



ALAMEDA-CONTRA COSTA TRANSIT DISTRICT

MINUTES

Board of Directors - Regular Meeting

VIRTUAL MEETING

Wednesday, March 24, 2021 at 5:00 PM

<https://bit.ly/2PwyoG3>

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)

MARK WILLIAMS (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 regular virtual meeting on Wednesday, March 24, 2021.

Members of the Board participated via video conference from off-site locations in accordance with the statewide shelter in place order issued on March 16, 2020.

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

2. ROLL CALL

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

3. PUBLIC COMMENT

There were no public comments offered. A written comment was received prior to the meeting and is attached hereto as Exhibit A.

4. MODIFICATIONS TO THE AGENDA

There were no modifications to the agenda.

5. CONSENT CALENDAR

MOTION: SHAW/WALSH 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, Williams, Shaw, Peeples

5.A. Consider approving Board of Directors minutes of February 24, 2021. [21-197](#)

MOTION: SHAW/WALSH to approve the Board of Directors minutes of February 24, 2021. The motion carried by the following vote:

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

5.B. Consider approving Board of Directors minutes of March 10, 2021. [21-207](#)

MOTION: SHAW/WALSH to approve the Board of Directors minutes of March 10, 2021. The motion carried by the following vote:

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

5.C. Consider receiving the Monthly Report on Investments for January 2021. [21-166](#)

MOTION: SHAW/WALSH to receive the Monthly Report on Investments for January 2021. The motion carried by the following vote:

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

5.D. Consider adoption of Resolution No. 21-008 authorizing the General Manager, or his designee, to file and execute applications and funding [21-160](#)

agreements with the Metropolitan Transportation Commission (MTC) for Fiscal Year (FY) 2021-22 allocations of Transportation Development Act (TDA), State Transit Assistance (STA), Assembly Bill 1107 (AB 1107) and Regional Measure 2 (RM2) bridge toll revenues.

MOTION: SHAW/WALSH to adopt Resolution No. 21-008 authorizing the General Manager, or his designee, to file and execute applications and funding agreements with the Metropolitan Transportation Commission (MTC) for Fiscal Year (FY) 2021-22 allocations of Transportation Development Act (TDA), State Transit Assistance (STA), Assembly Bill 1107 (AB 1107) and Regional Measure 2 (RM2) bridge toll revenues. The motion carried by the following vote:

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

- 5.E.** Consider adoption of Resolution No. 21-009 authorizing the General Manager or his designee to file and execute applications and funding agreements with the California Department of Transportation (Caltrans) for allocations of the FY 2020-21 Low Carbon Transit Operations Program (LCTOP) funds for Tempo operating assistance and Quick Build Transit Lanes project; to provide Certifications and Assurances, and assign the General Manager, or his designee, as the Authorized Agent for the LCTOP. [21-161](#)

MOTION: SHAW/WALSH to adopt Resolution No. 21-009 authorizing the General Manager or his designee to file and execute applications and funding agreements with the California Department of Transportation (Caltrans) for allocations of the FY 2020-21 Low Carbon Transit Operations Program (LCTOP) funds for Tempo operating assistance and Quick Build Transit Lanes project; to provide Certifications and Assurances, and assign the General Manager, or his designee, as the Authorized Agent for the LCTOP. The motion carried by the following vote:

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

- 5.F.** Consider authorizing the General Manager or his designee to file and execute grant applications and funding agreements with the Federal Transit Administration (FTA) for Fiscal Year (FY) 2021 Low or No Emission Vehicle Program to upgrade the hydrogen fueling facility at Division 4. [21-164](#)

MOTION: SHAW/WALSH to authorize the General Manager or his designee to file and execute grant applications and funding agreements with the Federal Transit Administration (FTA) for Fiscal Year (FY) 2021 Low or No Emission Vehicle Program to upgrade the hydrogen fueling facility at Division 4. The motion carried by the following vote:

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

- 5.G.** Consider approving the Title-VI Service Equity Analysis covering the emergency service changes initially implemented in March 2020 in response to the onset of COVID-19 in the service area. [21-144](#)

MOTION: SHAW/WALSH to approve the Title-VI Service Equity Analysis covering the emergency service changes initially implemented in March 2020 in response to the onset of COVID-19 in the service area. The motion carried by the following vote:

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

6. REGULAR CALENDAR

External Affairs Items - Chair Williams

- 6.A.** Consider receiving the Monthly Legislative Report and approval of legislative positions. [21-116](#)

External Affairs Representative Steven Jones presented the staff report.

