



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

### **MINUTES**

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

VIRTUAL MEETING

**Wednesday, January 27, 2021 at 5:00 PM**

#### **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)**

**MARK WILLIAMS (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 regular virtual meeting on Wednesday, January 27, 2021.

Members of the Board participated via video conference from off-site locations in accordance with the statewide shelter in place order issued on March 16, 2020.

At 4:31 p.m., the Board of Directors convened in Closed Session to discuss Items 8.A. - 8.D. as listed on the agenda. All Board members were present with exception of Director Peeples. Closed Session concluded at 4:36 p.m.

President Ortiz called the Board of Directors meeting to order at 5:00 p.m.

**2. ROLL CALL**

Director Peeples arrived at 5:09 p.m.

**Present:** Ortiz, Young, Walsh, Beckles, Williams, Shaw, Peeples

**3. PRESENTATION****3.A. Update on State Legislative Activities.**[21-011](#)

Darius Anderson, Platinum Advisors, gave an update on state of politics in Sacramento, including staffing changes in the Governor's office and changes in leadership in the State Senate and Assembly resulting from the November election.

Steve Wallauch, Platinum Advisors, provided an update on state legislative activities and addressed questions from the Board concerning the state of discussions in Sacramento with respect to alternatives to replace the gas tax, the balance of funding for hydrogen versus battery-electric technologies, the amount of funding for transit available in the Governor's budget, potential legislation for a transit only lane on the Bay Bridge, the state of the Green New Deal for California and the potential for agencies like AC Transit to have a seat at the table, the availability of funding from workforce development for workforce training in new technologies and facilities, modification of farebox recovery requirements tied to various funding sources and the impact with respect to fare free transit, legislation concerning the collection of airport taxes for transit and proposed legislation concerning free transit for school children.

Mr. Anderson addressed the state of the effort to recall Governor Newsom.

No action was taken. The report was presented for information only.

**4. PUBLIC COMMENT**

**Eli Waldman** expressed concern that the Board has not discussed rear-door boarding and asked that this matter be scheduled for regular discussion at future Board meetings.

**Joty Dhalival**, East Bay DSA, encouraged the Board to consider reduced/eliminated fares for youth and senior riders.

**Nathanial Arnold**, Safety Chairperson of Amalgamated Transit Union (ATU) Local 192, recommended that the Board discuss and address fare-free, rear-door boarding. He explained the need for regular discussion of this matter and asked the Board to agendaize it for future meetings, stressing the safety that this service would provide to both the riders and operators.

**Warren Cushman** asked the Board to agendaize fare-free, rear door boarding for further discussion, adding that discounted fares for riders with disabilities must be added to the Board agenda for discussion and that the Board should receive Covid-19 updates each meeting.

**Nick Travaglini** asked and encouraged that fare-free, rear-door boarding be added as a regular item to the Board agenda for continued discussion.

**Katherine Scott-Smith** encouraged the Board to utilize monies received through CARES act to help better curb the spread of Covid-19.

**Ruscal Cuyangyang** urged the Board to expeditiously add the discussion item regarding fare-free, rear-door boarding to the Board agenda for continued discussion.

## 5. MODIFICATIONS TO THE AGENDA

There were no modifications to the agenda.

## 6. CONSENT CALENDAR

MOTION: SHAW/WILLIAMS to receive, approve or adopt items on the Consent Calendar as indicated. The motion carried by the following vote:

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

### 6.A. Consider approving Board of Directors minutes of January 15, 2021. [21-104](#)

MOTION: SHAW/WILLIAMS to approve Board of Directors minutes of January 15, 2021.

The motion carried by the following vote:

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

### 6.B. Consider approving Board of Directors minutes of January 13, 2021. [21-103](#)

MOTION: SHAW/WILLIAMS to approve Board of Directors minutes of January 13, 2021.

The motion carried by the following vote:

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

### 6.C. Consider receiving the Monthly Report on Investments for November 2020. [21-003](#)

MOTION: SHAW/WILLIAMS to receive the Monthly Report on Investments for November 2020. The motion carried by the following vote:

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

### 6.D. Consider authorizing the release of Request For Proposals (RFP) for a five-year contract for Audit and related services. [21-091](#)

MOTION: SHAW/WILLIAMS to authorize the release of Request For Proposals (RFP) for

a five-year contract for Audit and related services. The motion carried by the following vote:

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

- 6.E.** Consider the adoption of Resolution No. 21-006 authorizing the General Manager, or his designee, to execute a master funding agreement and related supplements with the California Department of Transportation (Caltrans), for state-funded transit projects. [21-088](#)

MOTION: SHAW/WILLIAMS to adopt Resolution No. 21-006 authorizing the General Manager, or his designee, to execute a master funding agreement and related supplements with the California Department of Transportation (Caltrans), for state-funded transit projects. The motion carried by the following vote:

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

- 6.F.** Consider receiving the monthly legislative report. [21-093](#)

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

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

- 6.G.** Consider adoption of Resolution No. 21-004 authorizing the General Manager to transfer ownership of one surplus transit bus to the Alameda County Emergency Medical Services Agency pursuant to Board Policy 461. [21-085](#)

MOTION: SHAW/WILLIAMS to adopt Resolution No. 21-004 authorizing the General Manager to transfer ownership of one surplus transit bus to the Alameda County Emergency Medical Services Agency pursuant to Board Policy 461. The motion carried by the following vote:

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

- 6.H.** Consider approving the release of a solicitation for Fiber Optic Network maintenance and related support services. [21-090](#)

MOTION: SHAW/WILLIAMS to approve the release of a solicitation for Fiber Optic Network maintenance and related support services. The motion carried by the following vote:

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

- 6.I.** Consider authorizing the General Manager to develop and implement a contactless payment system for East Bay Paratransit (EBP) in conjunction with the Bay Area Rapid Transit District (BART). [21-092](#)

MOTION: SHAW/WILLIAMS to authorize the General Manager to develop and implement a contactless payment system for East Bay Paratransit (EBP) in conjunction with the Bay Area Rapid Transit District (BART). The motion carried by the following vote:

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

## **7. REGULAR CALENDAR**

### **Planning Items - Chair Shaw**

- 7.A.** Consider receiving a report on the status of the District's contract with Clear Channel Outdoor (CCO) to maintain transit shelters in the AC Transit service area through 2021. [18-211c](#)

Transportation Planner Carissa Lee presented the staff report and outlined the work that Clear Channel would commit to perform under the new bridge agreement, which is considered a non-monetary asset as the District does not pay any monies to Clear Channel to service bus shelters. She added that the bridge agreement will give staff time to negotiate a new long-term transit shelter contract and investigate alternative models for transit shelter programs, while continuing to meet the needs of the District's local jurisdictional partners under the Joint Powers Agreement (JPA) as well as rider needs and expectations.

General Manager Michael Hursh explained that he extended the shelter contract under his emergency authority at the onset of the pandemic and asked Planning staff to provide context as to the scope and procurement of the contract. Director of Service Development and Planning Robert del Rosario reported that shelter advertising was not as lucrative as it used to be, noting that revenues for static advertising had dwindled due to the popularity of digital advertising, which is less suitable for bus shelters. In addition, the procurement of a new contract yielded only one bid by the current vendor who has a large presence in the Bay Area. Staff advised that Clear Channel was awarded a five-year contract with three five-year options and was in negotiations with the District when the pandemic hit. Staff further explained that the District was the lead in an umbrella contract that covered the majority of the cities within the District and the advertising revenue funded shelter maintenance.

Director Peeples explained that even though AC Transit is the administrator of the JPA, cities in the JPA are responsible for handling complaints concerning bus shelters in their jurisdiction. He added that when the original contract was awarded many years ago, the District placed a value on having clean, well maintained shelters over profit and wanted to make sure staff is following up on shelter complaints in an expeditious manner. He further shared that he was in favor of extending the contract. Director Williams shared similar concerns about timely resolution of complaints.

Director Young asked what the District would do if the current vendor decided to get out of the shelter business. Mr. del Rosario believed Clear Channel wanted to continue in the shelter business, adding that there were only a few companies doing this type of work, which has led to less competition. If Clear Channel were to suddenly get out of the shelter business, the shelters belong to them and AC Transit and the cities would need to find a way to acquire and maintain them at an unknown cost. The main issue for the District is to have clean shelters and staff is trying to figure out if there are other

ways to have a shelter program the District can afford. He added that any of these opportunities could result in more costs and likely fewer shelters.

Director Walsh inquired about the depth of advertising/notice of the solicitation for a new contract and Clear Channel's performance which appeared to be more reactive and less proactive in terms of maintenance. Mr. del Rosario reiterated that there were very few companies that performed this type of work and staff was confident that potential bidders knew about the opportunity. Director Walsh requested a list of the firms that were solicited. With regard to performance, Mr. del Rosario advised that there is a maintenance schedule but added that a shelter can be clean one minute and have trash and broken glass an hour later. Ms. Lee advised that the shelters are cleaned once a week and staff has access to maintenance logs. Shelters can also be cleaned upon request.

Director Walsh asked if the list of shelters requiring maintenance (Attachment 1 to the Staff Report) was the same as the one provided to the Board last May. Staff confirmed that it was, saying that the issues with these particular shelters were more complex and involved electrical work that would require trenching, the installation of a power source and approval from PG&E.

