invest in the access technologies and services that best meet the needs of BART riders.

STRATEGIES

Plan, Innovate and Partner

1. Plan for systemwide access mode shift to reduce drive alone rates
2. Partner with interested stakeholders to improve access to the BART system
3. Plan all BART facilities to be accessible to all users

Invest and Implement































1. Invest in the pedestrian and bicycle network, on and off BART property
2. Invest in transit connections
3. Prioritize station access investments that support reserve peak travel
4. Invest in strategic parking resources

Manage and Assess

1. Manage resources we have
2. Regularly collect station access data

DRAFT BART STATION ACCESS POLICY

ATTACHMENT A: STATION ACCESS TYPOLOGY

DESIRED STATION TYPE	PRIMARY INVESTMENTS	SECONDARY INVESTMENTS	ACCOMMODATED	NOT ENCOURAGED
URBAN	 Walk  Bicycle	 Public Transit and Shuttle	 Taxi and TNC  Drop-Off and Pick-Up	 Auto Parking
URBAN WITH PARKING	 Walk  Bicycle	 Public Transit and Shuttle	 Taxi and TNC  Drop-Off and Pick-Up	 Auto Parking
BALANCED INTERMODAL	 Walk  Bicycle	 Public Transit and Shuttle  Drop-Off and Pick-Up	 Taxi and TNC  Auto Parking	
INTERMODAL/AUTO RELIANT	 Walk  Bicycle	 Public Transit and Shuttle  Drop-Off and Pick-Up	 Taxi and TNC  Auto Parking	
AUTO DEPENDENT	 Walk	 Bicycle  Drop-Off and Pick-Up  Auto Parking	 Taxi and TNC  Public Transit and Shuttle	

Primary Investments:
 BART will invest funds on and off BART property (priority on BART property)

Secondary Investments:
 BART will invest funds as needed, projects, and partnerships arise

Accommodated:

BART will work with other parties, as needed

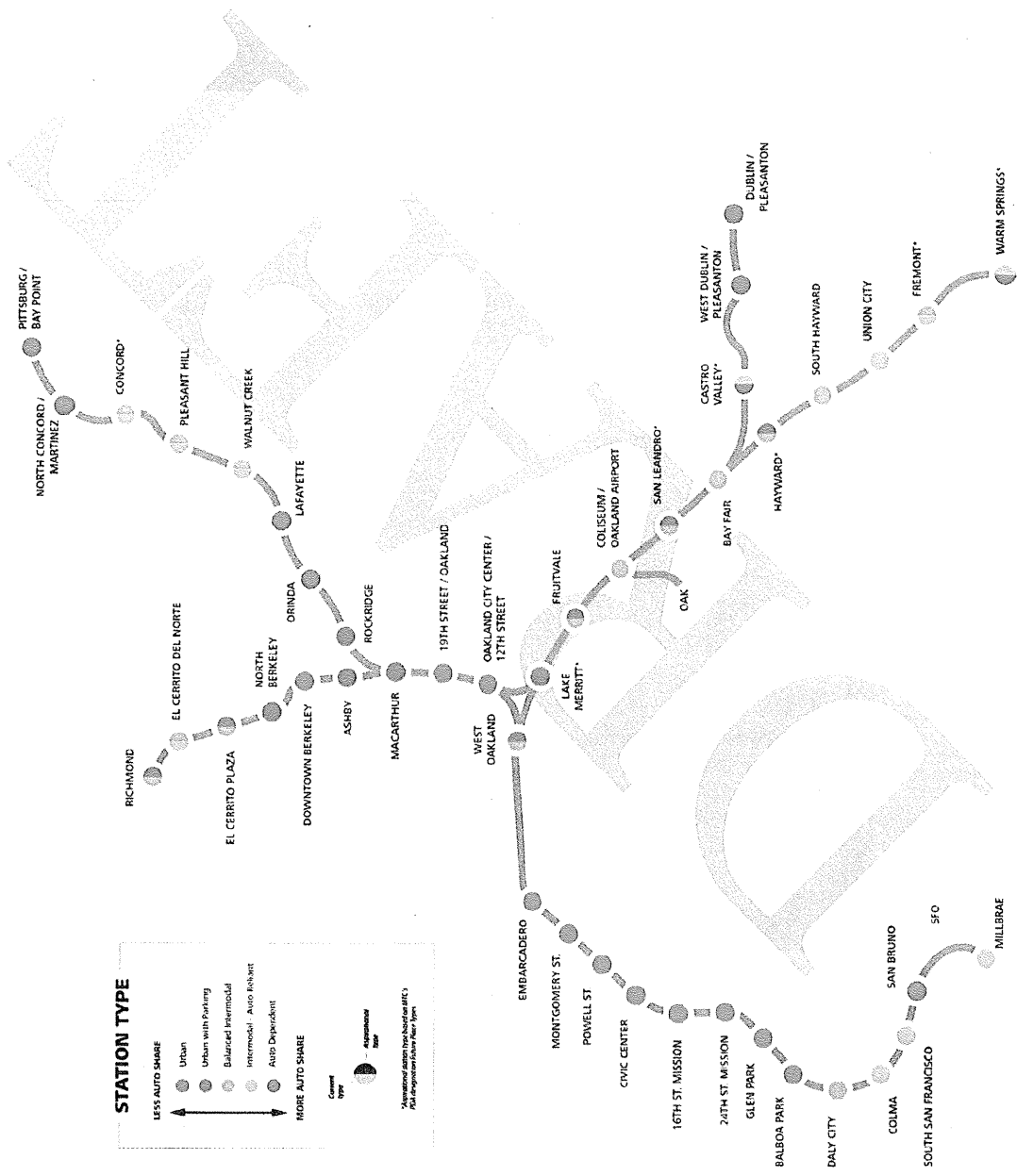
Not Encouraged:

