



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

### **MINUTES**

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

AC Transit General Offices  
2nd Floor Board Room  
1600 Franklin Street, Oakland, CA 94612

**Wednesday, September 11, 2019 at 5:00 PM**

**Closed Session - 3:30 PM (Items 8A-8D)**

**Public Hearing: EasyPass Pricing - 6:00 PM**

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

**JOE WALLACE, PRESIDENT (WARD 1)**

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

**GREG HARPER (WARD 2)**

**MARK WILLIAMS (WARD 4)**

**DIANE SHAW (WARD 5)**

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

**JOEL YOUNG (AT-LARGE)**

#### **BOARD OFFICERS**

**MICHAEL A. HURSH, GENERAL MANAGER**

**DENISE C. STANDRIDGE, 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, September 11, 2019.

The meeting was called to order at 3:35 p.m. for the purpose of Closed Session. All Board members were present. The Board convened in Closed Session to discuss Items 8A-8D as listed on the agenda. Closed Session concluded at 4:23 p.m.

President Wallace called the Board of Directors meeting to order at 5:00 p.m.

**2. ROLL CALL**

**Present:** Wallace, Ortiz, Harper, Williams, Shaw, Peeples, Young

**3. PUBLIC HEARING - 6:00 p.m.**

- 3.A.** Hold Public Hearing to receive public comment regarding adjustments to the AC Transit EasyPass program pricing matrices for FY 2021-2029 [19-262a](#)

President Wallace welcomed everyone to the public hearing and advised that a decision on the EasyPass Pricing Proposals would not be made until the September 25th Board Meeting at the earliest. President Wallace opened the Public Hearing at 6:03 p.m. The meeting was turned over to Marketing and Communications Manager Nichele Laynes for the staff presentation.

Director Peeples commented that he was opposed to card management fees for Clipper cards, but not opposed to charging a fee for a lost card. General Manager Michael Hursh advised that the District paid for the "free" cards given away during promotions.

Director Harper believed the pricing for developers should be based on the amount of affordable housing they are providing, adding that it might incentivize cities to encourage more affordable housing and require developers to build it. Ms. Laynes explained that specific pricing is developed enmass because it is a Title VI issue and to separate developers would require a new pricing proposal. She added that developers often receive a mitigation benefit from cities for including affordable housing, and while the District provides some equity in offering a discounted pass, it isn't going to provide an additional discount on top of what city planners are mitigating. Director Harper felt the District could encourage cities to require more more affordable housing and encourage developers to agree to the requirements. Director Shaw commented that the pricing proposals seemed to reflect what Director Harper was suggesting.

Five persons presented testimony on the pricing proposals. A summary of the testimony given is incorporated into the minutes by reference as Exhibit A. Written comments received up to the close of the hearing are incorporated into the file by reference. The public hearing closed at 6:23 p.m.

**4. PUBLIC COMMENT**

Jane Kramer commented that she had missed a meeting in Berkeley because several busses didn't show up and on a maintenance issue she believed she had experienced while riding the bus.

**5. MODIFICATIONS TO THE AGENDA**

There were no modifications to the agenda.

**6. CONSENT CALENDAR****Approval of the Consent Agenda**

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

**Ayes:** Wallace, Ortiz, Harper, Williams, Shaw, Peeples, Young

- 6.A.** Consider approving Board of Directors minutes of July 24, 2019. [19-267](#)
- 6.B.** Consider approving minutes of the special Board of Directors meeting held at 2 p.m. on August 7, 2019. [19-301](#)
- 6.C.** Consider approving minutes of the special Board of Directors meeting held at 5 p.m. on August 7, 2019. [19-268](#)
- 6.D.** Consider receiving Retirement Board minutes of June 20, 2019 and July 25, 2019. [19-290](#)
- 6.E.** Consider authorizing the General Manager to exercise the remaining one-year contract option with Brannon Tire, Inc. for the Tire Mileage and Leasing Program. [18-243a](#)
- 6.F.** Consider receiving the FY 2018-19 Fourth Quarter Employee and Non-Employee Out-of-State Travel Report. [19-274](#)
- 6.G.** Consider receiving report on proposed modifications to the scope of the East Bay Bus Rapid Transit (BRT) Project; the adoption of Resolution No. 19-030 approving modifications to the Locally Preferred Alternative as described in the Environmental Impact Report (EIR); and authorize the General Manager to file an amendment to the Notice of Determination (NOD) with the Alameda County Clerk-Recorder's Office and the California State Clearinghouse to complete the environmental review process. [12-083d](#)

