



ALAMEDA-CONTRA COSTA TRANSIT DISTRICT

MINUTES

Board of Directors - Regular Meeting

CLOSED SESSION 3:30 PM (see item 7 for details)

HYBRID MEETING

AC Transit General Offices
2nd Floor Board Room - 1600 Franklin Street, Oakland, California

Phone (669) 900 6833, Webinar ID: 984 8717 5063

Wednesday, January 24, 2024 at 5:00 PM

MEMBERS OF THE BOARD OF DIRECTORS

JOEL YOUNG, PRESIDENT (AT-LARGE)

DIANE SHAW, VICE PRESIDENT (WARD 5)

JOVANKA BECKLES (WARD 1)

JEAN WALSH (WARD 2)

SARAH SYED (WARD 3)

MURPHY MCCALLEY (WARD 4)

H. E. CHRISTIAN PEEPLES (AT-LARGE)

BOARD OFFICERS

MICHAEL A. HURSH, GENERAL MANAGER/CHIEF EXECUTIVE OFFICER

SHAYNA VAN HOFTEN, INTERIM GENERAL COUNSEL/CHIEF LEGAL OFFICER

LINDA A. NEMEROFF, BOARD ADMINISTRATIVE OFFICER/DISTRICT SECRETARY

1. CALL TO ORDER

The Alameda-Contra Costa Transit District Board of Directors held a meeting on Wednesday, January 24, 2024, at 5:00 p.m.

The meeting was called to order at 4:01 p.m. for the purpose of Closed Session. All Board members were present with the exception of Director Walsh who arrived at 4:15 p.m. The Board convened in Closed Session to discuss Items 8A-8E as listed on the agenda. Closed Session concluded at 4:45 p.m.

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

2. ROLL CALL

Present: YOUNG, SHAW, BECKLES, WALSH, SYED, McCALLEY, PEEPLES

3. PRESENTATION

3.A. Update on state legislative activities.

[24-093](#)

Presenters:

Darius Anderson & Steve Wallauch, Platinum Advisors

Darius Anderson and Steve Wallauch of Platinum Advisors made a presentation on transit-related legislation.

Public Comment:

Warren Cushman thanked Director Shaw for raising Paratransit issues.

The agenda item was presented for information only.

4. PUBLIC COMMENT

John Klein commented on the challenges faced by residents of the Brooklyn Basin neighborhood to ride the bus and asked the Board to increase bus service in this area.

5. MODIFICATIONS TO THE AGENDA

There were no modifications to the agenda.

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

There were no public comments offered.

MOTION: PEEPLES/McCALLEY to approve the items on the Consent Calendar as indicated, with the exception of Item 6.C. (non-revenue vehicle purchase) which was pulled off the agenda for discussion. The motion carried by the following vote:

Ayes: YOUNG, SHAW, BECKLES, WALSH, SYED, McCALLEY, PEEPLES

- 6.A.** Consider approving Board of Directors meeting minutes of January 10, 2024. [24-019](#)

Staff Contact:

Linda Nemeroff, Board Administrative Officer/District Secretary

MOTION: PEEPLES/McCALLEY to approve the Board of Directors meeting minutes of January 10, 2024. The motion carried by the following vote:

Ayes: YOUNG, SHAW, BECKLES, WALSH, SYED, McCALLEY, PEEPLES

- 6.B.** Consider the reappointment of Ben Gould as AC Transit's representative on the Alameda County Transportation Commission's (ACTC) Bicycle and Pedestrian Advisory Committee (BPAC). [24-105](#)

Staff Contact:

Linda A. Nemeroff, Board Administrative Officer/District Secretary

MOTION: PEEPLES/McCALLEY to reappoint Ben Gould as AC Transit's representative on the Alameda County Transportation Commission's (ACTC) Bicycle and Pedestrian Advisory Committee (BPAC). The motion carried by the following vote:

Ayes: YOUNG, SHAW, BECKLES, WALSH, SYED, McCALLEY, PEEPLES

- 6.C.** Consider authorizing the General Manager, or his designee, to execute documents through the State of California State Consortium Contract for the procurement of fifteen (15) non-revenue passenger vehicles, to replace older vehicles that have surpassed their useful life. [24-010](#)

Staff Contact:

Salvador Llamas, Chief Operating Officer

At the request of Director Walsh, the agenda item was pulled off the Consent Calendar for discussion. Technical Services Manager Stuart Hoffman presented the report and responded to questions along with Director of Maintenance Cecil Blandon. There were no public comments offered.

