



## **ALAMEDA-CONTRA COSTA TRANSIT DISTRICT**

### **MINUTES**

#### **Board of Directors - Regular Meeting**

(Closed Session 4:00 PM for Agenda Items 8A-8D)

VIRTUAL MEETING

Phone (669) 900 6833

Webinar ID: 984 8717 5063

**Wednesday, February 9, 2022 at 5:00 PM**

**<https://bit.ly/3BjYpwf>**

#### **MEMBERS OF THE BOARD OF DIRECTORS**

**ELSA ORTIZ, PRESIDENT (WARD 3)**

**JOEL YOUNG, VICE PRESIDENT (AT-LARGE)**

**JOVANKA BECKLES (WARD 1)**

**JEAN WALSH (WARD 2)**

**VACANT (WARD 4)**

**DIANE SHAW (WARD 5)**

**H. E. CHRISTIAN PEEPLES (AT-LARGE)**

#### **BOARD OFFICERS**

**MICHAEL A. HURSH, GENERAL MANAGER**

**JILL A. SPRAGUE, GENERAL COUNSEL**

**LINDA A. NEMEROFF, DISTRICT SECRETARY**

**1. CALL TO ORDER**

The Alameda-Contra Costa Transit District Board of Directors held a meeting on Wednesday, February 9, 2022, at 5:03 p.m.

The meeting was called to order at 4:01 p.m. for the purpose of Closed Session. All Board members were present. The Board convened in Closed Session to discuss Items 7A-7D as listed on the agenda. Closed Session concluded at 4:50 p.m.

President Ortiz called the Board of Directors meeting to order at 5:02 p.m.

**2. ROLL CALL**

**Present:** Ortiz, Young, Walsh, Beckles, Shaw, Peeples

At the start of the meeting, President Ortiz announced that Director Mark Williams had resigned from the Board effective immediately. President Ortiz acknowledged Director Williams' 11 years of service on the Board as well as his energy in championing for workers, the environment, disadvantaged businesses and equity for seniors and people who depended on transit the most. President Ortiz further announced that a report would be forthcoming on the process the Board would utilize to fill the vacancy in Ward 4. Member of the Board expressed appreciation to Director Williams for his many years of service and wished him well.

**3. PUBLIC COMMENT**

**Tate Baugh** commented on discontinued weekend and holiday bus service on several bus lines and requested that these bus lines resume weekend and holiday service. Baugh named three lines in particular: the bus route serving the Coliseum BART station to the Oakland Zoo, the bus route serving Fruitvale BART station to Chabot Science Center; the line 65 route serving the Downtown Berkeley BART station to Lawrence Hall of Science.

**Eduardo Sanchez**, D3 Facilities Mechanic, presented notes and comments about the ineffectiveness of the Covid-19 vaccine and the AC Transit Covid-19 vaccination mandate.

**John Minot**, East Bay Transit Riders Union, urged the AC Transit Board and management to increase its efforts to revitalize transit ridership using all available resources, such as American Rescue Plan (ARP) funds and develop creative hiring strategies to improve bus operator recruitment. Minot noted that continued operations with the current short staff levels is detrimental to the community.

**Connie McFarland** expressed concern with the District's challenge to retain and hire bus operators and offered ideas to improve operator retention such as employee work-life balance and a more balanced spread adjustment of operator time while on district property. McFarland added that bus operators cannot physically sustain excessive hours behind the wheel of a bus.

**Scott McCutcheon**, Maintenance Trainer, expressed concerns and views about the vaccination mandate and requested the Board rescind it. McCutcheon noted that no employee should be faced with a choice to be vaccinated or terminated.

**Sultana Adams**, D3 Operator, commented on vaccination mandate compliance issues faced by union members, such as employees scheduled for Covid-19 vaccination or booster but, after

contracting Covid-19, are then faced with a delay to be vaccinated. Adams added that employees have faced challenges receiving the vaccination guidelines and exemptions forms, which slowed the ability to comply with the vaccine mandate. Adams noted that many of these issues could have been worked out if the negotiations between the union and management were not rushed.

**Troy Blake** expressed support for the Board Members who previously voted against the vaccine mandate. Blake described the reasons for disagreeing with the District vaccine mandate and that its implementation, which can result in termination with non-compliance, are unfair. Blake noted that the District is not acting with enough information concerning the vaccine mandate because mass media hasn't reported facts about vaccination and safety adequately. The Board was requested to end the vaccine mandate and implement a testing option.

