



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

### **MINUTES**

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

VIRTUAL MEETING

**Wednesday, April 14, 2021 at 5:00 PM**

**<https://bit.ly/3dlQTXu>**

#### **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, April 14, 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.

President Ortiz called the Board of Directors meeting to order at 5:02 p.m.

**2. ROLL CALL**

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

**3. PRESENTATION**

- 3.A.** Consider adoption of Resolution No. 21-013 honoring Senior Project Manager Sandra Lewis Williams on her retirement after 39 years of service. [21-204](#)

President Ortiz made congratulatory remarks and presented a resolution to retiring Project Manager Sandra Lewis-Williams in honor of her 39 years of service in the Innovation and Technology Department. Members of the Board congratulated Ms. Lewis-Williams on her achievement and many years of service to the District and wished her well in Retirement. Ms. Lewis-Williams thanked the Board for honoring her and for the opportunity to work at AC Transit. She also thanked her colleagues in the Innovation and Technology Department and the many friends she made while working at the District.

MOTION: SHAW/WILLIAMS to adopt Resolution No. 21-013 honoring Senior Project Manager Sandra Lewis Williams on her retirement after 39 years of service. The motion carried by the following vote:

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

**Absent:** Peeples

**4. PUBLIC COMMENT**

*[Two written comments were received prior to the meeting and are attached hereto as Exhibit A]*

**Sheela Gunn-Cushman** commented that all buses should continue to maintain the six-foot social distance rule and asked that the front seats on buses remain priority seating for disabled riders. Gunn-Cushman also suggested that people with developmental disabilities who go to COVID-19 vaccination sites by Paratransit be permitted to stay on the coach throughout the vaccination process.

**Joty Dhaliwal**, People's Transit Alliance of the East Bay Democratic Socialist of America (EBDSA), asked why District staff had not shared ridership data with the Board, which would

help inform the timely restoration of bus service. Dhaliwal urged the District to pressure the Metropolitan Transit Commission (MTC) to release ARP (American Rescue Plan) funding before the District's next fiscal year to assist in planning for service restoration and urged the Board to use the funds to increase service, which would lead to job creation and increased ridership.

**Laura Driscoll**, People's Transit Alliance EBDSA, asked for ridership data transparency from the District to assist advocacy groups for riders and drivers in knowing the extent of pass-ups and ridership growth.

**Annie Lloyd**, People's Transit Alliance EBDSA, urged the Board to return AC Transit to pre-pandemic service levels as soon as possible, saying that ridership levels are expected to rise as more people are vaccinated and return to work. Lloyd said service must be ready to meet demand and that failure to meet demand will have repercussions on ridership and the public's trust in the District moving forward.

**Richard Marcantonio**, Public Advocates, thanked the Board for its action to turn back the premature proposal to reduce safe distancing on buses. Marcantonio believed the District's biggest need is to increase service to reduce or eliminate overcrowding and pass-ups and the slow release of funding from MTC affects the District's ability to make service planning decisions. Marcantonio asked that staff include an expedited plan for hiring enough union workers to bring service back to pre-pandemic levels early in the new fiscal year.

**Andrea Lowe**, People's Transit Alliance EBDSA, asked the District to restore bus service as quick as possible and to push MTC to release the ARP monies to the District. Lowe cited reports indicating that riders who find public transit to be unreliable switch to other modes of transportation, sometimes permanently, and urged the Board to hire more bus drivers and to bring back service capacity to pre-pandemic levels.

**Jack Kurzweil**, Wellstone Democratic Renewal Club, supported previous speakers calling for a restoration of full transit service. Kurzweil said overcrowded buses during the COVID-19 crisis is not the way to go and the expectation of any ridership increase as the COVID-19 crisis declines without any effort to resume normal service is unrealistic. It was suggested that the Board seek to return to full service to meet the goal of normal ridership levels.

**Monica Mallon** asked the Board to resume full service as soon as possible, saying that any concern about a future Fiscal Cliff would not matter if ridership does not return to normal levels. AC Transit must push MTC to release funding to help the District resume full service.

**Nick Ratto**, People's Transit Alliance EBDSA, agreed with all previous speakers that transit recovery is important. Ratto spoke about the District's plan to increase bus fares noting that it would be a bad idea because a fare increase will decrease ridership and disproportionately impact low income riders. Ratto supported SF Muni's pilot plan for free bus fares and suggested AC Transit do the same.