MOTION: WALSH/BECKLES to continue the item until staff provides a detailed state-of-the fleet report to better understand the fleet needs, along with a plan to transition to a zero-emission non-revenue vehicle fleet. After discussion, the motion was withdrawn by Director Walsh, who then offered a new motion to continue the agenda item until the mid-year budget review. The motion failed for the lack of second.

MOTION: YOUNG/McCALLEY to authorize the General Manager, or his designee, to execute documents through the State of California State Consortium Contract for the procurement of fifteen (15) non-revenue passenger vehicles to replace older vehicles that have surpassed their useful life; and direct staff to develop a zero-emission transition plan for non-revenue vehicles and report to the Board within six months. The

motion carried by the following vote:

Ayes: YOUNG, SHAW, BECKLES, WALSH, SYED, McCALLEY, PEEPLES

7. REGULAR CALENDAR

External Affairs Items - Chair Peeples

- 7.A.** Consider receiving the Monthly Legislative Report. [24-092](#)

Staff Contact:

Beverly Greene, Executive Director of External Affairs, Marketing & Communications

External Affairs Representative Steven Jones presented the staff report. There were no public comments offered.

MOTION: YOUNG/McCALLEY to receive the Monthly Legislative Report. The motion carried by the following vote:

Ayes: YOUNG, SHAW, BECKLES, WALSH, SYED, McCALLEY, PEEPLES

Finance and Audit Items - Chair McCalley

- 7.B.** Consider receiving an update on the District's small and local business utilization and program accomplishments for 2023. [Requested by Vice President Shaw - 3/8/23] [24-003](#)

Staff Contact:

Chris Andrichak, Chief Financial Officer
Lynette Little, Director of Civil Rights & Compliance

Contracts Compliance Program Manager Phillip Halley presented the staff report. There were no public comments offered.

MOTION: YOUNG/PEEPLES to receive an update on the District's small and local business utilization and program accomplishments for 2023. The motion carried by the following vote:

Ayes: YOUNG, SHAW, BECKLES, WALSH, SYED, McCALLEY, PEEPLES

Planning Items - Chair Syed

- 7.C.** Consider setting hybrid Public Hearings before the Board of Directors at 2:00 p.m. and 6:00 p.m. on Wednesday, March 13, 2024, at AC Transit's General Offices; and direct staff to hold two remote Public Hearings on March 11, 2024 at 9:00 a.m. and March 12, 2024 at 6:00 p.m. regarding the Realign Draft Final Service Plan Proposal. [23-250f](#)

Staff Contact:

Ramakrishna Pochiraju, Executive Director of Planning & Engineering

Beverly Greene, Executive Director of External Affairs, Marketing & Communications

[Written comment received prior to the meeting is incorporated into the file by reference.]

Principal Transportation Planner David Berman and External Affairs Representative Diann Castleberry presented the staff report.

PUBLIC COMMENT:

Eric Engelbart commented on the proposed changes to Line 21, noting that the proposed change eliminates service to the airport without proposing a viable alternative while running against the Board's own adopted environmental goals. Engelbart added that a service cut would leave eastern Alameda residents without a viable option for public transportation.

George Spies recommended that the Board delay the Realign process so it can bring forth the most efficient service delivery to the public.

Dory Goldberg, Co-Chair of People's Transit Alliance, commented on the importance of working conditions for transit workers and supported actions which implement reliability and runtime improvements on existing routes. Goldberg expressed opposition to the hiring of non-ATU labor for the micro transit pilot program proposal in the Warm Springs area.

Navi Rizvi noted that while the proposed service cuts would improve reliability, it would add service to some corridors at the expenses of cuts to service on other major corridors, including some 'lifeline' routes. Rizvi commented that these proposed route changes would not improve service reliability but instead create longer run times and missed driver breaks. Rizvi suggested that management should look to reallocate resources from Transbay service with the lowest ridership to prevent cuts to local service.

Andy Katz commented that the draft service plan for Realign is premature and would send the District on a downward spiral. Katz explained that the depth of the service cuts is not budget-based and would create negative service quality because of proposed service hour cuts. Katz also commented about proposed service cuts for Lines 65 and 67 in Berkeley and why these lines should be retained.