Public Comment:

Jonathan Kass, Transportation Policy Manager, SPUR, encouraged the Board to support AB 455 because it would provide an opportunity to advance regional equity goals and improved transit service.

Omowale Fowles expressed concern about the removal of specific bus stops, saying that it would lead to greater walking distance on some bus lines and cause additional distress to mobility-challenged riders. She asked the Board to reinstate the removed bus stops. (*Comment was unrelated to the agenda item.*)

Board Discussion:

Director Shaw referred to the staff report attachment concerning Community Project Funding and asked staff to provide examples of District projects that might be eligible for the program. Mr. Jones explained that the District looked to fund capital improvement projects, such as zero-emission and others that would help fight climate change.

President Ortiz reported that the District's lobbyist had been asked to research whether Assembly rules would allow Assemblywoman Wicks to become the lead author of AB 455 (Bay Bridge Fast Forward Program) now that Assemblyman Bonta has been appointed Attorney General.

MOTION: PEEPLES/SHAW to receive the Monthly Legislative Report and approval of legislative positions. The motion carried by the following vote:

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

- 6.B.** Consider receiving an overview of the Emergency Operations Center (EOC) Emergency Division Closure Standard Operating Procedure (SOP) and continued discussion of the Communications Plan. [Requested by Director Shaw - 9/20/20] [21-159](#)

Chief Operating Officer Salvador Llamas, Communications Manager Julia Kocs and Information Technology Project Manager Darrell Takara presented the staff report.

Public Comment:

Derek Sagehorn, East Bay Transit Riders Union, thanked staff for presenting a comprehensive communications plan to address future emergencies, adding that staff was better prepared to handle service-related emergencies and avoid the frustration caused by the lack of communication.

Board Discussion:

Director Walsh asked what was being done to ensure adequate staff coverage when responding to unexpected events and emergencies, especially on weekends. Mr. Llamas expanded on options related to employees' work hours, overtime and general workforce management considerations when responding to emergencies.

MOTION: ORTIZ/BECKLES to receive an overview of the Emergency Operations Center (EOC) Emergency Division Closure Standard Operating Procedure (SOP) and continued discussion of the Communications Plan. The motion carried by the following vote:

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

Planning Items - Chair Peeples

- 6.C.** Consider receiving a report on the District's real estate holdings, and the adoption of Resolution 21-010 declaring the District-owned properties located at Mission Boulevard in Hayward, Walavista Avenue in Oakland, Carlston Avenue in Oakland, and Adeline Street in Emeryville as surplus land and directing the General Manager to follow the procedures set forth in the Surplus Land Act, California Government Code Section 54220, et seq., as amended on January 1, 2020, for the sale of Surplus Land.

[21-084](#)

[Written comment received prior to the meeting is incorporated into the file by reference. A revised resolution with amendments proposed by President Ortiz was presented to the Board for consideration.]

Chief Financial Officer Chris Andrichak presented the staff report and gave an overview of the amendments proposed by President Ortiz to Resolution No. 21-010. He added that the District does not have any active plans to sell the properties, nor is it entertaining any offers for the sale of the properties. General Counsel Jill Sprague presented information on the Surplus Land Act and its applicability to the properties in question.

Public Comment:

John Minot, East Bay Transit Riders Union, thanked the Board for appreciating its obligation with public land during the housing crisis. He hoped the Board would retain the properties and realize the benefits to the District and the public even if it does not possess the expertise to manage them, suggesting that outsourcing skilled property management was a possible solution. Mr. Minot further commented that District-owned properties were not subject to zoning rules imposed by municipalities,

which offered an opportunity for community development.

Derek Sagehorn, East Bay Transit Riders Union, agreed with John Minot's comments and stressed the need to retain the Emeryville and Mission Boulevard properties, saying that the District could benefit by exploring a partnership with other public agencies or private sector consultants to develop these properties for public or bus operator housing. He added that due to the pandemic, the property value was probably lower than normal.

Katy Scott-Smith, East Bay DSA, requested that the Board prioritize the sale of any parcel to developers who follow a strict low-income housing requirement if the District decides it wants to sell its land.

David Ying, East Bay Transit Riders Union, supported the comments made by John Minot and Derek Sagehorn, saying that continued district ownership, development, and management of the parcels would benefit the District and the public, and outsourcing the development is an option if the District lacks the resources to manage it.

