



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

### **MINUTES**

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

CLOSED SESSION 4:30 PM for Agenda Items 8A-8D

VIRTUAL MEETING

Phone (669) 900 6833

Webinar ID: 984 8717 5063

**Wednesday, May 25, 2022 at 5:00 PM**

**<https://bit.ly/38RVyAT>**

#### **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)**

**MURPHY MCCALLEY (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 meeting on Wednesday, May 25, 2022, at 5:00 p.m.

The meeting was called to order at 4:31 p.m. for the purpose of Closed Session. All Board members were present with the exception of Director Young who arrived at 4:35 p.m. and Director Walsh who arrived at 4:41 p.m. The Board convened in Closed Session to discuss Items 8A-8D as listed on the agenda. Closed Session concluded at 4:50 p.m.

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

**2. ROLL CALL**

Director Walsh arrived at the meeting at 7:43 p.m.

Director Beckles left the meeting at 6:03 p.m.

Director Young left the meeting at 7:47 p.m.

**Present:** Ortiz, Young, Beckles, Shaw, Peeples, McCalley

**Absent:** Walsh

**3. PRESENTATION****3.A. Update on State Legislative Activities.**[22-306](#)

Steve Wallauch of Platinum Advisors gave the state legislative update.

**Public Comment:**

**Adina Levin**, Advocacy Director, Seamless Bay Area, commented on the reporting of Senate Bill 917 and on upcoming funding of transit-related actions in the California State Legislature.

**George Spies** advocated for Board support towards passage of best version of Senate Bill 917.

**Board Discussion:**

Members of the Board inquired about free student transportation legislation and potential impacts as well as the Seamless Transportation legislation (SB 917).

The item was presented for information only.

**4. PUBLIC COMMENT**

**Sheana Condit-Gordon**, Principal, Brett Harte Middle School, commented on how the widespread use of Clipper Cards has become significantly less useful without restoration of the 94 bus line and requested the reinstatement of the 94 bus line.

**Hayden Miller** expressed frustration with the lack of weekend bus service availability.

**Eric Brazier**, Vice President, Amalgamated Transit Union, Local 192, commented on the effect

of reduced bus service in the Hayward Highland area and made recommendations for improved service. Braziel asked that the 94 bus line be reinstated.

**Kacei Conyers**, Transportation Specialist, Center for Independent Living, began commenting on a subject matter to be discussed later in the meeting and was directed to call back at that time.

## 5. MODIFICATIONS TO THE AGENDA

President Ortiz removed item 6.P. from the agenda for future consideration.

Director Beckles asked if the agenda item pertaining to the reconsideration of the mask requirement (Item 9.A.) should be moved to another meeting since Director Walsh was not in attendance. President Ortiz read a text message from Director Walsh indicating that if she was not present for the vote on the item, she would like to pull the item off the agenda.

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

There was no public comment on the consent calendar.

MOTION: PEEPLES/SHAW to receive, approve or adopt the items on the Consent Calendar as indicated. [Director McCalley noted abstentions on Items 6.A., 6.B., and 6.C. as shown below.]  
The motion carried by the following vote:

**Ayes:** Ortiz, Young, Beckles, Shaw, Peeples, McCalley

**Absent:** Walsh

- 6.A.** Consider approving the minutes of the Special Board of Directors meeting of March 23, 2022. [22-320](#)

MOTION: PEEPLES/SHAW to approve the minutes of the Special Board of Directors meeting of March 23, 2022. The motion carried by the following vote:

**Ayes:** Ortiz, Young, Beckles, Shaw, Peeples

**Absent:** Walsh

**Abstained:** McCalley

- 6.B.** Consider approving Board of Directors minutes of April 13, 2022. [22-091](#)

MOTION: PEEPLES/SHAW to approve the Board of Directors minutes of April 13, 2022.  
The motion carried by the following vote:

**Ayes:** Ortiz, Young, Beckles, Shaw, Peeples

**Absent:** Walsh

**Abstained:** McCalley

- 6.C.** Consider approving the minutes of the Special Board of Directors meeting of April 15, 2022. [22-321](#)