Laurel Paget-Seekins noted the negative impact and likely reduced and unreliable bus service in the current Realign proposal. Paget-Seekins commented on alternative ways to achieve positive changes, including working with partner cities.

Jack Watkins, Bus Operator, expressed the negative impact and additional job stresses felt by bus operators connected to consideration of the proposed micro transit proposal. Watkins asked for Board support of bus operator mental health.

Richard Marcantonio appreciated the Board's decision to make improvements to benefit bus operators and believed that staff should take steps to quickly implement these improvements. Marcantonio commented that AC Transit needs to develop its visionary network to include both healthy working conditions and frequent, reliable service. Marcantonio added that the micro transit proposal should be staffed by AC Transit ATU operators.

David Lyons, retired bus operator, commented on the needs and areas of support for bus operators in the Realign process.

Tyler expressed disappointment of the reported decrease of frequency on urban bus lines, like Line 57. Tyler commented that providing frequent local service is key to reducing car dependence and the creation of a cycle where decreased congestion makes it easier and cheaper to operate buses. Tyler added that re-designing Transbay service should be considered to mitigate cuts to local bus service.

Uchene Okoye commented on conflicting messaging about service reduction in the Realign program, but lauded other Realign program efforts that improve community connectivity, especially for student riders.

Warren Cushman asked that the District clarify its messaging to riders whether the workforce crisis or the fiscal cliff dangers are the issues driving the Realign process. Cushman commented on the hopeful vision that a system where the operators and riders work together to solve its problem.

Avima Zuliani commented against proposed service reduction on Line 74 line because residents would have to travel 15 minutes on streets with no sidewalks to reach other public transit or Kaiser hospital.

Anthony criticized the Board for its inactivity to address the service cuts. Anthony noted that the Board should be taking action to reverse service cuts, perhaps by re-addressing its contracts with Alameda County Sheriff's Office and the Transbay Terminal.

Juan C commented on views about the Realign proposals and noted support for the use of unionized workers for the proposed micro transit proposal.

Brian Culbertson commented that a reduction of services since 2019 is the beginning of a transit death spiral which must be quickly reversed. Culbertson noted that service recovery should aim for 2026 when more funding is available. Culbertson also commented that the micro transit proposal would be more expensive with fewer riders than regular bus service and suggested that Transbay service be de-focused in favor of local bus service until 2026.

Christian Rodrigo, People's Transit Alliance, commented on the tasks that would be needed to make Realign successful, like improving bus frequency. Rodrigo noted that any micro transit service program should be staffed by ATU workers.

Chonita Chew requested clarity for the Line 73 service.

Eve Devilers expressed appreciation for Realign for enhancing transit service reliability. Devilers urged the implementation of reliability and runtime improvements on existing routes, which would improve bus operator working conditions, and that the district continue to push for increased public transit funding. Devilers added support for the micro transit proposal if staffed by ATU workers.

Nathaniel Arnold expressed disappointment for the way the Realign program is changing lines 57 and 18, which serve students and the neediest communities. Arnold commented on the need to improve policies which improve safety and retention.

Sam Greenberg noted disappointment that the expected transit transformation for the East Bay has not happened and blamed unfair austerity measures. Greenberg agreed with other public speakers that any micro transit proposal should be staffed by ATU labor and noted that expenditures on Alameda County Sheriffs contract and Transbay

routes at the cost of cutting local service for transit-dependent riders is unjustified.

Valery Lancey noted concerns that transbay service is protected over the needs of local service, calling Transbay service redundant to BART. Lancey commented that the Realign process has been less about transit transformation and more about loss of service.

Robert McKay commented that prioritization for transit frequency drives productivity and increased ridership, and steps should be taken in the short term to cut duplicative services or low ridership lines while keeping equity issues in mind. McKay added that long-term considerations about managing employee retention needs to be worked out.

Cecile opposes cuts to union jobs and key transit routes needed by daily commuters. Cecile expressed support for more frequent transit service and asked the Board to retain critical routes.

Sultana Adams, Co-Chair, Peoples Transit Alliance, hoped that the comments and suggestions of the drivers are heard. Adams commented on concerns about cuts to some routes which would leave no service to riders with any other form of public transit alternatives and urged the Board to avoid any cuts to these essential routes. Adams supported the use of ATU drivers over outsourcing for any possible micro transit service.