BART would not invest in these modes

Note: TNC is for Transportation Network Company (shared use mobility)

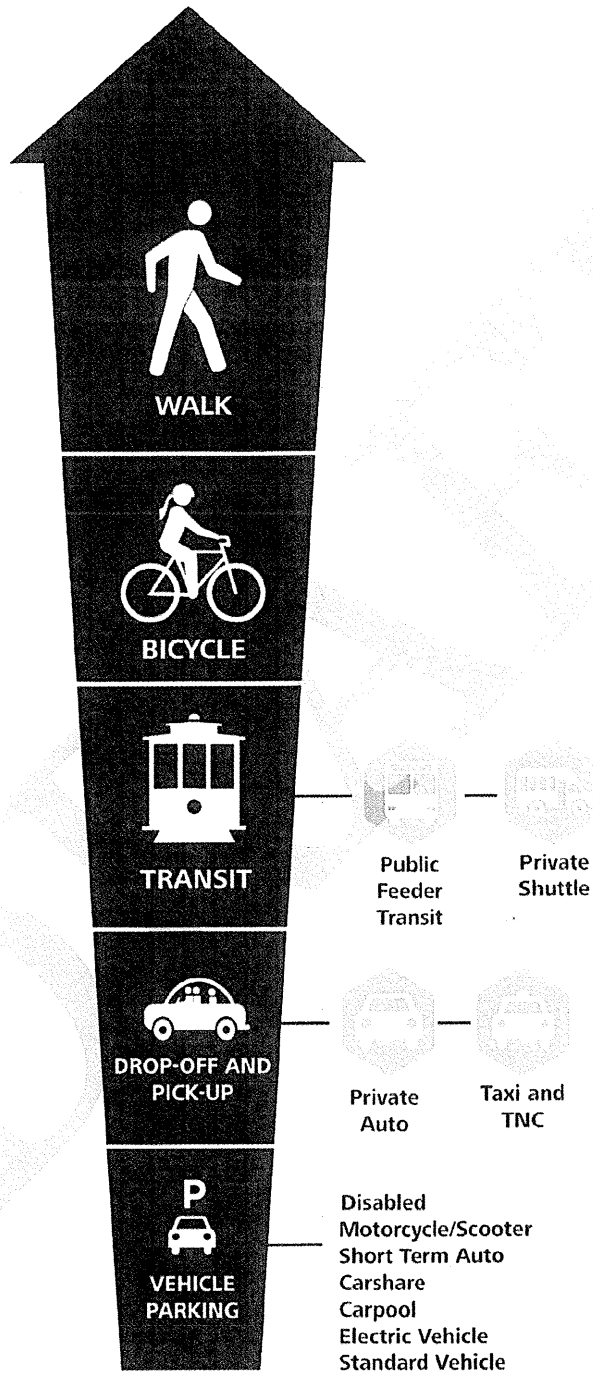
DRAFT BART STATION ACCESS POLICY

ATTACHMENT A: STATION ACCESS TYPOLOGY



DRAFT BART STATION ACCESS POLICY

ATTACHMENT B: STATION ACCESS DESIGN HIERARCHY



SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Board of Directors **DATE:** April 22, 2016
FROM: General Manager
SUBJECT: PPAAL Agenda Item #6-B: BART Electric Vehicle Charging Policy – For Information

At the April 28 Board meeting, staff will present a draft proposal for an Electric Vehicle (EV) Charging Policy to provide guidance on BART's investment decisions and management of EV charging for BART patrons, and for non-revenue BART vehicles. Staff will also identify a near term pilot project at the under construction Warm Springs / South Fremont BART Station that is funded, in part, through a regional grant program.

The topic was originally presented to the Board Environmental / Sustainability Policy Committee in September 2015, and based on input, a revised version was presented to the Committee on April 21, 2016. Attached is a revised overview presentation and draft policy based on this discussion.

The intent is for staff to return to the Board by June for adoption of the Policy.



Grace Crunican

cc: Board Appointed Officers
Deputy General Manager
Executive Staff

DRAFT BART ELECTRIC VEHICLE CHARGING POLICY

For Passenger and Non-Revenue Vehicles

4/22/2016

VISION

As a forward thinking transit agency, the San Francisco Bay Area Rapid Transit District (BART) supports station access by users of all modes. The BART Electric Vehicle (EV) Charging Policy will enable BART to serve riders, employees and fleet users who choose electric vehicles to access or serve BART. BART will pursue equitable, metrics-driven EV charging deployment and operation in a financially sustainable way supporting strong environmental stewardship.