MOTION: PEEPLES/SHAW to approve the minutes of the Special Board of Directors meeting of April 15, 2022. The motion carried by the following vote:

**Ayes:** Ortiz, Young, Beckles, Shaw, Peeples

**Absent:** Walsh

**Abstained:** McCalley

- 6.D.** Consider approving Board of Directors minutes of May 11, 2022. [22-093](#)

MOTION: PEEPLES/SHAW to approve the Board of Directors minutes of May 11, 2022. The motion carried by the following vote:

**Ayes:** Ortiz, Young, Beckles, Shaw, Peeples, McCalley

**Absent:** Walsh

- 6.E.** Consider receiving the FY 2021-22 Third Quarter Travel and Meeting Expense Report for Directors and Board Officers. [22-250](#)

MOTION: PEEPLES/SHAW to receive the FY 2021-22 Third Quarter Travel and Meeting Expense Report for Directors and Board Officers. The motion carried by the following vote:

**Ayes:** Ortiz, Young, Beckles, Shaw, Peeples, McCalley

**Absent:** Walsh

- 6.F.** Consider receiving the FY 2021-22 Third Quarter Employee and Non-Employee Out-of-State Travel Report. [22-263](#)

MOTION: PEEPLES/SHAW to receive the FY 2021-22 Third Quarter Employee and Non-Employee Out-of-State Travel Report. The motion carried by the following vote:

**Ayes:** Ortiz, Young, Beckles, Shaw, Peeples, McCalley

**Absent:** Walsh

- 6.G.** Consider authorizing the General Manager to attend the Zero Emission Bus Resource Alliance (ZEBRA) Round Table on July 13-14, 2022, in Portland, Oregon. [22-326](#)

MOTION: PEEPLES/SHAW to authorize the General Manager to attend the Zero Emission Bus Resource Alliance (ZEBRA) Round Table on July 13-14, 2022, in Portland, Oregon. The motion carried by the following vote:

**Ayes:** Ortiz, Young, Beckles, Shaw, Peeples, McCalley

**Absent:** Walsh

- 6.H.** Consider receiving the Disadvantaged Business Enterprise (DBE) Semi-Annual Payment Report for the period of October 1, 2021 through March 31, 2022. [22-239](#)

MOTION: PEEPLES/SHAW to receive the Disadvantaged Business Enterprise (DBE) Semi-Annual Payment Report for the period of October 1, 2021 through March 31, 2022. The motion carried by the following vote:

**Ayes:** Ortiz, Young, Beckles, Shaw, Peeples, McCalley

**Absent:** Walsh

- 6.I.** Consider adoption of Resolution No. 22-018 authorizing the General Manager, or his designee, to file and execute applications and funding agreements, and certifications and assurances with the Metropolitan Transportation Commission for the State of Good Repair (SGR) Program to fund the purchase of thirty-six (36) on-highway commuter buses. [22-251](#)

MOTION: PEEPLES/SHAW to adopt Resolution No. 22-018 authorizing the General Manager, or his designee, to file and execute applications and funding agreements, and certifications and assurances with the Metropolitan Transportation Commission for the State of Good Repair (SGR) Program to fund the purchase of thirty-six (36) on-highway commuter buses. The motion carried by the following vote:

**Ayes:** Ortiz, Young, Beckles, Shaw, Peeples, McCalley

**Absent:** Walsh

- 6.J.** Consider authorizing the General Manager or his designee to file and execute applications and funding agreements with the Federal Transit Administration (FTA) for Fiscal Year (FY) 2022 Low or No Emission and Grants for Buses and Bus Facilities Competitive Programs, to modernize the Training and Education Center and purchase nine zero-emission buses. [22-290](#)

MOTION: PEEPLES/SHAW to authorize the General Manager or his designee to file and execute applications and funding agreements with the Federal Transit Administration (FTA) for Fiscal Year (FY) 2022 Low or No Emission and Grants for Buses and Bus Facilities Competitive Programs, to modernize the Training and Education Center and purchase nine zero-emission buses. The motion carried by the following vote:

**Ayes:** Ortiz, Young, Beckles, Shaw, Peeples, McCalley

**Absent:** Walsh

- 6.K.** Consider receiving the Quarterly Report on the Status of Active Contracts and Spending Amounts over \$250,000. [22-295](#)

MOTION: PEEPLES/SHAW to receive the Quarterly Report on the Status of Active Contracts and Spending Amounts over \$250,000. The motion carried by the following vote:

**Ayes:** Ortiz, Young, Beckles, Shaw, Peeples, McCalley

- Absent:** Walsh
- 6.L.** Consider receiving the FY2021-22 Third Quarter Surplus and Obsolete Materials Report [22-296](#)
- MOTION: PEEPLES/SHAW to to receive the FY2021-22 Third Quarter Surplus and Obsolete Materials Report The motion carried by the following vote:
- Ayes:** Ortiz, Young, Beckles, Shaw, Peeples, McCalley
- Absent:** Walsh
- 6.M.** Consider review of Board Policy 316 - Debt Management with no recommended amendments. [22-284](#)
- MOTION: PEEPLES/SHAW to review Board Policy 316 - Debt Management with no recommended amendments. The motion carried by the following vote:
- Ayes:** Ortiz, Young, Beckles, Shaw, Peeples, McCalley
- Absent:** Walsh
- 6.N.** Consider approving a non-substantive amendment to Board Policy No.438 - Vehicle Use Policy [22-294](#)
- MOTION: PEEPLES/SHAW to approve a non-substantive amendment to Board Policy No.438 - Vehicle Use Policy The motion carried by the following vote:
- Ayes:** Ortiz, Young, Beckles, Shaw, Peeples, McCalley
- Absent:** Walsh
- 6.O.** Consider receiving the Retirement Board meeting minutes of April 21, 2022. [22-317](#)
- MOTION: PEEPLES/SHAW to receive the Retirement Board meeting minutes of April 21, 2022. The motion carried by the following vote:
- Ayes:** Ortiz, Young, Beckles, Shaw, Peeples, McCalley
- Absent:** Walsh
- 6.P.** Consider receiving the Semi-Annual Retirement Board Report. [22-260](#)
- Item 6.P. was pulled off the agenda by the Board President at the request of Director Walsh. The item will be placed on the June 8, 2022 meeting agenda.
- 6.Q.** Consider adoption of Resolution No. 22-015 giving notice of the General District Election to be held on Tuesday, November 8, 2022, for the election of four (4) Directors, requesting consolidation of said election with the General State Election to be held on the same date, and specifications of the election order. [22-247](#)
- MOTION: PEEPLES/SHAW to adopt Resolution No. 22-015 giving notice of the General

District Election to be held on Tuesday, November 8, 2022, for the election of four (4) Directors, requesting consolidation of said election with the General State Election to be held on the same date, and specifications of the election order. The motion carried by the following vote:

**Ayes:** Ortiz, Young, Beckles, Shaw, Peeples, McCalley

**Absent:** Walsh

- 6.R.** Consider authorizing the General Manager to enter into contracts and approve six-month renewal rates for Kaiser Permanente, Health Net, Vision Service Plan, MetLife Dental and Standard Life Insurance. [22-311](#)

MOTION: PEEPLES/SHAW to authorize the General Manager to enter into contracts and approve six-month renewal rates for Kaiser Permanente, Health Net, Vision Service Plan, MetLife Dental and Standard Life Insurance. The motion carried by the following vote:

**Ayes:** Ortiz, Young, Beckles, Shaw, Peeples, McCalley

**Absent:** Walsh

## **7. REGULAR CALENDAR**

Items were taken out of order, but are reported in sequential order in the minutes for ease in reading. Director Beckles left the meeting at 6:03 p.m. after the discussion of Item 7.E.

### **External Affairs Items - Chair Peeples**

- 7.A.** Consider receiving the Monthly Legislative Report and approval of legislative positions. [22-115](#)

External Affairs Representative Steven Jones presented the staff report and addressed questions concerning bus stop legislation and green initiatives.

