

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

BOARD MEETING AGENDA

April 14, 2011

9:00 a.m.

A regular meeting of the Board of Directors will be held at 9:00 a.m. on Thursday, April 14, 2011, 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 General Discussion and 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; 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.
- C. Introduction of Special Guests.

2. CONSENT CALENDAR

- A. Approval of Minutes of the Meeting of March 24, 2011.* Board requested to authorize.
- B. Quitclaim of Temporary Construction Easements for the Earthquake Safety Program.* Board requested to authorize.
- C. Award of Invitation for Bid No. 8891, Furnishing of On Board Communication Units.* Board requested to authorize.
- D. Reject All Bids for Invitation for Bid No. 8887, Procurement of Cushions and Cover Assemblies.* Board requested to reject.

3. ADMINISTRATION ITEMS

Director Blalock, Chairperson

- A. Termination of Western Geopower Incorporated Renewable Energy Power Purchase Agreement.* Board requested to authorize.
- B. Fiscal Year 2012 Preliminary Budget Overview.* For information.
- C. Fiscal Year 2012 Budget: Release Budget Pamphlet and Set Date for Public Hearing.* Board requested to authorize.

4. ENGINEERING AND OPERATIONS ITEMS

Director Fang, Chairperson

- A. Award of Contract No. 59EA-110A, San Francisco Bay Area Transit Hub Signage Improvement.* Board requested to authorize.
- B. Award of Contract No. 15PN-120, Transbay Tube Systems Retrofit.* Board requested to authorize.

- C. Santa Clara Valley Transportation Authority – Phase 1 of BART Silicon Valley Project/BART Silicon Valley Berryessa Extension Project.*
 - a. Accept the BART Silicon Valley Environmental Impact Report (EIR), Supplemental Environmental Impact Report (SEIR-1), and Second Supplemental Environmental Impact Report (SEIR-2).
 - b. Adopt the Santa Clara Valley Transportation Authority’s (VTA) Findings and Statement of Overriding Considerations for the EIRs as Modified by the Respective Findings and Statements of Overriding Considerations for the SEIR-1 and SEIR-2.
 - c. Find for Each Finding Made by VTA that Changes or Alterations Have Been Required in or Incorporated into the Project to Avoid or Substantially Lessen a Significant Environmental Effect, that Pursuant to California Environmental Quality Act (CEQA) Such Changes or Alterations Are within the Responsibility and Jurisdiction of VTA and Have Been Adopted by VTA.
 - d. Find No Further Environmental Review or Mitigation Measures Are Required.
 - e. Approve Phase 1 of the Silicon Valley Project.

Board requested to authorize.

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

Director Murray, Chairperson

- A. Special Free \$30 Ticket for the California Sheriffs’ Association Conference.* Board requested to authorize. (TWO-THIRDS VOTE REQUIRED.)

6. GENERAL MANAGER’S REPORT

NO REPORT.

7. BOARD MATTERS

- A. Establishment of the Redistricting Ad Hoc Committee and the Strategic Funding Initiatives Ad Hoc Committee.* Board requested to authorize. (President Franklin’s request.)
- B. Roll Call for Introductions.

8. GENERAL DISCUSSION AND PUBLIC COMMENT

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

- A. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Name of Case:	Johnson et al. vs. BART
Government Code Section:	54956.9(a)

- B. (CONTINUED from March 24, 2011, Board Meeting)
THREAT TO PUBLIC SERVICES OR FACILITIES:
Consultation with: Chief of Police; Acting Manager, Rail Security Programs; and Manager of Earthquake Safety Programs
Government Code Section: 54957(a)
- C. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to Government Code Section 54956.9: one potential case.
- D. CONFERENCE WITH REAL PROPERTY NEGOTIATOR
Property: Property Located at the South Hayward BART Station
District Negotiators: Carter Mau, Executive Manager, Planning & Budget; and Jeffrey P. Ordway, Manager, Property Development
Negotiating Parties: Wittek Development, the Montana Property Group, Eden Housing, Inc., City of Hayward, Hayward Redevelopment Agency, and San Francisco Bay Area Rapid Transit District
Under Negotiation: Price and Terms
Government Code Section: 54956.8



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>[Signature]</i>		GENERAL MANAGER ACTION REQ'D: Approve & Forward to the Board of Directors.		
DATE: 4/6/11		BOARD INITIATED ITEM: No		
Originator/Prepared by: Bernadette Lambert Dept: Real Estate, ext. 6131 Signature/Date: <i>[Signature]</i> 3-4-11	General Counsel <i>[Signature]</i> 4/5/11	Controller/Treasurer <i>[Signature]</i> 4/6/11	District Secretary	BARC <i>[Signature]</i> 4-4-11
Status: Approved		Date Created: 03/25/2011		

TITLE:

Authorization for General Manager to dispose of temporary construction easements for the Earthquake Safety Program (ESP)

NARRATIVE:

PURPOSE:

To authorize the General Manager or her designee to quitclaim temporary construction easements (TCEs) acquired for construction of ESP seismic retrofit work.

DISCUSSION:

Background: The BART Board of Directors authorized the General Manager to acquire property necessary to construct the Earthquake Safety Program on May 25, 2006. The acquisition of real property interests identified to date in support of the ESP has been completed with the exception of one condemnation action which is pending.

The ESP seismic retrofit work has occurred or will occur on BART's existing structures within BART's existing right of way. However, construction activities require the temporary use of adjacent properties to effect the work. To date, the BART Real Estate Department, as designee of the General Manager, has acquired approximately thirty (30) TCEs on and across the lands of third parties to conduct the temporary seismic retrofit construction activities. To protect BART's interest against future disposition of the property by the property owners, the TCEs are recorded in the official records of Alameda and Contra Costa Counties against the title of the underlying property owners.

Upon termination of construction and release of possession of the property, the TCEs will have no value to BART and each will expire automatically according to its terms. However, because the TCEs are recorded against the fee title, they create a cloud against the title until quitclaimed. As a contractual requirement under a number of the TCE Agreements of Purchase and as a courtesy to the remaining property owners to clear any cloud on their title, the TCEs will need to be quitclaimed back to the owners.

Work on the West Oakland Aerials construction contract, 15SU-110, is nearing completion with seven (7) TCEs expiring over the coming months, and each will need to be quitclaimed. As the ESP work under the remaining construction contracts progresses and is completed BART will need to quitclaim the remaining TCEs.

Present BART procedures require the President of the Board and the District Secretary to sign quitclaim deeds. In light of the irregular pattern of when these quitclaim deeds need to be executed and recorded, combined with the number of quitclaim deeds that are projected to be recorded, staff feels that a delegation of authority to the General Manager or her designee to execute and record the quitclaim deeds would be more efficient than bringing each quitclaim to the Board for approval as it occurs.

This EDD requests authorization to execute and record quitclaims only upon termination of construction on each TCE and BART's release of possession of each TCE as they occur. No TCE will be quitclaimed until BART no longer needs the property for ESP purposes.

FISCAL IMPACT: There will be no fiscal impact. The quitclaim of the TCEs is an administrative function that does not require the expenditure of funds. Only property interests which have expired or no longer are required for ESP will be quitclaimed.

ALTERNATIVES: Do not authorize the General Manager or her designee to quitclaim the temporary rights and submit each quitclaim to the Board for approval as the ESP work is completed.