Director Walsh expressed concern that revenue generation under the contract had dwindled from \$123,000 to zero over the years and asked staff to explain. Mr. del Rosario advised that the District initially received \$123,000 to administer the contract but it had since become non-monetary because the market generated very little revenue. General Manager Hursh added that he would not agree to any long-term contract that did not have some reimbursement/administrative feed paid to the District. Director Walsh encouraged staff to explore decoupling shelter maintenance and advertising and some of the other ideas mentioned in the staff report. She also suggested that staff be more creative in their approach and explore other opportunities, such as the company that maintains the Bay Wheels Bike Stations. It was also suggested that alternative shelter designs with a smaller footprint made of more resilient materials be considered.

Director Shaw asked about the status of new shelters and requested a list of where the 60 new shelters will be located. She also wanted to know how customers could request a new shelter, noting that the process wasn't quite clear. Ms. Lee advised that the 60 new shelters would be placed at new locations which can take time to find given the placement of bus stops, ADA requirements, and the need for electrical work. Staff has also asked if some of the new shelters can be used as replacements for existing shelters. Mr. del Rosario confirmed that ADA, private easements, etc. made it difficult to place a shelter, but may also provide an opportunity to redesign shelters with a smaller footprint. President Ortiz added that it was very important for members of the public to be able to access information that describes jurisdictional responsibilities.

**Public Comment:**

**Ms. Fowles** commented that callers to the bus shelter service hotline noted on the shelters are answered by robo-attendants that do not offer adequate assistance and requested that AC Transit provide the necessary customer support.

**John Minot**, East Bay Transit Riders Union, suggested that AC Transit manage its bus shelter services in-house instead of outsourcing to a vendor and explained how doing so would work as either a better negotiating tactic with vendors like Clear Channel or provide an opportunity toward self-management of the bus shelter servicing.

**Hayden Miller**, East Bay Transit Riders Union, agreed with the concept of bringing bus shelter services in-house and updating the building material to a more durable material.

MOTION: ORTIZ/PEEPLES to receive a report on the status of the District's contract with Clear Channel Outdoor (CCO) to maintain transit shelters in the AC Transit service area through 2021. The motion carried by the following vote:

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

- 7.B.** Consider authorizing the General Manager, or his designee, to submit project requests to the Alameda County Transportation Commission (ACTC) for the 2022 Comprehensive Investment Plan (CIP) funding program.

[21-089](#)

There was no presentation of the staff report.

**Public Comment:**

**John Minot**, member of Bay Area Transit Riders Union, spoke in support of quick build bus improvements and related projects connected to the ACTC funding program.

MOTION: PEEPLES/ORTIZ to authorize the General Manager, or his designee, to submit project requests to the Alameda County Transportation Commission (ACTC) for the 2022 Comprehensive Investment Plan (CIP) funding program. The motion carried by the following vote:

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

**Operations Items - Chair Young**

- 7.C.** Consider receiving a report on operator restroom availability and progress with restroom projects. [Requested by Director Shaw on 12/09/2020]

[21-081](#)

Director of Transportation Derik Calhoun presented the staff report.

Director Shaw thanked the staff for bringing the informational report to the Board and encouraged a plan that would more provide break rooms for operators in addition to restrooms. Further, Director Shaw asked how often feedback from bus operators was solicited and what is being done in response to the feedback. Mr. Calhoun advised that the road supervision staff inspect the restrooms daily and collect feedback regularly. He

added that, in general, issue reported by bus operators are addressed as quickly as possible.

Director Shaw noticed that a restroom in Hayward was closed and asked how often the restrooms were inspected for closures. Mr. Calhoun advised that at some shared restroom locations, the response time depends on other parties such as BART. He added that usually, porta potties are put in place as soon as possible.

Director Williams asked if there were reports of restroom break-ins and if the District is partnering with businesses and local agencies to expand the restroom network and make it safer for woman operators. Mr. Calhoun acknowledged that there had been incidents and clarified that since the safety locks and gate reinforcements were placed around porta potties, the number of incidents has dropped. He further added that road supervisors routinely inspect the restrooms and do everything possible to make the restrooms safe. He also added that staff is continuously reaching out to local businesses about using their facilities to expand restroom availability, but acknowledged that limited operating hours and high turnover rate pose a significant challenge.

**Public comments:**

**Hayden Miller**, East Bay Transit Riders Union, said Bus Operators must have clean, safe restrooms throughout the system.

**Eric Brazier**, ATU 192, explained the effect of Covid-19 on the restroom partners of the transit system and that the temporary use of porta potties were purportedly unsafe, not well lit, and generally inadequate for the bus operators. He asked the Board to make every effort to fix this issue.