MOTION: ORTIZ/SHAW to receive the Monthly Legislative Report and approve the legislative positions recommended by staff. The motion carried by the following vote:

**Ayes:** Ortiz, Young, Shaw, Peeples, McCalley

**Absent:** Walsh, Beckles

- 7.B.** Consider polling results and provide direction to staff regarding placing a general obligation bond on the November 8, 2022 ballot. [22-297](#)

External Affairs Representative Ryan Lau introduced Sara LaBatt of EMC Research who made a presentation. There was no discussion of the item.

#### **Public Comment:**

**Raya Small**, Senior and Disability Action, asked if public the comment period would be reopened to accommodate the planned removal of the agenda item to discuss the

Mask Mandate.

**John Minot**, East Bay Transit Riders Union (EBTRU), thanked the Board for pursuing avenues of the future funding deficit and commented on political challenges faced by public agencies in this pursuit.

**George Spies** suggested the Board look into ways to pursue regional transit funding measures because of recent success of the passage of strong regional transit funding bonds during mid cycle election periods.

**Gerald Cauthen** commented that taxpayers are more willing to pay more money when they can trust that promises of their voted officials will be kept.

MOTION: ORTIZ/YOUNG to receive the polling results and direct staff not to attempt to go to the ballot in 2022. The motion carried by the following vote:

**Ayes:** Ortiz, Young, Shaw, Peeples, McCalley

**Absent:** Walsh, Beckles

#### **Finance and Audit Items - Chair Shaw**

- 7.C.** Consider receiving a report regarding the implementation of 2-hour free transfers on AC Transit on Clipper and AC Transit mobile payment application only and provide direction to staff on how to proceed. [22-187a](#)  
[Requested by Director Shaw - 3/9/2022]

Chief Financial Officer Chris Andrichak presented the staff report.

#### **Public Comments:**

**George Spies** expressed support for a commitment to free bus transfers and noted that such action will promote ridership and improve transit transfers across the region.

**Hayden Miller** noted that a free bus transfer process will efficiently improve the bus rider experience and its implementation should be expedited, even if it's only on the AC Transit Mobile App in the short term.

**John Minot**, EBTRU, expressed support for the implementation of the 2-hour free bus transfer as soon as possible. Minot commented that this program helps to change bus rider habits and encourages new bus riders.

**David Sorrell**, UC Berkeley Administrator, expressed support for 2-hour free bus transfers and commented on the implementation challenges faced by staff.

**Adina Levin**, Advocacy Director, Seamless Bay Area, expressed support of free transfers and reported that the MTC fare coordination and integration study's next step of implementing reduced fares on interagency transfers is moving forward.

**Beth Kenny**, Senior Disability Action, commented on the effects of negative economic factors and inflation currently affecting bus riders and expressed support of implementing free 2-hour bus transfers as soon as possible.

**Joe Kunzler** commented on the importance of creating a seamless transit system with free bus transfers.

#### **Board Discussion:**



Director Peeples commented on the difficulties of working with Cubic on the Clipper project. He was also frustrated by the fact that people generally ignore that free transfers are essentially available on the Day Pass.

President Ortiz inquired about the options to implement free transfers, which Mr. Andrichak outlined the options. President Ortiz commented on language in staff report that indicates that transfers are already free on the mobile app. Mr. Andrichak concurred that was the case and that the option in the mobile app that allows free transfers could not be turned off. Director Shaw added that the Board was being asked to extend the 90 minutes to 2 hours.

Vice President Young asked how the rider is in a better position as a result of this. Director Shaw responded that there are a lot of people that do not do round trips that benefit from a free transfer. The other option was to price the Day Pass at two rides. Vice President Young requested that staff provide more data on one-way trips. He would be happy to extend the time on the mobile app to two hours.

