

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

**SPECIAL BOARD MEETING AGENDA**

November 10, 2010

9:00 a.m.

A special meeting of the Board of Directors will be held at 9:00 a.m. on Wednesday, November 10, 2010, in the BART Board Room, Kaiser Center 20<sup>th</sup> Street Mall – Third Floor, 344 – 20<sup>th</sup> Street, Oakland, California.

Members of the public may address the Board of Directors regarding any matter on this agenda. Please complete a “Request to Address the Board” form (available at the entrance to the Board Room) and hand it to the Secretary before the item is considered by the Board. If you wish to discuss a matter that is not on the agenda during a regular meeting, you may do so under 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](mailto:BoardofDirectors@bart.gov); in person or U.S. mail at 300 Lakeside Drive, 23<sup>rd</sup> Floor, Oakland, CA 94612; fax 510-464-6011; or telephone 510-464-6083.

Kenneth A. Duron  
District Secretary

Special 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. Public Comment on Items 2-B and 2-C Only.
- B. Approval of Minutes of the Meeting of October 14, 2010.\* Board requested to authorize.
- C. Fiscal Year 2011 Budget First Quarter Financial Report.\* For information.

3. ADMINISTRATION ITEMS

Director Blalock, Chairperson

- A. Public Comment on Item 3-B Only.
- B. Fares for the West Dublin/Pleasanton Station.\* Board requested to authorize. (TWO-THIRDS VOTE REQUIRED.)

4. ENGINEERING AND OPERATIONS ITEMS

Director Keller, Chairperson

- A. Public Comment on Item 4-B Only.
- B. Clipper® Regional Transit Fare Collection Card Update.\* For information.

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

Director Ward Allen, Chairperson  
NO REPORT.

6. GENERAL MANAGER'S REPORT

- A. Public Comment on Item 6-B Only.
- B. Review of the Agenda for the Capitol Corridor Joint Powers Board Meeting of November 17, 2010.\* For information.

7. BOARD MATTERS

- A. Public Comment on Item 7-B Only.
- B. BART Police Department Review Committee: Citizen Board Compensation.\* Board requested to authorize.
- C. Roll Call for Introductions.

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

- A. Public Comment on Items 8-B and 8-C Only.
- B. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION.  
(CONTINUED from October 14, 2010, Board Meeting)  
Significant exposure to litigation pursuant to subdivision (b) of Government Code Section 54956.9: one potential case.
- C. CONFERENCE WITH REAL PROPERTY NEGOTIATOR.  
(CONTINUED from September 23, 2010, Board Meeting)  
Property: Property Located at the Millbrae BART Station  
District Negotiators: Carter Mau, Executive Manager, Planning & Budget; and  
Jeffrey P. Ordway, Manager, Property Development  
Negotiating Parties: Justin Development, Republic Urban Properties/Green Valley  
Corporation, TMG Partners, and San Francisco Bay Area  
Rapid Transit District  
Under Negotiation : Price and Terms  
Gov't Code Section: 54956.8

# SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

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## MEMORANDUM

**TO:** Board of Directors

**DATE:** November 5, 2010

**FROM:** General Manager

**SUBJECT:** FY11 First Quarter Financial Report

The FY11 first quarter financial report (July - September 2010) is attached. The net operating result was unfavorable to budget by \$16.9M due to timing of BART's State Transit Assistance payment. The negative net labor expense variance was offset by better than budget sales tax results.

### Operating Sources

**Ridership** has continued slowly recovering from the low point of summer 2009. Average weekday trips for the quarter actually grew 1.0%, compared to a 9.7% decline one year earlier. However, the growth has been uneven. Core system trips were up 2.2% in August, followed by a 0.2% decline in September. The SFO Extension performed a little better, up 5.6% for the quarter.