RECOMMENDATIONS: It is recommended that the Board adopt the following motion.

MOTION: The BART Board of Directors hereby authorizes the General Manager or her designee to execute and record quitclaim deeds to quitclaim to the record owner of the underlying real property all of BART's interests in each temporary construction easement (TCE) acquired for the Earthquake Safety Program upon termination of construction on each TCE and release of possession of each TCE, as they occur:



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Marcus DelBono</i>		GENERAL MANAGER ACTION REQ'D: Approve and Forward to the Board of Directors	
DATE: <i>4/6/11</i>		BOARD INITIATED ITEM: No	
Originator/Prepared by: Chuck Rae Dept: M&E <i>Chuck Rae</i> Signature/Date: <i>3-29-11</i>	General Counsel <i>Andrew Rayns</i> <i>3/30/11</i>	Controller/Treasurer <i>[Signature]</i> <i>3/31/11</i>	District Secretary BARC <i>Paul Chenier</i> <i>4/4/11</i>
Status: Routed		Date Created: 02/22/2011	

TITLE:

Invitation for Bid No. 8891 - On Board Communication Units

NARRATIVE:

Purpose: To obtain Board authorization to award Invitation for Bid No. 8891 to WiFi Rail, Inc. in the amount of 1,097,237, including sales tax, for the purchase of On Board Communications Units.

Discussion: The On Board Communications Units will be installed on forty revenue cars to support the Real Time Video Project within the Critical Asset Corridor, Oakland to Civic Center. The On Board Communication Units transmit car video and data in real time to the Integrated Security Response Center, Central Operations and Engineering. Real time car video will provide situational analysis for incident responders. Real time car data will provide fault analysis for mainline technicians and performance data for car maintenance.

As funding becomes available additional cars will be equipped with On Board Communication Units

The Invitation for bids was advertised on March 4, 2011. Bid requests were mailed to six (6) prospective bidders. Bids were opened on March 22, 2011 and three (3) bids were received.

Bidders	Total Including 9.75% Sales Tax
1. WiFi Rail, Inc.	\$1,097,237
2. Wellstar International	\$1,172,130
3. McLaren Electronic Systems	\$1,175,423
Engineer's Estimate	\$987,750

Staff has determined that bid pricing is fair and reasonable based on previous purchases of this item.

FISCAL IMPACT: Funding for 1,097,237 for award of this contract is included in the total project budget for the FMS#79HX – WIFI on Rail Cars. The Office of the Controller/Treasurer

certifies that funds are currently available to meet this obligation.

F/G 55T – FY07-08 Prop 1B

\$1,097,237

As of month ending 02/27/11, \$2,474,164 is available for commitment from this fund source for this project and BART has committed \$1,122,543 to date. There are pending commitments of \$254,384 in BART's financial management system. This action will commit an additional \$1,097,237 leaving an uncommitted balance of \$0 in this fund source.

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

Alternative: Reject bids and re-advertise

Recommendations: On the basis of analysis by staff and certification by the Controller-Treasurer that the funds are available for this purpose, it is recommended that the Board adopt the following motion.

Motion: The General Manager is authorized to award Invitation for Bid No. 8891 for the purchase of On Board Communication Units, to WiFi Rail, Inc., for the amount of \$1,097,237, including sales tax, pursuant to notification to be issued by the General Manager and subject to the District's protest procedures.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Marga Delauder</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: c 4/8/11		BOARD INITIATED ITEM: No		
Originator/Prepared by: John McCormick Dept. AS&S <i>John McCormick</i>	General Counsel <i>Audrey Kay</i>	Controller/Treasurer <i>Jeff Angilmon</i>	District Secretary []	BARC []
Signature/Date: <i>4/8/2011</i>		<i>4/8/11</i>	<i>4/8/11</i>	

Reject all bids for IFB No. 8887, for the Procurement of Cushions and Cover Assemblies

NARRATIVE:

PURPOSE: To reject all Bids for IFB No. 8887, for the Procurement of Cushions and Cover Assemblies.

DISCUSSION: The purpose of this Contract is to furnish seat cushion and cover assemblies for BART revenue vehicles. These assemblies are used to replace seat cushions that are beyond their useful life. The specific seat cushion and cover assemblies supplied under IFB No. 8887 are to support seat replacement activities scheduled for FY12.

A Notice requesting Bids was published on March 4, 2011. Bid requests were mailed to ten (10) prospective bidders. Bids were opened on March 22, 2011 and two (2) bids were received.

<u>Bidder</u>	<u>Unit Price</u>	<u>Total Bid</u> <u>(including 9.75% Sales Tax)</u>
Fell Fab, LLC	\$15,543.00	\$1,700,844.25
KSN Unlimited, LLC	\$16,138.20	\$1,771,167.25

Independent cost estimate by BART staff: \$1,201,000.00

During the review process, it was noted that the configuration of the materials proposed did not include a recent cost-saving improvement that saves the supplier assembly time and has resulted in lower costs in a previous procurement. The drawings sent out with IFB No. 8887 did not include these recent improvements, therefore the Bid prices did not reflect these savings. Staff proposes to cancel this procurement, with the intent to re-publish the Notice for Bids with updated drawings. Staff has reviewed the schedule for FY12 seat replacement, and has determined that this action will not affect the installation schedule.

FISCAL IMPACT:

There is no fiscal impact resulting from the rejection of the Bids.

ALTERNATIVE:

The alternative is to award this Contract to Fell Fab, the lowest responsible bidder, at a higher

Reject all bids for IFB No. 8887, for the Procurement of Cushions and Cover Assemblies

cost than is likely to be achieved if the Contract is rebid with the drawings including the cost saving improvements.

RECOMMENDATION:

It is recommended that the Board adopt the following motion:

MOTION:

The bids for IFB No. 8887, for the Procurement of Cushions and Cover Assemblies, are rejected.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Wesley Delaney</i>		GENERAL MANAGER ACTION REQ'D: Approve and Place on April 14, 2011 Administration Committee Meeting		
DATE: 4/6/11		BOARD INITIATED ITEM: No		
Originator/Prepared by: Frank Schultz Dept: Operating Budgets and Analysis Signature/Date: <i>Frank Schultz 4/5/11</i>	General Counsel <i>MB 4/6/11</i>	Controller/Treasurer <i>[Signature] 4/6/11</i>	District Secretary []	BARC <i>[Signature] 4-6-11</i>
Status: Routed		Date Created: 03/29/2011		

Approval to Withdraw from Geothermal Power Purchase Agreement

NARRATIVE:

PURPOSE

To authorize the General Manager to execute an Agreement Terminating the Third Phase Agreement for Western Geopower Incorporated Renewable Energy Power Purchase Agreement.

DISCUSSION

The District is a member of the Northern California Power Agency (NCPA), a joint-powers agency. At its February 14, 2008 meeting, the Board authorized the General Manager to enter into an NCPA Agreement to participate along with other NCPA members in a geothermal power purchase agreement. The original twenty year agreement was to provide the District with approximately one megawatt of supply or three percent of the District's electrical power load at a price of \$98 per megawatt hour.

