



ALAMEDA-CONTRA COSTA TRANSIT DISTRICT

MINUTES

Board of Directors - Regular Meeting

VIRTUAL MEETING

Zoom link <https://actransit.zoom.us/j/96211230621>

Dial in phone number (669) 900 6833 Webinar ID: 962 1123 0621

Wednesday, October 14, 2020 at 5:00 PM

Phone (669) 900 6833

Webinar ID: 93050742404

See Agenda for Instructions

MEMBERS OF THE BOARD OF DIRECTORS

JOE WALLACE, PRESIDENT (WARD 1)

ELSA ORTIZ, VICE PRESIDENT (WARD 3)

GREG HARPER (WARD 2)

MARK WILLIAMS (WARD 4)

DIANE SHAW (WARD 5)

H. E. CHRISTIAN PEEPLES (AT-LARGE)

JOEL YOUNG (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, October 14, 2020.

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.

The Closed Session scheduled for 4:30 p.m. was cancelled.

Vice President Ortiz called the Board of Directors meeting to order at 5:04 p.m.

2. ROLL CALL

President Wallace arrived at 5:20 p.m.

Present: Wallace, Ortiz, Harper, Williams, Shaw, Peeples, Young

3. PUBLIC COMMENT

There were no public comments offered.

4. MODIFICATIONS TO THE AGENDA

There were no modifications to the agenda.

5. CONSENT CALENDAR

MOTION: PEEPLES/HARPER to receive, approve or adopt the items on the Consent Calendar as indicated, with the exception of Item 5.I (Dumbarton Express Contract) which was pulled off consent for questions. The motion carried by the following vote:

Ayes: Ortiz, Harper, Williams, Shaw, Peeples, Young

Absent: Wallace

5.A. Consider approving Board of Directors minutes of September 23, 2020. [20-388](#)

MOTION: PEEPLES/HARPER to approve Board of Directors minutes of September 23, 2020. The motion carried by the following vote:

Ayes: Ortiz, Harper, Williams, Peeples, Young, Shaw

Absent: Wallace

5.B. Consider approving the Joint Board of Directors/Accessibility Advisory Committee meeting minutes of September 9, 2020. [20-393](#)

MOTION: PEEPLES/HARPER to approve the Joint Board of Directors/Accessibility Advisory Committee meeting minutes of September 9, 2020. The motion carried by the following vote:

Ayes: Ortiz, Harper, Williams, Peeples, Young, Shaw

Absent: Wallace

- 5.C.** Consider receiving the August 27, 2020 Retirement Board minutes. [20-375](#)

MOTION: PEEPLES/HARPER to receive the August 27, 2020 Retirement Board minutes.
The motion carried by the following vote:

Ayes: Ortiz, Harper, Williams, Peeples, Young, Shaw

Absent: Wallace

- 5.D.** Consider approving amendments to Board Policy 294 (Attorneys-Outside Employment), including the renumbering of the Policy to 238. [20-344](#)

MOTION: PEEPLES/HARPER to approve amendments to Board Policy 294 (Attorneys-Outside Employment), including the renumbering of the Policy to 238. The motion carried by the following vote:

Ayes: Ortiz, Harper, Williams, Peeples, Young, Shaw

Absent: Wallace

- 5.E.** Consider approving amendments to, and the re-titling of, Board Policy 216 from "Smoke Free Environment" to "Smoke and Vape Free Environment" to prohibit these activities within District facilities, parking lots and all vehicles, both revenue and non-revenue, owned or leased by the District. [20-343](#)

MOTION: PEEPLES/HARPER to approve amendments to, and the re-titling of, Board Policy 216 from "Smoke Free Environment" to "Smoke and Vape Free Environment" to prohibit these activities within District facilities, parking lots and all vehicles, both revenue and non-revenue, owned or leased by the District. The motion carried by the following vote:

Ayes: Ortiz, Harper, Williams, Peeples, Young, Shaw

Absent: Wallace

- 5.F.** Consider approving minor amendments to Board Policy 311 - Budgets [20-368](#)

MOTION: PEEPLES/HARPER to approve minor amendments to Board Policy 311 - Budgets The motion carried by the following vote:

Ayes: Ortiz, Harper, Williams, Peeples, Young, Shaw

Absent: Wallace

- 5.G.** Consider adoption of Resolution No. 20-052 providing notice of the scheduled adoption of the corrected Appropriations Limit for Fiscal Year 2020-21. [20-249b](#)

MOTION: PEEPLES/HARPER to adopt Resolution No. 20-052 providing notice of the

scheduled adoption of the corrected Appropriations Limit for Fiscal Year 2020-21. The motion carried by the following vote:

Ayes: Ortiz, Harper, Williams, Peeples, Young, Shaw

Absent: Wallace

- 5.H.** Consider adoption of Resolution No. 20-049 providing notice of the scheduled adoption of the corrected Appropriations Limit for Fiscal Year 2019-20. [19-194b](#)

MOTION: PEEPLES/HARPER to adopt Resolution No. 20-049 providing notice of the scheduled adoption of the corrected Appropriations Limit for Fiscal Year 2019-20.. The motion failed by the following vote:

Absent: Wallace

- 5.I.** Consider exercising the fifth and final of five one-year options with MV Transportation to continue Dumbarton Express service under the existing contract. [11-256i](#)

Item 5.I. was pulled off the agenda by Director Shaw to ask about the timing for the procurement of a new service provider, the reason for a three percent increase in the cost of the contract option, and a comment from staff on the cost of the service. Director of Service Development and Planning Robert del Rosario advised that he was unsure what the three percent increase was for, but would gather more information and report back. He noted that \$105 hourly rate for the service was significantly lower than AC Transit's hourly rate. A new solicitation for the next contract would need to commence in the very near future and AC Transit would need to determine it wanted to bid on the service.

MOTION: SHAW/PEEPLES to approve exercising the fifth and final of five one-year options with MV Transportation to continue Dumbarton Express service under the existing contract. The motion carried by the following vote:

Ayes: Wallace, Harper, Williams, Shaw, Peeples, Young

Absent: Ortiz

- 5.J.** Consider authorizing the General Manager to enter into an extension of the Dumbarton Bridge Regional Operations Consortium (DBROC) Cooperative Agreement--January 1, 2021 to December 31, 2021--in conjunction with the one-year option for the service contract. [11-256j](#)

MOTION: PEEPLES/HARPER to authorize the General Manager to enter into an extension of the Dumbarton Bridge Regional Operations Consortium (DBROC) Cooperative Agreement--January 1, 2021 to December 31, 2021--in conjunction with the one-year option for the service contract. The motion carried by the following vote:

Ayes: Ortiz, Harper, Williams, Peeples, Young, Shaw

Absent: Wallace

- 5.K.** Consider authorizing the General Manager to provide free bus rides on New Year's Eve between the hours of 8:00 p.m. on December 31, 2020 until 5:00 a.m. on January 1, 2021. [20-361](#)

MOTION: PEEPLES/HARPER to authorize the General Manager to provide free bus rides on New Year's Eve between the hours of 8:00 p.m. on December 31, 2020 until 5:00 a.m. on January 1, 2021. The motion carried by the following vote:

Ayes: Ortiz, Harper, Williams, Peeples, Young, Shaw

Absent: Wallace

- 5.L.** Consider approving the issuance of a Request for Qualifications (RFQ) for On-Call Project Management/Construction Management (PM/CM) contracts effective July 1, 2021. [20-360](#)

MOTION: PEEPLES/HARPER to approve the issuance of a Request for Qualifications (RFQ) for On-Call Project Management/Construction Management (PM/CM) contracts effective July 1, 2021. The motion carried by the following vote:

Ayes: Ortiz, Harper, Williams, Peeples, Young, Shaw

Absent: Wallace

- 5.M.** Consider adoption of Resolution No. 20-050 authorizing the filing of a Notice of Exemption for the Dumbarton Corridor Transit Travel Time Reduction Project. [20-381](#)

MOTION: PEEPLES/HARPER to adopt Resolution No. 20-050 authorizing the filing of a Notice of Exemption for the Dumbarton Corridor Transit Travel Time Reduction Project. The motion carried by the following vote:

Ayes: Ortiz, Harper, Williams, Peeples, Young, Shaw

Absent: Wallace

- 5.N.** Consider adoption of Resolution No. 20-051 authorizing the filing of three Notices of Exemption for the Rapid Corridors Project. [20-382](#)

MOTION: PEEPLES/HARPER to adopt Resolution No. 20-051 authorizing the filing of three Notices of Exemption for the Rapid Corridors Project. The motion carried by the following vote:

Ayes: Ortiz, Harper, Williams, Peeples, Young, Shaw

Absent: Wallace

6. REGULAR CALENDAR

External Affairs Items - Chair Ortiz

- 6.A.** Consider receiving a briefing on the results of the COVID-19 Rider [20-376](#)

Impact Survey.

Marketing and Communications Manager Nichele Laynes presented the staff report.

Director Shaw noted the difference in the demographics of the responses when compared with pre-COVID surveys and asked staff to comment. Ms. Laynes responded that the demographics were likely different because the survey was digital, saying that prior to COVID-19, staff would have provided more personal assistance in their outreach to riders to gather survey information.

Director Young asked if the results of the survey would be used to gauge future service. Director of Service Development and Planning Robert del Rosario advised that the survey results were not statistically valid and little information derived from the survey could be used in furtherance of determining future service.