GOALS

A. Greener and Healthier Communities. Advance state, regional and local greenhouse gas (GHG) and pollution-reduction goals.

1. Expand station access choices and prioritize sustainable access modes by providing parking for plug-in electric vehicles due to their low GHG and pollutant emissions; seek external funding in support of financing the conversion of parking stalls to EV charging stations.
2. Support implementation of state goals and regional efforts to increase electric vehicle deployment.

B. Intelligent Operations. Invest in EV charging operations that cost-effectively support access by riders who choose EVs, can scale to support future growth, and serve multiple use cases.

1. Design EV charging solutions and select partners to ensure robust data acquisition.
2. Roll out EV charging when and where it can be most beneficial to riders, in such a way as to establish EV charging as a resource they can rely on at BART facilities.
3. Create an open framework to allow for adaptation to rapidly changing electric vehicle charge station (EVCS) and support technology.
4. Select technology to allow future integration with local or grid generated renewables.
5. Ensure charging facilities are used for EV charging.

C. Equitable Services. Deploy and structure EV charging access options to benefit all riders.

1. During pilot stage, install EVCSs in at least one station that serves Environmental Justice and Title VI communities.

D. Partnerships for Innovation. Establish enduring partnerships with municipalities, developers, parking management companies, electric vehicle service providers, car-share and technology companies to develop innovative solutions.

