

BART – AC Transit Interagency Liaison Committee

Meeting Notes: November 13, 2024

Opening

A. Roll Call/Welcome and Introductions

- a. Meeting chaired by Robert Raburn
- b. BART: Chair Robert Raburn, Director Melissa Hernandez, Director Rebecca Saltzman
- c. AC Transit: Director Murphy McCalley, Vice President Diane Shaw, Director Sarah Syed
- d. Meeting started 9am

B. Announcements/Public Comments

- a. None.

C. Notes from Previous ILC Meeting

- a. None.

New Discussion Items

A. Legislative Update

Presenters: Alex Walker (BART) and Claudia Burgos (ACT)

Alex Walker: Going over highlights of polling from September, 1800+ interviews in 3 languages. Majority say the Bay Area has been headed in the wrong direction since 2016, however they have net favorable views of major transit agencies. Polled for BART and AC Transit, ACT had remained steady, BART declined and now steady. Polling related to sales tax and parcel tax. Sales tax: closure and maintain/improve scenarios had similar levels of support from slim majorities. This would require a 2/3 vote threshold, which we are not close to. Parcel tax: equivalent amount of money, test 2 types of messaging, well below 50% support. Other agencies will also do polling.

Claudia Burgos: Update on joint MTC ABAG Legislation meeting. Select Committee gave feedback on key components: strong preference for 4 counties (not 8), preference for 10 years, slight preference for adjusted fares. Snapshot of scenarios presented at the last Select Committee. They were also presented with proposal from SFMTA, with some input from transit operators, for tax measure funding regional program that would allow for short- and longer-term measure. Meeting on Friday focused on Scenario 1a and hybrid scenario, which they believe have the highest possibilities of winning at the ballot. Summaries of Scenario 1a and hybrid scenario, including breakdown of proposed funding strategy and allocations per agency. Recap of Select Committee recommendations: transit agency accountability, further study consolidation, transit transformation, citizen initiative. Finally, timeline: next up special commission meeting, polling, iterative process.

Public Comments: None.

Committee Comments:

Director Saltzman: It seems like we're only left with 1 option because there's no indication that Santa Clara wants to participate. And even San Mateo may not want to. We're realistically only looking at Scenario 1a and I would like context from AC Transit about what this amount of money means, how much service you could provide. Because I understand that for BART. I'd also like to hear about a Plan B about legislation from the transit operators, especially is San Mateo doesn't want to participate.

Burgos: Responding to the AC Transit question, we're still concerned about 1a; leaves 50% of deficit unfunded still. A week and a half ago, we had a retreat with the Board, and we want to make sure AC Transit is made whole. Also, that deficit is only based on 85% service levels since those are the numbers MTC used.

Walker: VTA/Santa Clara are possibly interested in their own sales tax, so that is a potential scenario. San Mateo – wants to work with BART, MTC, and stakeholders to determine their fair share of contributions. To speak to Plan B, besides variable taxes idea from SFMTA, there have been conversations about this, but we don't want to get ahead of the MTC process. Regardless about what comes out of these discussions, if there is a sales tax, we know that we'd have to have some sort of legislation exempting or lifting the cap. This has been part of the Select Committee conversations. A lot of work being done to mitigate concerns about high sales tax.

Burgos: Alameda County Commissioner made point about Alameda County already being at the cap. There were comments from Commissioner Nowak that Contra Costa County will not bail out other counties that don't want to contribute. Meeting on Friday was very county-based, not a lot about the transit fiscal cliff.

Director Shaw: Commissioner Nowak's comment was also a pushback against San Mateo county, pretty strong about that.

Director Syed: Difference between operator need and fare revenue shortfall for how to distribute funds. For ACT, makes a big difference if we use the operator need formula because our riders could not stay home, and our fares are lower. How does operator need vs. fare revenue shortfall formula impact BART?

Walker: There is a delta between adjusted fares and operator shortfalls. With some other money coming in, there are other little ways to try and close that and we will advocate for more ways to fill deficits. Want operators being filled, MTC wants to balance how deficits are filled.

Burgos: Difference between operator reported shortfall and MTC is not a formula, it's the difference in the need, between filling 900M and 500M.

