

## RESOLUTION NO. .

BOARD OF SUPERVISORS, COUNTY OF SAN MATEO, STATE OF CALIFORNIA

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**RESOLUTION: A) AUTHORIZING THE COUNTY TO PROVIDE BAY AREA RAPID TRANSIT (BART) UP TO \$10,321,678 FOR THE PURCHASE OF NEW FARE GATES TO BE INSTALLED AT BART STATIONS IN COLMA, DALY CITY, MILLBRAE, SAN BRUNO, AND SOUTH SAN FRANCISCO, TO THE EXTENT THE COSTS FOR SUCH PURCHASE ARE NOT COVERED BY A GRANT FROM THE SMCTA MEASURE W**

**REGIONAL TRANSIT CONNECTION PROGRAM; AND**

**B) AUTHORIZING THE COUNTY TO PAY FROM THE AMOUNT PROVIDED TO BART A PORTION OF THE COSTS TO IMPROVE THE FARE GATES AT THE COLMA BART STATION IN AN AMOUNT NOT TO EXCEED \$1,888,112; AND**

**C) AUTHORIZING THE COUNTY EXECUTIVE, OR DESIGNEE(S), IN CONSULTATION WITH THE COUNTY ATTORNEY, TO NEGOTIATE AND ENTER INTO A MEMORANDUM OF UNDERSTANDING, OR MEMORANDA OF UNDERSTANDING, WITH COLMA, DALY CITY, MILLBRAE, SAN BRUNO, SOUTH SAN FRANCISCO, AND BART REGARDING THE COUNTY'S PROVISION OF FUNDS FOR THE PURCHASE OF NEW FARE GATES AND FOR SERVICES PROVIDED BY BART AT STATIONS IN SAN MATEO COUNTY**

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**RESOLVED**, by the Board of Supervisors of the County of San Mateo, State of California, that:

**WHEREAS**, Bay Area Rapid Transit (BART) provides essential public transportation services to residents throughout the Bay Area, including in San Mateo County; and

**WHEREAS**, on March 6, 2024, BART unveiled its Next Generation Fare Gate project ("Project") which involves a systemwide replacement of BART's legacy fare gates with new, state-of-the-art fare gates at all BART stations; and

**WHEREAS**, the Project will, in total, cost approximately \$90 million to complete, and the transportation authorities for Alameda County, Contra Costa County, City and County of San Francisco, and Santa Clara County have contributed their respective fundings shares; and

**WHEREAS**, in San Mateo County, the cities of Daly City, Millbrae, San Bruno, and South San Francisco, host BART stations and the Colma BART Station is located in the unincorporated area, immediately adjacent to the Town of Colma (collectively, “San Mateo County BART Stations”); and

**WHEREAS**, the projected total cost of the Project at the San Mateo County BART Stations is \$10,321,678, which total amount is divided among the jurisdictions based on the number of fare gates to be replaced at each BART station; and

**WHEREAS**, the San Mateo County Transit Agency (“SMCTA”) oversees transportation projects in San Mateo County, and its responsibilities include allocating funds to various transportation agencies operating in San Mateo County, including BART; and

**WHEREAS**, BART intends to apply for a grant from the SMCTA Measure W Regional Transit Connection Program (“Measure W RTC Grant”) to cover the cost of the Project at the San Mateo County BART Stations, but it will not be known until Summer 2025 whether a grant will be awarded for the Project; and

**WHEREAS**, because of contract and project timing, BART must notify the Project contractor of whether the Project will include fare gates at the San Mateo County BART Stations before it is known whether a Measure W RTC Grant will be awarded for the Project; and

**WHEREAS**, given the foregoing, this Board desires to authorize providing to BART any amount, up to \$10,321,678, that is not covered by a Measure W RTC Grant to fund the costs of the Project at the San Mateo County Stations; and