**7. REGULAR CALENDAR****External Affairs Items - Chair Ortiz**

- 7.A.** Consider receiving a report on the status of BRT livery design and sponsorships. [19-296](#)

*[Agenda Items 7.A. and 7.B. were presented concurrently.]*

Director of Marketing Michele Joseph presented an update on the sponsorship activity related to the BRT service, and Marketing Administrator Amy Franjesevic gave an update on livery design and discussed the contract award to ImPrintz, Inc. for Tempo Bus Rapid Transit livery production and installation.

MOTION: SHAW/WALLACE to receive a report on the status of BRT livery design and sponsorships. The motion carried by the following vote:

**Ayes:** Wallace, Ortiz, Harper, Williams, Shaw, Peeples, Young

- 7.B.** Consider approving contract award to InPrintz, Inc. for Tempo Bus Rapid Transit livery production and installation. [18-313a](#)

Marketing Administrator Amy Franjesevic presented the staff report.

Director Shaw inquired about the components of the Request For Proposals that vendors were scored on as well as how the name of a sponsor would be incorporated into the decal design. Ms. Franjesevic advised that proposers were scored on the development of a template for staff to use on the design work, production, installation, and the development of a cataloging system that would be used to re-order portions of the wrap that might become damaged and need replacement. She added that the wraps were designed in squares which would make it easy to incorporate the name of a sponsor into the wrap.

Vice President Ortiz asked who would have to pay for replacing all or part of a bus wrap. Ms. Franjesevic advised that the District would pay for any additional material needed outside of the initial outfitting of the original 27 buses.

MOTION: SHAW/WALLACE to approved contract award to InPrintz, Inc. for Tempo Bus Rapid Transit livery production and installation. The motion carried by the following vote:

**Ayes:** Wallace, Ortiz, Harper, Williams, Shaw, Peeples, Young

#### **Planning Items - Chair Peeples**

- 7.C.** Consider approving the award of a firm fixed price construction contract to Stronger Building Services in the amount of \$1,875,000 for the replacement of the roof and mechanical equipment at the District's Training and Education Center (TEC) in Hayward. [19-105d](#)

There was no presentation of the staff report.

MOTION: ORTIZ/WILLIAMS to approve the award of a firm fixed price construction contract to Stronger Building Services in the amount of \$1,875,000 for the replacement of the roof and mechanical equipment at the District's Training and Education Center (TEC) in Hayward. The motion carried by the following vote:

**Ayes:** Wallace, Ortiz, Harper, Williams, Shaw, Peeples, Young

- 7.D.** Consider the adoption of Resolution No. 19-028, approving proposed service changes for FY 2019/20 considered at the Public Hearing held on August 7, 2019, which include:

[19-171b](#)

- the elimination of Line 1 and replacement with BRT, truncation of Line 801 and replacement with BRT;
- service on new streets for Lines 14 and 47, as well as service changes to Lines 71, 376, 60, and 96, and associated service on new streets;
- adoption of the Title VI Service Equity Analysis; and
- authorization to file a notice of exemption, as well as
- authorize the General Manager to negotiate and execute agreements with the Alameda Transportation Management Association for enhanced service for Line 96 in Alameda Point and with California State University, East Bay for expanded service on Line 60 in Hayward.

Service Planning Manager Michael Eshleman presented the staff report, advising that with regard to the Line 801/BRT changes, staff was prepared to return the Board at a later date with short and long-term recommendations to resolve the transfer penalty issue to Line 801 passengers as well as provide information on the scope of the penalty and logistical challenges associated with issuing transfers.