**Nathan**, People's Transit Alliance EBDSA, thanked the Board for its recent temporary action to delay a reduction in the six-foot social distance rule on buses. Nathan urged the Board to do everything it can to increase service back to pre-pandemic levels now, noting that the financial sources previously addressed by other speakers provide the District with the funds it needs to return to full service and fix rider pass-ups.

## 5. MODIFICATIONS TO THE AGENDA

President Ortiz announced that agenda item 6.F. [Approval of Class Specifications for Bus

Operator and Bus Operator Mentor Coordinator] was pulled from the Consent Calendar and would appear on a future agenda.

## 6. CONSENT CALENDAR

MOTION: WILLIAMS/SHAW to receive or approve the items on the Consent Calendar as indicated, with exception of item 6.F. which was removed from the agenda. The motion carried by the following vote:

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

- 6.A.** Consider approving Board of Directors minutes of March 24, 2021. [21-221](#)

MOTION: WILLIAMS/SHAW to approve Board of Directors minutes of March 24, 2021. The motion carried by the following vote:

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

- 6.B.** Consider receiving report on Annual Statement of Economic Interest filings. [21-191](#)

MOTION: WILLIAMS/SHAW to receive the report on Annual Statement of Economic Interest filings. The motion carried by the following vote:

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

- 6.C.** Consider receiving the Retirement Board minutes of February 18, 2021. [21-208](#)

MOTION: WILLIAMS/SHAW to receive the Retirement Board minutes of February 18, 2021. The motion carried by the following vote:

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

- 6.D.** Consider receiving the Accessibility Advisory Committee minutes of February 9, 2021. [21-198](#)

MOTION: WILLIAMS/SHAW to receive the Accessibility Advisory Committee minutes of February 9, 2021. The motion carried by the following vote:

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

- 6.E.** Consider authorizing the General Manager or his designee to file and execute grant applications and funding agreements, and certifications and assurances with the State of California for an allocation of Senate Bill 1 (SB 1) Local Partnership Program (Formulaic) to secure funding for the re-roof of the Maintenance building at Division 2. [21-201](#)

MOTION: WILLIAMS/SHAW to authorize the General Manager or his designee to file and execute grant applications and funding agreements, and certifications and assurances with the State of California for an allocation of Senate Bill 1 (SB 1) Local Partnership Program (Formulaic) to secure funding for the re-roof of the Maintenance building at Division 2. The motion carried by the following vote:

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

- 6.F.** Consider the adoption of Resolution No. 21-015 approving the new classification of Bus Operator Mentor Coordinator and the revised classification of Bus Operator. **21-209a**

This item was removed from the agenda and will appear on a future agenda.

- 6.G.** Consider authorizing the General Manager to exercise one-year options to extend five contracts for Temporary Personnel Placement Services to the following: Apple One, Temp Positions, 22nd Century, PsiNapse, and Abacus through April 30, 2022. [16-121c](#)

MOTION: WILLIAMS/SHAW to authorize the General Manager to exercise one-year options to extend five contracts for Temporary Personnel Placement Services to the following: Apple One, Temp Positions, 22nd Century, PsiNapse, and Abacus through April 30, 2022. The motion carried by the following vote:

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

## **7. REGULAR CALENDAR**

### **External Affairs Items - Chair Williams**

- 7.A.** Consider receiving a report on the District's process for ensuring that schedules are up to date at bus stops. [Requested by Director Walsh - 2/24/21] [21-188](#)

Marketing Administrator Aaron Priven presented the staff report.

#### **Public Comment:**

**Katherine Scott-Smith**, People's Transit Alliance EBDSA, commented that it was troubling if Clear Channel fails to fulfill its contractual duties because poor work makes the District look bad to the public. Scott-Smith encouraged the Board to evaluate long-term solutions to mitigate these issues, such as doing the work in-house and re-evaluating the service contract with Clear Channel.

**Sheela Gunn-Cushman** commented that visually impaired riders do not benefit from Clear Channel's work at bus stops because there are no schedules or other signage accessible to blind people. Gunn-Cushman added that the 511 app has helped with bus schedule-related issues but would like improved accessibility for the visually impaired.