After the agreement was signed the project developer, Western Geopower, increased the price to \$117 per megawatt hour citing changed circumstances. It was NCPA's counsel opinion that the power purchase agreement did not have sufficient guarantees to hold Western Geopower to the contracted price. Because of the substantial price increase, a withdrawal agreement was brought for action at the Board's October 22, 2009 meeting. Prior to the meeting, NCPA advised BART and other participants not to withdraw from the agreement. Due to uncertainties with Western Geopower's leases of the steam field property, NCPA thought it might be able to develop the project itself at lower cost. At the request of BART staff, the Board deferred action on the termination agreement.

NCPA will not be developing the project as it was not successful in securing the steam field property. A new power purchase agreement has been prepared with RAM Power, the successor to Western Geopower. The new agreement has a price of \$113 per megawatt hour that is still substantially more than the original price.

Staff recommends that BART proceed to withdraw from the project. The price per megawatt has not been reduced significantly. Of the initial NCPA participants, five intend to enter into the new power purchase agreement and five participants, including BART, do not. NCPA has prepared a termination agreement that formally ends the original agreement that the Board had previously

authorized. NCPA is requesting that all withdrawing participants execute the termination agreement.

Staff notes that the District is working on securing other renewable energy supplies. The Board authorized the Phase II Development Activities for NCPA Solar Projects on May 13, 2010. There has been development work on three solar projects with one project scheduled for approval at the Board's next meeting. Also as part of the NCPA Green Power Pool, the District is examining biogas projects to provide a portion of the gas supply for the Lodi Energy Center.

The District's Office of the General Counsel has approved the termination agreement as to form.

FISCAL IMPACT

It is estimated that the geothermal supply would cost the District \$5.0 to \$6.0 million dollars more than comparable market supply over the twenty year term of the agreement. If planned State climate change regulations are implemented, they will partially offset the price advantage of market supply, but it is still estimated that the geothermal supply will have an additional cost of \$0.6 million to \$1.8 million more than comparable market supply.

ALTERNATIVES

The District could continue to participate in the RAM Power agreement at a cost ranging from \$0.6 million to \$6.0 million more than estimated market prices.

RECOMMENDATION

Staff recommends that the Board authorize the General Manager to execute the Agreement Terminating the Third Phase Agreement for Western Geopower Incorporated Renewable Energy Power Purchase Agreement to formally end the power purchase agreement.

MOTION

That the General Manager is authorized to execute the Agreement Terminating the Third Phase Agreement for Western Geopower Incorporated Renewable Energy Power Purchase Agreement.

FY12 Preliminary Budget Overview

BART Board of Directors

April 14, 2011

Agenda

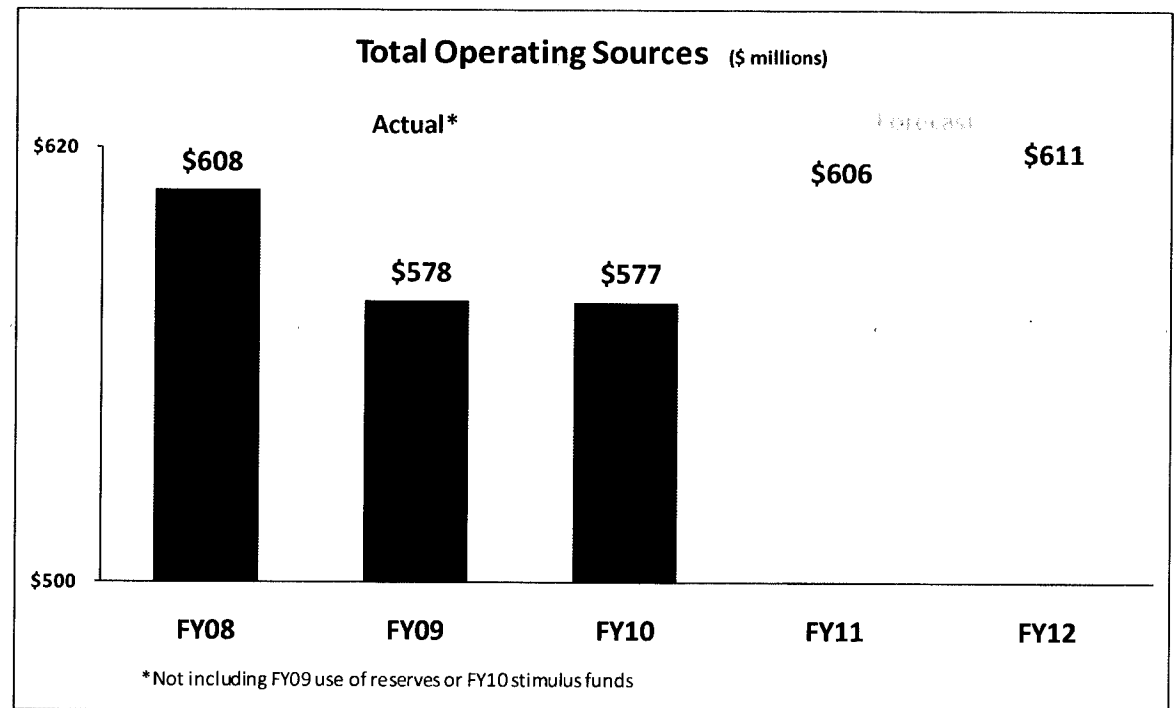
- ▶ BART Priorities
- ▶ Operating Budget Overview
- ▶ New Initiatives: Operating
- ▶ Capital Budget Overview
- ▶ New Initiatives: Capital

FY12 Budget Priorities

- ▶ **Core priorities: Safety, Reliability, Customer Convenience, Cleanliness**
- ▶ **Address areas of decline in 2010 Customer Satisfaction Survey ratings**
 - ▶ Condition/cleanliness of train seats
 - ▶ Noise level
 - ▶ Condition/cleanliness of train floors
 - ▶ Station cleanliness
 - ▶ Train interior cleanliness
 - ▶ Escalator availability and reliability
- ▶ **Systems and Capital investment**
- ▶ **Business Advancement Program transition support**
- ▶ **Regulatory and compliance programs**

Operating Budget: Background FY08 – FY11

- ▶ Actions FY09 – FY11 to address revenue loss due to recession
 - ▶ Selective hiring freeze
 - ▶ Budget cuts - elimination of 212 positions & non-labor
 - ▶ Labor contract savings – 40 positions & OT, lowered employee benefit costs
 - ▶ Increased revenues – raised minimum & SFO premium fares, did regular CPI incr. 6 mo early, changed parking policy
 - ▶ Ongoing actions over 3-year period improved budget by \$70M/yr
 - ▶ Used reserves in FY09, stimulus funds in FY10 to bridge gap



Operating Overview – FY12

▶ Revenues

- FY11 results YTD better than budget - increases revenue base
- Moderate growth projected in FY12
- State Transit Assistance (STA) uncertainty

▶ Expenses

- Pension and medical insurance increase
- Debt service decline - \$6M

▶ Use net result to fund proposed initiatives

- Opportunity to address priorities - capital and operating needs

FY12 Operating Budget: Revenues

▶ Passenger Revenue

- FY11 \$6M favorable to budget YTD
 - Projecting \$9-10M by year-end*
- FY12 ridership growth
 - +1.8% over FY11 est.