Walker: MTC is trying to standardize shortfalls considering all the changes since the pandemic.

Director Hernandez: Mentioning some of the changes that ACT has done to help themselves in operating deficits. Wanted to make sure that all the bus agencies are looked at to see the changes that have been made since COVID.

Chair Raburn: We need to shoot for success at the ballot box with the voters. I'm supportive of 1a as an emergency measure. Clear boundary of 10 years. BART Board already made comments on October MTC meeting and our consensus was to be as geographically broad as possible. Broad operator support. Also considering recession of support from BART for the connectivity with ACT. Asking about allocations made to other operators for connectivity service.

GM Hursh: That would be a question for MTC.

Raburn: These restoration efforts are things voters would support. Public wants to see cooperation and integration of service. Mentioned Transit Transformation funds to address Director Hernandez' concerns. For this group, not necessarily getting ahead of MTC but providing guidance since they're not reaching an agreement.

Shaw: Asked about any calculations by MTC for Scenario 1a if we are only stuck with San Francisco, Alameda, Contra Costa (no San Mateo and Contra Costa). Interested in knowing the numbers if they intend on pulling out.

Burgos: I don't think so. Also, 1a was adjusted between Select Committee and last Friday's meeting.

Walker: Mentioned that Santa Clara is the highest generator of sales tax.

Nabti: Comment about the feeder payments, involved with administration of those. We would prefer that bus operators received the money they need without it needing to go through BART.

Syed: Most of scenarios and polling are on sales and parcel tax. What is the sentiment regarding payroll taxes? Sales tax is regressive, payroll tax would prevent competing with housing measure.

Walker: Through community process, businesses and labor pushed back on parcel and payroll tax; BART polled sales and parcel. Other entities doing polling could possibly include. Tough to find other revenue sources at that scale. Example: gas tax, would need to be very large to get close. We could poll payroll tax more, but it would have funded opposition if it went on the ballot.

Syed: Could staff share how a citizen sponsored measure would work?

Walker: One example was just signed; SMART sponsored a bill with Senator Dodd that says a special tax to fund SMART can be put on the ballot (with specifications). This bill has not been legally tested.

McCalley: Is there are signature requirement for county measure?

Walker: I know there's a threshold but don't want to get ahead of what that would look like. Not sure of the number/percentage. You get 6-month window to collect valid signatures, mentioned timeline.

Raburn: Not aware of a uniform threshold, but BART legal counsel shared there is a 5% threshold of the voters to get something on the ballot.

Syed: A hard time breaking through with the message of how inequitable the revenue shortfall is for ACT. Will that information be developed before the December 9th meeting?

Burgos: Yes.

GM Hursh: Will we submit comments to MTC for December meeting about how draconian the cuts would be for ACT? The answer is yes, ACT Board meeting tonight to discuss.

Syed: Proposed possible special joint meetings, with other operators, to work together for agreement and advocating for operator needs.

Michelle Rousey (public comment): Concerned about the AC Transit shortfall and impact to paratransit. This will impact seniors and disabilities.

Burgos: From staff perspective, there is a lot of collaboration at a staff level, meeting weekly. I will defer to elected officials in your cadence for meeting.

GM Hursh: Problem I see is that MTC isn't listening to operators and I'm not sure how we get there.

Saltzman: With bunch of new BART directors next year, would be great to get directors together. Could reach out to SPUR, they hosted a gathering of transit board members before pandemic. Not an official thing but could be helpful, happy to reach out to contacts at SPUR to recommend that.

Raburn: I would welcome a special meeting. Do we have a consensus that broader geography and support from smaller operators is critical for success? Up to us to backfill what isn't on the table. We need to at least restore service that was cut during pandemic.

Shaw: Other counties don't have the same issues as us. Not sure if I am fully on board with that consensus since they are not coming from the same budgetary issues. One problem is that if we don't get enough money, there isn't a way to get the rest, so I'm not interested in part of the way. If we don't want cuts, we need to figure out Plan B. Not sure if we're all in agreement, except to agree that we need to work together.

Raburn: The 3-county measure would result in shortfalls, so that immediately says we need more counties to make up that difference.