#### **Board Discussion:**

President Ortiz commented on the contract with Clear Channel and was disappointed with the approach to dealing with the vendor's poor maintenance of the bus shelters. President Ortiz raised concerns about the percentage of bus schedules that are yet to be updated and asked the General Counsel to advise if there was a provision in the contract that allowed the District to enforce the terms upon the vendor. General Counsel Jill Sprague advised that she would review the contract terms to verify a

possible contractual violation. Mr. Priven advised that at the time the staff report was written, a significant number of shelter schedules represented by Clear Channel were outdated. He added that the field crew hasn't been able to verify every bus schedule, but at the time of the meeting, 16 of Clear Channel's schedules had not been updated. He recognized that the vendor had made an improvement in the recent weeks.

Director Shaw asked staff to clarify who is responsible for updating and maintaining the bus shelters and unsheltered bus stops. Mr. Priven explained that out of roughly 5,000 bus stops, about 400 are bus shelters, of which Clear Channel maintains 300. The remainder of bus shelters are kept and updated by local municipalities. He added that AC Transit maintenance staff is responsible for updating bus schedules at approximately 1600 bus stops and poles, noting that once a printed schedule is updated, staff would make a log entry with a photograph of the updated pole.

Director Shaw asked if looking at the maintenance log would reveal what bus stops were updated and when. Mr. Priven explained that AC Transit staff would photograph the updated schedules; however, such information is not collected from Clear Channel or other local entities responsible for their stops or shelters. Director of Systems and Software Development Manjit Sooch advised that an asset management technology is used by the planning, marketing, and maintenance staff for creating and handling work orders for repairs and schedule updates on bus stops. She further added that data for tracking the bus stop updates is readily available. Director Shaw said that if data collected by the field crew is accurate and current, the changelogs should indicate which stops were updated and when; then deploy staff directly to the stops that were omitted rather than going out to every stop as it could take about two years to complete the review. Director Shaw urged staff to rethink the best practice for updating schedules on bus stops and shelters because it is crucial to show accurate data. She added that if schedules were not going to be updated promptly, then schedules should not be posted at all. In continuance, Director Shaw asked staff to make the physical schedules ADA compliant and accessible.

Director Beckles understood the complexity of the work needed to update the bus stop schedules manually but felt disappointed that 14% of schedules had not been updated. She also wanted to know why the field checks were suspended in 2020. Mr. Priven explained that the field checks were suspended due to the shelter-in-place order and resumed in January 2021. Director Beckles wanted to understand if the District would be better off taking on the responsibility of schedule updates on bus shelters rather than having Clear Channel do the work. General Manager Hursh concurred with the suggestion to study the feasibility of taking the schedule portion of Clear Channel's responsibilities in-house.

Director Walsh strongly encouraged staff to do what is necessary to ensure the schedules are up to date. She reiterated Director Shaw's comment that there was no benefit in having schedules on bus stops if the information would be inaccurate. She added that having accurate schedules is critical for riders and that holding staff and

contractors accountable is of paramount importance. Director Walsh spoke in support of the idea to reconsider the terms of the contract with Clear Channel and perhaps take on the schedule updates in-house.

MOTION: ORTIZ/PEEPLES to receive a report on the District's process for ensuring that schedules are up to date at bus stops. The motion carried by the following vote:

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

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

- 7.B.** Consider authorizing the General Manager to approve and execute the renewal of the District's 2021-2022 Transit Operations Insurance Program under the terms and conditions recommended by Staff. [21-235](#)

Claims and Liability Manager Jean Paul Popoff presented the staff report and stated the staff recommendation was to authorize the General Manager to maintain the current Self-Insured Retention of \$2 million on the automobile liability coverage and \$1 million on the general liability coverage and to bind the 2021-22 Transit Operations Insurance Program inclusive of the terrorism coverage.

**Public Comment:**

There was no public comment Offered.

**Board Discussion:**

Director Shaw asked for clarification of the premium and deductible associated with the cybersecurity insurance policy. PJ Skarlanic with Alliant (the District's broker) stated that the deductible being proposed by the insurance carrier was \$100,000 while the limit is actually \$3 million, so the insurance carrier would reimburse the District for claims up to \$3 million per occurrence excess of a \$100,000 deductible.

Director Peeples commented on the substantial cost of the District's insurance program, saying that employees needed to know how much accidents cost the District and their impact on providing additional service, better benefits, etc.

Director Beckles asked how staff knew they were getting the best deal for the insurance being provided. Mr. Popoff advised that the broker looks at the best deal that can be offered by the expiring carrier, but also searches the market for other companies that provide comparable coverage for less money. Mr. Skarlanic added that the role of the insurance broker is to seek quotes in the market for each line of coverage and present options to the District. He added that the entire insurance program was heavily marketed and there are very few carriers that are willing to provide coverage for public transit. Staff for the District then sifts through the various offerings to present the best of all available options to the Board.