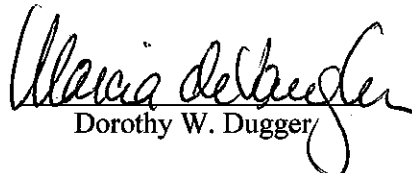
**Sales Tax** revenue also shows improvement. Cash receipts for the quarter resulted in a 7.8% growth over last year. However, additional data from the State Board of Equalization indicates this quarter included a higher than normal amount of prior period payments from outstanding taxpayers. Removing that effect leaves a real growth of about 3 to 4%.

**State Transit Assistance** of \$18.8M was budgeted for September. A portion (\$9.8M) was received late and booked in October. The remaining balance will be allocated by the Metropolitan Transportation Commission (MTC) in early 2011 based upon BART's compliance with the Clipper Fare Media Transition Plan in Resolution 3866.

### Operating Uses

Expenses were 2.4% unfavorable for the first quarter, resulting in an unfavorable Operating Deficit. Although non labor was slightly favorable this quarter, labor and benefits were unfavorable to budget, primarily attributed to overtime. To date, non-labor is slightly favorable, but is projected to go over budget in future quarters for a variety of reasons including credit card fees for ticket transactions and because some current favorable timing variances in other areas are likely to be absorbed during the year. In general, after the budget reductions over the past several years, the expense budget is very tight and is expected to be so all year.

Removing the timing of STA from the bottom line leaves us about \$1.8M favorable in the first quarter, or only 0.2% of the overall \$582M FY11 operating sources budget. Given the shaky state of the economy and high unemployment, we should not count on this favorable variance continuing but rather continue to focus our efforts to control costs.

  
Dorothy W. Dugger

cc: Board Appointed Officers  
Deputy General Manager  
Executive Staff

**First Quarter FY11  
BUDGET PERFORMANCE REPORT EXECUTIVE SUMMARY**

M=million

**REVENUE**

- Average weekday ridership was 342,379, 0.8% over budget and up 1.0% from 1QFY10 (core trips grew 0.3% and SFO trips grew 5.6%). First growth in quarterly trips since mid-FY09. Net Passenger Revenue was \$0.7M above budget.
- Other Operating Revenue was \$0.3M under budget, with a variety of small revenues slightly unfavorable, some of which is due to timing of payments.

**EXPENSE**

- Net Labor results were unfavorable by \$4.0M (4.7%) primarily due to overtime.
- Electric Power was \$0.7M, 7.0% favorable to budget due to timing of actual expenses vs budget.
- Other Non Labor was slightly favorable to budget (1.3%) primarily due to timing of actual expenses vs budget. Favorable variance not expected to continue.
- Total expense was \$2.8M over budget for the quarter because of the unfavorable labor variance. Expense budget is projected to be tight all year.

**OPERATING DEFICIT**

- The Operating Deficit (Operating Revenue minus Expense) was \$2.5M (9.7%) unfavorable, as the small revenue surplus was not sufficient to cover expense overruns.

**TAX & FINANCIAL ASSISTANCE**

- Sales Tax was 7.8% above 1QFY10 (\$4.2M over budget). 1QFY11 results included some payments attributable to prior periods, making the real growth approximately 3-4%.
- Property Tax, STA and Other Assistance negative variance due to \$18.8M of STA budgeted for Sept but not received. Now will be paid half in Oct and half in early 2011.

**NET OPERATING RESULT**

- The Net Operating Result for the quarter was \$17.0M unfavorable: \$18.8M was due to STA timing, without which there was a net positive result of \$1.8M. This was due to the favorable sales tax result, which led to revenues slightly exceeding negative expenses.

**SYSTEM OPERATING RATIO / RAIL COST PER PASSENGER MILE**

- System Operating Ratio and Rail Cost Per Passenger Mile slightly below budget due to higher than budgeted Operating Expense.

