SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
INDEPENDENT OFFICE OF THE INSPECTOR GENERAL

TRANSPARENCY & COMMUNICATION GAPS IN THE BSVII PROJECT

INVESTIGATION RESULTS

The independent Office of the Inspector General (OIG) initiated this investigation after receiving multiple allegations related to BART's acceptance of the Santa Clara Valley Transportation Authority's (VTA) choice of a single-bore tunnel design for the BART Silicon Valley Phase II (BSVII) project after BART had been opposed to it. We found that BART agreed to move forward with a single-bore concept with modifications that address BART's safety concerns with the original single-bore design proposal.

We also determined that the length of time since the project began, extensive media coverage of the project, conflicting subject-matter opinions, and some public displeasure with the single-bore design have created uncertainty about the project's direction. We concluded that gaps in transparency and communication, including limited public discussions in recent years, have resulted in mixed messaging on a project that has evolved over multiple decades.

Given BART's prior safety concerns, we confirmed that the District's safety and operational standards are captured in the Design Criteria Manual (DCM), which functions as the guiding document for design development; and that safety oversight is being maintained through the San José Fire Department (SJFD) Bureau of Fire Prevention (BFP) and BART Fire and Life Safety staff, ensuring compliance with National Fire Protection Agency (NFPA) Standard 130, the California Building Code, and BART facility standards.

APPLICABLE STANDARDS AND AUTHORITY

A Comprehensive Agreement between BART and VTA gives BART approval authority over design elements that affect operations, maintenance, and safety. Compliance is also guided by NFPA 130, the national standard for fire and safety in rail transit systems, and the California Building Code, which together establish minimum design and safety requirements for stations, underground transit projects, and BART's facility standards.

WHY THIS INVESTIGATION

Ensuring transparency and institutional continuity is essential to maintaining public trust and accountability in one of the Bay Area's most complex transportation projects.

Our investigation highlights the importance of engagement with the BART Board of Directors and with the public to provide that transparency.

Without clear communication and consistent Board oversight, BART risks losing influence over design decisions that directly affect its ability to operate and maintain the future Silicon Valley extension safely and efficiently.

RECOMMENDATION

To strengthen governance and transparency of the BSVII project, BART should:

- Enhance transparency through regular reporting to the BART Board of Directors.

See page eight of this report for full details and management's response to our recommendation.

Allegations & Focus

The OIG initiated this investigation in response to complaints alleging potential waste on the BSVII project and non-compliance with the BSVII Comprehensive Agreement between BART and VTA when BART agreed to a single-bore tunnel design for the BSVII project. Our investigation focused on how BART was ensuring that the BSVII project's design and construction adhered to the District's operational and safety standards. Though the whistleblower complaint included an allegation of waste, we did not pursue that aspect after confirming that VTA assumes all project costs.

We did not assess the technical adequacy of the single-bore design or conduct a comparison to the twin-bore alternative. It is not our intent to engage in that technical debate or to introduce an additional layer of opinion on the matter.

OIG Scope Clarification

We did not evaluate the single-bore design itself. We examined oversight, documentation, and transparency, not engineering choices.

OIG Reporting Requirement & Disclosure Practices

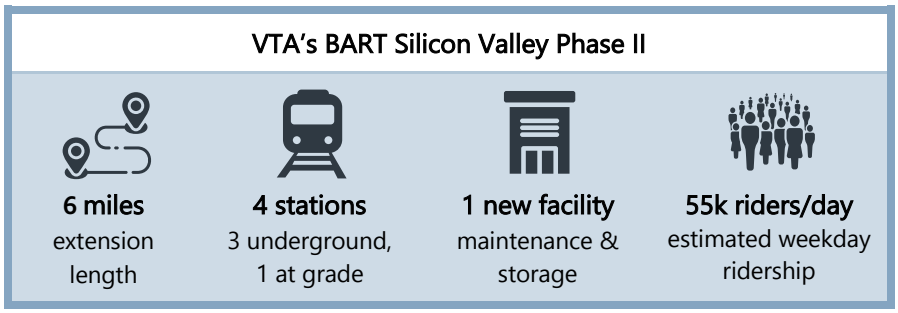
We are providing this report to comply with California Public Utilities Code § 28841, which requires that we keep BART administration, the Board of Directors, and the public informed of our fraud, waste, or abuse investigation findings and recommendations.

We identify those involved in our investigations in only limited circumstances. This avoids violating privacy and confidentiality rights granted by law and creating unwarranted actions against those involved with our investigation. The decision to provide names is made on a case-by-case basis and considers all elements of an investigation. This practice does not prevent individuals from requesting documents under the California Public Records Act (CPRA). However, such disclosures may be restricted or limited by law. The investigation described in this report is associated with case number 258-2025.