Ruscal Cayangyang agreed with the idea of using the parcels to develop affordable, low-income housing for the community.

Board Discussion:

Director Shaw inquired about the maintenance and liability costs associated with the land and also asked when the 75-year lease on one of the properties was signed. Mr. Andrachak advised that the lease was executed about 20 years ago. Real Estate Manager Lois Rawlings advised that the maintenance costs were negligible, except for the property on Mission Boulevard, which was in need of clean up. General Counsel Jill Sprague advised that the District would be financially responsible for any incident occurring on the land and that the Board had ultimate authority to approve its sale.

President Ortiz noted her understanding that, due to its small size, the Wallivista parcel needed to be offered to adjacent property owners first but asked if it could be donated to the city or the East Bay Parks District for open space. Ms. Sprague advised that it was feasible to offer the land to the city for open space/recreation, but complicated. President Ortiz also asked if the District was bound by the state's process to notify low income housing developers, to which Ms. Sprague advised that due to its small size the property was exempt from the requirements of the Surplus Land Act, but the larger properties were not.

Director Beckles asked how the Surplus Land Act broadened the requirements with regard to the sale of public land. Ms. Sprague advised that the law was broadened to include special districts and would apply penalties to land sales that do not follow the statute. Director Beckles also asked if the District had a preference as to what the land could be used for. Ms. Sprague advised that the resolution states a preference to use the land for low income affordable housing.

Chair Peebles commented that small pieces of Key System properties were transferred to adjacent homeowners in the 1980s, and suggested that the Board adopt the (revised) resolution but remove the Emeryville and Hayward parcels and that staff bring

back a report on the Hayward and Emeryville parcels for further consideration.

Director Walsh commented that she had not seen the revised resolution and requested that the Board be notified when new information is presented. Director Walsh also wanted to know if staff had approached the City of Emeryville or BART about the properties. Chair Peeples advised that the Emeryville property still had approximately 50 years left on the lease. Real Estate Manager Lois Rawlings advised that she has been in contact with the leasee and would explore with them any interest in the purchase of the property.

Director Shaw commented that she was not comfortable with the proposal offered by Chair Peeples, saying that it was too soon for a decision without considering all the options available.

MOTION: BECKLES/YOUNG to receive a report on the District's real estate holdings, and adopt revised Resolution 21-010 declaring the District-owned properties located at Walavista Avenue in Oakland and Carlston Avenue in Oakland (removing the Mission Bouelvard, Hayward and the Adeline Street, Emeryville properties) as surplus land. The motion carried by the following vote:

Ayes: Young, Beckles, Williams, Peeples

Nayes: Ortiz, Shaw

Abstained: Walsh

- 6.D.** Consider receiving a report on the status of supplementary service and staff's response to potential school site re-openings for in-person instruction in the District's service area. [Requested by Director Shaw - 2/24/21]

[21-174](#)

Service Planning Manager Michael Eshleman presented the staff report.

Public Comment:

Nick Ratto, East Bay DSA, urged the Board to run supplemental service whenever possible because public transit is important to students who rely on buses to get to and from school and adequate service was needed to ensure that no students are left at the bus stop during the pandemic. Mr. Ratto said the District has a duty to students to provide safe, equitable, and timely service in the face of rapid-changing school district policies.

Anne Marie, East Bay Transit Riders Union, started to comment on the proposal to reduce social distance on buses to three feet and was directed to hold her comments until later in the meeting when the proposal is discussed.

Malcolm Flint commented that it is important to consult with drivers and their unions before conducting changes to bus protocols related to operator and rider safety and social distance.

Katy Scott-Smith, East Bay DSA, agreed with the preceding speakers about safety and

social distance, adding her support to the idea of increasing service on normal bus lines to ensure no student rider is left behind.

Armando Barbosa, ATU Local 265 organizer, said he supported the earlier caller who spoke on the wrong agenda item (Anne Marie) and explained that, to phone-in callers, the two agenda items are similar enough in scope for a caller to mistakenly call in on the wrong agenda item.

Board Discussion:

President Ortiz commented that the idea of leaving kids stranded at bus stops was a serious concern, but the District lacked the funds necessary to provide additional service. She also shared her experience in the fight to secure additional funding to continue providing supplementary service in Oakland so minority students in the flat lands could travel to schools in the hills and have access to an education.