	CURRENT QUARTER			FISCAL YEAR-TO-DATE		
	Budget	Actual	Var.	Budget	Actual	Var.
<b>REVENUE</b>						
Net Passenger Revenue	87.5	88.2	0.8%	87.5	88.2	0.8%
Other Operating Revenue	7.7	7.4	-4.2%	7.7	7.4	-4.2%
<b>Total Net Operating Revenue</b>	<b>95.2</b>	<b>95.6</b>	<b>0.4%</b>	<b>95.2</b>	<b>95.6</b>	<b>0.4%</b>
<b>EXPENSE</b>						
Net Labor	85.7	89.7	-4.7%	85.7	89.7	-4.7%
OPEB Unfunded Liability**	1.7	1.9	-12.6%	1.7	1.9	-12.6%
Electric Power	9.4	8.7	7.0%	9.4	8.7	7.0%
Purchased Transportation	3.7	3.6	2.9%	3.7	3.6	2.9%
Lakeside Lease Accrual	0.0	(0.3)	-	0.0	(0.3)	-
Other Non Labor	17.8	17.5	1.7%	17.8	17.5	1.7%
<b>Total Operating Expense</b>	<b>118.3</b>	<b>121.1</b>	<b>-2.4%</b>	<b>118.3</b>	<b>121.1</b>	<b>-2.4%</b>
<b>OPERATING DEFICIT</b>	<b>(23.1)</b>	<b>(25.6)</b>	<b>-9.7%</b>	<b>(23.1)</b>	<b>(25.6)</b>	<b>-9.7%</b>
<b>TAX &amp; FINANCIAL ASSISTANCE</b>						
Sales Tax	39.9	44.1	10.5%	39.9	44.1	10.5%
Prop Tax, STA, Other Assistance	20.7	2.0	-90.5%	20.7	2.0	-90.5%
Debt Service	(20.4)	(20.5)	-0.5%	(20.4)	(20.5)	-0.5%
Capital and Other Allocations	(11.9)	(11.9)	0.0%	(11.9)	(11.9)	0.0%
OPEB Unfunded Liability Offset	1.7	1.9	-12.6%	1.7	1.9	-12.6%
<b>Net Financial Assistance</b>	<b>30.0</b>	<b>15.5</b>	<b>-48.2%</b>	<b>30.0</b>	<b>15.5</b>	<b>-48.2%</b>
<b>NET OPERATING RESULT</b>	<b>6.9</b>	<b>(10.0)</b>		<b>6.9</b>	<b>(10.0)</b>	
<b>System Operating Ratio</b>	<b>80.5%</b>	<b>78.9%</b>	<b>-1.6%</b>	<b>80.5%</b>	<b>78.9%</b>	<b>-1.6%</b>
<b>Rail Cost Per Passenger Mile</b>	<b>31.1 ¢</b>	<b>31.4 ¢</b>	<b>-0.7%</b>	<b>31.1 ¢</b>	<b>31.4 ¢</b>	<b>-0.7%</b>

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

■ No Problem

□ Caution: Potential Problem/Problem Being Addressed

■ Significant Problem

\*\*The Other Post Employment Benefits (primarily retiree medical) is a non-cash expense to recognize the difference between actual retiree medical funding and the full Annual Required Payment and does not affect the Net Operating Result.



## EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Marcia Delbride</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: c <i>10/21/10</i>		BOARD INITIATED ITEM: No		
Originator/Prepared by: Charlotte Barham Dept: Planning & Budget	General Counsel <i>[Signature]</i>	Controller/Treasurer <i>[Signature]</i>	District Secretary [ ]	BARC <i>[Signature]</i>
Signature/Date: <i>Charlotte Barham</i> <i>10/20/10</i>	<i>[Signature]</i> <i>10/20/10</i>	<i>[Signature]</i> <i>10/20/10</i>	[ ]	<i>[Signature]</i> <i>10-20-10</i>

TITLE:

### West Dublin/Pleasanton Station Fares

NARRATIVE:

#### PURPOSE

To adopt fares to be charged for trips to or from the West Dublin/Pleasanton BART station.

#### DISCUSSION

The new West Dublin/Pleasanton Station is an "infill" station located along existing trackway in the median of I-580 between San Ramon Valley Road/Foothill Road and I-680. The station is approximately 1.6 miles to the west of Dublin/Pleasanton Station, and approximately 8.4 miles to the east of Castro Valley Station. The West Dublin/Pleasanton Station is scheduled to commence operation in early 2011.

