



ALAMEDA-CONTRA COSTA TRANSIT DISTRICT

MINUTES

Board of Directors - Regular Meeting

2:30 PM Closed Session (see item 8 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, October 9, 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

AIMEE L. STEELE, GENERAL COUNSEL/CHIEF LEGAL OFFICER

LINDA A. NEMEROFF, BOARD ADMINISTRATIVE OFFICER/DISTRICT SECRETARY

TELECONFERENCE:

Director H. E. Christian Peeples, 13328 San Pablo Avenue, Room 38C, San Pablo, California 94806

1. CALL TO ORDER

The Alameda-Contra Costa Transit District Board of Directors held a meeting on Wednesday, October 9, 2024, at 5:00 p.m.

Prior to the start of the meeting, General Counsel Aimee Steele confirmed that all requirements of the Ralph M. Brown Act (Govt. Code Sections 54950, et seq.) and the provisions of Board Policy 101, Section 4.9 regarding teleconferenced meetings were met in order for Director Peeples to teleconference to the meeting. The General Counsel advised that all votes must be taken by roll call vote.

The meeting was called to order at 3:47 p.m. for the purpose of Closed Session. All Boardmembers were present. The Board convened in Closed Session to discuss Items 7A-7C as listed on the agenda. Closed Session concluded at 4:24 p.m.

President Young called the Board of Directors meeting to order at 5:03 p.m.

2. ROLL CALL

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

3. PUBLIC COMMENT

[Written comment received prior to the meeting is incorporated into the minutes by reference as Exhibit A.]

Gilbert Morales commented on bus safety and passengers suffering from mental illness while riding Line 54. Morales noted that the bus driver did not intervene when asked for assistance with unruly passengers and would like to see some type of safety intervention.

Sheila Gunn expressed concerns that paratransit will be affected, and ADA will not be prioritized once Realign is adopted and implemented. Gunn asks that plenty of notice be given to those who use paratransit if it will be cut so they can make proper alternative arrangements.

Jo Veres commented on the Line 36 bus in Berkeley and how the wait times are affecting students in that area. According to Veres, the bus is scheduled to run every 30 minutes but typically runs late and is so full that they are passing multiple stops due to the bus being at capacity. Veres would like to see the bus run more frequently and have room for all the passengers.

Warren Cushman commented on paratransit and its importance to seniors and people with disabilities. Cushman would like to see AC Transit join in on the One seat ride process and urged the Board to take paratransit riders into consideration and involve them in the decision-making process of its future use.

Michai Freeman commented on paratransit and the hardships associated with having a

disability and trying to obtain transportation and having equal access to transit.

Noam Elisha Commented on the Line 36 bus and how crowded it is. Due to the current wait times and limited space Elisha doesn't feel comfortable having loved ones catch the bus once it's dark.

Keying Zang commented on overcrowding on the bus line near UC Berkeley, saying that Lines 18/52 have changed to accommodate a housing development at the inconvenience to students who now must walk several more blocks to catch those lines.

Speero Tannous commented on Line 36 and its unreliability due to it being late, which has made Tannouse late to work on several occasions and can not rely on the bus.

4. MODIFICATIONS TO THE AGENDA

President Young announced that Item 5.D. was removed from the agenda.

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

There was no public comment offered on the Consent Calendar.

MOTION: PEEPLES/SHAW to receive, approve, or adopt items on the Consent Calendar, except Item 5.D. which was pulled off the agenda and Item 5.I. which was pulled off the Consent Calendar by Director Peeples for clarification. The motion carried by the following vote:

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

- 5.A.** Consider approving Board of Directors meeting minutes of September 25, 2024. [24-044](#)

Staff Contact:

Linda Nemeroff, Board Administrative Officer/District Secretary

MOTION: PEEPLES/SHAW to approve the Board of Directors meeting minutes of September 25, 2024. The motion carried by the following vote:

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

- 5.B.** Consider receiving report on proposed amendments to the AC Transit Conflict of Interest Code. [24-521](#)

Staff Contact:

Linda A. Nemeroff, Board Administrative Officer/District Secretary

MOTION: PEEPLES/SHAW to receive report on proposed amendments to the AC Transit Conflict of Interest Code. The motion carried by the following vote:

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

- 5.C.** Consider review of Board Policy 324 - Revenue and Grants with minor amendments. [24-474](#)

Staff Contact:

Chris Andrichak, Chief Financial Officer

MOTION: PEEPLES/SHAW to receive a review of Board Policy 324 - Revenue and Grants with minor amendments. The motion carried by the following vote:

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

- 5.D.** Consider adoption of Resolution No. 24-032, authorizing the General Manager or his designee to file and execute an application and funding agreement for Alameda County Transportation Commission (ACTC) administered funding for the International Boulevard (Blvd) Bus Rapid Transit (BRT) and Streetscape Improvements Project and committing any necessary matching funds and stating assurances to complete the Project. **24-506**

Staff Contact:

Chris Andrichak, Chief Financial Officer

Item 5.D. was pulled off the agenda.