Director Shaw expressed similar concerns but supported the plan to not have full supplemental service until the next school year. She added that the issue of equity was going to be a concern with regard to parents who have no other means of getting their children to school if there is no fixed route or supplemental service.

Director Beckles was also concerned about leaving children behind at bus stops and asked if the District could start hiring additional operators so it could run more service. General Manager Michael Hursh advised that, he too, was concerned about leaving students behind. He added that the District had begun hiring new operators, but it would be months before they would be qualified to drive a bus in service. He further cautioned that the District was still in an extremely tight financial situation given that American Rescue Plan monies would not be deliberated on until July.

Director Beckles asked if it was possible to shorten the timeline necessary for a school to request service. Mr. Eshleman advised that the timeline was already condensed and further complicated by the requirements the schools must meet to begin in-person instruction. He added that staff was working to bring back as much service as possible as quickly as possible.

Director Williams asked if staff could elaborate on the frequency of communications with the schools and whether school districts had done any surveys on how many students would actually be back in the classroom. Mr. Eshelman reported on staff's outreach activities as outlined in the Staff Report. Director of Service Development and Planning Robert del Rosario advised that while the District has received concrete numbers from the Oakland Unified School District, there was little information available from other districts. External Affairs Representative Chantal Reynolds also reported on outreach to parents and other meetings attended by staff.

President Ortiz asked how many students would be carried per bus and who would decide which students can get the bus. Mr. Eshelman advised that there would be 10 students per bus and the school site would be responsible for decisions as to which

students board.

MOTION: SHAW/ORTIZ to receive a report on the status of supplementary service and staff's response to potential school site re-openings for in-person instruction in the District's service area. The motion carried by the following vote:

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

- 6.E.** Consider authorizing the General Manager to execute staff's proposed plan to increase revenue vehicle capacity limits commensurate with Alameda and Contra Costa counties' reopening plans. [21-205](#)

Director of Service Development and Planning Robert del Rosario presented the staff report.

Public Comment:

John Minot, East Bay Transit Riders Union, expressed concern and confusion with staff's interpretation of scientific information related to safe social distancing in writing the staff report. Mr. Minot said it is a public disservice to act on the findings of the staff report without clear guidance from independent expert authority related to public safety during the continued pandemic. Consultation should include transit operator unions.

Nicole Wong, Green for All, said it is incumbent on the District to put the safety and needs of transit riders and workers first when considering options to increase ridership. Further, staff's proposal only recommends reducing physical distancing requirements as a way to address high pass-up rates and the Board must consider more alternatives including the use of upcoming government funding to increase service in lieu of decreasing physical distancing requirements.

John, Business Agent for ATU Local 265, disagreed with the approach laid out in the staff report to address pass-ups, believing that buses continue to be an incubator for the virus and will remain so for some time. He said being vaccinated does not prevent the spread of Covid-19 and disagreed with District Management's position that it does not have sufficient funds to increase service when the Metropolitan Transportation Commission (MTC) recently approved \$55 million for the District.

Anne Marie, ATU 265, felt that a move to a three-foot social distance policy was irresponsible and put union members and the public in an unsafe situation and went against current Centers for Disease Control (CDC) guidelines. Anne Marie advocated to continue six-foot social distance and for an increase in bus service utilizing funds like the additional federal government bailout money for service. She also pointed out that while the incentive given to operators who notify the District of their vaccination is nice, people should also be notified of the protections provided by privacy laws.

Katie Scott-Smith, East Bay DSA, supported the ATU 192 position against reducing social distance to three feet because it is currently unsafe for bus operators. Ms. Scott-Smith disagreed with staff's argument that there was no additional funding available to increase service when the District recently approved a new contract with the Alameda County Sheriff's Office at a higher rate than the previous contract. She suggested increasing service on certain bus lines in the short-term, moving the service

recovery plan to December 2021, and reducing social distance only after certain benchmarks have been reached and only after consultation with the unions.

Sultana Adams, Division 3 Assistant Shop Steward/Bus Operator, commented that Oakland Coliseum vaccinations for bus drivers were recently canceled and that many bus operators had not been vaccinated. She believed that staff's three-foot social distance plan wasn't scientifically supported and asked why County Public Health Officials weren't asked to determine the lawfulness of the planned change. She suggested that utilizing \$55 million in federal money or the District's reserves would be a better solution.