The proposed fares for trips to or from the West Dublin/Pleasanton Station have been calculated using the same distance-based fare structure as applied when calculating all other BART fares and are consistent with the fares charged for trips taken in the rest of the system. Because the existing distance-based fare structure has been used to calculate the proposed West Dublin/Pleasanton fares, implementation of these fares would not result in a fare change. Therefore, a Title VI analysis, which is required for fare changes, is not needed.

West Dublin/Pleasanton fares will be \$0.15 less on average than fares charged at the Dublin/Pleasanton station. Below are West Dublin/Pleasanton sample fares:

West Dublin/Pleasanton to:	Proposed Fare
Embarcadero	\$5.40
12th Street	\$3.85
Berkeley	\$4.15
Walnut Creek	\$5.05
SFO	\$10.40

A public hearing on the proposed West Dublin/Pleasanton fares was held on October 14,

2010. One member of the public spoke at the public hearing, but on a matter unrelated to the proposed fares.

### **FISCAL IMPACT**

Revenues generated at the West Dublin/Pleasanton Station will be used to fund station operating expense and annual debt service of \$3.1 million. Staff is still developing the final operating expense budget for West Dublin, but preliminary annual expenses are projected at approximately \$2.5 to \$3.0 million in the first few years of service.

In the first full year of service, West Dublin/Pleasanton fare revenue is estimated at approximately \$4.7 million; fare revenue is projected to grow rapidly in succeeding years as new riders begin to use the station. This revenue growth assumption is based upon ridership and revenue growth experienced in previous BART extension station openings. Under these projections, if there is any net operating deficit, it is anticipated that the reserve fund set up by the Cities of Dublin and Pleasanton and Alameda County will be sufficient to cover it.

### **ALTERNATIVES**

West Dublin/Pleasanton fares could be calculated using a different method from application of the existing distance-based fare structure. Application of an alternative method would not be consistent with fares charged for trips taken in the rest of the system and would result in a fare change.

### **RECOMMENDATION**

Adoption of the following motion.

### **MOTION**

Adopt the attached resolution, "In the Matter of Adopting Fare Rates and Charges for West Dublin/Pleasanton BART Station." **Two-thirds vote required.**

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

In the Matter of Adopting  
Fare Rates and Charges for  
the West Dublin/Pleasanton Station

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

WHEREAS, pursuant to Public Utilities Code Section 29038, it is the duty and responsibility of the Board of Directors of the San Francisco Bay Area Rapid Transit District ("District") to fix the rates and charges for rapid transit service to be furnished by the District; and

WHEREAS, the West Dublin/Pleasanton Station is a new "infill" station located along existing trackway in the median of I-580 between San Ramon Valley Road/Foothill Road and I-680. The station is approximately 1.6 miles to the west of Dublin/Pleasanton Station, and approximately 8.4 miles to the east of Castro Valley Station; and

WHEREAS, recommended fare rates and charges for BART service to and from West Dublin/Pleasanton Station have been calculated by applying BART's existing distance-based fare structure and are consistent with fares charged for trips taken in the rest of the system; and

WHEREAS, the recommended fare rates and charges for BART service to and from West Dublin/Pleasanton Station are set forth in the attached Exhibit A entitled "Fare Rates and Charges for the West Dublin/Pleasanton Station," and

WHEREAS, a public hearing has been held at a regularly scheduled meeting of the Board to consider fare rates and charges for the West Dublin/Pleasanton Station; and

NOW, THEREFORE, the Board hereby makes the following findings:

- (1) The rates and charges for service set forth in Exhibit A are statutorily exempt from the California Environmental Quality Act (CEQA) pursuant to Public Resources Code § 21080(b)(8) and CEQA Guidelines, 14 Cal. Code Regs. § 15273, and Notices of Exemption shall be filed in the four affected counties.
- (2) After careful study of staff recommendations, public comment, and due deliberations, the Board determines, as required by Public Utilities Code Section 29038, that the rates and charges for service are reasonable; and that insofar as practicable, these rates and charges are calculated to result in revenue which will:
  - (a) Pay for the operating expenses of the District;