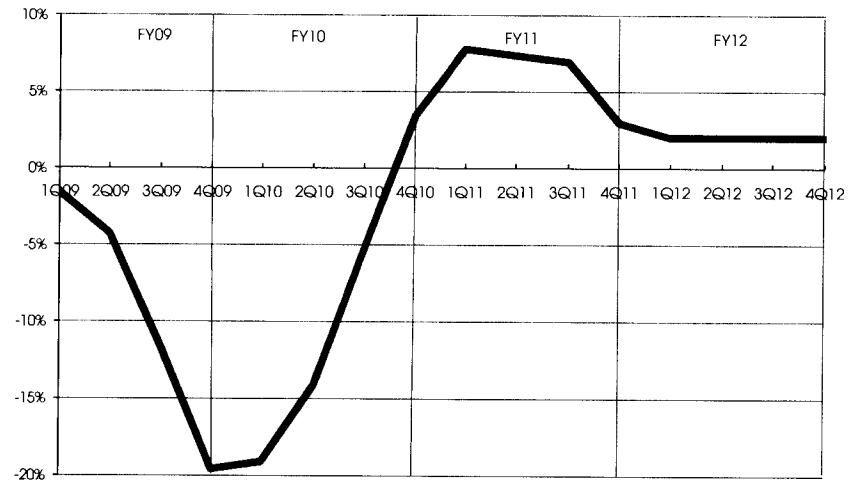
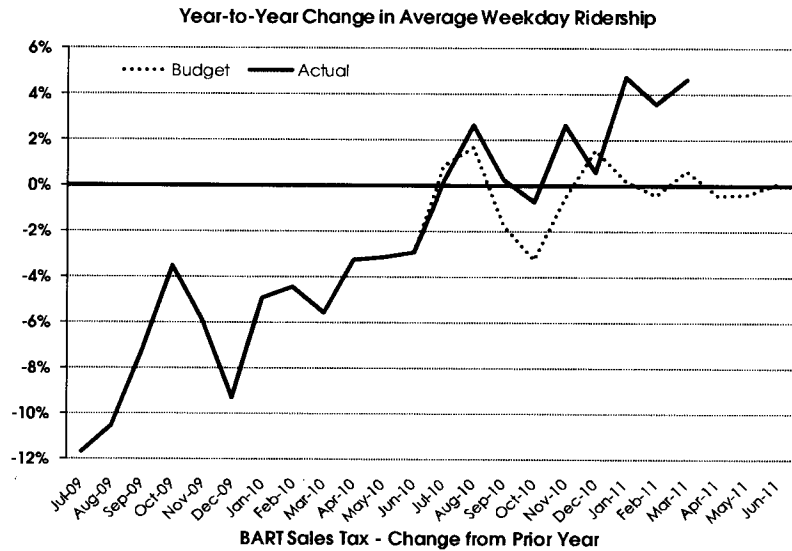
▶ Sales Tax

- FY11 \$12M over budget YTD
 - Projecting \$14M by year-end*
- FY12 sales tax growth
 - +2.0% over FY11 est.

▶ State Transit Assistance

- \$15.6M net revenue
 - Based on Governor's proposed budget

*FY11 year-end result will also be affected by expense performance



FY12 Operating Budget: STA

- ▶ Outcome dependent on State budget

- ▶ Historical uncertainty of revenue

▶ FY06	\$2.9M
▶ FY07	\$21.2M
▶ FY08	\$21.7M
▶ FY09	--
▶ FY10	--
▶ FY11	\$19.6M
▶ FY12	\$15.6M (assumed)

- ▶ FY12 State Transit Assistance \$ very uncertain

- ▶ FY12 worst case: \$0 STA + \$2.5M in feeder bus expense

- ▶ Total potential reduction to budget of \$18M

FY12 Preliminary Operating Budget: Uses

▶ Operating Expense Increase 5%

▶ Net Labor: +\$24M

▶ Addition of 37 operating positions

- West Dublin/Pleasanton infill station +14.3, \$2M
- Proposed initiatives +22.7, \$5M

Pension up \$9M

- Rate increase due to PERS market loss during recession

Medical insurance up \$6M

- 2011 Blue Shield rates +17%, Kaiser +6.8%
- 2012 forecast +7.5%

Retiree medical up \$2M

- Annual funding increase to full contribution moderated due to plan change (medical cap)

▶ Other Non-Labor: +\$6M

Proposed initiatives \$4M (\$3M one-time)

INCOME STATEMENT (\$millions)	Budget		Change	
	FY11	FY12	\$	%
	Adopted	Preliminary		
SOURCES				
Passenger Revenue	\$ 329.5	\$ 345.7	\$ 16.3	5%
Other Operating Revenue	32.7	32.9	0.1	0%
Sales Tax	162.5	180.6	18.1	11%
State Transit Assistance	18.8	15.6	(3.2)	-17%
Other Assist. & Allocations	38.6	36.1	(2.6)	-7%
SOURCES TOTAL	582.1	610.9	28.7	5%
USES				
Net Labor & Benefits	340.8	364.3	23.5	7%
OPEB* Unfunded Liability	6.6	1.6	(5.0)	-76%
Purchased Transportation	15.0	15.7	0.8	5%
Traction & Station Power	34.9	35.2	0.3	1%
Other Non-Labor	84.0	90.0	5.9	7%
OPERATING EXPENSES TOTAL	481.4	506.8	25.4	5%
Debt Service	68.2	62.3	(5.9)	-9%
Capital Rehabilitation Allocations	21.8	40.6	18.7	86%
Other Allocations	0.6	2.8	2.2	374%
Allocations to Reserves	16.7	-	(16.7)	n/a
ALLOCATIONS TOTAL	107.3	105.7	(1.7)	-2%
USES TOTAL	588.7	612.4	23.7	4%
OPEB Unfunded Liability	(6.6)	(1.6)	5.0	n/a
NET RESULT	\$ 0.0	\$ 0.0	\$ 0.0	
KEY PERFORMANCE INDICATORS				
Operating Ratio	75.2%	74.7%	-0.5%	-0.7%
Farebox Recovery Ratio	68.4%	68.2%	-0.2%	-0.3%
Average Weekday Trips	334,470	348,845	14,375	4.3%
Rail Cost / Passenger Mile	33.6¢	33.3¢	(0.4¢)	-1.1%

*OPEB: Other Post Employment Benefits, including retiree medical, life insurance, survivor benefit, etc.