Richard Marcantonio, Public Advocates, commented that the staff report appears to make contrarian statements about increased service related to reducing bus overcrowding and failed to address the incoming \$55 million of federal stimulus money which could be used to expand service. He asked the Board to instruct staff to present a report at the next meeting showing a clear plan to restore pre-pandemic service.

Andrea Lowe, East Bay DSA, asked the Board to improve bus reliability by increasing bus service instead of shrinking social distance requirements. She emphasized that it is not correct to say there are no known outbreaks of Covid-19 through riding a bus and gave examples to support her claim. She asked the Board to reject staff's plan.

Malcolm Flint, Voices for Public Transit, agreed with many of the public speakers and said this proposal appears rushed and lacked support by science. He asked the Board to consult with the unions before making its decision.

Monica Mallon, East Bay DSA, asked the Board to maintain the current standard of six feet social distance and increase bus capacity to help minimize pass-ups.

Bonnie Lockhart, East Bay DSA, said bus operators face the greatest risk by the Board's decision on this matter and that making a decision based on the current recommendations without consulting the unions would only breed distrust of government. She added that the \$55.5 million in financial aid forthcoming from the MTC refutes statements that no funding is available to increase service.

Tywanya Johnson, Bus Operator, said that any plan related to bus service should always include discussion and thoughts of the bus operators because they are at the forefront of the fare-based income to the District. She explained how bus operators are responsible for managing the number of riders as well as safe deliverance of riders to their destinations. Ms. Johnson opposed the idea of reducing social distance on buses.

Armando Barbosa, Organizer for ATU Local 265, urged the Board to step back and think about the risks endured by operators, saying that the Board must not jeopardize safety when considering an increase in service.

Jimmy Le, People's Transit Alliance, thanked the Board for hearing the community as it considers the social distancing action. He asked that the Board not rush to increase ridership when the risk to public safety continues to be high. Immunity-deficient riders are high risk groups who would suffer from this policy, which would erode the positive image of AC Transit.

Nathaniel Arnold, ATU 192, urged the Board to vote no to reduce social distance, saying that the CDC identifies virus spreaders as people between ages of 18 to 45 and this age group cannot be vaccinated yet. He added that District staff choosing to request Board approval without the consent of the Union erodes trust. Mr. Arnold

encouraged the Board to take this matter seriously intimating that failure to do so would result in a loss of their seat on the Board in the next election.

Nick Ratto, East Bay DSA, urged the Board to vote no on staff's proposal and, instead, increase bus service on certain lines. He said the Board must consider the views of the riders and operators who face the greatest risk of infection by decreasing social distance on buses.

Warren Cushman expressed nervousness with staff's proposal at this time, saying that official local Health Officer opinions should be presented along with the inclusion of ATU 192 in the discussion before any action is taken.

Jiminette James, Division 6 Shop Steward for ATU Local 192/Bus Operator, urged the Board to vote no on staff's proposal and thanked all the public speakers for their support. She further commented on the challenges bus operators face in managing bus rider safety now at smaller levels and that increasing ridership by decreasing social distance is less safe.

James Jackson, Assistant Business Agent for ATU Local 192, noted how the timing of the proposal to reduce social distance occurs when more schools are preparing to return to the classroom, even if it is for just a couple of months. He said more CDC guidance on this matter is necessary as well as discussions with the unions.

Nathan, East Bay DSA, said the exclusion AC transit workers in management's discussion to reduce social distance requirements is not acceptable, especially when all the transit worker public speakers appear to be against it. Nathan recommended that the Board vote no.

Steven Jefferson, Division 2 Assistant Shop Steward, urged management to work with the union to resolve this matter together and that the Board vote no.

Connie McFarland, Division 2 Bus Operator, reminded the Board that the vaccine protects people from dying when getting Covid-19 but that each person can still spread it. Ms. McFarland said increasing the number of passengers by reducing social distance is an unwarranted risk and asked for a safer path to increase service.

Yvonne Williams expressed concern about the lack of dialogue between District management and the unions on an important health matter affecting bus operators and riders and said a joint dialogue was needed to arrive at a solution.

Board Discussion:

Prior to entertaining questions from the Board, Chair Peeples advised that if no one on the Board moved the staff recommendation, the issue would die.