- (b) Provide repairs, maintenance and depreciation of works owned and operated by the District;
- (c) Provide for purchases, lease, or acquisition of rolling stock, including provisions for the interest, sinking funds, reserve funds, or other funds required for the payment of any obligations incurred by the District for the acquisition of rolling stock; and
- (d) After making any current allocation of funds for the foregoing purposes and by the terms of any indebtedness incurred under Public Utilities Code Articles 6 (commencing with Section 29240) and 7, (commencing with Section 29250) of Chapter 8, provide funds for any purpose the Board deems necessary and desirable to carry out the purposes of Part 2 of Division 10 of the Public Utilities Code.

(2) The rates and charges set forth in Exhibit A are for the purposes of:

- (a) Meeting operating expenses such as employee wage rates and fringe benefits;
- (b) Purchasing or leasing supplies, equipment or materials;
- (c) Meeting financial reserve needs and requirements; and
- (d) Obtaining funds for capital projects, necessary to maintain service within existing service areas.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the San Francisco Bay Area Rapid Transit District that the rates and charges for BART service set forth in Exhibit A are hereby adopted.

# # # #

**EXHIBIT A—FARE RATES AND CHARGES FOR THE WEST  
DUBLIN/PLEASANTON STATION**

The fare rates and charges for BART service to or from the West Dublin/Pleasanton Station shall be as shown in Attachment 1 and shall be effective upon commencement of operation of the West Dublin/Pleasanton Station.

**ATTACHMENT 1  
BART Fare Table with West Dublin/Pleasanton Fares  
October 2010**

Millbrae	6.00
SF Airport	6.90
San Bruno	2.90
South San Francisco	2.90
Colma	2.90
Daly City	2.75
Balboa Park	1.75
Glen Park	1.75
24th St Mission	1.75
16th St Mission	1.75
Civic Center	1.75
Powell St	1.75
Montgomery St	1.75
Embarcadero	2.90
West Oakland	1.75
Oakland City Ctr / 12th St	1.75
19th St Oakland	1.75
MacArthur	1.75
Rockridge	1.75
Orinda	1.75
Lafayette	1.75
Walnut Creek	1.75
Pleasant Hill	1.75
Concord	1.75
N. Concord/Martinez	1.75
Pittsburg/Bay Point	4.30
Ashby	1.75
Downtown Berkeley	1.75
North Berkeley	1.75
El Cerrito Plaza	1.75
El Cerrito del Norte	2.60
Richmond	2.90
Lake Merritt	1.75
Fruitvale	1.75
Coliseum	1.75
Oakland Airport	1.75
San Leandro	1.75
Bay Fair	1.75
Hayward	1.75
South Hayward	1.75
Union City	1.75
Fremont	3.00
Castro Valley	1.75
West Dublin/Pleasanton	1.75
Dublin/Pleasanton	1.75

# SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

## MEMORANDUM

To: Board of Directors

Date: November 4, 2010

From: General Manager

Subject: EZ Rider Transit Smart Card Termination Date

As you know, MTC's Resolution 3866, approved by the MTC earlier this year, provides for transitioning Bay Area transit operators' prepaid fare products to the Clipper regional fare card. BART's existing EZ Rider smart card product is included in the transition plan, which set October 1, 2010 as the deadline for terminating use of EZ Rider in the BART system. However, as discussed with the Board at our last Clipper presentation in June, BART and MTC recognized concerns pertaining to Clipper system features and technical readiness that could not be resolved by the October 1 deadline, and agreed to work cooperatively toward a mid-December time frame for permanent termination of EZ Rider. At this point, significant progress has been made on key issues pertaining to the EZ Rider/Clipper transition, and December 15, 2010 has been targeted by BART and MTC staffs as the termination date for using the EZ Rider smart card for transit.