MOTION: PEEPLES/ORTIZ to authorize the General Manager to maintain the current Self-Insured Retention of \$2 million for the automobile liability coverage and \$1 million

for the general liability coverage and to bind the 2021-22 Transit Operations Insurance Program inclusive of the terrorism coverage. The motion carried by the following vote:

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

#### **Operations Items - Chair Beckles**

- 7.C.** Consider receiving a report on the New Flyer fuel cell bus A123 battery failures, investigation, and conclusion. [21-202](#)

Director of Maintenance Cecil Blandon presented the staff report.

**Public Comment:**

There was no public comment offered.

**Board Discussion:**

Director Peeples thanked staff for bringing the report and recognized New Flyer's response in providing advanced diagnostics and training materials.

Director Beckles asked a clarifying question about battery warranty which was addressed by staff.

MOTION: SHAW/PEEPLS receive a report on the New Flyer fuel cell bus A123 battery failures, investigation, and conclusion. The motion carried by the following vote:

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

- 7.D.** Consider receiving a report on the security of the Microsoft Office 365 cloud applications. [Requested by Director Peeples - 7/22/20]. [21-167](#)

Information Technology Manager Tasawar Jalali presented the staff report.

MOTION: PEEPLES/ORTIZ to receive a report on the security of the Microsoft Office 365 cloud applications. The motion carried by the following vote:

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

#### **8. AGENDA PLANNING**

- 8.A.** Review of the Agenda Planning Pending List. [21-018f](#)

New items were added to the Agenda Planning Pending List as follows:

In relation to the recent extension of the contract with Alameda County Sheriff's Office, Director Shaw recalled the request for staff to provide data on various metrics, including incident response time. She asked for an informational report on what metrics staff has been capturing thus far and plans to present it to the Board. (President Ortiz concurred)

Director Shaw requested a report on staff's creative effort to use multi-modal options



for increasing mobility and ridership, including the possibility to partner with Oakland DOT to implement a mobility hub. (Director Peeples concurred)

Director Beckles requested a report that identifies ways to move up the service recovery plan from August 2022 to an earlier date. The report should also include information on how the Metropolitan Transportation Commission's recent decision to allocate American Recovery Plan funds after July 1, 2021 affects the District's service recovery. (Director Peeples concurred)

Director Beckles and Vice President Young requested a report on the upcoming fare increase, including historical background information about the Board's decision to schedule a fare increase. The report should also include options for the Board to decide how to handle the scheduled fare increase.

Director Walsh requested a report on the status of the Rear Door Boarding Pilot. (Director Beckles concurred)

Vice President Young requested a report on the plan to return to in-person Board meetings. (President Ortiz concurred)

Director Peeples requested a report on a financial scenario and an approximate dollar amount needed to reach the full-service capacity level, with the caveat of maintaining the 6-foot social distance onboard. (President Ortiz concurred)

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

### **9.A. General Manager's Report for April 14, 2021.**

[21-020f](#)

The report was presented for information only.

## **10. BOARD/STAFF COMMENTS**

(Government Code Section 54954.2)

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

Director Williams and Vice President Young left the meeting at 6:46 p.m.

## **11. ADJOURNMENT**

Next Meeting: April 28, 2021 at 5:00 p.m.

There being no further business to come before the Board of Directors, the meeting adjourned at 6:48 p.m. in the memory of Jim Mills, the retired State Senator and champion of the Transportation Development Act. The motion to adjourn in memory of Jim Mills was moved by Director Peeples, seconded by President Ortiz and passed unanimously with Director Williams and Vice President Young absent. The next meeting of the Board is scheduled for April 28,

2021, at 5:00 p.m.

Respectfully submitted,

/s/

Linda A. Nemeroff

District Secretary

**April 14, 2021 Board of Directors Meeting**

**eComment: Public Comment for Items Not on the Agenda**

User: Guest User

Comment: I love to have our 60 Bus go from Chabot College to South Hayward and back. Chabot will be opening in the Fall 2021 and students need a way to get to and from Chabot. Thank you  
President of Student Senate Theresa Pedrosa

Created at: 4-2-2021 01:35 PM

User: Guest User

Comment: Please bring back service from South Hayward to Chabot.

Created at: 4-1-2021 03:30 PM