FY12 Initiatives - Operating

▶ Title VI Compliance	\$0.5M
▶ Attendance Management/Return to Work	0.3M
▶ Elevator/Escalator Maintenance	0.3M
▶ Rail Noise Abatement	0.2M
▶ Business Advancement Program Transition Support*	3.8M
▶ Systems Programmer	0.1M
▶ Car Cleaning	1.1M
▶ Enterprise Asset Management	0.3M
▶ Civil Rights DBE Program	0.1M
▶ Electricians	0.4M
▶ Operations Supervisors	0.3M
▶ System Service Positions	0.4M
▶ Communications Technicians	0.5M

*\$3M one-time

Other Issues

▶ Other possible FY12 initiatives for further consideration

- | | |
|--|--------|
| ▶ Rail Car Fund | TBD |
| ▶ Late Night Service (Six Month Pilot Program) | \$1.2M |

▶ Potential FY11 year-end funding

- | | |
|---|--------|
| ▶ Seat Demonstration Program | \$1.0M |
| ▶ State of Good Repair Grant Backup | \$1.2M |
| ▶ Police Equipment: Evidence Lockers & Tasers | \$0.2M |
| ▶ Evora Trunk Radio Site | \$0.6M |

Capital Overview – FY12

- ▶ Provide annual operating allocation to capital
 - Provides for local match, baseline capital needs- **\$20M**

- ▶ Maintain FY11 level of operating support to capital (debt service and allocations) to meet important but unfunded needs
 - Future drop in debt service provides an opportunity to invest in State of Good Repair and other major capital needs for program initiatives (vehicles, train control, etc)

- ▶ State of Good Repair investments for FY12
 - Projected FY12 budget allows for needed but unfunded State of Good Repair and customer experience improvements

FY12 Initiatives - Capital

▶ O&K Escalator Rehabilitation	4.2M
▶ 3-Year Seat Replacement Program	1.8M
▶ Oakland Shop Maintenance Pit	1.5M
▶ Lost & Found Bar Code Tracking	0.1M
▶ Fare Evasion Mitigation	0.6M
▶ Scheduling Software	1.0M
▶ Rail Car Battery Reconditioning	0.6M
▶ Embarcadero Signage	0.4M
▶ 12th St./City Center & Civic Center Signage	1.4M
▶ Strategic Opportunities Assessment	0.8M
▶ Non-Revenue Vehicles	1.5M
▶ Station Agent Booth Prototypes	0.2M
▶ Locker Room Rehabilitation	2.2M
▶ Car Cleaning Carts	0.2M
▶ Station Agent Break Room Rehab	0.4M
▶ Station & Facilities Renovation	3.4M

FY12 Budget Schedule

- ▶ **April 14** Preliminary Budget Overview
Release Budget Pamphlet, Set Date for Public Hearing
- ▶ **May 12** Sources, Uses, Service Plan
- ▶ **May 26** Public Hearing
Capital Budget
- ▶ **June 9** Resolution to Adopt FY12 Budget



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Walteria DelBene</i>		GENERAL MANAGER ACTION REQ'D: Place on the Administration Committee Agenda for April 14, 2011		
DATE: 4/6/11		BOARD INITIATED ITEM: No		
Originator/Prepared by: Robert Umbreit Dept. Operating Budgets	General Counsel <i>David...</i>	Controller/Treasurer <i>[Signature]</i>	District Secretary	BARC <i>Carl...</i>
Signature/Date: <i>Robert Umbreit 4/5/11</i>	<i>David... 4/5/11</i>	<i>[Signature] 4/6/11</i>	[]	<i>Carl... 4-5-11</i>
Status: Routed		Date Created: 04/05/2011		

TITLE:

Fiscal Year 2012 Preliminary Budget Procedural Actions

NARRATIVE:

PURPOSE:

To formally direct staff to publish a pamphlet containing a copy of the Fiscal Year 2012 Preliminary Budget.

To set a public hearing on the Fiscal Year 2012 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 April 21, 2011. 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, 2011.

FISCAL IMPACT:

According to Board Rules, the FY12 Preliminary Budget must be adopted on or before June 30, 2011.

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 2012 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 2012 to be available for distribution no later than April 21, 2011.
2. That a public hearing on the Fiscal Year 2012 Preliminary Budget be set for Thursday, May 26, 2011 at 9:00 am in the Board Room.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Marcia DeLaugden</i>		GENERAL MANAGER ACTION REQ'D: Approve and Forward to the Board		
DATE: <i>4/6/11</i>		BOARD INITIATED ITEM: No		
Originator/Prepared by: Ersten Y Imaoka Dept: M & E <i>Ersten Imaoka</i> Signature/Date: <i>4-5-11</i>	General Counsel <i>Andrew Rivas</i> <i>4/15/11</i>	Controller/Treasurer <i>[Signature]</i> <i>4/6/11</i>	District Secretary	BARC <i>Paul [Signature]</i> <i>4/16/11</i>
Status: Routed		Date Created: 03/14/2011		

TITLE:

Award Contract No. 59EA-110, San Francisco Bay Area Transit Hub Signage Improvement

NARRATIVE:

PURPOSE: To authorize the General Manager to award Contract No. 59EA-110, San Francisco Bay Area Transit Hub Signage Improvement, to L C General Engineering & Construction, Inc.

DISCUSSION: The work of this Contract provides for, among other things, designing, furnishing and installing wayfinding improvements at 11 transportation hubs in the San Francisco Bay Area.

Advance Notice to Bidders was mailed on January 4, 2011, to 103 prospective Bidders. Contract Books were mailed to 22 plan rooms and minority assistance organizations. The Contract was advertised on January 3, 2011. A mandatory Pre-Bid meeting and Site Tour were conducted on February 14, 2011, with 18 prospective Bidders attending.

Bidders were required to submit Bids on alternative scopes of work, identified as Groups 1 through 4. Group 1 reflected the most comprehensive Bid package with the greatest amount of work included. Each succeeding Group involving less work scope. The order of preference for award was Group 1, followed by Group 2, Group 3 and finally, Group 4. The selection of the Group 1 alternative for award was based on a funding amount that was publicly revealed at the time of Bid opening.

The following four Bids were received on March 8, 2011:

BIDDER	LOCATION	BIDS BY GROUP
L C General Engineering and Construction, Inc.	San Francisco	1: \$2,613,385 2: \$2,501,463 3: \$2,392,233 4: \$2,311,968
BRCO Constructors, Inc.	Loomis	1: \$4,031,700 2: \$3,842,000 3: \$3,665,500 4: \$3,520,300
Taber Construction, Inc.	Martinez	1: \$4,911,103 2: \$4,749,211 3: \$4,578,500 4: \$4,465,058
Transit Constructors, LP	Oakland	1: \$5,292,000 2: \$5,110,500 3: \$4,936,500 4: \$4,792,000
Engineer's Estimate		1: \$3,195,500 2: \$2,996,500 3: \$2,792,500 4: \$2,635,500

After review by District staff, the Bid submitted by the apparent low Bidder, L C General Engineering & Construction, Inc., was found to be responsive. Furthermore, a review of this Bidder's license, business experience, and financial capabilities has resulted in a determination that the Bidder is responsible. Staff has determined that its Bid for Group 1 of \$2,613,385, which is approximately 18% under the Engineer's Estimate for Group 1, is fair and reasonable.

Staff has determined that the work of this Contract is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Title 14 California Code of Regulations Section 15311, for the placement of minor structures accessory to an existing facility, including on-premises signage.

Pursuant to the District's Non-Discrimination in Subcontracting Program, the availability percentages for this Contract are 23% for MBEs and 12% for WBEs. The Office of Civil Rights has determined the Bidder exceeded both MBE and WBE availability percentages for this Contract. The Bidder committed to 54% MBE and 46% WBE.

FISCAL IMPACT: Funding for this \$2,613,385 award of Contract No. 59EA-110 is included in the project budgets for the Hub Signage Improvement Program.

