



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

### **MINUTES**

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

4:15 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, August 7, 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 33B, San Pablo, California 94806

**1. CALL TO ORDER**

The Alameda-Contra Costa Transit District Board of Directors held a meeting on Wednesday, August 7, 2024, at 5:00 p.m.

The meeting was called to order at 4:00 p.m. for the purpose of Closed Session. All Board members were present with the exception of Director Syed who arrived at 4:02 p.m. and Director Beckles who arrived at 4:09 p.m. The Board convened in Closed Session to discuss Items 7A-7D as listed on the agenda. Closed Session concluded at 4:28 p.m.

Prior to the start of the meeting, Assistant 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 Assistant General Counsel advised that all votes must be taken by roll call vote.

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

**2. ROLL CALL**

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

**3. PUBLIC COMMENT**

**MICHAEL FREEMAN**, Center for Independent Living, requested that staff provide riders with disabilities the opportunity to give input on conceptual designs for Realign to create equitable and accessible transit for all different-abled individuals.

**4. MODIFICATIONS TO THE AGENDA**

There were no modifications to the agenda.

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

There was no public comment on the Consent Calendar.

**MOTION:** BECKLES/SHAW to receive or approve the items on the Consent Calendar. 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 July 24, 2024.

[24-035](#)

Staff Contact:

Linda Nemeroff, Board Administrative Officer/District Secretary

MOTION: BECKLES/SHAW to approve Board of Directors meeting minutes of July 24, 2024. The motion carried by the following vote:

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

- 5.B.** Consider receiving the Semi-Annual Employee and Non-Employee Out-of-State Travel Report for the second half of FY 2023-24. [24-405](#)

Staff Contact:

Chris Andrichak, Chief Financial Officer

MOTION: BECKLES/SHAW to receive the Semi-Annual Employee and Non-Employee Out-of-State Travel Report for the second half of FY 2023-24. The motion carried by the following vote:

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

- 5.C.** Consider receiving the Monthly Report on Investments for June 2024. [24-402](#)

Staff Contact:

Chris Andrichak, Chief Financial Officer

MOTION: BECKLES/SHAW to receive the Monthly Report on Investments for June 2024. The motion carried by the following vote:

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

- 5.D.** Consider receiving a report on the Status of Active Contracts and Spending amounts over \$250,000 for Fiscal Year 2023-2024. [24-404](#)

Staff Contact:

Chris Andrichak, Chief Financial Officer

MOTION: BECKLES/SHAW to receive a report on the Status of Active Contracts and Spending amounts over \$250,000 for Fiscal Year 2023-2024. The motion carried by the following vote:

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

- 5.E.** Consider receiving the FY 2023-2024 Surplus and Obsolete Materials Report. [24-403](#)

Staff Contact:

Chris Andrichak, Chief Financial Officer

MOTION: BECKLES/SHAW to receive the FY 2023-2024 Surplus and Obsolete Materials Report. The motion carried by the following vote:

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

- 5.F.** Consider authorizing the General Manager to exercise option year two [16-057f](#)

with Service Wear Apparel.

Staff Contact:

Salvador Llamas, Chief Operating Officer

MOTION: BECKLES/SHAW to authorize the General Manager to exercise option year two with Service Wear Apparel. The motion carried by the following vote:

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

- 5.G.** Consider receiving the report on the District's involvement in external planning processes. [24-408](#)

Staff Contact:

Ramakrishna Pochiraju, Executive Director of Planning & Engineering

MOTION: BECKLES/SHAW to receive the report on the District's involvement in external planning processes. The motion carried by the following vote:

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

- 5.H.** Consider authorizing the General Manager to enter into a program participation Memorandum of Understanding (MOU) with the Metropolitan Transportation Commission (MTC) for AC Transit's participation in the Free or Reduced Cost Regional Transfers Pilot (Regional Transfers Pilot) program in substantially similar form to the draft MOU. [24-365](#)

Staff Contact:

Chris Andrichak, Chief Financial Officer

MOTION: BECKLES/SHAW to authorize the General Manager to enter into a program participation Memorandum of Understanding (MOU) with the Metropolitan Transportation Commission (MTC) for AC Transit's participation in the Free or Reduced Cost Regional Transfers Pilot (Regional Transfers Pilot) program in substantially similar form to the draft MOU. The motion carried by the following vote:

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

- 5.I.** Consider receiving the monthly legislative report. [24-422](#)

Staff Contact:

Claudia Burgos, Director of Legislative Affairs & Community Relations

MOTION: BECKLES/SHAW to receive the monthly legislative report. The motion carried by the following vote:

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

## 6. REGULAR CALENDAR

### Board Administrative Matters - President Young

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***During the discussion of Item 6.A., the meeting was briefly interrupted by a fire alarm at approximately 6:55 p.m. and resumed at approximately 7:15 p.m. All Board members were present.***

- 6.A.** Consider setting hybrid Public Hearings before the Board of Directors at 2:00 p.m. and 6:00 p.m. on Wednesday, September 11, 2024, at AC Transit's General Offices; and setting remote (virtual) staff-led Public Hearings on September 9, 2024 at 6:00 p.m. and September 10, 2024 at 9:00 a.m. regarding the Realign Draft Final Network Plan. [23-250i](#)

**Staff Contact:**

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

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

**Public Comment:**

**Jane Kramer** commented that bicycle riders do not pay attention to other people using the city streets and asked if the Board could pay attention to this issue and notify the Department of Motor Vehicles.