**Sultana Adams**, Division 3 Bus Operator/Shop Steward, offered a first-hand account of the challenges that Bus Operators face with the diminished access to clean, safe rest stops. By way of example, she explained the inadequate and unsafe cases of late-night porta potty rest stops and that these temporary fixes should be addressed immediately for the sake of operator safety.

MOTION: WILLIAMS/PEEPLES to receive a report on operator restroom availability and progress with restroom projects. The motion carried by the following vote:

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

- 7.D.** Consider receiving a report on the performance of the upgraded hydrogen infrastructure at the Emeryville Division (D2). [21-083](#)

Project Manager Jason Auyeung presented the staff report.

Director Peeples commented that AC Transit is leading the way to reach zero emissions by 2040. He congratulated the staff and many external stakeholders involved in the project for achieving a high level of performance.

To Vice President Young's question about potential modifications that could double the fueling capacity, Mr. Auyeung advised that in addition to the upgraded technology, staff



could employ the existing electrolyzer, which would double the fueling capacity to 130 fuel-cell busses.

**Public Comment:**

**Jimmy Le** said he was encouraged by the report of the Hydrogen Infrastructure Project and hopes funding and research continues; suggesting that AC Transit generate more public relations on the successes of the program to improve public support.

MOTION: PEEPLES/SHAW to receive a report on the performance of the upgraded hydrogen infrastructure at the Emeryville Division (D2). The motion carried by the following vote:

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

- 7.E.** Consider approving amendments to Board Policy 518, Title VI and Environmental Justice Service Review and Compliance Report Policy. [21-006](#)

There was no presentation of the staff report.

MOTION: WILLIAMS/ORTIZ to approve amendments to Board Policy 518, Title VI and Environmental Justice Service Review and Compliance Report Policy. The motion carried by the following vote:

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

**Board Administrative Matters - President Ortiz**

- 7.F** Announcement of Chair and Liaison Committee assignments for Calendar Year 2021. [21-098](#)

President Ortiz announced that the Chair assignments for Calendar Year 2021 were provided to the Board members.

President Ortiz also announced that Director Shaw will serve as the AC Transit Representative on the Transbay Joint Powers Authority Board (TJPA).

Liaison Committee assignments were entered into the record as Staff Report 21-098.

**8. CLOSED SESSION/REPORT OUT**

There was nothing to report out of closed session.

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

(Government Code Section 54956.9 (a))

Michael Jefferson v. AC Transit, CLAIM NO: ACCT-007628, WCAB Case No. ADJ7267539

**8.B. Conference with Legal Counsel – Potential Litigation**

(Government Code Section 54956.9(b)) (Two Cases)

**8.C. Conference with Labor Negotiators**

(Government Code Section 54957.6):

Agency Designated Representative:

- General Manager Michael Hursh;

- Acting Executive Director of Human Resources Nathaniel Kramer;

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

### **9. AGENDA PLANNING**

Directors are limited to two agenda planning requests per meeting. Each item requested shall have the concurrence of at least one other Director.

#### **9.A. Review of the Agenda Planning Pending List.**

[21-018a](#)

Director Shaw requested a report containing 90-day data on the usage of the Clipper Start program, also including the outreach. (Seconded by Ortiz)

Director Shaw requested a report on communication with customers about their complaints, specifically the number of tickets in the past six months, including the open tickets, how long the tickets were open and the staff's response time. (Seconded by Ortiz)

Director Walsh requested a report on efforts to hand out EasyPasses to riders and entities that are eligible for EasyPass. (Seconded by Peeples)

### **10. GENERAL MANAGER'S REPORT**

#### **10.A. General Manager's Report for January 27, 2021.**

[21-020a](#)

General Manager Michael Hursh reported on the start of the Clipper Start program.

Director Shaw commented on the new bus purchases and asked if the disability seats on the new busses will be in a different color. General Manager Hursh confirmed that the ADA seats on new buses would have a different color.

Director Peeples asked whether the new MCI commuter busses are needed given the covid-related decrease in Transbay ridership. Chief Operating Officer Salvador Llamas advised that, even though the ridership is currently low, the MCI commuter busses are the most appropriate vehicles for the Transbay route.

Director Peeples commented about the issues with the under performance of the New Flyer battery-electric busses and suggested that staff provide a future report on the New Flyer battery charging conditions.

**11. BOARD/STAFF COMMENTS**

(Government Code Section 54954.2)

Members of the Board commented on meetings and events attended since the last Board meeting.

**12. ADJOURNMENT**

There being no further business to come before the Board of Directors, the meeting adjourned at 7:15 p.m. The next meeting of the Board is scheduled for February 10, 2021 at 5:00 p.m.

Respectfully submitted,

/s/

Linda A. Nemeroff  
District Secretary