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

F/G 55Z Prop 1B – MTC Hub Signage Funds (PTMISEA) \$2,613,385

As of the month ending February 27, 2011 the following funding is available for commitment from these sources:

Project	Description	Funds Available	Committed	Pending Commitments	Funds For This EDD	Funds Remaining
59EA	Civic Center	507,000	0	108,050	304,754	94,196
59EB	Montgomery	507,000	0	107,950	304,754	94,296
59EC	12th St.	515,000	0	109,650	309,568	95,782
59ED	El Cer DN	515,000	5,400	161,353	309,568	38,679
59EE	Coliseum	254,000	0	53,550	152,534	47,916
59EF	Fremont	451,000	0	96,050	271,061	83,889
59EG	Dub/Pl	470,000	20,000	99,450	282,493	68,057
59EJ	Richmond	311,000	0	66,200	186,756	58,044
59EK	Millbrae	507,000	40,000	107,950	304,754	54,296
59EL	SFIA	208,000	0	43,350	124,857	39,793
59EM	Oak Airport	104,000	0	22,100	62,286	19,614
	Total	\$4,349,000	\$65,400	\$975,653	\$2,613,385	\$694,555

There is no fiscal impact on available unprogrammed District Reserves.

ALTERNATIVE: The alternative is to reject all Bids, which will result in the loss of the MTC grant in support of this Contract in the sum of \$4,800,000 and reimbursement to MTC for staff costs expended.

RECOMMENDATION: Adoption of the following motion:

MOTION: The General Manager is authorized to award Contract No. 59EA-110, San Francisco Bay Area Transit Hub Signage Improvement, to L C General Engineering & Construction, Inc., for the Bid price of \$2,613,385, pursuant to notification to be issued by the General Manager and subject to the District's protest procedures.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>W. DeLuca</i>		GENERAL MANAGER ACTION REQ'D: Approve and Forward to Board of Directors		
DATE: c <i>4/6/11</i>		BOARD INITIATED ITEM: No		
Originator/Prepared by: Anthony Hitchings Dept: TSD <i>A Hitchings</i> Signature/Date: <i>4/4/11</i>	General Counsel <i>Andy Kaye</i> Signature/Date: <i>4/5/11</i>	Controller/Treasurer <i>[Signature]</i> Signature/Date: <i>[]</i>	District Secretary <i>[Signature]</i> Signature/Date: <i>[]</i>	BART <i>Paul Werner</i> Signature/Date: <i>4/6/11</i>

Award of Contract 15PN-120, Earthquake Safety Program, Transbay Tube Systems Retrofit

NARRATIVE:

PURPOSE:

To obtain Board authorization for the General Manager to award Contract No. 15PN-120, for BART Earthquake Safety Program, Transbay Tube Systems Retrofit, to Rodan Builders, Inc.

DISCUSSION:

The BART Earthquake Safety Program has determined that the Transbay Tube Systems require seismic strengthening. Contract No. 15PN-120 will provide operability level retrofits for the Transbay Tube. The work consists primarily of anchoring electrical cabinets, and replacing flexible joints in drain and fire piping to increase the piping systems' ability to survive a major earthquake. The work also includes installing electrical infrastructure for a seismic instrumentation system that will record ground motions from all significant ground shaking.

On September 8, 2010, an Advance Notice to Bidders was mailed to 145 prospective Bidders. The Contract was advertised in three local publications. A total of 17 firms purchased copies of the Contract Documents. Outreach meetings were held on July 1, 2010 and December 2, 2010. A mandatory pre-Bid meeting was conducted on January 20, 2011 with eight prospective Bidders attending. Mandatory site tours were conducted on January 24-26, 2011. A pre-Bid Matchmaking Session was held on February 24, 2011. Five Bids were received and publicly opened on March 15, 2011.

Review of the Bids by District staff revealed no arithmetical errors. Tabulation of the Bids, including the Engineer's Estimate, is as follows:

- | | |
|---|----------------|
| 1. L.C. General Engineering and Construction, Inc., San Francisco, CA | \$2,250,431.00 |
| 2. Rodan Builders, Inc., Burlingame, CA | \$2,570,000.00 |
| 3. Taber Construction, Inc., Concord, CA | \$2,648,000.00 |
| 4. Monterey Mechanical Company, Oakland, CA | \$2,654,000.00 |
| 5. Blocka Construction, Inc., Fremont, CA | \$2,790,000.00 |
| Engineer's Estimate: | \$2,410,000.00 |

After review by District staff, the apparent low Bidder, L.C. General Engineering and

After review by District staff, the apparent low Bidder, L.C. General Engineering and Construction, Inc., was deemed nonresponsive for not meeting the minimum work percentage that requires the Bidder to perform 25% of the work with the Bidder's own forces, as specified in the Contract Supplementary Conditions Article SC5.3.1. The second lowest Bid submitted by Rodan Builders, Inc. was determined to be fair and reasonable and was deemed to be responsive to the solicitation. Examination of Rodan Builders, Inc.'s business experience and financial capabilities has resulted in a determination that this Bidder is responsible.

Pursuant to the District's Non-Discrimination in Subcontracting Program, the availability percentages for this Contract are 23% for MBEs and 12% for WBEs. The Bidder committed to 10.5% MBE and 23.6% WBE. The Bidder did not meet the MBE percentage therefore the Bidder was requested to provide the District with information to determine if it had discriminated. Based on the review of the information provided by the Bidder, the Office of Civil Rights found no evidence of discrimination.

FISCAL IMPACT:

Funding of \$2,570,000 for the award of Contract No. 15PN-120 is included in the total project budget for the FMS#15PN, ESP-Systemwide Equipment. The Office of the Controller/Treasurer certifies that funds are currently available to meet this obligation.

F/G 01F - Earthquake Safety G.O. Bond

\$2,570,000

As of month ending February 28, 2011, \$12,729,455 is available for commitment from this fund source for this project and BART has committed \$9,838,312 to date. There are pending commitments of \$321,143 in BART's financial management system. This action will commit \$2,570,000 leaving an uncommitted balance of \$0 in this fund source.

There is no fiscal impact on available unprogrammed District Reserves.

ALTERNATIVE:

The Board may decline to authorize award of the Contract and rebid it which would delay the retrofit at this location and add cost to the Program. Staff believes that readvertisement of the Contract is unlikely to yield lower bids, and therefore it is in the best interest of the District to award the Contract to the second lowest Bidder.

RECOMMENDATION:

It is recommended that the Board adopt the following motion:

MOTION:

The General Manager is authorized to award Contract No. 15PN-120, Earthquake Safety Program, Transbay Tube Systems Retrofit, to Rodan Builders, Inc. for the Bid price of \$2,570,000, pursuant to notification to be issued by the General Manager and subject to the District's protest procedures.