**Alice Mainhart** expressed her thanks to the Board and staff for its review of the current Realign draft plan and for listening to the public's request and needs, which includes saving Line 51A.

**Tony Lewis** thanked the Board and staff for all its hard work and for listening to the needs of riders about access to Kaiser hospital in Oakland. Lewis noted the modifications to the original Realign plan are much better than originally proposed, including the idea of Line 20 and 21, and hoped that the draft will be passed soon.

**Lupe Miller**, ATU Member, expressed frustration about inadequate progress between AC Transit and ATU on matters related to the Realign plan's bus operator schedules and the failure of AC Transit's planning staff to take bus operator feedback seriously. Miller commented that union members previously enumerated these concerns, which includes adequate break time for restrooms and meals.

**Michael Miller**, Division 2 bus operator, expressed appreciation to all the bus operators in each Division and commented that the data used in the report is not realistic and ATU's own study showed that bus operators need to speed to adhere to the schedule.

**Josie Ahrens** noted that bus riders will benefit most when the service run times and frequencies needed for bus operators are addressed. Ahrens commented that the Board should approve the plan only after the ATU has signed off on the runtimes and frequencies and offered suggestions to harmonize the plan goals between AC Transit staff and ATU.

**Warren Cushman**, Community Resources for Independent Living, noted that current management action does not support cooperation between ATU 192 and management as previously promised. Cushman urged parties hold off approving action on Realign until the ATU 192 concerns are fully addressed.

**Latrina Meredith**, President, ATU 192, commented that the planning team blames the Board for stalled discussion at planning meetings and recommends Board attendance at planning meetings to get a full understanding of these issues. Meredith noted that the current plan does not have bathrooms available for Lines 20, 21, and 96 bus lines and that communication with bathroom operators has been inadequate.

**Richard Marcantonio**, Public Advocates, urged the Board to commit to a plan to bring back actual schedules and run times with a commitment to utilizing the aid of the ATU bus operators in the new service plan for board approval.

**Simon Brown**, People's Transit Alliance, requested that any changes to routes that riders depend on work for the operators themselves. Brown urged that any proposed changes after public hearings get approval from ATU after feedback and input from operators on run times and frequencies.

**Valerie McGraw** requested schedules with realistic run times that make bus service reliable and safe for everyone, noting that means current and future schedules should consider the local speed limits, realistic run times, and the availability of adequate break areas and bathrooms for operators. McGraw added that the Board to really listen to operators when finalizing run times and bus frequencies in the updated schedules.

**Laurel Paget-Seekins**, Public Advocates, commented that previous management statements to use the riders and bus operator's statements and experiences about bus schedules toward improving the realign plan do not appear to be true. Paget-Seekins emphasized the importance of taking action while believing the workers and riders.

**Dave Lyons**, ATU 192, commented on the way the concerns of bus operators today mirror the concerns of bus operators 44 years ago. Lyons noted that bus operators would feel less frustrated and more cared about with access to clean bathrooms.

**Miguel**, People's Transit Alliance, expressed solidarity with the drivers and emphasized the need for guidance from the Union and providing necessary facilities. Miguel urged management to consider ATU and their drivers as a primary resource in developing schedules for new routes.

**James Johnson**, ATU System Business Agent, reiterated the need for management to focus on addressing the concerns of the ridership and operators. Johnson commented that continued discussion is needed with each party to come to agreement to produce an agreeable outcome and overcome the many issues that are disagreed upon.

**Michelle Pryor**, commented that the Board should defer to the opinions of the union bus operators regarding the efficiency improvements needed for Realign.

**Michai Freeman**, expressed support for ATU bus operators, noting that inadequate bathroom breaks is not equitable. Freeman requested the Board to better address the needs of the riders.

**Sheela Gunn**, Center for Independent Living, commented on the importance of a safe and comfortable transportation system for people with disabilities and access needs. Gunn argued that drivers should not have to endure inadequate scheduling which affect basic needs such as bathroom breaks. Gunn also commented on rider issues with smokers in bus shelters and incorrect classification of bus benches as 'comfort' items when they are a necessity for older and disabled riders.

**Aleta Dupree** commented on the 7 & 29, 57, NL, & F bus lines. Dupree added support for the continued operation of the Paratransit bus service.