Following is a summary of the progress made on key issues since our last report to the Board in June:

- A Clipper BART-only daily paid parking solution has been developed, and is expected to be available for customer use by December 1, 2010. This will allow BART customers who currently use EZ Rider for transit and parking to switch to the single Clipper card and use it for both transit and BART daily parking payments.
- The Clipper system on BART presently operates with a systemwide tagging error rate of 6.7%, an increase from 5% last reported to the Board in a memorandum dated July 6 of this year. Since June, the total usage of Clipper on BART has risen from roughly 14,000 trips to almost 45,000 trips (about 13% of our total trips) per weekday in the month of September. Recent field observations indicate that many customers still lack familiarity with smart card tagging technique, contributing to the recorded tagging error rate. The continual addition of new users is clearly contributing to the error rate increase. We plan on mobilizing teams at BART stations to instruct customers on the proper tagging techniques to address this lingering challenge.
- At its peak, the BART EZ Rider system had over 50,000 customers signed up. Since the transition to Clipper started, approximately 9,000 EZ Rider customers have closed their EZ Rider accounts and transitioned to Clipper, leaving about 41,000 EZ Rider card holders. On the other side, BART Clipper High Value Discount product auto load signups have increased from 5,700 in June to 26,000 in September, an indicator that the Clipper High Value Discount product is gaining acceptance as a substitute for EZ Rider. Some of these 26,000 HVD auto load Clipper users may also still have an EZ Rider account open.
- Cubic has put significant effort into improving the quality and speed of its customer service center on a number of fronts:

- Increased its customer service staff from 22 to 52. This includes personnel to support the upcoming fare media transitions for the region's operators;
- Automated a number of service tasks to free up more customer service staff for handling customer telephone call inquiries;
- Implemented a quality control program to monitor staff in assuring Clipper customers are receiving quality responses.

The above improvements have resulted in Cubic meeting or exceeding all of its Cardholder Support Service Level Standards for the month of September. A significant gain was made in the area of first call resolution, which has seemed to be the source of the more vocal customers' complaints. In June, 78% of the customers calling the Clipper Service Bureau received satisfactory resolution on their first call. In September, 98% of the customers received satisfactory first call resolution.

- The Clipper system processed over 4 million fee generating transactions in the month of September, a 400% increase over the transaction volume six months ago. By October, that number had increased to approximately six million. Clipper is expected to continue the rapid growth rate over the next six to eight months as San Francisco Muni and BART transition their major prepaid fare media to Clipper. MTC/Cubic are taking the necessary steps to meet the demands of the anticipated increase in transaction volumes

Our strategy for terminating EZ Rider is heavily dependent upon communication with our EZ Rider customers, facilitating their switch to Clipper as much as possible. Repeated email communications have been and will continue to be sent to EZ Rider customers, providing increasingly urgent messages about the pending cut-off and the need to switch to Clipper. Staff is currently working on a plan in coordination with MTC to step up the effort even more as the EZ Rider termination date draws near, and a post-termination support plan is also being developed to assist those customers who, despite all our efforts, fail to switch to Clipper by the cut-off date.

We are calendaring a discussion of this subject for the November 10 special Board meeting. If you have questions, please feel free to contact me or Chris Quinn, Acting Deputy Executive Manager, Transit System Development, at 510-464-7539.

  
Dorothy W. Dugger

cc: Board Appointed Officers  
Deputy General Manager  
Executive Staff



# CAPITOL CORRIDOR JOINT POWERS AUTHORITY

## MEETING OF THE BOARD OF DIRECTORS

Wednesday November 17, 2010

10 a.m.