FUNDING SUMMARY - EARTHQUAKE SAFETY PROGRAM

PROJECT ELEMENT	Baseline Budget	Current Forecast as of 4/1/11	REMARKS
ENVIRONMENTAL, ENGINEERING, AND CONSTRUCTION MANAGEMENT			
GEC (Bechtel Team)	\$105,000,000	\$248,200,000	
Other GEC	\$81,478,000	\$0	
Subtotal GEC	\$186,478,000	\$248,200,000	
CM	\$61,498,000	\$91,000,000	
Environmental	\$1,042,796	\$2,198,237	
TOTAL E, E & CM	\$249,018,796	\$341,398,237	
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	\$70,230,000	
Stitching	\$82,962,000	\$0	
Aerial Guideways			
West Oakland/North Oakland	\$112,923,000	\$72,700,485	
Fremont	\$178,224,000	\$92,117,176	
Concord	\$36,500,000	\$11,606,641	
Richmond	\$80,155,000	\$29,704,000	
San Francisco/Daly City	\$36,590,000	\$9,991,645	
Stations (18)	\$126,961,000	\$90,896,318	
Other Structures			
LMA	\$5,529,000	\$5,267,440	
Yds & Shops	\$12,436,000	\$20,300,000	
Parking Structures	\$14,437,000	\$14,600,000	
At Grade Trackway	\$22,361,000	\$0	
34.5kV Replacement		\$40,000,000	
Systems	\$7,066,000	\$10,438,000	
TOTAL CONSTRUCTION	\$909,469,000	\$485,359,648	
PROGRAM COSTS			
Program Costs (Hazmat, ROW, Consult, Staff)	\$159,894,204	\$251,989,200	
Contingency	\$32,104,000	\$174,593,072	
TOTAL PROGRAM COSTS	\$191,998,204	\$426,582,272	
BASELINE FUNDING	\$1,350,486,000		
REVISED FUNDING		\$1,253,340,157	

\$1,221,275,376 Adopted Funding \$32,064,781 Outside Adopted Funding



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Michael Burns</i>		GENERAL MANAGER ACTION REQ'D: Yes		
DATE: c <i>4/7/11</i>		BOARD INITIATED ITEM: No		
Originator/Prepared by: Malcolm Quint Dept: Planning <i>Malcolm Quint 3/24/11</i>	General Counsel <i>[Signature] 4/6/11</i>	Controller/Treasurer <i>[Signature] 4/6/11</i>	District Secretary []	BART <i>[Signature] 4/6/11</i>
Signature/Date:				

TITLE:

Approval of the BART Silicon Valley Berryessa Project

NARRATIVE:

PURPOSE:

To have the Board of Directors 1) accept the environmental impact reports, 2) adopt the related Findings and Statement of Overriding Considerations for the BART Silicon Valley Project (SVX), formerly called the Silicon Valley Rapid Transit Corridor (SVRT) BART Extension Project to Milpitas, San Jose and Santa Clara; and 3) approve the Silicon Valley Berryessa Extension (SVBX) Project, which is Phase 1 of the SVX Project.

DISCUSSION:

Comprehensive Agreement and Environmental Analysis. On November 19, 2001, VTA and BART entered into the Comprehensive Agreement Between The Santa Clara Valley Transportation Authority (VTA) and the San Francisco Bay Area Rapid Transit District (BART) In Connection With The Proposed Santa Clara County BART Extension (the Comprehensive Agreement). Per Section V.B.2.1. of the Comprehensive Agreement, "BART, as a Responsible Agency under CEQA, a potential Cooperating Agency under NEPA and the operating agency of the proposed project, will present the Final EIR to the BART Board of Directors for decisions on whether to accept the Final EIR and approve the project."

The VTA Board as the lead agency certified the Final Environmental Impact Report (EIR) for the BART Extension to Milpitas, San Jose and Santa Clara in December 2004 in accordance with the California Environmental Quality Act (CEQA). In June 2007, a Supplemental Environmental Impact Report (SEIR-1) was adopted.

As presented to the BART Board in January 2010 by VTA General Manager Michael Burns, VTA decided, due to funding considerations, to divide the SVX Project into two phases, with Phase 1 having the terminus station in the Berryessa neighborhood of the City of San Jose. VTA has prepared the BART Silicon Valley Phase 1 – Berryessa Extension Final Second Supplemental Environmental Impact Report (SEIR-2) to evaluate the potential environmental impacts of Phase 1 design modifications based on an approximately 65 percent design level. The SEIR-2 also covers any new information since certification of the SEIR-1. On March 3, 2011, VTA certified the SEIR-2, adopted the Findings and Statement of Overriding Considerations, the

Mitigation Monitoring and Reporting Program, and the recommended Project description. These Findings and Statement of Overriding Considerations list significant impacts that can be mitigated as well as acknowledge that specific impacts remain significant and unavoidable but that the Project's benefits outweigh these impacts. The areas of significant and unavoidable impacts are traffic on four freeway segments, traffic on twelve intersections, electricity demand during peak periods, air quality emissions of NO_x during construction and noise impacts during construction.

SVX Project Description. The SVX Project is the extension of the BART system from its planned terminus in the City of Fremont at Warm Springs through the City of Milpitas and the City of San Jose to the City of Santa Clara. The extension would begin at the BART Warm Springs Station to be built in Fremont and would proceed on the former Union Pacific Railroad (UPRR) right-of-way through Milpitas to near Las Plumas Avenue in San Jose. The extension would then descend into a subway tunnel, continue through downtown San Jose, and terminate at grade in Santa Clara near the Caltrain Station. The total length of the BART Silicon Valley alignment would be 16.1 miles, and would include 6 stations.

The Phase 1 project is the Silicon Valley Berryessa Extension (SVBX) and is the subject of SEIR-2. It consists of the first 9.9 miles of SVX Project and includes two stations: Milpitas Station (formerly Montague/Capitol Station) and Berryessa Station. Passenger service for Phase 1 is planned for 2018, assuming funding is available. In addition to evaluating the potential impacts of Phase 1 design modifications and new information, the SEIR-2 also addresses a number of other project changes, including the phased construction approach.

Moving south from the Berryessa Station, the remaining four stations and 6.2 miles of the BART Silicon Valley Santa Clara Extension (SVSX), or Phase 2, would be constructed when funding is available, and any design changes to the remaining 6.2 miles of SVSX would be addressed under separate environmental review. Thus, it is anticipated that a third Supplemental Environmental Impact Report for the SVSX Project will be conducted in the future.

Staff requests the Board to accept the BART Silicon Valley EIR, SEIR-1 and SEIR-2, and to adopt VTA's Findings and Statement of Overriding Considerations for the EIR, as modified by the respective Findings and Statements of Overriding Considerations for SEIR-1 and SEIR-2.

Core System Modification Studies. Separate and apart from the analyses performed for these environmental reports, the modifications required to the BART Core System from the SVX Project implementation are being assessed by BART staff in consultation with VTA staff. Two studies are being conducted. One study focuses on BART systems needs including traction power, train control, subway ventilation, Operations Central Control, communications as well as shop and yard needs. The other study concentrates on station modification needs including vertical circulation, platform capacity, automated fare collection and station access.

These studies have been conducted twice. The first iteration was based on information from the EIR completed in 2004. These analyses are now being updated with more current ridership estimates and project design information. The work which has been completed to date identifies

the total capital costs needed to upgrade BART core systems and stations to accommodate the ridership levels projected by VTA for both the 2-station SVBX Project and the full 6-station SVX Project. These studies also estimate VTA's funding contribution compared to BART's contribution for the total capital costs, considering projections of future ridership with and without both the SVBX Project and the SVX Project. It is expected that most of these capital costs will be the responsibility of BART as most of the projected ridership increases are not due to the SVBX Project or the SVX Project. The tasks remaining will refine the cost estimates and complete the estimate of VTA's funding contribution towards Core System modifications evaluate the operating strategies and station access improvements required by both the SVBX and SVX Projects. It is expected that these tasks will be completed this year.