Director Williams asked if there had been any further discussions with the City of Hayward regarding service efficiencies from the Tennyson Corridor to Chabot College. Mr. Eshleman advised that there had been no progress in finding a funding source that would provide additional service to Chabot.

Vice President Ortiz commented that she could not support staff's proposal if the transfer penalty to Line 801 passengers (late shift workers) was not resolved. She added that according to a study, these workers were likely to be transportation cost burdened and their annual median wage was \$5,000 lower than daytime employees. She did not feel it was fair to charge late shift workers on Line 801 to transfer to the BRT service. Mr. Eshleman advised that because fares require a separate public hearing, staff could not incorporate a fare solution into the service change because a fare change was not noticed. General Manager Michael Hursh suggested that Vice President Ortiz propose that the Board approve the staff recommendation subject to staff providing a report to the Board before fares on BRT are collected. Director Shaw requested that any proposal to resolve the transfer issue on Line 801 needed to include data on how many people are affected.

MOTION: ORTIZ/WALLACE to adopt revised Resolution No. 19-028 approving proposed service changes for FY 2019/20, subject to staff providing a report to the Board on resolution of the Line 801/BRT transfer issue before fares are collected on BRT,

including the following:

- the elimination of Line 1 and replacement with BRT, truncation of Line 801 and replacement with BRT;
- service on new streets for Lines 14 and 47, as well as service changes to Lines 71, 376, 60, and 96, and associated service on new streets;
- adoption of the Title VI Service Equity Analysis; and
- authorization to file a notice of exemption, as well as
- authorize the General Manager to negotiate and execute agreements with the Alameda Transportation Management Association for enhanced service for Line 96 in Alameda Point and with California State University, East Bay for expanded service on Line 60 in Hayward.

The motion carried by the following vote:

**Ayes:** Wallace, Ortiz, Harper, Williams, Shaw, Peeples, Young

- 7.E.** Consider receiving the monthly progress and operational readiness report on the East Bay Bus Rapid Transit (BRT) project. [19-286](#)

Director of BRT David Wilkins presented an update on project construction; BRT Outreach Manager Steven Jones gave an overview of public outreach activity; and Contracts Compliance Administrator Phillip Halley spoke about the District's progress towards meeting workforce utilization and Disadvantaged Business Enterprise goals.

Director Harper commented on construction expenditures, saying that the chart provided by staff seemed to indicate there were significant project funded expenditures occurring in 2020 and 2021 after the project is operational. Mr. Wilkins explained that the forecasted trajectory of expenditures was based on the Project Completion Plan submitted to the Federal Transit Administration. General Manager Michael Hursh advised that after the start of no-fare service, there was still landscaping, lighting improvements, and other work to be done. In addition, the contractor will have a year to completely close the project out. Director of Project Controls and Systems Analysis Bill Tonis advised that contingency for the BRT Project was \$50 million and thus far approximately 47% had been spent.

Vice President Ortiz advised that she would make an agenda planning request to better understand the District's and the City of Oakland's financial obligations for both the operation and maintenance of the system.

MOTION: ORTIZ/WALLACE to receive the monthly progress and operational readiness report on the East Bay Bus Rapid Transit (BRT) project. The motion carried by the following vote:

**Ayes:** Wallace, Ortiz, Harper, Williams, Shaw, Peeples, Young

**Operations Items - Chair Shaw**

- 7.F.** Consider approving the award of a firm fixed price construction contract to McNabb Construction, Inc. of Lafayette, in the amount of \$419,863, for IFB No. 2019-1461 for the construction of a new operator restroom at the bus turn-around at the intersection of Castro Street and Tewksbury Avenue in Point Richmond. [19-210a](#)

There was no presentation of the staff report.

Director Harper inquired about the cost of the restroom, which he believed was excessive. Director of Capital Projects Joe Callaway explained that even though the restroom was pre-fabricated, it still required sewer, water and electrical connections as well as security features. He added that all the bids were within the engineer's cost estimate.