- 5.E.** Consider adoption of Resolution No. 24-033, authorizing the General Manager or his designee to file and execute an application and funding agreement for the Alameda County Transportation Commission (ACTC) administered funds for the East Oakland Facility Battery Electric Bus Infrastructure Project and committing any necessary matching funds and stating assurances to complete the project. **24-514**

Staff Contact:

Chris Andrichak, Chief Financial Officer

MOTION: PEEPLES/SHAW to adopt Resolution No. 24-033, authorizing the General Manager or his designee to file and execute an application and funding agreement for the Alameda County Transportation Commission (ACTC) administered funds for the East Oakland Facility Battery Electric Bus Infrastructure Project and committing any necessary matching funds and stating assurances to complete the project. The motion failed by the following vote:

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

- 5.F.** Consider adoption of Resolution No. 24-034, authorizing the General Manager or his designee to file and execute an application and funding agreement for Alameda County Transportation Commission (ACTC) administered funding for the Grand Avenue Improvements Project and committing any necessary matching funds and stating assurances to complete the Project. **24-515**

Staff Contact:

Chris Andrichak, Chief Financial Officer

MOTION: PEEPLES/SHAW to adopt of Resolution No. 24-034, authorizing the General Manager or his designee to file and execute an application and funding agreement for Alameda County Transportation Commission (ACTC) administered funding for the Grand Avenue Improvements Project and committing any necessary matching funds and stating assurances to complete the Project. The motion carried by the following vote:

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

- 5.G.** Consider receiving the General Manager's Access Committee minutes of July 9, 2024. [24-507](#)

Staff Contact:

Ramakrishna Pochiraju, Executive Director of Planning & Engineering

MOTION: PEEPLES/SHAW to Received Consider receiving the General Manager's Access Committee minutes of July 9, 2024. The motion carried by the following vote:

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

- 5.H.** Consider authorizing the General Manager to exercise the second and final one-year option from January 1, 2025 through December 31, 2025 with Concentra, CCCMA Occupational Clinic, and Mega Lab Services for drug and alcohol testing, commercial driver license (CDL) medical examinations, and physical agility testing services of prospective and current employees (contracted as Third Party Administration of US Department of Transportation (US DOT) Medical Examinations and Workplace Drug/Alcohol Testing Services). [20-046c](#)

Staff Contact:

Lynette Little, Director of Civil Rights & Compliance

MOTION: PEEPLES/SHAW to authorize the General Manager to exercise the second and final one-year option from January 1, 2025 through December 31, 2025 with Concentra, CCCMA Occupational Clinic, and Mega Lab Services for drug and alcohol testing, commercial driver license (CDL) medical examinations, and physical agility testing services of prospective and current employees (contracted as Third Party Administration of US Department of Transportation (US DOT) Medical Examinations and Workplace Drug/Alcohol Testing Services). The motion carried by the following vote:

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

- 5.I.** Consider receiving a report regarding the 2024 Federal Transit Administration (FTA) Triennial Review. [24-489](#)

Staff Contact:

Alan Parello, Manager of Internal Audit

This agenda item was pulled of the Consent Calendar by Director Peoples for

clarification which was addressed by staff.

MOTION: PEEPLES/SHAW to receive a report regarding the 2024 Federal Transit Administration (FTA) Triennial Review. The motion carried by the following vote:

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

6. REGULAR CALENDAR

Director Beckles periodically left the dais at various intervals during the discussion of Item 6.A. but was present for the vote.

- 6.A.** Consider adopting Resolution No. 24-035, which approves the proposed Realign Final Network Plan and Realign+ service additions, approves the service equity analyses, and directs the General Counsel to file a Notice of Exemption with Alameda and Contra Costa Counties and any other parties as may be required.

[23-250k](#)

Staff Contact:

Ramakrishna Pochiraju, Executive Director of Planning & Engineering
Claudia Burgos, Director of Legislative Affairs & Community Relations

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

Senior Transportation Planner David Berman made a presentation regarding the Realign Project. Director of Legislative Affairs and Community Outreach Claudia Burgos presented the project's outreach efforts.