**WHEREAS**, if BART does not receive a Measure W RTC Grant, or if such grant is insufficient to cover the entire cost of the Project at the San Mateo County BART Stations, and the County therefore provides BART funds to pay for the Project, Daly City, Millbrae, San Bruno, and South San Francisco will agree to repay the County for the share of funds provided by the County that corresponds to Project costs at the BART station in each respective jurisdiction, without interest over a time frame determined by the County Executive, in consultation with the County Attorney; and

**WHEREAS**, the cost to improve the fare gates at the Colma BART Station is \$1,888,112 and, if any portion of those costs are not funded by the SMCTA grant, the County Executive, or designee(s), will work with the Town of Colma representatives to discuss the sharing of such costs since the Colma BART Station is located in the unincorporated area immediately adjacent to the Town; and

**WHEREAS**, this Board desires that the County Executive, or designee(s), in consultation with the County Attorney, negotiate and enter into a Memorandum of Understanding, or if appropriate, multiple Memoranda of Understanding, with Colma, Daly City, Millbrae, San Bruno, South San Francisco, and BART regarding the provision of County funds for the Project; and

**WHEREAS**, the Memorandum of Understanding entered into with BART would also include the following terms:

- BART shall maintain the upgraded security gates in the San Mateo County BART Stations after they are installed; and
- BART will coordinate with the jurisdictions where upgraded security gates are installed in the San Mateo County BART Stations under the Project to discuss

strategies for increasing fare enforcement and BART police presence at such San Mateo County BART Stations; and

- BART will coordinate with the jurisdictions where upgraded security gates are installed in the San Mateo County BART Stations under the Project to improve the level of maintenance at each such San Mateo County BART Station, including with respect to matters such as station and bathroom cleanliness, painting and graffiti abatement, elevator and escalator maintenance, lighting, repair of roofs and replacement of stained roof tiles, and replacement of bird netting; and
- BART will coordinate with the jurisdictions where upgraded security gates are installed in the San Mateo County BART Stations under the Project to discuss and support—in alignment with existing or future BART District retail plan(s)—retail operations, including those led by such jurisdictions, in appropriate areas of the San Mateo County BART Stations; and

**WHEREAS**, any provision of funds to BART by the County to pay for Project costs at any of the San Mateo Count BART Stations shall be contingent on the legislative councils of Colma, Daly City, Millbrae, South San Francisco, San Bruno, each taking action to authorize a Memorandum of Understanding with the County to provide for the repayment of any funds provided by the County to pay for Project costs at the BART station in their respective jurisdiction.

**NOW, THEREFORE, BE IT RESOLVED** that the Board authorizes the County to provide BART any amount, not to exceed \$10,321,678, that is not covered by a Measure W RTC Grant (or not otherwise funded) to fund the costs of the Project at San Mateo County BART Stations.

**IT IS FURTHER RESOLVED** that, from the funds provided to BART, the County is authorized to pay a portion of the costs to improve the fare gates at the Colma BART Station, which costs total \$1,888,112, and the County Executive, or designee(s), is authorized and directed to negotiate with the Town of Colma the portion to be paid by the County not to exceed \$1,888,112.

**IT IS FURTHER RESOLVED** that the County Executive, or designee(s), in consultation with the County Attorney, is authorized and directed to negotiate and enter into a Memorandum of Understanding, or if appropriate, multiple Memoranda of Understanding, with Daly City, Millbrae, South San Francisco, San Bruno, Colma, and BART regarding the provision and reimbursement of County funds for the Project and the agreed upon services performed by BART at affected San Mateo County BART Stations, in a manner consistent with the Board's intent, conditions, and findings set forth herein.

**IT IS FURTHER RESOLVED** that the County Executive, or designee(s) is authorized to enter into amendments to the Memorandum of Understanding, or Memoranda of Understanding, entered into pursuant to this Resolution which modify the County's maximum fiscal obligation by no more than \$25,000, and/or modify the term and/or services so long as the modified term or services is/are within the current or revised fiscal provisions, and to also negotiate, agree to, enter into, and/or execute any additional documents necessary, advisable, or appropriate to effectuate or carry out the Memorandum of Understanding, or Memoranda of Understanding, consistent with the Board's intent, conditions, and findings reflected herein.

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