



ALAMEDA-CONTRA COSTA TRANSIT DISTRICT

Master Minute Order

File Number: 18-211f

Report ID: 18-211f

Type: Regular - Planning

Status: Continued

Agenda
Section:

Meeting Body: Board of Directors -
Regular Meeting

Report Created: 10/14/2021

Final Action: 10/27/2021

ded Action: Receive a report on the various contracting scenarios and associated cost estimates for the District's Joint Powers Agreement Transit Shelter Program; and

- 1) Consider the following scenarios, excluding Scenario A (the current contract structure):
 - Scenario B: implement two separate contracts: one contract for cleaning and one contract for advertising, repairs, installations, and relocations;
 - Scenario C: implement three separate contracts: one contract for cleaning, one contract for advertising revenue, and one contract for repairs, installations, and relocations;
 - Scenario D: bring cleaning in-house and implement two separate contracts: one contract for advertising revenue and one contract for installations and relocations; or
 - Scenario E: bring cleaning, installation, and repairs in-house and implement one contract for advertising revenue.
- 2) Authorize the issuance of solicitation(s) associated with the selected scenario chosen by the Board.

Sponsors:

Enactment Date:

Attachments: STAFF REPORT, Att.1. Cost Estimates Table
Summary, Att.2. Cost Estimates Table, Att.3.
Presentation, Att.4. Shelter Location Map

Enactment Number:

Hearing Date:

Effective Date:

History of Legislative File

Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
Board of Directors - Regular Meeting	10/27/2021	Continued				Pass
Action Text: MOTION: ORTIZ/WILLIAMS to continue the matter and direct the General Manager to negotiate with the cities and report back to the Board as soon as possible. The motion carried by the following vote:						
Notes: [Written comment received prior to the meeting is incorporated into the file by reference.]						
Transportation Planner Carissa Lee presented the staff report and outlined the						

various scenarios and associated operating and capital costs before the Board for consideration.

Public Comment:

Katy Scott-Smith, Peoples' Transit Alliance, East Bay Democratic Socialists of America, provided reasons for support for Option E, which supports not outsourcing the stated work. Scott-Smith noted several advantages for bringing this work in-house, including control of hiring, training, and overseeing the quality of work. Scott-Smith noted that outsourcing work is a greater financial risk due to limited competition in this sector and, with few vendors in this business, rubber stamping will happen, and oversight will be problematic and wasteful.

Yvonne Williams noted historical shortcomings of outsourcing the work and recommended the development of in-house services on this matter. Williams supported the implementation of surveys which will help address rider equity concerns.

Board Discussion:

Director Peoples felt a policy discussion about who should assume financial responsibility for shelters and benches should precede any Board decision on the scenarios presented by staff, suggesting that cities be financial responsible for shelters and benches in their city.

President Ortiz noted that \$7-10 million would be needed to fund a new Transit Shelter Program and inquired about the legality of the 1998 Joint Powers Agreement (JPA) with the various cities once Clear Channel is no longer maintaining the shelters. She also asked what the impact would be of not having a consistent response from the cities with respect to financial support. General Counsel Jill Sprague advised that the JPA would no longer exist due to the structure of the original agreement. Executive Director of Planning & Engineering Ramakrishna Pochiraju added that if the cities do not want to contribute to the support of the shelters, the District can continue to maintain them or remove them. Ms. Sprague advised that to the extent that AC Transit owns the shelters, any injury occurring on District property could result in liability for the District.

President Ortiz asked about the impact to the procurement process when it is not yet known which cities will provide financial support. Mr. Pochiraju advised that the contract extension approved by the Board at the previous meeting gave staff time to develop a scope of work and also work with the JPA cities on the issue of financial support. General Manager Hursh added that a new contract can be based on the number of shelters in the event a city withdrew.

Vice President Young suggested that there be a Scenario F, to account for cities that did not want to provide financial support.

Director Shaw believed it would be appropriate for cities to assume ongoing responsibility for shelter maintenance, while the District retained control over what

the shelters look like. In addition, Director Shaw felt an assessment of the liability experienced by other Bay Area transit agencies over the last ten years was warranted to gain a better understanding of the risk associated with ownership of the shelters. With regard to the overall cost, Director Shaw believed that the numbers required further refinement, saying that she called a transit agency in Austin that fabricates, builds, installs and maintains its own shelters in-house with a staff of 13. She further commented supportively on Scenario C believing it provided the most options, saying that it was too costly to bring the service in-house.

Director Walsh believed that while the report addressed the problem of maintaining 276 shelters, it did not address whether the number of shelters was optimal, their placement (location) and what other options should be considered. She further suggested that staff perform community outreach to gauge what people value in a bus shelter and suggested that these conversations happen concurrently with outreach on the service redesign. Also of issue was whether the advertising piece should be separated from the overall contract as a stand-alone item and how advertising revenue could offset the cost of the program. Questions also arose concerning the City of Berkeley's participation in the JPA and the progress made towards hiring a facilities manager to oversee the program. Executive Director of Service Development & Planning Robert del Rosario explained the intricacies of the advertising contract, shelter footprint, and placement, saying that the original intent of the contract was to have more shelters where ridership was highest. He added that the advertising contract could be separated and that the City of Emeryville was not a part of the JPA because they had a policy prohibiting advertisements on city streets. Ms. Lee advised that due to the downward trend and variability in advertising revenues, it was not used to offset the cost of the program. Chief Operating Officer Salvador Llamas also gave a status update regarding the development of a classification specification for the facilities manager position. Director Walsh encouraged staff to look at every aspect of the program with fresh eyes.

Director Beckles felt the District needed to fully explore the option of getting financial support from cities. Director Beckles asked why the Transit Shelter Program was not budgeted to which Mr. Hursh advised that the advertising revenue always carried the cost of the program, so there was no out-of-pocket cost to the District. He added that it would need to be a part of the operating budget which will affect the amount of service the District can deliver and agreed that contributions from the cities needed to be further explored. Director Beckles commented that the shelters in Alameda were nice and asked who paid for them. Director Peoples reported that Alameda did not want advertising on their shelters and opted to build their own. Director Beckles further lent her support to the use of in-house labor to maintain the shelters, but felt cities needed to do their part due to the cost.

Vice President Young asked what would happen if a Request For Proposals was not timely issued. Mr. Hursh advised that there would be no way to effect maintenance and cleaning of the shelters.

Director Williams suggested that the issue of shelters be discussed at Inter-Agency Liaison Committee meetings with the various cities. President Ortiz agreed, saying that there is a lot of analysis that needs to take place before the Board selects an option. She suggested that the Board continue the item so staff can conduct additional analysis with regard to shelter locations, etc., and start negotiating with the cities.

Ayes: 7 President Ortiz, Vice President Young, Director Walsh, Director Beckles,
Director Williams, Director Shaw, Director Peoples
