

ALAMEDA-CONTRA COSTA TRANSIT DISTRICT

MINUTES

Board of Directors - Regular Meeting
VIRTUAL MEETING

Wednesday, February 24, 2021 at 5:00 PM https://bit.ly/3uxs9C4

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, February 24, 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 7.A. - 7.C. as listed on the agenda. All Board members were present. Closed Session concluded at 4:43 p.m.

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

2. ROLL CALL

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

3. PUBLIC COMMENT

John Minot, East Bay Transit Riders Union, informed the Board that San Francisco Transit workers were granted Tier 1B status for the COVID-19 vaccination and hoped that Alameda and Contra-Costa Counties would be able to achieve similar status.

4. MODIFICATIONS TO THE AGENDA

There were no modifications to the agenda.

5. CONSENT CALENDAR

MOTION: PEEPLES/WILLIAMS to receive, approve or adopt the items on the Consent Calendar as indicated, with the exception of Item 5.J which was pulled off consent for discussion. The motion carried by the following vote:

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

5.A. Consider approving Board of Directors minutes of February 10, 2021. **21-157**

MOTION: PEEPLES/WILLIAMS to approve the Board of Directors minutes of February 10, 2021. The motion carried by the following vote:

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

5.B. Consider receiving the FY 2020-21 Second Quarter Travel and Meeting Expense Report for Directors and Board Officers.

MOTION: PEEPLES/WILLIAMS to receive the FY 2020-21 Second Quarter Travel and Meeting Expense Report for Directors and Board Officers. The motion carried by the following vote:

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

5.C. Consider receiving the FY 2020-21 Second Quarter Employee and Non-Employee Out-of-State Travel Report.

MOTION: PEEPLES/WILLIAMS to receive the FY 2020-21 Second Quarter Employee and Non-Employee Out-of-State Travel Report. The motion carried by the following vote:

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

5.D. Consider receiving the Monthly Report on Investments for December 2020.

21-109

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

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

5.E. Consider receiving the FY 2020-21 Second Quarter Surplus and Obsolete Materials Report.

21-113

MOTION: PEEPLES/WILLIAMS to receive the FY 2020-21 Second Quarter Surplus and Obsolete Materials Report. The motion carried by the following vote:

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

5.F. Consider receiving the Quarterly Report on the Status of Active Contracts and Spending Amounts over \$250,000.

<u>21-114</u>

MOTION: PEEPLES/WILLIAMS 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, Walsh, Beckles, Williams, Shaw, Peeples

5.G. Consider approving the consolidation of Board Policy 358 - Write-Off Policy with Board Policy 340 - Accounting Policy, thereby repealing Board Policy 358 in its entirety, as well as additional minor amendments to Board Policy 340.

21-015

MOTION: PEEPLES/WILLIAMS to approve the consolidation of Board Policy 358 - Write-Off Policy with Board Policy 340 - Accounting Policy, thereby repealing Board Policy 358 in its entirety, as well as additional minor amendments to Board Policy 340. The motion carried by the following vote:

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

5.H. Consider receiving the equity analysis associated with the suspension of fare collection offered by the District from March 23 to October 18, 2020.

21-036

MOTION:PEEPLES/WILLIAMS to receive the equity analysis associated with the suspension of fare collection offered by the District from March 23 to October 18, 2020. The motion carried by the following vote:

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

5.I. Consider adoption of Resolution No. 21-002 honoring the dedicated service of Mary Nichols as a California Air Resources Board

21-027

Commissioner.

MOTION: PEEPLES/WILLIAMS to adopt Resolution No. 21-002 honoring the dedicated service of Mary Nichols as a California Air Resources Board Commissioner. The motion carried by the following vote:

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

5.J. Consider authorizing the issuance of a solicitation for Customer Call Center services.

Item 5.J. was removed from the Consent Calendar by Director Shaw to ensure that metrics and reports would be included in the Request For Proposals on the number of calls, hang ups, how long it takes to answer as well as incentives to answer calls faster, etc.

Customer Service Manager Margaret Tseng advised that the stats mentioned would be included as well as the number of tickets opened, call disposition, level of service and abandonment rates.

MOTION: SHAW/WILLIAMS to approve the issuance of a solicitation for Customer Call Center services. The motion carried by the following vote:

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

5.K. Consider approving the release of Request For Proposals for Battery Electric Bus Charging Infrastructure Equipment for the Battery Electric Bus Facilities at both the Emeryville and the Seminary Divisions.