FISCAL IMPACTS:

Per the Comprehensive Agreement, as stated in Section III.B., VTA will have full financial responsibility for SVRT (now SVX) Project costs. Full financial responsibility means responsibility for funding total Project costs and future operating and maintenance costs, as well as Core System modifications and future capital costs associated with the SVX Extension, as discussed above. It also includes bearing all financial risks associated with such funding responsibility. Because of the financial responsibility assumed by VTA under the Comprehensive Agreement, it is not expected that there would be new fiscal impacts to BART as a result of the proposed actions.

ALTERNATIVES:

The BART Board of Directors could decide not to approve the Project, not to accept the FEIR, SEIR-1 and SEIR-2, and/or not to adopt related Findings and Statement of Overriding Considerations. Should the BART Board determine that evidence of CEQA compliance is inadequate, additional analyses would be required to address any deficiencies identified by the Board.

RECOMMENDATION:

It is recommended that the following motion be adopted.

MOTION:

After review and consideration of the Final Environmental Impact Report (EIR) and related Findings, Statement of Overriding Considerations and Mitigation Monitoring and Reporting Program (MMRP) adopted by VTA on December 9, 2004, as modified by a) the Supplemental EIR-1 and related Findings, Statement of Overriding Considerations and MMRP adopted by VTA on June 7, 2007 and b) the Supplemental EIR-2 and related Findings, Statement of Overriding Considerations and MMRP adopted by VTA on March 3, 2011, the Board:

1. Pursuant to the Comprehensive Agreement, accepts the BART Silicon Valley EIR,

Approval of the BART Silicon Valley Berryessa Project

SEIR-1 and SEIR-2.

2. Adopts VTA's Findings and Statement of Overriding Considerations for the EIR, as modified by the respective Findings and Statements of Overriding Considerations for the SEIR-1 and SEIR-2;
3. For each Finding by VTA that changes or alterations have been required in or incorporated into the project to avoid or substantially lessen a significant environmental effect, pursuant to CEQA Guidelines Section 15091(a)(1), finds that such changes or alterations are within the responsibility and jurisdiction of VTA and have been adopted by VTA, pursuant to CEQA Guidelines Section 15091(a)(2), and
4. Finds that no further environmental review or mitigation measures are required.
5. Pursuant to the Comprehensive Agreement, approves Phase 1 of the Silicon Valley Project, called the BART Silicon Valley Berryessa Extension (SVBX) Project.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>[Signature]</i>		GENERAL MANAGER ACTION REQ'D: Seek Approval from the PAAL Committee and Present to Full Board of Directors		
DATE: 4/7/11		BOARD INITIATED ITEM: NO		
Originator/Prepared by: Julie A Yim Dept: Customer Services	General Counsel	Controller/Treasurer	District Secretary	BARC
Signature/Date: <i>[Signature]</i> 4/7/11	<i>[Signature]</i> 4/7/11	<i>[Signature]</i> 4/7/11	[]	<i>[Signature]</i> 4-7-11
Status: Routed		Date Created: 04/04/2011		

Special \$30 Ticket for the 117th Annual Conference of the California State Sheriffs' Association

NARRATIVE:

PURPOSE: To obtain Board approval to provide free \$30 BART ticket to approximately 350 registrants of the 117th Annual Conference of the California State Sheriffs' Association, hosted by the San Francisco County Sheriff's Department from April 17 through 20, 2011.

DISCUSSION: Revenue service during the past two New Years Eves ran exceptionally smoothly amongst the party goers that converged in downtown San Francisco. The safety of our customers and the protection of our facilities are paramount during any large gathering. The additional support provided by the San Francisco Sheriffs' Department largely contributed to the District's success in minimizing the number of safety incidents.

The San Francisco Sheriff's Department will host the 117th Annual Conference of the California State Sheriffs' Association. The Association is made up of the 58 California Sheriffs and their departmental personnel. The Association's mission is to coordinate with state government officials and agencies to improve programs related to law enforcement, to act as the information clearing house for its members, and to act as leaders in supporting programs for law enforcement training and standards.

The BART Police Department would like to support the San Francisco Sheriff by providing the attendees of the Conference with free \$30.00 revenue tickets. By facilitating the use of public transit by the attendees, BART will enhance their San Francisco Bay Area experience and allow them to avoid expenses associated with car rental, gas, and parking fees. The added security of having additional law enforcement personnel in the system during that week will also enhance safety for our customers.

There are several historical precedents for participating in this effort. In addition to several free ticket promotions over the years, BART has provided flash passes in conjunction with annual Martin Luther King, Jr. birthday promotions, the APTA

Marketing Conference in 2009 and the Rail~Volution conference in 2008.

FISCAL IMPACT: Assuming all of the passes are used for their total amount, the cost to BART for the promotion will be \$10,500.00. It is possible that the participants will pay to add value to their tickets during their stay in the San Francisco Bay Area over the following weekend. Since Board policy permits many of the Sheriff's Departments in nearby counties to ride BART for free, it is possible that not every participant will use his or her ticket.

To further control costs, the tickets will be encoded to expire within a few days of the end of the conference. The tickets will be stamped "non-refundable" and the "valid use period" will be clearly identified on the face of the ticket.

ALTERNATIVE: Do not provide the free tickets.

MOTION: The Board hereby approve distribution of free \$30 tickets to 350 attendees at the 117th Annual Conference of the California Sheriffs' Association. (Two-thirds vote required)

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

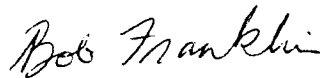
TO: Board of Directors **DATE:** April 8, 2011
FROM: President
SUBJECT: Establishment of the Redistricting Ad Hoc Committee and Strategic Funding Initiatives Ad Hoc Committees

I am recommending for your consideration the appointment of a committee of four members of the Board to oversee the selection of a consultant and manage the Redistricting of Election Districts process. Since 8 of the 9 Directors expressed an interest in serving on this committee in response to my memo on March 29, 2011, I selected the committee members randomly. I removed myself from consideration and then asked the District Secretary to randomly select a name from a pile representing each county. A name was then randomly selected from the remaining names to serve as chair.

I am also recommending a Strategic Funding Initiatives Ad Hoc Committee. This new Ad Hoc Committee will build on the work of the Expansion of District Presence and Rail Car Procurement Funding Ad Hoc Committees.

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 my recommended appointments to the Redistricting Ad Hoc Committee and Strategic Funding Initiatives Ad Hoc Committee before the Board of Directors for consideration and ratification on the April 14, 2011, Board Calendar of Business.



Bob Franklin

Attachments

cc: Board Appointed Officers
Deputy General Manager
Executive Staff

**RATIFICATION OF REVISION TO
2011 STANDING COMMITTEE AND SPECIAL APPOINTMENTS**

MOTION:

That the Board of Directors ratifies the following revisions to the 2011 Standing Committee and Special Appointments:

Redistricting Ad Hoc Committee:

James Fang, Chairperson
Gail Murray
Robert Raburn
Tom Radulovich

Strategic Funding Initiatives Ad Hoc Committee:

James Fang, Co-Chair
Joel Keller, Co-Chair
Thomas M. Blalock, P.E.
Gail Murray