Background

On November 7, 2000, Santa Clara County voters approved Measure A, a countywide initiative authorizing a half-cent sales tax, effective April 1, 2006. The measure dedicated the funds to specific VTA transit improvement projects identified on the ballot, among them an extension of BART from Fremont through Milpitas and Downtown San José to Santa Clara.

BSVII is the second phase of that extension. Phase one extended service from BART's Warm Springs station to the Berryessa/North San José station. Phase two will extend service from the Berryessa/North San José station through downtown San José to Santa Clara. This 6-mile extension includes approximately 5 miles of subway tunneling and four new stations: 28th Street/Little Portugal, Downtown San José, Diridon, and Santa Clara.



On November 19, 2001, BART and VTA entered into a Comprehensive Agreement that gives VTA responsibility for funding the extension and outlines the agencies' shared roles in the BSVII design and construction. By comparison, the agreement gives BART final approval authority over design elements that affect operations, maintenance, and fire and life safety, ensuring that the new infrastructure functions as an integrated part of the existing BART system.

One of the primary documents reviewed as part of this investigation was an executive memorandum that BART submitted to VTA on September 19, 2017, which was presented to us as evidence that BART opposed the single-bore design. It outlined the District's previously stated concerns regarding the proposed single-bore tunnel design and identified multiple fire and life safety, ventilation, and operational risks that could arise from the single-bore approach as presented by VTA at that time.

Single-Bore vs. Twin-Bore Tunnel Designs

A technical and policy debate has surrounded the choice of tunneling method. BART's system has historically relied on a twin-bore design, which uses two smaller, parallel tunnels, one for each direction of travel, connected by cross passages.

VTA evaluated and subsequently approved a single-bore design, involving a single, much larger tunnel containing both tracks and the station platforms within one structure. VTA cited reduced surface disruption

along Santa Clara Street in commercially busy downtown San José as a major advantage, noting that the single-bore approach would minimize impacts on businesses, traffic, and utilities during construction.

BART, in contrast, raised concerns about the single-bore design's fire and life safety implications, maintenance challenges, and whether a single-bore is superior or equivalent to the original twin-bore design. BART emphasized that continuity with its existing system was essential to maintaining safe and efficient operations once the extension becomes part of the District's system.

These differing viewpoints led to a multi-year series of technical analyses, peer reviews, and discussions among elected officials, engineers, and agency executives. Ultimately, the decision to use a single-bore tunnel for the BSVII extension has resulted in extensive media coverage and conflicting public opinions about the tunnel design and cost. As a result, the general public may be left wondering what is true and what happened to change BART's course on the project.

> The evolution of the BSVII project from a twin-bore to single-bore design may not be clear to BART stakeholders.

Key Issues Identified by BART

At its March 8, 2018, meeting, BART narrowed the original concerns outlined in their September 19, 2017, executive memorandum into six issues that they would like addressed in the single-bore approach:

1. Side-by-side (not stacked) trackways in tunnels and at all stations.
2. Center platforms designed with sufficient width to accommodate projected future ridership.
3. Tunnel and station ventilation systems designed to be consistent with existing BART emergency ventilation systems.
4. Design criteria that comply with applicable National Fire Protection Association (NFPA) 130, California Building Code (CBC), and BART Facilities Standards (BFS) requirements, including provisions for instantaneous fire growth.
5. Point of Safety design in compliance with applicable NFPA 130, CBC, and BFS requirements, and validated by BART, including an engineered Point of Safety.
6. ADA Emergency Response Plan developed in collaboration with appropriate first responders, BART System Safety (including the Fire Liaison Committee), and representatives of the ADA community across the BART district and Santa Clara County.

BART Change in Position on Single-Bore Concept

Although discussions about tunneling methods for the BSVII predate the following analysis, we focus on the period from fall 2017 through spring 2018 because it was a pivotal window in which BART's position on the single-bore tunnel design shifted from formal opposition to conditional acceptance.

As noted, the primary document examined in this investigation was BART's September 19, 2017, executive memorandum to VTA. The memo captured BART's fundamental concerns about the proposed single-bore design, detailing multiple fire and life safety, ventilation, and operational risks that BART engineers and subject-matter experts believed rendered the concept unsafe and inconsistent with established system standards. This document became a key reference point for understanding the technical and organizational resistance within BART to VTA's proposed approach.

Following that memo, both agencies held a series of their own board meetings and workshops, while engaging in ongoing technical exchanges between and among BART and VTA staff and consultants. These efforts were supplemented by an independent peer review involving experts from other U.S. transit agencies, who evaluated the relative safety and feasibility of the original single-bore design versus BART's tried-and-true twin-bore tunneling methodology.

The record from these sessions shows a gradual evolution in tone and direction. Initially, BART's engineering and operations leadership, supported by peer review findings in December 2017, maintained objections to the then proposed single-bore design, citing safety gaps and design vulnerabilities. However, as discussions progressed into early 2018, both agencies began exploring ways to modify the single-bore concept to satisfy BART's safety and operational requirements, specifically NFPA 130, the California Building Code, and BART Facility Standards.