Alfred Twu commented that service reliability and good working conditions are the most important issues to keep in mind during this process and added that adding and retaining a strong number of bus operators is key to restoring service and maintaining bus frequency. Twu also noted that the elimination of service that leaves riders without any alternative transit options will not improve ridership for the system. Twu noted that micro transit service has a low track record for ridership and high expense but, if needed, must be staffed by union labor.

MOTION: SYED/BECKLES to extend the Realign process to a March 2025 implementation (six month extension) and direct staff to report back in three months with a recommendations that can be made in August 2024 sign-up related to ensuring that critical bus operator issue are being addressed.

After further discussion of the motion, Director Syed revised the motion on the floor, which was seconded by Director Beckles as follows:

REVISED MOTION: SYED/BECKLES to direct staff to extend the Realign process by six months; to refine the draft plan to eliminate disparate impacts on equity priority communities; to cease the study of using non-union operators in the District's service area; to approach ATU Local 192 about another general signup and to advise and consult with the Board in the next three months on this issue. The motion carried by the following vote:

Ayes: BECKLES, WALSH, SYED, PEEPLES

Nayes: YOUNG, SHAW, McCALLEY

Director Beckles left the meeting at 8:01 p.m. prior to the discussion of Item 7.D.

Board Administrative Matters - President Young

- 7.D.** Consider authorizing the issuance of a Request For Proposals for executive search services associated with the recruitment of a General Counsel/Chief Legal Officer, including the approval of the Scope of Services and the evaluation criteria that will be used in scoring the proposals. [24-094](#)

Staff Contact:

Linda A. Nemeroff, Board Administrative Officer/District Secretary

Board Administrative Officer Linda Nemeroff presented the staff report. There were no public comments offered.

MOTION: SYED/McCALLEY to authorize the issuance of a Request For Proposals for executive search services associated with the recruitment of a General Counsel/Chief Legal Officer, including the approval of the Scope of Services and a revised evaluation criteria to eliminate points for a local preference. The motion carried by the following vote:

Ayes: YOUNG, SHAW, WALSH, SYED, McCALLEY, PEEPLES

Absent: BECKLES

- 7.E.** Announcement of Chair and Liaison Committee assignments for Calendar Year 2024. [24-095](#)

Presenter:

President Young

President Young referenced the Committee Chair assignments and the Liaison Committee assignments outlined in Staff Report 24-095. There was no public comment offered.

8. CLOSED SESSION/REPORT OUT

Interim General Counsel Shayna van Hoften reported out on the following:

MOTION: PEEPLES/MCCALLEY to approve settlement in the amount of \$289,000 in the matter of Brown v. AC Transit, WCAB Case Nos. ADJ9949972, ADJ7920938. The motion carried by the following vote:

Ayes: PEEPLES, MCCALLEY, BECKLES, WALSH, SYED, SHAW, YOUNG

8.A. Conference with Legal Counsel – Existing Litigation

(Government Code Section 54956.9 (a))

Brown v. AC Transit, WCAB Case Nos. ADJ9949972, ADJ7920938

8.B. Conference with Legal Counsel – Potential Litigation

Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: (two cases)

8.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

8.D. Public Employee Performance Evaluation

(Government Code Section 54957)

Title: General Counsel

8.E. Conference with Labor Negotiators

(Government Code Section 54957.6)

Agency Designated Representatives: Joel Young, Board President

Title: General Counsel

9. AGENDA PLANNING

- 9.A.** Review of Agenda Planning Pending List and Agenda Planning Request Forms from Director Peeples and Vice President Shaw. [24-061a](#)

Staff Contact:

Linda Nemeroff, Board Administrative Officer/District Secretary

With concurrence by Directors Syed and McCalley, Director Peeples' agenda request was accepted.

With concurrence by President Young and Director Peeples, Vice President Shaw's agenda request was accepted.

10. GENERAL MANAGER'S REPORT

- 10.A.** General Manager's Report for January 24, 2024. [24-016a](#)

The report was presented for information only.

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 8:15 p.m. The next meeting of the Board is scheduled for February 14, 2024 at 5:00 p.m.

Respectfully submitted,

/s/

Linda A. Nemeroff

Board Administrative Officer/District Secretary