MOTION: WILLIAMS/ORTIZ to approve the award of a firm fixed price construction contract to McNabb Construction, Inc. of Lafayette, in the amount of \$419,863, for IFB No. 2019-1461 for the construction of a new operator restroom at the bus turn-around at the intersection of Castro Street and Tewksbury Avenue in Point Richmond.. The motion carried by the following vote:

**Ayes:** Wallace, Ortiz, Harper, Williams, Shaw, Peeples, Young

- 7.G.** Consider receiving the Quarterly Operations Performance Report for AC Transit Fixed Route Services during the Fourth Quarter FY 2019. [19-238](#)

Director of Transportation Derik Calhoun presented the staff report.

Director Harper commented on the need to report out on outlates and missed trips, especially given the advancements in technology, saying that it made a difference to riders who relied on buses showing up. Mr. Calhoun advised that while the new CAD/AVL system provides robust data collection, staff is still learning the system. Director Harper commented on unscheduled operator unavailability, arguing that the union needed to address this problem with their membership because this was a big problem for the District. Director Peeples agreed.

At 6:00 p.m., the item was suspended while the Board conducted a public hearing. The item resumed at 6:26 p.m.

Director Harper commented that he was looking forward to a report from staff on reducing pass-ups on Transbay lines as this was the subject of many complaints. He added that a 10% loss in Transbay riders in the last quarter was a trend that needed to be addressed. Mr. Calhoun reported that some of the loss in ridership was attributed to capacity issues as well as the elimination of local riders on Transbay lines. General Manager Michael Hursh cautioned the Board that ridership fluctuates from quarter to quarter and that it was more meaningful to compare ridership to the same period last year to provide context.

Director Shaw asked about the length of the stabilization for Clever Devices. Mr. Calhoun advised that staff was still validating the system and resolving issues. In addition, staff was planning to roll out more features, including disruption management. Director Shaw commented on her preference to validate the data being generated before moving forward with the implementation of other system features.

Director Shaw acknowledged the decline in on-time performance, asking if the numbers might improve now that buses are operating out of the new terminal. Mr. Calhoun felt performance could improve now that buses are operating out of the new terminal. He also announced the formation of a team to review and study specific routes to focus on improving on-time performance.

Director Shaw suggested that the Key Performance Indicator for the Operator Logon Rate be increased to 99%. Mr. Calhoun advised that the logon process was still manual, and staff was looking forward to implementing a feature that would allow operators to tap their ID badge.

Director Shaw also expressed disappointment in the operator unavailability figures, which have an impact on riders and the public's perception of the District's service. She also believed communication of route changes was an issue as some operators took passengers to the old terminal when the service was changed back to the new terminal, and more recently, some operators drove on Broadway when the service was detoured onto Franklin Street. Mr. Calhoun commented on efforts to better communicate service changes to operators, saying that the Operations Control Center should also be intervening when a bus goes off route.

Vice President Ortiz commented that it was important to communicate with riders why a bus is not showing up. She was also looking forward to the completion of the app but noted that it needed to be accurate.

MOTION: ORTIZ/YOUNG to receive the Quarterly Operations Performance Report for AC Transit Fixed Route Services during the Fourth Quarter FY 2019. The motion carried by the following vote:

**Ayes:** Ortiz, Harper, Shaw, Peebles, Young

**Absent:** Wallace, Williams

Director Wallace left the meeting at 6:29 p.m.

Director Williams left the meeting at 6:41 p.m.

- 7.H.** Consider awarding a contract to Motor Coach Industries (MCI) for the purchase of up to fifty (50) forty-five-foot (45') diesel buses with independent options for Joint Procurement Members, Omniride (Woodbridge, VA), Metropolitan Council (Saint Paul, MN), and Roaring Fork Transportation Authority (Aspen, CO), and to proceed with an initial purchase of up to thirty-six (36) buses.

[18-082a](#)

There was no presentation of the staff report.

Director Shaw asked why the buses were not zero emission. Technical Services Manager Stuart Hoffman advised that a battery-electric over-the-road bus had not yet gone through Altoona testing and there were issues with the range and affordability of zero emission buses. In contrast, the lifespan of the diesel buses was 15 years and the proposed purchase would replace the existing fleet of MCI buses.