Vice President Ortiz noted that 77% of riders are still pushing for six-foot social distancing and asked what the plan would be should a vaccine be developed. General Manager Michael Hursh advised that the District is following the guidance of local health officials and reminded the Board that any changes in social distancing requirements on buses would be brought back to the Board along with staff's rationale to relax the current guidelines.

MOTION: PEEPLES/SHAW to receive a briefing on the results of the COVID-19 Rider Impact Survey. The motion carried by the following vote:

Ayes: Wallace, Ortiz, Harper, Williams, Shaw, Peeples, Young

- 6.B.** Consider approving the final parameters for Inter-agency Liaison Committees (ILC) [19-377a](#)

Director of Service Development and Planning Robert del Rosario presented the staff report.

Director Young suggested that it might be prudent to reduce the number meetings down from four a year for each Committee given the number of existing ILCs. Mr. del Rosario responded that staff felt it was appropriate, but could come back to the Board later if the number of meetings became unmanageable.

MOTION: SHAW/WILLIAMS to approve the final parameters for Inter-agency Liaison Committees. The motion carried by the following vote:

Ayes: Wallace, Ortiz, Harper, Williams, Shaw, Peeples, Young

- 6.C.** Consider receiving a status update on the Next Generation Clipper (C2) Program. [20-385](#)

Project Manager Darrell Takara presented the staff report.

MOTION: WILLIAMS/WALLACE to receive a status update on the Next Generation

Clipper (C2) Program. The motion carried by the following vote:

Ayes: Wallace, Ortiz, Harper, Williams, Shaw, Peeples, Young

Planning Items - Chair Shaw

- 6.D.** Consider receiving the FY19-20 Annual Ridership and Route Performance Report in accordance with Board Policy 545 - Service Standards and Design Policy. [20-367](#)

Manager of Systems Analysis Campbell Jung presented the staff report. He further clarified technical aspects of the report.

Director Young noted that the impact on ridership appeared to stem from the closing of schools and the shutdown of the economy. He asked if ridership was projected to increase to pre-pandemic levels once schools and the economy fully re-opened. Director of Service Development and Planning Robert del Rosario advised that a major component that is still unknown is when social distancing requirements will be relaxed. Telecommuting is another factor that will impact ridership patterns, which will reduce commute traffic. Mr. del Rosario also predicted that Transbay ridership would return at a slower rate. Director Shaw added that issues with school service will be ongoing due to social distancing.

Vice President Ortiz asked how the operation of the Transbay Center will be affected if AC Transit is running fewer buses. General Manager Michael Hursh advised that the interest and rental income are not sufficient to support operation of the terminal at this time and many of the tenants have already asked for rent reductions. Without additional revenue, AC Transit will have to pay what the Transbay Joint Powers Authority can't come up with, which is a financial concern for the District.

Director Shaw appreciated the regular ridership reports provided by staff.

MOTION: WALLACE/ORTIZ to receive the FY19-20 Annual Ridership and Route Performance Report in accordance with Board Policy 545 - Service Standards and Design Policy. The motion carried by the following vote:

Ayes: Wallace, Ortiz, Harper, Williams, Shaw, Peeples, Young

- 6.E.** Consider approving a pilot for all-door boarding on 25 buses operating on lines in Oakland and Berkeley. [20-320](#)

Service Planning Manager Michael Eshleman presented the staff report.

Director Peeples commented that he was in support of the pilot and had been advocating for it for many years

Vice President Ortiz was concerned about fare evasion and how the District planned to address it. She also asked how long the pilot would be in place. Mr. Eshleman responded that the pilot would extend throughout the shelter in place order and until

U.C. Berkeley resumes classes. He further commented that staff would review camera footage to assess fare evasion and bring the findings back to the Board.

Director Young asked how someone would know that rear-door boarding was available. Mr. Eshleman explained that rear-door boarding will only be available on two lines and passengers will be made aware of the program on the bus.

Director Harper commented in support of the pilot, but shared concerns about fare evasion. He asked that staff advise the Board ahead of time on what data they plan to collect and how it will be analyzed.

Director Shaw asked if there would be Automatic Passenger Counters on the buses in the pilot, to which Mr. Eshleman advised that the buses would be equipped with the devices.

MOTION: PEEPLES/WILLIAMS to approve a pilot for all-door boarding on 25 buses operating on lines in Oakland and Berkeley. The motion carried by the following vote:

Ayes: Wallace, Ortiz, Harper, Williams, Shaw, Peeples, Young

- 6.F.** Consider approving the issuance of an Invitation For Bid (IFB) for the construction of Battery Electric Bus Infrastructure at the Emeryville Division (D2). [20-380](#)

There was no presentation of the staff report.