#### 4. MODIFICATIONS TO THE AGENDA

There were no modifications to the agenda.

#### 5. CONSENT CALENDAR (AND CALL FOR PUBLIC COMMENT ON CONSENT ITEMS)

There was no comment offered on the Consent Calendar.

MOTION: SHAW/YOUNG to receive, approve, or adopt the items on the Consent Calendar as indicated. The motion carried by the following vote:

**Ayes:** Ortiz, Young, Walsh, Beckles, Shaw, Peeples

##### 5.A. Consider receiving Retirement Board minutes of December 16, 2021. [22-136](#)

MOTION: SHAW/YOUNG to receive the Retirement Board minutes of December 16, 2021. The motion carried by the following vote:

**Ayes:** Ortiz, Young, Walsh, Beckles, Shaw, Peeples

##### 5.B. Consider receiving the Accessibility Advisory Committee minutes of December 14, 2021. [22-110](#)

MOTION: SHAW/YOUNG to receive the Accessibility Advisory Committee minutes of December 14, 2021. The motion carried by the following vote:

**Ayes:** Ortiz, Young, Walsh, Beckles, Shaw, Peeples

##### 5.C. Consider the adoption of Resolution No. 22-006 making the necessary findings and re-authorizing the AC Transit Board of Directors and all District Advisory, Oversight, and Inter-Agency Liaison Committees to hold remote teleconference meetings during a declared state of emergency, subject to the requirements of the Brown Act, through March 11, 2022. [21-053f](#)

MOTION: SHAW/YOUNG to adopt Resolution No. 22-006 making the necessary findings and re-authorizing the AC Transit Board of Directors and all District Advisory, Oversight, and Inter-Agency Liaison Committees to hold remote teleconference meetings during a

declared state of emergency, subject to the requirements of the Brown Act, through March 11, 2022. The motion carried by the following vote:

**Ayes:** Ortiz, Young, Walsh, Beckles, Shaw, Peeples

- 5.D.** Consider authorizing the General Manager to execute an Operations Agreement with the California Department of Transportation for operations and maintenance of transit signal priority (TSP) system. [22-038](#)

MOTION: SHAW/YOUNG to approve authorizing the General Manager to execute an Operations Agreement with the California Department of Transportation for operations and maintenance of transit signal priority (TSP) system. The motion carried by the following vote:

**Ayes:** Ortiz, Young, Walsh, Beckles, Shaw, Peeples

- 5.E.** Consider approving the award of a three-year contract with two one-year options to Clever Devices to purchase, install, and support Automatic Passenger Counter (APC) equipment and analytics software. [21-016a](#)

MOTION: SHAW/YOUNG to approve the award of a three-year contract with two one-year options to Clever Devices to purchase, install, and support Automatic Passenger Counter (APC) equipment and analytics software. The motion carried by the following vote:

**Ayes:** Ortiz, Young, Walsh, Beckles, Shaw, Peeples

- 5.F.** Consider authorizing the General Manager to issue an Invitation For Bid (IFB) for Construction Services associated with the Quick Build Project. [22-107](#)

MOTION: SHAW/YOUNG to approve authorizing the General Manager to issue an Invitation For Bid (IFB) for Construction Services associated with the Quick Build Project. The motion carried by the following vote:

**Ayes:** Ortiz, Young, Walsh, Beckles, Shaw, Peeples

- 5.G.** Consider receiving a report on the District's planned service changes associated with the March 2022 Sign-up. [22-026](#)

MOTION: SHAW/YOUNG to receive a report on the District's planned service changes associated with the March 2022 Sign-up. The motion carried by the following vote:

**Ayes:** Ortiz, Young, Walsh, Beckles, Shaw, Peeples

- 5.H.** Consider authorizing staff to set and hold a Public Hearing in spring 2022 regarding the authorization of an additional year-long pilot period for the Line 60 and Line 78 pilot services. [22-140](#)

MOTION: SHAW/YOUNG to approve the authorization of staff to set and hold a Public Hearing in spring 2022 regarding the authorization of an additional year-long pilot period for the Line 60 and Line 78 pilot services. The motion carried by the following vote:

- Ayes:** Ortiz, Young, Walsh, Beckles, Shaw, Peeples
- 5.I.** Consider receiving the Quarterly Report on the District's involvement in external planning processes. [22-024](#)
- MOTION: SHAW/YOUNG to receive the Quarterly Report on the District's involvement in external planning processes. The motion carried by the following vote:
- Ayes:** Ortiz, Young, Walsh, Beckles, Shaw, Peeples
- 5.J.** Consider receiving a report on the State of the District's Bus Fleet for AC Transit Fixed Route Services. [22-063](#)
- MOTION: SHAW/YOUNG to receive a report on the State of the District's Bus Fleet for AC Transit Fixed Route Services. The motion carried by the following vote:
- Ayes:** Ortiz, Young, Walsh, Beckles, Shaw, Peeples

## 6. REGULAR CALENDAR

### External Affairs Items - Chair Peeples

- 6.A.** Consider receiving feedback from the Board on initial Redistricting Plans and set Public Hearings on March 9, 2022 and March 23, 2022 at 6:00 p.m. to receive public input regarding the adoption of a final redistricting plan. [21-029d](#)
- District Secretary Linda Nemeroff presented the staff report.
- Public Comment:**  
There were no comments offered.
- Board Discussion:**  
Ms. Nemeroff responded to questions regarding the formal nature of public hearings in response to a question from Director Walsh. No additional feedback was provided from the Board.
- MOTION: SHAW/YOUNG to receive report and set Public Hearings on March 9, 2022 and March 23, 2022 at 6:00 p.m. to receive public input regarding the adoption of a final redistricting plan. The motion carried by the following vote:
- Ayes:** Ortiz, Young, Walsh, Beckles, Shaw, Peeples

### Finance and Audit Items - Chair Shaw

- 6.B.** Consider authorizing the General Manager to execute an agreement with City of Alameda for an Affordable Senior/Disabled Transit Pass Three-Year Pilot Program. [22-130](#)
- Director of Marketing and Communications Nichele Laynes presented the staff report.
- Public Comment:**

No comment was offered.

**Board Discussion:**

Vice President Young asked why a pay-per-ride model was being used for the program versus a monthly pass. Ms. Laynes reported that the price of a monthly pass is a flat fee that is charged regardless of whether someone rides the bus, whereas a pay-per-ride model would be more cost effective and would allow more seniors and people with disabilities to utilize the program and thus make the dollars available for the program to go farther. She added that a similar model was used for the Alameda County Transportation Commission's free student pass program.

Director Walsh was complimentary of the program, but wanted to know if it was a program staff would like to roll out to other cities given the number of programs the District already has. She also wanted to know where the resources would come from to manage the program and how staff would know whether the program was a success. Ms. Laynes advised that staff would have access to Clipper data and use the ridership and boarding data to evaluate the success of the program. Ms. Laynes further clarified that this is not an AC Transit program - it is a city program. Director Walsh further wanted to know if other cities are interested in this type of bulk pass program for riders who are not eligible for EasyPass. Director Walsh requested that staff report back in a year on the effectiveness of the program and whether the program performed as staff thought it would. Ms. Laynes agreed to report back.

Director Shaw asked if the program would require any additional service commitment, to which Ms. Laynes advised that it would not, saying that the program was 100% city-funded. Director Shaw expressed concern that the number of staff hours appeared understated and asked if riders would need new Clipper cards for use in this program. Ms. Laynes reported that a new card would be required.

Gayle Paine with the City of Alameda thanked AC Transit staff and President Ortiz and Director Peeples for their efforts to work with the city to develop the program. She also reported that the city has a staff member committed to working on the program and that Measure BB Paratransit funds were being used to fund the program.

MOTION: ORTIZ/BECKLES to authorize the General Manager to execute an agreement with City of Alameda for an Affordable Senior/Disabled Transit Pass Three-Year Pilot Program. The motion carried by the following vote:

**Ayes:** Ortiz, Young, Walsh, Beckles, Shaw, Peeples

**Planning Items - Chair Beckles**

- 6.C. Consider providing feedback on the draft Strategic Plan Addendum. [21-372a](#)

Director of Service Development and Planning Robert del Rosario made a presentation.

**Public Comment:**

**Lydia Alder Wade**, Dispatcher, commented that switching from a vaccine mandate to a testing mandate and offering hiring incentives to attract and retain job seekers would align with the strategic plan.

**Board Discussion:**

Vice President Young commented on the staff's statement in the Strategic Plan Addendum (page 4) about the low cost-efficiency of the on-demand service, such as Flex Service. Vice President and wanted to know if staff had chosen not to evaluate on-demand service in the future. Mr. del Rosario advised that such service is currently a low priority; however, there could be some applications where demand-response service could be affordable and could be strategically implemented in some geographical areas. He added that in terms of productivity, the demand-response service would not be a viable option at the moment.