MOTION: YOUNG/SHAW to direct staff to implement a two-hour transfer on the AC Transit mobile app, conduct a Title VI Analysis and report back to the Board if the Title VI analysis reflects a negative impact. The motion carried by the following vote:

**Ayes:** Ortiz, Young, Shaw, Peeples, McCalley

**Absent:** Walsh, Beckles

### Planning Items - Chair Beckles

- 7.D.** Consider receiving an update on the District's plan for a system-wide network redesign. [Requested by Director Shaw - 2/23/2022 and Director Peeples - 9/8/2021] [22-226](#)

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

Director of Service Planning Robert del Rosario and Director of External Affairs and Community Relations Claudia Burgos presented the staff report.

#### **Public Comments:**

**John Minot** expressed concerns, and offered comments, about the interaction of the work to the service level and the System Plan redesign.

**Hayden Miller** expressed concern that the system-wide network update will shrink the footprint of the system even more than it has shrunk due to the Covid-19 pandemic and result in the further loss of transit services.

**Gerald Cauthen** suggested staff be proactive about the system-wide update and commented on ways staff can manage public engagement, outreach, and communication for the system-wide network redesign.

**Board Discussion:**

Director Shaw commented that service recovery is a high priority to the Board and staff, adding that it is a complex process that needs to engage many stakeholders. Director Shaw asked for a \$1 million budget augmentation for FY 2023 to engage a consultant to support the system redesign plan not only in the technical and outreach capacity, but also to work with the Board on illuminating priorities and tradeoffs that are going to be necessary to meet the service needs of the community.

Director Peeples commented that the External Affairs staff is tasked with the competing priorities of the hiring outreach on one end and the service redesign efforts on the other, and asked staff for clarification as to how they are handling the potential conflict at hand. Executive Director of External Affairs, Marketing and Communications Beverly Greene advised that the marketing division is tasked with the bus operator hiring efforts.

Director McCalley supported Director Shaw's suggestion for engaging additional resources to aid in the redesign effort and encouraged staff to continue to restore as much service as possible.

Director Shaw made a motion to add \$1 million to the FY 2023 Budget to augment staff and begin the system-wide network redesign process. The motion was seconded by Director McCalley and the following Board comments ensued.

Director Peeples commented that he would not support the motion until the General Manager and Chief Financial Officer responded to the matter.

Vice President Young commented that he was inclined to support the motion but would abstain until staff responded to the request.

MOTION: SHAW/MCCALLEY to add \$1 million to the FY 2023 Budget to augment staff and begin the system-wide network redesign process. The motion carried by the following vote:

**Ayes:** Ortiz, Beckles, Shaw, McCalley

**Nayes:** Peeples

**Absent:** Walsh

**Abstained:** Young

- 7.E.** Consider receiving an update on the development of the District Project Labor Agreement (PLA) and Construction Careers Policy (CCP). [Requested by President Ortiz - 1/12/2022 and Director Beckles - 5/26/2021].

[22-274](#)

Director of Bus Rapid Transit David Wilkins presented the staff report.

There were no public comments.

**Board Discussion:**

President Ortiz was pleased with the report and that stakeholders were involved in the process.

Vice President Young asked staff that Project Labor Agreement (PLA) include the longevity term so that no agreements are indefinite in length; and to report back on the performance of the PLA concept so that the Board can decide whether to continue it or not. Staff agreed with the suggestion and will report to the Board.

Director McCalley agreed with the previous comment and questioned the staff's statement that the PLA might impact the number of bids received for projects. Mr. Wilkins explained that PLA might increase the bid amounts because the project agreements could require various elements, such as workforce development funds.

Director Peeples recollected the difficulties with PLA negotiations for the East Bay Bus Rapid Transit Project because they happened simultaneously with the Community Benefits Agreement at the time. Director Peeples asked what mechanism is in place to ensure no conflicts between the PLA and Community Benefits Agreement. Mr. Wilkins explained that the draft PLA framework is based on that of the Bus Rapid Transit PLA and was supported by the Alameda County Building Trades.