By March 2018, while safety remained a central concern, the dialogue had shifted toward collaboration and compromise. The issue was no longer whether a single-bore tunnel was acceptable, but how it could be redesigned to meet BART's standards. Community and political factors, including concerns over surface disruption in downtown San José and a March 26, 2018, letter from members of the Bay Area legislative delegation urging advancement of the single-bore option, added momentum to finding common ground.

In April 2018, the BART Board accepted VTA's Final Supplemental Environmental Impact Report for the BSVII project, based on the single-bore concept. BART retained authority to approve final design elements affecting safety and operations and the VTA general manager confirmed that BART's approval authority would apply to track layout, platform configuration, ventilation, and circulation. Since then, project design development has continued under VTA's management, with BART participating through working groups and oversight committees.

Investigation Conclusion

BART agreed to a single-bore design concept after considering VTA's concern that the twin-bore construction method would be too disruptive to the business community on Santa Clara Street in Downtown San José. The Comprehensive Agreement does not explicitly state that any tunnel part of the BSVII extension must be a twin-bore. However, it does require adherence to multiple BART standards that have historically been used for that tunneling method. To address this, BART and VTA developed a "Design Criteria Manual" (DCM), which serves as BART's primary tool for enforcing the Comprehensive Agreement's safety and design provisions and reestablishes requirements for compliance with BART fire and life safety, NFPA 130, the California Building Code, and BART Facility Standards.

The DCM's effectiveness depends on VTA's continued engagement with BART and including BART in active review during the design process. We noted a gap in this area on August 15, 2025, when BART sent a letter to VTA regarding changes with the Newhall Yard design, citing breakdowns in communication and transparency and emphasizing that design modifications must receive BART's approval under the Comprehensive Agreement.

We also identified gaps in communication and transparency that pose governance risks as the BSVII project advances toward final design and construction. Key observations include:

Governance and Communication Gaps: BART Board of Directors and the VTA BSVII Oversight Committee (BOC) meeting schedules generally overlap, which limits BART's ability to participate in the BOC meetings. Though the committee was established for VTA transparency, BART plays a crucial role in the project, making it advisable that BART executives with decision-making authority and possibly Board Directors who have governance responsibilities speak to what is presented to the committee.

Further, there are few Joint VTA/BART Workshop Group meetings, and the schedule is sporadic, with meetings sometimes canceled. The group is a joint committee of board members from VTA and BART, and was formed to discuss updates, provide oversight, and make decisions related to the BSVII extension project. The committee is to receive project updates and remarks from both the BART and VTA general managers. However, as of October 2025, there have been only two meetings per year since 2022.

Divergent Expert Opinions: Subject-matter experts have differing, yet credible, technical opinions about the relative safety and efficiency of single- versus twin-bore designs. These differences underscore the importance of having open dialogue with the BART Board of Directors and the public regarding safety, feasibility, and BART's approval of the single-bore design. With respect to the latter, it is important to note that as of the writing of this report, final design for the BSVII project has not been completed and, therefore, BART has not approved a final design.

We also reviewed a spreadsheet showing that VTA has paid $19.2 million for BART's labor costs on the BSVII project as of September 2025. We did not audit that figure but provide it here for context.

District Response to Recommendation

Recommendations		
1.	**Recommendation:**	Provide detailed recurring public presentations to the BART Board of Directors on the status of the BSVII project. These updates should, at a minimum, include BART's review and approval progress under the Design Criteria Manual; any identified safety, standards-compliance, or design-risk concerns; and design and construction status.
	Implementation Date:	2026
	Corrective Action Plan:	**Interim Reporting Through District Secretary:** Until the VTA BSVII Oversight Committee meeting schedule can be adjusted to avoid conflicts with the BART Board of Directors' meeting calendar, BART staff will provide the Board with a link to each VTA Oversight Committee presentation through the District Secretary. This ensures continuous visibility into project status and design-related issues. **Quarterly Joint BART–VTA Meetings (CY 2026):** BART staff will continue coordinating with VTA each year to establish a Joint BART–VTA meeting cadence that aligns with both agencies' Board calendars. The CY 2026 schedule is currently under development, and this annual coordination will remain an ongoing practice to support governance alignment and transparency. **Expanded Content in Future Presentations:** BART staff has previously presented information on design variance review, approval processes, safety, and fire and life safety on March 13, 2025, and May 2, 2025. Design and construction status were also included in Board updates until design work was paused for cost-saving efforts. Future presentations will incorporate the remaining elements recommended by the OIG, including standards-compliance concerns and design-risk issues. While staff fully supports providing robust updates, the timing and frequency of Board presentations are determined by the Board. Staff remains available to brief the Board at any time upon request.

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