City Council Chambers, Suisun City Hall,

701 Civic Center Blvd.

City of Suisun City, CA 94612

(see attached map)

### AGENDA

- I. Call to Order
- II. Roll Call and Pledge of Allegiance
- III. Report of the Chair
  1. Election of Chair and Vice-Chair (2-Year Term: 2011-2012) *Action*
- IV. Minutes of the September 15, 2010 Meeting *Action*
- V. Consent Calendar *Action*
  1. CCJPA Board 2011 Meeting Schedule
- VI. Action and Discussion Items
  1. Capitol Corridor Annual Performance Report (FFY 2009-10) *Action*
  2. Davis Station Platform Security Fencing Project *Action*
  3. FY2010 FRA High Speed/Intercity Passenger Rail Capital Grant Applications *Action*
  4. Legislative Matters *Action*
  5. Managing Director's Report *Info*
  6. Work Completed *Info*
    - a. Program Environmental Assessment – Capitol Corridor Service Expansion Plan
    - b. CCJPA FY 10-11 Budget
    - c. CCJPA/Amtrak FY2011 Fixed Price Operating Agreement
    - d. Marketing Activities (September – October 2010)
  7. Work in Progress *Info*
    - a. Yolo Causeway West Crossover Project
    - b. Wireless Network
    - c. Track Improvement Program/Capitalized Maintenance
    - d. Proposition 1B Transit Safety/Security Improvement Projects
    - e. Proposed Extension of Capitol Corridor Trains to Salinas
    - f. Upcoming Marketing Activities
- VII. Board Member Reports
- VIII. Public Comments
- IX. Adjournment. Next Meeting Date: 10:00 a.m., February 16, 2011, at City Council Chambers, Suisun City Hall, 701 Civic Center Blvd., City of Suisun City, CA

#### Notes:

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

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

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

# SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

## Memorandum

TO: Board of Directors DATE: November 4, 2010  
FROM: General Manager  
SUBJECT: BART Citizen Board Compensation

The BART Police Department Review Committee asked staff to bring the issue of Citizen Board compensation to the full Board for discussion and possible action. The following information is provided to facilitate discussion at the November 10, 2010 Board meeting.

BART is currently supported by three citizen involved committees: the Disability Task Force, Bicycle Advisory Task Force, and the Earthquake Safety Program Citizens' Oversight Committee. The Disability Task Force members are reimbursed for the cost of using public transit to attend meetings. The Bicycle Advisory Task Force and the Earthquake Safety Program Citizens' Oversight Committee do not receive any form of stipend or expense reimbursement.

Following are examples of compensation information for other citizen oversight entities in California:

Long Beach Citizens' Police Complaint Commission	No Compensation
Los Angeles Police Commission	No Compensation
Oakland Citizens' Police Review Board	No Compensation
Richmond Police Commission	No Compensation
San Diego Citizens' Review Board on Police Practices	No Compensation
San Diego County Citizens' Law Enforcement Review Board	No Compensation
San Francisco Police Commission	\$100 per month
Berkeley Police Review Commission	\$40 per meeting, in lieu of expenses for Commissioners with an annual family income as filed jointly below \$20,000 per year

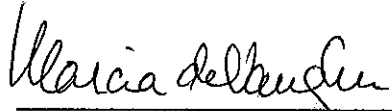
The BART Police Department has 206 sworn personnel. In 2009, the department received 39 complaints of officer misconduct. The following information is for comparative purposes only:

The Los Angeles Police Commission is supported by a Board of Rights, which conducts hearings for sworn police personnel. The Board of Rights consists of two sworn members and one civilian member. The two sworn members are compensated through their regular salary. The civilian member is drawn from a pool that is assembled through the LA Police Commission; most are attorneys. The civilian member receives \$900 per day or \$450 for each half day and for conference calls that deal with substantive Board issues. The City of Los Angeles Police Department has approximately 10,000 sworn personnel and completed 60 Board of Rights hearings in 2009.

The San Francisco Police Commission is supported by the Office of Citizens' Complaints, which received 1018 new cases in 2009. As of June 2010, the San Francisco Police Department had 2,353 sworn personnel of which 1,952 are assigned to patrol.

The Berkeley Police Review Commission investigated and closed 38 complaints in 2009. The City of Berkeley Police Department has approximately 185 police officers.

Should the Board decide to take action on Citizen Board Compensation at the meeting, it may move that members be reimbursed for expenses incurred for public transportation to and from meetings of the Citizen Board and/or a monthly or per meeting stipend.

  
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Dorothy W. Dugger

cc: Board Appointed Officers  
Deputy General Manager  
Executive Staff