Director Beckles inquired about staff's outreach to the unions and what feedback was received. Chief Operating Officer Salvador Llamas reported that staff hosted a meeting with AFSCME and ATU on March 15, 2021 and informed them of the plan to bring this item and the item on the school service to the Board. No concerns were raised by the leadership who participated in the meeting. Mr. Llamas further advised that due to timing, staff wanted to present this report to the Board now so it would have flexibility later to make decisions that align with the changing tiers and conditions being proposed by county health experts and the Centers for Disease Control. He further took responsibility for any misunderstandings that may have resulted from the staff report, saying that staff had no intention of making any immediate changes to social

distance requirements, and reiterated that the goal was to have flexibility in adapting to rapidly changing conditions.

In regard to concerns raised under public comment about vaccinations, Director Beckles asked if staff had contacted public health to determine whether or not it was safe to reduce the current social distance requirement of six feet under the current conditions. Mr. Llamas reported on recent conversations with county health experts and representatives with regard to transportation for students and the protections that have been put in place for bus operators as well as the recent decision to reduce social distance to three feet for students returning to in-person classroom instruction, which occurred just prior to the Board meeting.

Director Beckles commented that she agreed with one of the speakers that it was way too soon to relax social distance requirements, saying that it was the Board's duty to prioritize safety and stop the spread of the virus. Director Beckles also pointed out that many of the operators have not yet been vaccinated and that only 20% of the general population had been vaccinated. Director Beckles felt these metrics should be monitored and remained concerned about reducing social distance when there was a potential for another spike in positive Covid cases as had occurred in the fall. Following her comments, Director Beckles made the following motion:

MOTION: BECKLES/WILLIAMS: That staff come back with a plan to decrease pass-ups by increasing services to decrease overcrowding and that we keep the six-foot social distance until we cannot have pass-ups.

Director Shaw noted that overcrowding was occurring on some of the main trunk lines (Line 72, 72R, 72M, 51A, T1 and U). She asked for clarification as to whether these lines were back to pre-pandemic service levels. Director of Service Development and Planning Robert del Rosario confirmed, saying that in August 2020, service levels were increased by 10% which brought all of the trunk lines back to pre-pandemic service levels.

Director Shaw asked if any other transit agencies were discussing a reduction in social distance requirements. Mr. Llamas advised that local transit agencies are considering a reduction in social distance requirements to increase capacity, noting that while some agencies have the vehicles to expand service, they don't have enough operators. He added that AC Transit is in a similar situation, noting that it takes several months to hire and train more operators. Director Shaw commented that the riders that are being passed-up were a big concern. She further sought to clarify for some of the speakers that the money the District received (on the day of the meeting) only covered existing service, not any additional service, and that the District does not receive any funding from the American Public Transportation Association. She further added that there wasn't any extra money available to expand service.

With regard to vaccinations, Director Shaw shared her opinion that Alameda County

was trending higher in the number of people that have been vaccinated and was okay with moving forward in support based on the information provided by staff.

Director Young commented that this was one of the most difficult decisions he has faced during his time on the Board, acknowledging the difficulty in balancing the needs of riders and operators and the pitfalls associated with prioritizing one group over another and the resulting impacts. He went on to say that maintaining the status quo could mean more pass-ups for riders versus operators who could potentially be placed in harm's way by a rush to implement. He further added that it was unclear if the District could afford to increase service and, if it did, what it would mean to other priorities that might be jeopardized as result, such as the goal of providing pandemic pay to front line workers - a goal shared by himself, President Ortiz and Director Williams. He added that ultimately, the conversation would be very different now if the state would have prioritized transit workers for the vaccination sooner than it did. He went on further to say that he had concerns about moving forward with Phase 1 without giving operators a chance to protect themselves by getting vaccinated. With respect to the motion made by Director Beckles, Director Young offered an amendment in the hope of reaching a compromise on the issue:

AMENDED MOTION: YOUNG/ORTIZ: to move forward with the development of a plan, but only implement Phase I after the latter of the following dates, which is: 75 days from today or after three weeks in the red tier for the counties' respective reopening plans. Also, direct staff to work with the operators to move immediately to notify the operators of this and to give them every opportunity to get vaccinated.

Chair Peeples advised that Director Young's amendment would be voted on first following the remainder of the discussion.

Director Williams asked the General Manager to address any other misconceptions that had come to light at the meeting. General Manager Michael Hursh felt that Director Shaw made some good points, adding that the \$55.5 million the District was to receive had been in the pipeline for a very long time and would be used for existing service. He added that staff is hoping to get the American Rescue Plan funds for the next fiscal year in order to add back service but said the number of operators the District has is a limiting factor and the hiring process would take time.