1. Provide potential partners (i.e. municipalities, parking management companies, electric vehicle service providers, car-share and technology companies) with clear standards and

DRAFT ELECTRIC VEHICLE CHARGING POLICY – 4/22/16
BART

a clear plan of action they can use to effectively engage with BART in fulfilling well-coordinated EV charging solutions.

2. Involve BART riders in EV charging station-specific decisions.
3. Seek strategic partner relationships that position BART for success in securing funding for EV charging development and operation.

STRATEGIES

Plan, Innovate and Partner

1. Create an EV Charging Pilot Project focused on two to three BART stations. Focus the pilot on testing pricing effectiveness (to cover operational costs, create equitable access to the EVCS, and manage for proper use of the EVCS), establishing and estimating demand for EVCS, and to gain direct experience with a third-party operator model.
2. Develop parking policy recommendations that govern the use of EV parking spaces and take public input on the topic.
3. Develop a comprehensive Phased EV Charging Plan consisting of a pilot stage and growth stage.
4. Define BART technology requirements to facilitate adoption of a wide array of future EV charging and associated technologies, and to acquire robust data on EV charge station usage.
5. As the EV Charging Policy is inextricably linked to both the Access and Parking policies, reassess and update the EV Charging Policy as appropriate to create needed consistency between policies.

Invest and Implement

1. Strategically expand BART EV charging installations consistent with the Phased EV Charging Plan, as funding is available.
2. Select equipment and partners that maximize value by delivering highly reliable EV charging with minimal ongoing maintenance costs.

Manage and Assess

1. Plan and conduct a full assessment of the EV Charging Pilot Project, adjusting implementation of the growth stage based on lessons learned in the EV Charging Pilot Project.
2. Regularly collect and assess EVCS usage data to report on basic usage characteristics, including an understanding of the demographics of users, and to evaluate the results.
3. Assess and report on non-revenue rubber-tired fleet EV deployments.
4. Periodically reassess EV market and EVCS technology conditions to inform additional investments.
5. Periodically assess riders' EV charger use satisfaction through survey or other methods; use the results of the assessments to adjust services provided by the third-party EV operator.

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Board of Directors

DATE: April 22, 2016

FROM: Director, District 8

SUBJECT: Proposed Retiree Liability Valuation & Disclosure

The Strategic Finance Committee at its April 20 meeting considered my proposal for addressing the District's underfunded liabilities related to retiree pensions and health care. The following is the Committee's consensus approach for development of a proposed policy for future consideration by the Board of Directors.

Retiree Liabilities Update & Disclosure Policy Development

Update

BART staff will update the valuation of its retiree liabilities – both pension and health care – and the assumptions that underlie those valuations, including the discount rate applied to future liabilities. As part of this update, BART will make its own valuation of its pension liability and will update the valuations it makes of its retiree healthcare liability. Based on these updated valuations BART staff will work with the Finance Committee to update BART's current plans to fully fund its retiree liabilities, to be presented to the Board.

Disclosure

BART will adopt the recommendations regarding disclosure of retiree liabilities proposed by the Society of Actuaries' Blue Ribbon Panel on Public Pension Funding, applicable to BART. In addition, BART will annually report on the valuation of its retiree liabilities and its plans to fund those liabilities in a way that the average member of the public can understand.

Timeline


At the May 10 meeting of the Finance Committee, following consultation with BART's actuaries, BART Staff will report back to the committee on a timetable to update the valuations of its retiree liabilities.

At the same committee meeting, after having consulted with BART's actuaries, BART Staff will report back on which of the Society of Actuaries' disclosure recommendations are applicable to BART.

This policy will be updated at its second reading, at the May 12th Board Meeting, to include the timetable and specifics of the applicable disclosures.

Please contact The Controller/Treasurer or the Assistant General Manager, Administration and Budget with any questions.

Thank you for your consideration.


~~Nicholas Josefowitz~~

cc: Board Appointed Officers
Deputy General Manager
Assistant General Manager, Administration and Budget