Vice President Young commented on staff's increased concern over local jurisdiction coordination and asked for clarification of staff's position with other jurisdictions. Mr. del Rosario explained that local jurisdictions have their own priorities based on their budget and needs and that AC Transit's service design is coordinated with local jurisdictions. However, on an example of multi-modal transportation efforts in the area, Mr. del Rosario explained that conflicting needs might occur between cities and AC Transit in some situations. He further added that, occasionally, agencies compete for the same funding sources and prioritize transit projects differently, which subsequently affects AC Transit.

Vice President Young commented on the rapidly aging population as stated in the report and asked what the expected demand and impact on paratransit services is. Mr. del Rosario did not have data to offer but advised that staff could present a calculation in the future.

President Ortiz was pleased to see that the Addendum included a new goal to prioritize equity.

Director Shaw supported the proposed strategic addenda and was pleased to see that goals are focused on the customer. Director Shaw further commented that AC Transit's Transbay fares are higher than those of BART and asked if staff planned to revisit the fare or relinquish the ridership to BART. Mr. del Rosario responded that staff is considering all options, including looking at the fares and connections with BART. Mr. del Rosario acknowledged the complexity of the fare structure and explained that staff would need to consider multiple factors, such as the Board's desire, the riders, the Fare Coordination and Integration Study, and fare equity.

Director Shaw asked about low-car ownership data and how it is prioritized in the service review process. Mr. del Rosario explained that even prior to the pandemic, car ownership steadily increased and experienced an uptick during the pandemic. On the

topic of the correlation between low-car ownership and low-income, he added that staff would look at the data in more detail during the network design process.

Director Shaw commented that new fixed route network design needed to take into account the disabled population and ensure their easy access to transit.

Director Shaw commented that in addition to other factors discussed in the past, the operator shortage might also be caused by the nature of the job. Director Shaw suggested taking a new perspective on the bus operator shortage and invited the union to partner to actively participate in rethinking the bus operator job to attract younger generations and make the job more desirable.

Director Shaw spoke about the importance of on-demand service and thought it should be revisited because the data that would support the need for such service was not accurate and complete. Director Shaw added that problems with software and scheduling have unjustly contributed to the high cost of the service and asked staff to consider it again, especially in the low-ridership areas.

Director Shaw further commented that the health and safety of employees was a priority to the Board not only during the pandemic but long before she joined the Board.

Director Walsh was pleased to see that new strategic goals focus on the customer experience more than before. Director Walsh commented about hiring practices and asked that the hiring process be reviewed to ensure that applicants receive a positive and welcoming message from the beginning of the process. Director Walsh further suggested adding a strategic goal to reduce absenteeism.

Director Ortiz addressed the topic of absenteeism, saying that absenteeism was handled through contract negotiations with the labor union.

Director Beckles appreciated staff's statement on the climate crisis and systemic racism, saying that it was important to look at practical ways to address systemic racism through further conversations about fare equity and finding ways to make it easier for the disadvantaged population to use public transit. On the topic of hiring efforts, Director Beckles believed it was important to ensure that jobs are enticing and that addressing issues with working conditions would attract more applicants' interest. Director Beckles further commented on the topic of housing and affordability, noting that ridership is affected when people are being displaced out of the area and suggested taking positions on housing affordability at the state legislative level.

No action was taken. The Board offered feedback as outlined in the minutes.

### **Operations Items - President Ortiz**



- 6.D.** Consider receiving the Quarterly Operations Performance Report for AC Transit Fixed Route Services during the Second Quarter (Q2) of the Fiscal Year 2022. [22-062](#)

Assistant Director of Transportation Dwain Crawley presented the staff report.

**Public Comment:**

There were no comments offered.

**Board Discussion:**

Director Shaw commented on the Protective Services Report presented in Attachment 1 of the staff report and asked staff to focus on collecting quantitative data related to the Sheriffs' contracts and begin improvements based on qualitative data.

MOTION: SHAW/YOUNG to receive the Quarterly Operations Performance Report for AC Transit Fixed Route Services during the Second Quarter (Q2) of the Fiscal Year 2022. The motion carried by the following vote:

**Ayes:** Ortiz, Young, Walsh, Beckles, Shaw, Peeples

- 6.E.** Consider receiving an update on the bicyclist and bus operator safety training program. [Requested by Director Peeples - 6/9/21] [22-106](#)

Training and Education Center Manager Michael Flocchini presented the staff report.