MOTION: ORTIZ/PEEPLES to approve the award of a contract to Motor Coach Industries (MCI) for the purchase of up to fifty (50) forty-five-foot (45') diesel buses with independent options for Joint Procurement Members, Omniride (Woodbridge, VA), Metropolitan Council (Saint Paul, MN), and Roaring Fork Transportation Authority (Aspen, CO), and to proceed with an initial purchase of up to thirty-six (36) buses. The motion carried by the following vote:

**Ayes:** Ortiz, Harper, Shaw, Peeples, Young

**Absent:** Wallace, Williams

- 7.I** Consider adoption of Resolution No. 19-031 authorizing the General Manager or his designee to file and execute applications and funding agreements with the Bay Area Air Quality Management District (BAAQMD) Vehicle Trip Reduction Grant program to support operation of the on-demand shuttle service, AC Transit Flex. [19-295](#)

There was no presentation of the staff report.

MOTION: YOUNG/PEEPLES to adopted Resolution No. 19-031 authorizing the General Manager or his designee to file and execute applications and funding agreements with the Bay Area Air Quality Management District (BAAQMD) Vehicle Trip Reduction Grant program to support operation of the on-demand shuttle service, AC Transit Flex. The motion carried by the following vote:

**Ayes:** Ortiz, Harper, Shaw, Peeples, Young

**Absent:** Wallace, Williams

## **8. 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.

General Counsel Denise Standridge reported out on the following:

MOTION: ORTIZ/PEEPLES to approve settlement in the amount of \$140,000 less permanent disability advances in the matter of Tanya Coleman v. AC Transit, WCAB Case Nos. ADJ5748313, ADJ7371575, ADJ369351, ADJ7369378, ADJ7369411, ADJ739215; AC Transit Claim Nos. 11163, 10788, 011301, 006385, 007593, 007852. The motion carried by the following vote:

AYES: Ortiz, Peeples, Harper, Williams, Shaw, Young, Wallace

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

(Government Code Section 54956.9 (a))

- Lehman, et al. v. Transbay Joint Powers Authority, et al., SFCSC Case No. CGC-16-553758
- Ying, et al. v. Transbay Joint Powers Authority, et al., SFCSC Case No. CGC-17-559210
- Turgeon, et al. v. Transbay Joint Powers Authority, et al., SFCSC Case No. CGC-18-564417

- Tanya Coleman v. AC Transit, WCAB Case Nos. ADJ5748313, ADJ7371575, ADJ369351, ADJ7369378, ADJ7369411, ADJ739215; AC Transit Claim Nos. 11163, 10788, 011301, 006385, 007593, 007852

**8.B. Conference with Legal Counsel – Potential Litigation**

(Government Code Section 54956.9(b)) (Two Cases)

**8.C. Conference with Labor Negotiators**

(Government Code Section 54957.6):

Agency Designated Representative:

- General Manager Michael Hursh;
  - Acting Executive Director of Human Resources Nathaniel Kramer;
- Employee Organizations: ATU Local 192, AFSCME Local 3916, IBEW Local 1245, Unrepresented Employees

**8.D. Public Employee Performance Evaluation**

(Government Code Section 54957)

Title: General Manager, General Counsel, District Secretary

**9. AGENDA PLANNING****9.A. Agenda Planning Pending List.**

[19-020o](#)

Vice President Ortiz requested a report on the Memorandum of Understanding detailing the District's and the City of Oakland's obligations for the operation and maintenance of the BRT system.

**10. GENERAL MANAGER'S REPORT****10.A. General Manager's Report for September 11, 2019.**

[19-085](#)

The report was presented for information only.

Director Harper left the meeting at 7:03 p.m.

**11. BOARD/STAFF COMMENTS**

(Government Code Section 54954.2)

Members of the Board commented on meetings and events attended since the last Board meeting.

**12. ADJOURNMENT**

There being no further business to come before the Board of Directors, the meeting adjourned at 7:06 p.m. The next meeting of the Board of Directors is scheduled for September 25, 2019 at 5:00 p.m.

Respectfully submitted,

/S/

Linda A. Nemeroff  
District Secretary