Public Comment:

ATU Local 192 Representatives:

- Latrina Meredith (President),
- Nathaniel Arnold (Vice President)
- James Jackson
- Taheed Sabrie
- Darren Xie
- Lupe Miller
- Michael Miller
- Tywonya Spring
- Lisa Honeycutt
- Christopher Garcia
- David Lyons
- Jack Watkins
- Lawnele Jones
- Manjit Gill
- Phyllis Jackson

- Steven Vaniman
- Eddie Sanchez
- Cassandra
- Steven Jefferson
- Ronald Baskin
- Darlene
- Aaron Olden
- John Williams
- Lisa Jackson
- Kelly Turner
- Sarah Ropati
- Rigoberto Alonso
- Sucari Perkins
- Alisa Jackson
- Keith Brown
- Stephanie Butler
- Anitria Brown
- Russel
- Tonya
- AC Junior
- Jasmine Bryant

ATU Local 1555 Representatives:

- Erica Joven
- Michael Granata

Members of the Public:

- Beverly Chanier,
- Jesse Gunn,
- Marc Lispi,
- Noor Rizvi
- Laurel Pageant Seekins,
- Ellen Murray,
- Josh Anijar
- Anwar Baroudi
- George Spies
- Marceline
- John Murray
- Carter Lavin
- Sophia Dewitt
- Michai Freeman
- Sheela Gunn,
- Anthony Campana
- Joanna Pace
- Warren Cushman

- Giovanni

ATU 192, ATU 1555 and members of the public spoke in opposition to the realign plan regarding the following subjects.

Bus lines: 51, 21, 20, 14, 7, 18, 72, 99, 10 - it was suggested that these lines not be eliminated and have shorter headways.

Safety: Issues raised were the interactions between passengers and drivers with mentally ill patrons, longer wait times, line cuts to minority and low-income areas and that Realign will create angry passengers and unsafe working conditions.

Micro-transit: Drivers, patrons, and union leaders voiced opposition to micro-transit and expressed fear that micro-transit will lead to the outsourcing of jobs, ultimately reducing the number of drivers and leading to self-driving buses.

Paratransit: Many speakers were against cutting paratransit service due to limited alternatives for the elderly and disabled. They also worry that this population would have difficulty utilizing the app and learning a new system.

Employee Needs: Most speakers were in solidarity with the union and workers regarding meal and rest periods. Many drivers stated they are stressed; their health is declining, and an immediate/effective plan is needed to address the restroom issue.

Regional Measure/Funding for Service: The Metropolitan Transportation Commission's proposed Regional Measure was mentioned as a solution to funding for the transit plan. Members were encouraged to attend/participate a meeting on October 21st so that the ideas brought forth could be properly funded and approached as a multi-organizational collaboration.

The following member of the public spoke in support of the Realign plan.

Lisa Foster: Transportation Manager for the City of Alameda commented in favor of Realign. Foster thanked the Board for keeping the 51A service in Alameda and for its responsiveness to Alameda community needs. Although all suggestions were not implemented in the Realign plan, the City looks forward to collaborating with AC Transit soon.

MOTION: SYED/BECKLES to direct staff to review the concerns raised alleging inaccuracies in the Title IV analysis; identify the process, timeline, and community engagement plan for changes in the paratransit service; continue to work with ATU on the concerns raised regarding lack of break time and access to bathrooms, cease study of using non-ATU workers for micro transit, and report to the Board in three months.

Further discussion ensued. Upon request, General Counsel clarified the procedure regarding substitute motions by referring to Board Policy 101 and the procedures

outlined in the Robert's Rules of Order.

SUBSTITUTE MOTION: SHAW/WALSH to adopt Resolution No. 24-035, which directs the General Counsel to file a Notice of Exemption with Alameda and Contra Contra Counties and any other parties that may be required, approves the staff's proposed Realign Final Network Plan (including micro transit better known as Flex Service) and excludes Realign + which shall be looked into further at a later point. The motion carried by the following vote:

Ayes: SHAW, WALSH, McCALLEY, PEEPLES, YOUNG

Noes: BECKLES, SYED

MOTION: PEEPLES/McCALLEY to direct staff and the outside consultant to finish their review of Director Syed's and Laurel Paget-Seekins' Title VI analysis and report back to the Board with an explanation of their responses. The motion carried by the following vote:

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

7. CLOSED SESSION/REPORT OUT

There was no report out of closed session.

7.A. Conference with Legal Counsel – Potential Litigation

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

7.B. 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

7.C. Public Employee Performance Evaluation

(Government Code Section 54957)

Title: General Manager, General Counsel, District Secretary

8. AGENDA PLANNING

8.A. Review of Agenda Planning Pending List and Agenda Planning Request Forms. [24-061p](#)

Staff Contact:

Linda Nemeroff, Board Administrative Officer/District Secretary

No new items were added to Agenda Planning.

9. GENERAL MANAGER'S REPORT

9.A. General Manager's Report for October 9, 2024. [24-016p](#)

The report was presented for information only.

10. BOARD/STAFF COMMENTS

(Government Code Section 54954.2)

10.A. Written reports from Board members on travel to District-related conferences occurring in the last 30 days. [24-314](#)

Written reports were presented for the record from Vice President Shaw and President Young.

11. ADJOURNMENT

There being no further business to come before the Board of Directors, the meeting adjourned at 8:27 p.m. The next regular meeting of the Board of Directors is scheduled for October 23, 2024.

Respectfully submitted,

/s/ Linda Nemeroff

Board Administrative Officer/District Secretary