MOTION: PEEPLES/WILLIAMS to approve the release of Request For Proposals for Battery Electric Bus Charging Infrastructure Equipment for the Battery Electric Bus Facilities at both the Emeryville and the Seminary Divisions. The motion carried by the following vote:

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

6. REGULAR CALENDAR

External Affairs Items - Chair Williams

Director Peeples left the meeting during the discussion of Item 6.A. at approximately 5:12 p.m. and did not participate in the discussion of Items 6.A., 6.B, and 6.C.

6.A. Consider the adoption of Resolution No. 21-005 in support of Alliance for Girls "Safety on Public Transportation for Girls Campaign".

External Affairs Representative Chantal Reynolds presented the staff report saying that staff proposed to amend the section 1 of the Resolution to replace "collaborate with Alliance for Girls" with "support the work of Alliance for Girls".

Director Shaw was pleased to see that AC Transit is moving forward to support safe transit for women.

Director Beckles echoed Director Shaw's comment and asked that staff take specific actions such as a public campaign to spread awareness of gender-based harassment, post pamphlets and ads on buses and bus stops to remind the riders of the code of conduct, and condemn the assaults and threats. Ms. Reynolds responded that staff is working on a sexual harassment prevention campaign and identifying concrete safety improvements for all riders and would report back to the Board.

Director Williams commented that AC Transit bus operators are trained to recognize problematic situations and asked if there is data on assaults on buses. Ms. Reynolds did not have the data available and said she would collect and provide it to the Board.

Public Comment:

Haleema Bharoocha, Sr. Advocacy Manager, Alliance for Girls, expressed excitement for the Board's support of Alliance for Girls on the matter of safety on public transit and recommended support towards a meaningful processes that center on youths impacted by gender-based violence on transit.

Andrea Lowe, East Bay DSA, noted that Resolution No. 21-005 only outlines District support for the Alliance for Girls and requested the Board outline specific action to the resolution and staff report presented on the matter, such as clear signage at bus stops and inside the coaches to curb harassment.

Emma Mayerson, Founder, Alliance for Girls, looked forward to working with the District and expressed appreciation for the seriousness which it is taking on this issue.

MOTION: ORTIZ/BECKLES to adopt Resolution No. 21-005 as amended, and support the work of Alliance for Girls; and work to create a sexual harassment prevention campaign and provide recommendations for public safety improvements for all riders, especially girls and young women on AC Transit buses and at bus stops. The motion carried by the following vote:

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

Absent: Peeples

6.B. Consider receiving the Monthly Legislative Report and approval of legislative positions.

External Affairs Representative Steven Jones presented the staff report.

Public Comment:

Derek Sagehorn, East Bay Transit Riders Union, expressed support of a lowered threshold in ACA 1. This speaker also urged the Board to support AB 455 as transportation service returns after the pandemic subsides and congestion to Transbay service is minimized.

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

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

Absent: Peeples

Finance and Audit Items - Chair Shaw

6.C. Consider receiving the bi-monthly budget update for the period of July through December of FY 2020-21 and updated financial forecast.

Chief Financial Officer Chris Andrichak presented the staff report and gave a presentation on the FY 2020-21 updated financial forecast, adding that staff was anticipating a \$60 million deficit next fiscal year notwithstanding an allocation of federal CRRSAA stimulus funds.

Director Walsh was curious about below budget farebox revenue and to what extent it was due to low ridership versus farebox compliance. Mr. Andrichak shared that it was largely due to low ridership. General Manager Michael Hursh noted that the District has fairly good farebox compliance when passengers load through the front door of the bus; however, staff needed another 60 to 90 days to better assess farebox compliance on the Tempo line. Staff will report back when there is more information.

Director Shaw commented that the District needs to figure out how to address revenues, saying that it was important to: 1) get riders back on the bus; and 2) focus on customer satisfaction. She added that the shadow buses did not seem to be as effective and wondered what it would cost to bring back more service on some of the lines experiencing more pass-ups. Mr. Hursh advised that service on trunk lines was back to pre-pandemic service levels and that overcrowding would continue to be an issue until social distancing requirements are relaxed. He added that to add more service would be a significant expense the District cannot afford.

Director Shaw asked if staff thought ridership on paratransit would return faster because those riders were being vaccinated at a higher rate than fixed route and whether this was accounted for in the budget. Mr. Andrichak advised that staff has incorporated an increase in ridership in the paratransit budget. Director of Service Development and Planning Robert del Rosario advised that any sustained increase in ridership would depend on how quickly senior centers, medical facilities, etc. get back to full service.