Director Williams asked about the possibility of having school monitors to manage the number of students getting on a bus and whether any other mass vaccination sites were coming online. Mr. Hursh was not aware of any new mass vaccination sites. He added that while school monitors were practical while at the school, they were not available in the morning when students board the bus.

Director Williams asked whether there had been any discussion of extending the school year into the summer. Mr. del Rosario advised that some school districts are exploring summer programs, but no decisions have been made.

Director Walsh thanked the speakers for their input and staff for their proactive approach. She was encouraged by the fact that almost 40% of adults over age 16 have received the vaccine in Contra Costa County and over 35% in Alameda County and agreed that these metrics needed to be monitored. She also agreed with the idea of giving operators more time to get vaccinated, saying that it was a time-consuming process and supported this proposal. Director Walsh further commented on the impact of pass-ups on essential workers and hoped the District could avoid this as much as possible. She added that Director Young's proposal was a good one.

Director Peebles commented that the District has a real problem with leaving people behind. He added that BART's ridership demographics have changed and now look similar to AC Transit, which underscores that there are people who have to take transit and we need to serve them. He added that he would vote against Director Young's amendment, but would support Director Beckles' motion, saying that while he trusts staff, he is uncomfortable without a written letter from the Alameda County and Contra Costa County Health Departments. Conflicting information from the Centers for Disease Control with regard to three-foot social distance was also a problem. He added that the District needed to look at metrics and the advice of scientific experts. He also supported the idea of having staff come back to the Board with more back-up information and wanted to ensure that follow-up discussions were had with the union.

Director Beckles inquired about the number of public speakers on this item. The District Secretary advised that there were approximately 25 speakers. Director Beckles commented that out of all the people that spoke, many of whom were workers, not one spoke in favor of the staff recommendation. She felt their concerns should not be ignored and that the Board should put safety first. For these reasons, she advised that she would not support Director Young's motion.

Chair Peebles advised that the first vote would be on Director Young's amendment.

AMENDED MOTION: YOUNG/ORTIZ to vote to move forward with the development of a plan, but only implement Phase I after the later of the following dates, which is: 75 days from today or after three weeks in the red tier for the counties' respective reopening plans. Also, direct staff to work with the operators to move immediately to notify the operators of this and to give them every opportunity to get vaccinated. The motion carried by the following vote:

Ayes: Young, Ortiz, Walsh, Shaw

Nayes: Beckles, Williams, Peebles

Following the vote, Chair Peebles declared that the amendment replaced Director Beckles' motion and would be the decision of the Board.

7. 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.

7.A. Review of the Agenda Planning Pending List.

[21-018e](#)

Director Beckles asked about the timeline for an item she requested on January 13th about the possibility of increasing service to offset pass-ups due to social distancing and low capacity on busses, including data from the past two months on pass-ups due to capacity issues. General Manager Michael Hursh advised that the report was slated for the April 28th Board meeting.

Director Walsh requested a report on the possible ways to purchase fares, a breakdown of where one can and can't purchase different fares, information on fare capping/the accumulator function and what attempts staff is making to expand the fare purchasing options. Included in the report, on Director Shaw's request, should be an update on the AC Transit official app's issue/inability to apply discounts to youth and senior fares. (President Ortiz concurred)

8. GENERAL MANAGER'S REPORT

8.A. General Manager's Report for March 24, 2021.

[21-020e](#)

9. BOARD/STAFF COMMENTS

(Government Code Section 54954.2)

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

10. ADJOURNMENT

There being no further business to come before the Board of Directors, the meeting adjourned at 8:13 p.m. The next meeting of the Board is scheduled for March 31, 2021 at 5:00 p.m.

Respectfully submitted,

/s/

Linda A. Nemeroff
District Secretary

Item

3. PUBLIC COMMENT (eComment)

Public Comments

- Theresa Pedrosa: As a citizen of Hayward and the President of Student Senate I am writing to support of 60 Bus to go from Chabot College to South Hayward and back. Not having the 22 Bus has made it difficult and affected citizens directly forcing them to take multiply buses to get around and reach their destinations.It has impacted businesses in the region including Southland Mall and others found along Hesperian Blvd. Please consider letting the 60 Bus go to Chabot College up Tennyson to South Hayward Bart and back to Chabot College. Thank you