MOTION: SHAW/PEEPLS to receive an update on the development of the District Project Labor Agreement (PLA) and Construction Careers Policy (CCP). The motion carried by the following vote:

**Ayes:** Ortiz, Young, Beckles, Shaw, Peeples, McCalley

**Absent:** Walsh

**Operations Items - Chair Young**

- 7.F.** Consider receiving the Quarterly Operations Performance Report for AC Transit Fixed Route Services during the Third Quarter of Fiscal Year 2022. [22-230](#)

*[A document showing the Trips Not Operated was presented at the meeting and is incorporated into the file by reference.]*

Assistant Director of Maintenance Chris Durant presented the staff report.

There were no public comments offered.

**Board Discussion:**

Director Shaw congratulated employees of the month and noted improvement in on-time performance. Director Shaw further commented on the security metrics as a

critical component in measuring the value provided by the Alameda and Contra Costa Sheriffs. Chief Operating Officer Salvador Iltamas addressed Director Shaw's questions about the number of incident reports, ways to achieve community compliance and issue fewer citations, and the number of times the Deputies made bus boardings and shadowing.

Vice President Young commented that several years ago he had an informational meeting with the Alameda County Sheriff's Office and encouraged Director Shaw to meet with the new Lieutenant for AC Transit.

MOTION: PEEPLES/ORTIZ to receive the Quarterly Operations Performance Report for AC Transit Fixed Route Services during the Third Quarter of Fiscal Year 2022. The motion carried by the following vote:

**Ayes:** Ortiz, Young, Shaw, Peeples, McCalley

**Absent:** Walsh, Beckles

#### **Board Administrative Matters - President Ortiz**

- 7.G.** Consider approving the creation of a Limited-Purpose Board Officer Evaluation and Compensation Committee. [Requested by Director McCalley - 5/11/22] [22-325](#)

There was no presentation of the staff report. President Ortiz outlined the reason for the creation of the Committee and requested support from the Board to establish it.

There was no public comment offered.

MOTION: YOUNG/MCCALLEY to approve the creation of a Limited-Purpose Board Officer Evaluation and Compensation Committee. The motion carried by the following vote:

**Ayes:** Ortiz, Young, Shaw, Peeples, McCalley

**Absent:** Walsh, Beckles

- 7.H.** Announcement of appointments to the Limited-Purpose Board Officer Evaluation and Compensation Committee. (verbal) [22-325a](#)

President Ortiz announced the appointment of Directors McCalley, Shaw and Walsh to serve on the committee. Director McCalley will serve as Chair.

There was no public comment offered.

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

General Counsel Jill Sprague reported out on the following:

MOTION: PEEPLES/BECKLES to approve settlement in the amount of \$150,000 plus open future medical in the matter of Delores Hamilton v. AC Transit, WCAB Case Nos. ADJ1635018, ADJ1478952, ADJ4451847, ADJ4530744, ADJ608753, ADJ3372420, and ADJ2633787. The motion carried by the following vote:

**Ayes:** Peeples, Beckles, McCalley, Shaw, Young, Ortiz

**Abstain:** Walsh

**8.A. Conference with Legal Counsel – Existing Litigation**

(Government Code Section 54956.9 (a))

Dolores Hamilton v. AC Transit, WCAB Case Nos. ADJ1635018, ADJ1478952, ADJ4451847, ADJ4530744, ADJ608753, ADJ3372420, ADJ2633787

**8.B. Conference with Legal Counsel – Potential Litigation (Two Cases)**

(Government Code Section 54956.9(b))

**8.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

**8.D. Public Employee Performance Evaluation**

(Government Code Section 54957)

Title: General Manager, General Counsel, District Secretary

Director Young left the meeting at 7:47 p.m.

**9. AGENDA PLANNING**

**9.A. REQUEST FOR RECONSIDERATION**

[22-287a](#)

Consideration of Centers for Disease Control and California Department of Public Health guidance regarding face masks on public transportation and at District facilities [Previously considered and acted upon by the Board on April 27, 2022.]

*[Written comment received prior to the meeting, including resolutions from the City of Berkeley, Wellstone Democratic Club and Alameda County Democratic Party are incorporated into the file by reference.]*

President Ortiz announced the item and explained that Director Walsh who requested the reconsideration was not present at the meeting and asked the Board whether to receive the public comment and postpone the reconsideration for the future. There was a consensus to hear the public comment. Director Walsh joined the meeting during

public comment.