**Dylan Fabris** urged the Board to approve the network plan after finalizing run times and frequencies with ATU final approval, suggesting several operational and policy ideas to improve bus operator efficiency and operator and rider comfort.

**Emily Wheeler**, Public Advocates, commented on the responsibility of AC Transit to keep its employees safe, healthy, and happy and asked the Board for final approval on route changes only after the Union has signed off on the run times and frequencies, and to add run and recovery time to existing routes, taking into account changes to speed limits. Wheeler also calls for A/C transit to pass a Board policy creating standard and threshold to identify when routes need additional run and recovery times, as traffic patterns and speed limits change.

**Jesse Gunn**, AC Transit Ward 6, requested the Board provide clear and pointed direction to its staff to ensure AC Transit, its union, and the public are happy with the results of the Realign plan.

**JC** expressed hope for the Board to prioritize reliability by properly supporting drivers and providing them with reliable toilet access and encouraged the board support the union buy-in before realignment plans are adopted.

**Alfred Twu** expressed support for workers and riders emphasizing the importance for a reliable and frequent bus system. Twu requested the Board make sure operators have adequate time for breaks.

**Jimanette James**, ATU Bus Operator, commented on the ongoing disagreements between staff and the union regarding Realign issues. James noted the certain contractual guidelines create restrictions on things like scheduling but pointed out that sometimes workers need to go 'above and beyond' to run an efficient company. James expressed hope that the Union and staff can work together to come to a realistic and equitable solution.

MOTION: SHAW/YOUNG to set the Public Hearings before the Board of Directors at 2:00 p.m. and 6:00 p.m. on Wednesday, September 11, 2024, at AC Transit's General Offices; and setting remote (virtual) staff-led Public Hearings on September 9, 2024 at 6:00 p.m. and September 10, 2024 at 9:00 a.m. regarding the Realign Draft Final Network Plan, as recommended by staff.

Members of the Board continued to make inquiries of staff concerning the Realign Project, including timeline for approval, implementation and policy-related issues concerning run and recovery times. Assistant General Counsel Aimee Steele offered an interpretation of the Board's reconsideration procedures. Discussion ensued and an amended motion was offered by Director Syed as follows:

AMENDED MOTION: SYED/BECKLES to set the Public Hearings as recommended and to direct staff to return to the Board with an update following the Public Hearings and prior to the Board's final decision, including an update on work with labor partners to address their concerns, a draft equity analyses and the summary of the feedback received at the public hearings.

President Young followed with an amendment to the amended motion as follows:  
AMENDMENT TO AN AMENDED MOTION: YOUNG/SHAW to adopt the main motion and direct staff to continue to work with ATU Local 192 to address the issues of schedules, run times and bathroom breaks. The motion carried by the following vote:

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

**Nays:** BECKLES, SYED

## **7. CLOSED SESSION/REPORT OUT**

Assistant General Counsel Aimee Steele reported out of Closed Session on the following:

MOTION: McCALLEY/SHAW to authorize settlement in the matter of McClain v. AC Transit, WCAB Case Nos. ADJ ADJ911371, ADJ9113550; Claim Nos. ACCT-007401, ACCT-009107, ACCT-008599 via stipulations with request for award for 71% permanent disability in the amount of \$121,297.50.

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

**Abstain:** BECKLES

There were no additional reports out of Closed Session.

### **7.A. Conference with Legal Counsel – Existing Litigation**

(Government Code Section 54956.9 (a))

- McClain v. AC Transit, WCAB Case Nos. ADJ911371, ADJ9113550; Claim Nos. ACCT-007401, ACCT-009107, ACCT-008599

- Williams v. AC Transit, WCAB Case No. ADJ 11509686; Claim No. ACCT-025608

### **7.B. Conference with Legal Counsel – Potential Litigation**

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

### **7.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

### **7.D. Public Employee Appointment**

(Government Code Section 54957(b))

Title: General Counsel

## **8. AGENDA PLANNING**



- 8.A.** Review of Agenda Planning Pending List and Agenda Planning Request Form submitted by Vice President Shaw. [24-061m](#)

Staff Contact:

Linda Nemeroff, Board Administrative Officer/District Secretary

Vice President Shaw's agenda planning request was accepted.

**9. GENERAL MANAGER'S REPORT**

- 9.A.** General Manager's Report for August 7, 2024. [24-016m](#)

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. [24-311](#)

A written report provided by Vice President Shaw and Director McCalley was entered into the record.

**11. ADJOURNMENT**

There being no further business to come before the Board of Directors, the meeting adjourned at 7:55 p.m. The next regular meeting of the Board of Directors is scheduled for Wednesday, September 11, 2024 at 5:00 p.m.

Respectfully submitted,

/s/

Linda A. Nemeroff

Board Administrative Officer/District Secretary