Syed: Want to acknowledge tremendous constraint if we only get half of the deficit and the other agencies get 80%. Reality is that no one is going to get 100%, but we shouldn't be asking our most vulnerable riders to get less. If we started to see packages where agencies are getting same percentage of deficits, we could have more agreement. I still think payroll taxes are more likely to have support, less regressive. We should keep those options alive.

Raburn: When with ACT Board convene to discuss?

Burgos: Tonight, legislative update to the Board with latest updates.

Raburn: I don't see how the core system can survive if we are providing less service than we are today.

Syed: Mentioned the possibility of tapping Transit Transformation funds to help keep BART whole.

Raburn: New suggestion. Did Transit Transformation have an impact on restoring cuts? Director Shaw indicating that those funds weren't meant for that, and Reburn concurs.

McCalley: What are you asking for from AC Transit? Isn't it the MTC decision?

Raburn: Willingness to put forward to MTC what BART and ACT are discussing and what we know/recommend.

B. Realign Update and Paratransit Coverage

Presenter: David Berman (ACT) and Robert Del Rosario (ACT)

David Berman: Realign update starting with public engagement highlights from public hearings and previous outreach activities. A few small changes since public hearings based on comments from Driver's Committee (lines 19, 20, 21). Key public comment themes not addressed in this plan including frequency reductions, coverage reduction, and unserved markets. Board made a hard choice on 72R, did not include restoration of Oakland Airport line to prioritize underserved markets. 3 pieces of Realign: Realign adopted 10/9, second Realign+ for 100% pre-pandemic levels, third Unconstrained long term. Also showed Board service standards update in September, currently working on updates.

Robert Del Rosario: Network approved last month would have an impact on 76 paratransit users, so staff is looking at option to continue to provide service for the 68 in our territory. Plan to bring an item to our Board in December for them to consider.

Public Comments:

Michelle Rousey: Cuts to paratransit. Any time you cut a line, the access for paratransit declines. Seniors and those with disabilities are disproportionately affected.

Committee Comments:

Director Saltzman: Good to know you plan to bring back 72 as soon as possible, only lines with frequent service in El Cerrito. El Cerrito and Richmond are very interested in doing something big on San Pablo, like bus only lanes, but those are hard to advocate for with 30-minute service.

Director Syed: We were told that the plan did not have a deficiency that we need to address in Title VI, which was inaccurate. Did find that the deficiency was statistically significant and unsure that 72R cuts are affecting that. Another motion to look at public advocates concerns. Implementation August 2025.

Director McCalley: Wasn't 72R top of the list as funding becomes available?

Berman: Yes, staff has approval for base plan, but the soft ask was to come back with more decision points on Realign +.

Chair Raburn: Wondering about paratransit impact on the 68 users. If we made a change in the rules on distance from lines would that be temporary?

Mallory Nestor: We do have options we are considering, ACT and BART meeting next week to discuss.

Raburn: It could become complicated to have different rules for different geographies. If we provide for those who are being provided for, it should be referred to as an emergency measure.

Update on Past Items

A. Paratransit Update

Chair Raburn interested in an update on the new contract.

Mallory Nestor: Bringing this to our Board tonight, considering awarding a 4+5 base year period to Transdev. Transdev has proposed using the existing 3 service providers, as well as 2 local providers.

B. Service and Operations Updates

C. Accessibility Improvement Project

D. Regional Coordination Update

Jumana Nabti: Update today from Regional Mapping and Wayfinding group; got final approval for prototype installation at El Cerrito starting next week. Tentative media launch event December 12.

Director Shaw: Any status or dates on the other ones you're piloting?

Nabti: Santa Rosa installation after El Cerrito del Norte because same contractor, don't have an exact date but may be January.

Future Agenda Items

A. AC Transit Operator Restroom Update – BART and AC Transit

B. Clipper Bay Pass Pilot Update – BART and MTC

C. 2025 Joint Priorities – BART and AC Transit

Committee Member Comments

A. Saltzman: It's been great serving with you all, this is my last meeting. Great new BART directors coming on Board.

Proposed Date and Time of Next Regular Meeting

A. February 12, 2025.

B. Robert Del Rosario gave 2025 meeting dates, Syed said we should consider moving August.

Adjournment

A. Adjourned 10:25am.