**Public Comments:**

**Joe Kunzler** requested the Board re-implement a masking policy on buses and commented on the how BART's masking policy has been successful.

**Emma** commented that disabled and older adults are facing fear and frustration with the absence of the mask mandate on public transit and in a manner with little to no public input and asked that the mask mandate be reinstated.

**Beth Kenney** commented on conflicted reporting affecting transit staffing and preventative safety measures due to the Covid-19 pandemic.

**Jessica Lehman**, Executive Director, Senior and Disability Action, commented on the hard choices transit riders must make to manage their health and their needs to travel due to the absence of a transit mask mandate and requested the restoration of a mask mandate.

**Mara Schechter** commented on the value of reinstating a mask mandate to prevent transmission of Covid-19 and Long Covid. Schechter added that bus operators have commented that a mask requirement makes them feel safer.

**Emily** noted that the reinstatement of the mask mandate adds an important layer of safety because the contraction of Long Covid is limited by vaccination and the addition of a mask mandate will decrease chances of infection.

**Sarah Lerner** noted a CDC study showing 1 in 5 vaccinated people will get Long Covid and that a mask mandate will help keep everyone safe.

**Dave Sorrell**, UC Berkeley Transportation Administrator, worries about mask enforcement on public transit but still recommends the reinstatement of the mask mandate.

**Shauna Reeds** commented that parents don't want to bring their kids on AC Transit without a masking policy. Reeds noted that not everyone has alternative transportation and asked that the Board bring back the mask mandate.

**Marjorie Albord** encouraged people to the ride bus for climate safety reasons and commented how a reinstatement of the mask mandate will encourage more riders.

**Carter Lavin** commented on the level of human life lost to Covid-19 and how the Board has the power to take steps to reduce the chances of more fatalities.

**Adina Levin**, Seamless Bay Area, expressed support of transit riding community and urged the Board to reinstate the mask mandate.

The following public speakers made inappropriate or profanity-filled comments:

**Michael Allen**

**Andrew Matrini**

**Bill Kent**

**Gerald Crawson**

**James Thompson**

**Harry Lewis**

**Board Discussion:**

Following public comment, Director Walsh shared justification for the request to reconsider a mask mandate on public transit, saying that because of a tie vote, the issue

warranted further consideration given that a lot of new information has come to light including a rise in Covid cases. Director Walsh felt that new data and research concerning masks and mask enforcement by bus operators should be considered again by the Board. Director Peeples commented that he would not consider the mask mandate again because AC Transit aligns with the local health departments' recommendations. Director Peeples further added that he would support the mask mandate when health officials provide such direction.

Director Walsh made a motion to reconsider the Board's April 27, 2022, decision regarding face masks on public transportation and District facilities. The motion failed for the lack of second.

**9.B.** Review of Agenda Planning Pending List. [22-065i](#)

Director Shaw requested a report on the status of service and ridership on the Dumbarton Express and U lines going to Stanford. (Ortiz concurred)

Director Walsh requested a report on revising Board Policy related to parking at the General Office to establish a parking fee for board members' designated parking spaces. (Peeples concurred)

Director Walsh requested a report on plans to meet the 100% service Key Performance Indicator with the goal of aligning the actual service with what is being advertised. (Shaw concurred)

**10. GENERAL MANAGER'S REPORT**

**10.A.** General Manager's Report for May 25, 2022. [22-041i](#)

The report was presented for information only.

**11. BOARD/STAFF COMMENTS**

(Government Code Section 54954.2)

Members of the Board commented on the events they attended since the last Board Meeting.

**12. ADJOURNMENT**

There being no further business to come before the Board of Directors, the meeting adjourned at 8:00 p.m. The next meeting of the Board is scheduled for Wednesday, June 8, 2022, at 5:00 p.m.

Respectfully submitted,

/s/

Linda A. Nemeroff  
District Secretary