MOTION: ORTIZ/YOUNG to approve the issuance of an Invitation For Bid (IFB) for the construction of Battery Electric Bus Infrastructure at the Emeryville Division (D2). The motion carried by the following vote:

Ayes: Wallace, Ortiz, Harper, Williams, Shaw, Peeples, Young

Operations Items - Chair Young

- 6.G.** Consider receiving a report on the August 2020 signup service levels and operator resources available. [20-386](#)

Director of Transportation Derik Calhoun presented the staff report.

Public Comment:

Sheela Gunn-Cushman was concerned about the possibility that (1) if there is inadequate bus driving staff available to operate a bus line, then the bus line to not run that day; and (2) such an outcome will not be communicated to bus riders in a timely fashion. She hoped that an application on rider phones could be made available and believed more discussion on this matter should be had.

MOTION: ORTIZ/WILLIAMS to receive a report on the August 2020 signup service levels and operator resources available. The motion carried by the following vote:

Ayes: Wallace, Ortiz, Harper, Williams, Shaw, Peeples, Young

- 6.H.** Consider receiving a report on positive air flow tests and procedures to ventilate coaches during the COVID-19 response.

[20-365a](#)

Safety Manager Tabby Davenport presented the staff report.

Vice President Ortiz thanked staff for partnering with the Safety Committee and ATU Local 192 on the issue of airflow.

Director Harper commented about questions he emailed to Mr. Davenport earlier in the day and asked Mr. Davenport to respond for the record. Mr. Davenport read through the document, upholding staff's protocol of keeping the windows closed while the air is circulated through the air filtering and open rear hatch. [The correspondence mentioned above is incorporated into the file]. Mr. Hursh added that staff continues to work with ATU Local 192 and investigate other technologies.

Director Young asked what measures are taken to ensure that windows are kept closed on the coaches. Mr. Davenport advised that besides securing the windows, staff informs riders why it is essential to keep the windows closed in order to maintain the positive airflow inside the bus.

Director Peeples commented that at a recent APTA meeting, one of the leading experts in the field of heating, ventilation and air conditioning for transit buses presented his recent findings, which are in line with the staff's guidelines. Director Peeples added that he is aware of one other study that aligns with the staff's airflow protocol.

Director Harper believed that the District was going in the wrong direction with regard to this matter and maintained that the air filtering system was not designed to filter the Covid viral particles in the air.

Public comment:

L. Clement noted that directors' comments were referring to aerosolized particles and believed that the bus filter was not sufficient to eliminate the presence of the virus particles. Ms. Clement said she would provide the Board with the published research from BioSpace supporting this view.

Joshua asked about the exposure risk to Covid-19 from riders who are unwilling to wear a mask. Joshua also inquired about the willingness of riders to follow the mandate to wear masks while on the bus.

Sheela Gunn-Cushman asked if notification to riders about not opening the windows on the buses is made audibly.

MOTION: ORTIZ/YOUNG to receive a report on positive airflow tests and procedures to ventilate coaches during the COVID-19 response.

AMENDED MOTION by Director Harper to direct staff to obtain an opinion from the

Alameda County Health Department regarding the validity of the AC Transit's airflow procedures. The amended motion failed for lack of a second.

MAIN MOTION: ORTIZ/YOUNG to receive a report on positive airflow tests and procedures to ventilate coaches during the COVID-19 response.

The main motion carried by the following vote:

Ayes: Wallace, Ortiz, Williams, Shaw, Peeples, Young

Nays: Harper

7. CLOSED SESSION/REPORT OUT

Closed Session was cancelled.

7.A. Conference with Legal Counsel – Potential Litigation

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

7.B. 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

7.C. Public Employee Performance Evaluation

(Government Code Section 54957)

Title: General Manager, General Counsel, District Secretary

8. AGENDA PLANNING

8.A. Review of Agenda Planning Pending List.

[20-010g](#)

Director Peeples requested a report on MTC's Plan Bay Area 2050 Telecommute Mandate. [Vice President Ortiz concurred]

Director Peeples requested a report on working conditions at New Flyer's Anniston plant. [Vice President Ortiz concurred]

Director Shaw requested an update on the Dumbarton Corridor Project. [Vice President Ortiz concurred]

9. GENERAL MANAGER'S REPORT

9.A. General Manager's Report for October 14, 2020.

[20-008g](#)

There was no presentation or discussion on this item.

10. BOARD/STAFF COMMENTS

(Government Code Section 54954.2)

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

11. ADJOURNMENT

There being no further business to come before the Board of Directors, the meeting adjourned at 6:22 p.m. The next meeting of the Board is scheduled for October 28, 2020 at 5:00 p.m.

Respectfully submitted,

/s/

Linda A. Nemeroff
District Secretary