Director Shaw further commented that staff needed to take a close look at what the Transbay service would look like in the future.

Public Comment:

John Minot, East Bay Transit Riders Union, was encouraged that the budget cuts previously reported may be unnecessary and hoped the District could work towards improving services beyond pre-pandemic levels.

Warren Cushman, East Bay Transit Riders Union, said he was appreciative that immediate budget cuts were unnecessary and emphasized cooperation with the Metropolitan Transportation Commission.

MOTION: ORTIZ/WALSH to receive the bi-monthly budget update for the period of July through December of FY 2020-21 and updated financial forecast. The motion carried by the following vote:

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

Absent: Peeples

Director Peeples returned to the meeting during the discussion of Item 6.D. at approximately 5:47 p.m.

6.D. Consider receiving an update on the work of the Metropolitan Transportation Commission (MTC) Fare Integration Task Force. [Requested by Director Walsh - 12/9/2020]

21-145

Chief Financial Officer Chris Andrichak presented the staff report.

Director Peeples commented that while he supported fare integration, he was concerned about funding, the impact on the typical rider who does not transfer and travels an average of only four miles, and any scenario that would improve service for long-distance commuters at the expense of local riders. He further citied racist and social equity issues that were documented in the Darensberg litigation and the potential to break with union workers in favor of contracted workers which could result from fare integration.

Director Walsh acknowledged that while the study had a long way to go, she was glad it was proceeding and wanted to continue to study it. As to the issue of riders not going very far, she believed more people would take transit if it were easier and more accessible. She further recounted her experiment of utilizing multiple modes of transportation to travel across the bay at a cost of over \$20. She believed a more integrated fare system would open up a lot of trips and opportunities for people and agreed with Director Peeples that less service was not a tradeoff we would want to make. With respect to funding, she felt the District needed to continue to study it and find a way to make it work.

Director Beckles echoed the comments of Director Walsh, adding that fare integration made sense, would increase ridership, and benefit all riders.

Director Williams spoke in favor of the proposal and the benefits to riders and essential workers and committed to work with the Board to find the resources to make it work.

Public Comment:

Sabeek Pradhan, East Bay Transit Riders Union, gave a personal example to support the importance of transit integration in the Bay Area and the MTC fare integration study.

Derek Sagehorn, East Bay Transit Riders Union, encouraged the Board to support the broad scope of the MTC fare integration study and keep all options on the table. On the issue of equity, this speaker also expressed frustration with people who continue to say that professional and tech workers are the only people who would benefit from fare integration, believing that disadvantaged riders would not only benefit from the elimination of transfers between transit systems, but also have greater access to opportunity.

John Minot, East Bay Transit Riders Union, expressed support of the fare integration study and explained his views of the importance of a better inter-connected transit system and the possibilities for the District to take bold leadership toward fare integration.

Warren Cushman, East Bay Transit Riders Union, expressed support to the continued work of the MTC toward fare integration and that District support towards keeping all options on the table is important.

Rick Nahass, Public Speaker, gave a personal experience to show the importance of Fare Integration.

MOTION: BECKLES/WILLIAMS to receive an update on the work of the Metropolitan Transportation Commission (MTC) Fare Integration Task Force. The motion carried by the following vote:

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

6.E. Consider receiving a report on the best practices for accommodating unbanked and underbanked customers under electronic fare payment systems. [Requested by Director Shaw - 10/9/19]

21-106

Senior Planner Nathan Landau presented the staff report.

Director Walsh asked about efforts to get more people onto Clipper, saying that there may be more people who are willing to switch from cash to Clipper. She suggested more Clipper advertising on buses, having Tempo platform agents distribute information, and also giving away free Clipper cards. Acting Director of Marketing and Communications Nichele Laynes reported that the District partners with the Metropolitan Transportation Commission on their annual Clipper marketing campaign. Staff is also actively developing an umbrella fare marketing campaign. Director Walsh added that also an issue was that the people who have the least ability to pay, do not receive a discount, while Clipper customers receive a fare discount for using Clipper. Ms. Laynes further advised that staff is going to make a real effort going forward to target Clipper advertising to cash paying riders.

Director Williams asked how Clipper card access has been impacted by the pandemic. Ms. Laynes advised that staff is not aware of any Clipper vendors who have stopped providing access to Clipper as a result of the pandemic. Part of staff's campaign will be look at vendors and ensure they are equipped to get more riders using Clipper.