**Public Comment:**

There were no public comments offered.

**Board Discussion:**

Director Peeples commented on a past training exercise with Bike East Bay whereby bicycle trainers were put in the seat on an articulated bus so they could see how difficult it is to see bicyclists riding close to the bus. He suggested that the Training Department consider conducting this exercise again with different types of buses.

Director Walsh asked staff to explain the history of conducting training with bicyclists and bus operators. Mr. Flocchini responded that the District has been doing this type of training for many years, but more recently in response to a request by the Emeryville ILC. He added that staff is always in touch with different experts in the field to improve operations.

MOTION: PEEPLES/WALSH to receive an update on the bicyclist and bus operator safety training program. The motion carried by the following vote:

**Ayes:** Ortiz, Young, Walsh, Beckles, Shaw, Peeples

**7. CLOSED SESSION/REPORT OUT**

The items for consideration are listed below and will be reported on by the General Counsel as necessary at the end of the meeting.  
There was nothing to report out of closed session.

**7.A. Conference with Legal Counsel – Existing Litigation**

(Government Code Section 54956.9 (a))

Quarterly Litigation Report

Galpern v. AC Transit, U.S. District Court (No.Cal.Dist.), No. 20-cv-02572-TSH;  
White v. AC Transit, U.S. District Court (No.Cal.Dist.), No. 20-cv-03804-TSH; and  
Dollene Jones v. AC Transit Retirement Board, et al., ACSC No. RG20-050706.

In addition, there is a report regarding violations at the District’s Central Maintenance and Division 4 facilities during this reporting period.

**7.B. Conference with Legal Counsel – Potential Litigation (Two Cases)**

(Government Code Section 54956.9(b))

**7.C. Conference with Labor Negotiators**

(Government Code Section 54957.6):

Agency Designated Representative:

- General Manager Michael Hursh;
- Labor and Employee Relations Representative;

Employee Organizations: ATU Local 192, AFSCME Local 3916, IBEW Local 1245,  
Unrepresented Employees

(Government Code Section 54957.6):

Agency Designated Representative: President Ortiz

Board Officers: General Manager, General Counsel, District Secretary

**7.D. Public Employee Performance Evaluation**

(Government Code Section 54957)

Title: General Manager, General Counsel, District Secretary

**8. AGENDA PLANNING**

Directors are limited to two agenda planning requests per meeting. Each item requested shall have the concurrence of at least one other Director.

**8.A. Review of Agenda Planning Pending List.**

[22-065b](#)

Director Shaw requested an analysis of the Fare-Free Fridays promotion that was implemented in September 2020. The report should include data on ridership increase and feedback from the riders. (Ortiz concurred)

Director Shaw asked for an update on the rear-door pilot program. (Walsh concurred)

Director Beckles asked staff to prepare a Board Resolution offering free transfers. Upon further discussion, Director Beckles seconded Director Walsh’s request from October 13, 2021, regarding the feasibility of free transfers.

**9. GENERAL MANAGER'S REPORT**

**9.A.** General Manager's Report for February 9, 2022.

[22-041b](#)

The report was provided for information only.

**10. BOARD/STAFF COMMENTS**

(Government Code Section 54954.2)

Members of the Board commented on the events they attended since the last Board Meeting.

**11. ADJOURNMENT**

Next Meeting: February 23, 2022 at 5:00 p.m.

There being no further business to come before the Board of Directors, the meeting adjourned at 6:40 p.m. The next meeting of the Board is scheduled for February 23, 2022, at 5:00 p.m.

Respectfully submitted,

Linda A. Nemeroff  
District Secretary

## New eComment for Board of Directors

Guest User submitted a new eComment.

Meeting: Board of Directors

Item: 3. PUBLIC COMMENT

eComment: I am Theresa Pedrosa President of Student Senate of Chabot College. We just started in person classes on campus after waiting 2 years. This Spring 22 the students have come to me in concern about riding AC Transit Buses. They say that they can not afford riding the bus because they said the fare are too expensive and most of them lost their jobs because of the pandemic and can't afford to ride to and from Chabot College. Its not only regular student its the disable student too. I want let you know if want better ridership on AC Transit buses you need to lower the fares for everyone so they can the ride buses. You need to make riding affordable for everyone. By doing that you will see more and more people.riding the buses. Thank you