Director Williams asked what the real barrier was for some people who choose not to use Clipper. Mr. Landau advised that some people are suspicious of electronic fare payment systems; however, this assumption needed to be validated.

Director Williams asked what the general manager thought of the suggestion offered by a member of the public to offset the fares of low-income riders with the savings created by the elimination cash fares. General Manager Michael Hursh advised that it was an interesting suggestion that required further study.

Director Peeples advised that he always carries Clipper cards and brochures and distributes them out on the bus and at events.

Director Beckles thanked staff for the report and shared concerns about impacts on impact low-income riders. She asked if it could be free to the poorest riders and for staff to study the feasibility of the proposal. Mr. Hursh advised that staff could look at it, noting that he was skeptical whether the savings from cash collection would be enough to pay for it.

Director Shaw commented that this was a first step and would like staff to identify next steps. She also wanted to know how many community-based organization the District is working with that may be able to administer the program. She also suggested a customer survey in this area.

Public Comment:

Katherine Scott-Smith, East Bay DSA, expressed approval of a cashless transit service and concern about riders without bank accounts being unable to ride the bus because they cannot reload a Clipper Card. This speaker presented a detailed report to the Board which would service the bus fare needs of the lowest income-impacted riders while managing District financial concerns and mitigating cash handling issues.

John Minot, East Bay Transit Riders Union, said care would be needed when moving toward a cash-free fare system because of the possible harm to the many riders of the transit system. This speaker said the implementation of a cash-free fare payment method should be implemented before it becomes necessary so activity studies could be reported back to the Board.

Jimmy Le commented in support cash-free fares if equal access to a Clipper card for all is implemented. This speaker said the District should provide fare assistance support for the most fare-disadvantaged riders of the system.

MOTION: WILLIAMS/WALSH to receive a report on the best practices for accommodating unbanked and underbanked customers under electronic fare payment systems. The motion carried by the following vote:

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

Planning Items - Chair Peeples

6.F. Consider receiving a report and provide feedback on service planning, public engagement activities and revised timeline associated with the Service Recovery Plan.

21-129

Service Planning Manager Michael Eshelman gave an overview of the proposed planning process and Diann Castleberry presented information on the proposed outreach plan.

Director Shaw commented that she understood the delay given the District's financial situation and suggested that there might be better ways to meet with community-based organizations to determine travel patterns. She also asked if staff still planned to do a business survey to determine travel patterns. She also asked if it was possible to use cellular phone data to identify travel patterns. Mr. Eshleman advised that the timing of travel pattern data was critical to planning service, saying that it was too early to derive anything meaningful from existing travel patterns. He advised that it was important to wait until people begin to resume their normal activities in order to know how to build the network. He added that phone data would be useful but was really expensive to acquire. Director Peeples advised that presentations at the Transportation Research Board Public Involvement Committee indicate that it is better to go where people are to collect information versus having them come to us.

Director Walsh asked what feedback the District has received thus far about current service levels and what happens when people give that feedback. Ms. Castleberry advised that some of the feedback goes from customer service directly to the planning department for further analysis and availability of resources to make a service change.

Director Beckles commented that Dr. Fauci is saying that everyone should be vaccinated by fall of 2021 and believed there could be higher levels of ridership later in the year. She asked if staff has evaluated the long-term impact on ridership of pushing out the service changes another six months. General Manager Michael Hursh advised that the pandemic has lasted much longer than expected. In addition, staff does not have the data or the funding commitments necessary to start the process of planning future service. There is just too many unknowns.

Director Williams asked about the hiring of new operators. Another concern is school trippers. Mr. Hursh advised that he authorized the training department to start a new bus operator class next month. He further expressed frustration with getting accurate answers out of the schools with respect to the resumption of school service.

Director Williams asked about the cost of traffic data. Director of Planning and Service Development Robert del Rosario advised that the Metropolitan Transportation Commission was looking to make Streetlight data available throughout the region.

Public Comment:

The following speakers expressed concern that the District's reputation will be

damaged if it does not return to sufficient rider capacity when riders return. These speakers also cautioned that many of these disenchanted riders may never return to the system and instead choose other forms of transportation. These speakers are:

Katherine Scott-Smith, East Bay DSA **Nick Travaglini**, East Bay DSA **John Minot**, East Bay Transit Riders Union

MOTION: ORTIZ/WILLIAMS to receive a report and provide feedback on service planning, public engagement activities and revised timeline associated with the Service Recovery Plan. The motion carried by the following vote:

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

6.G. Consider receiving a report on the District's planned service changes associated with the March 2021 Sign-up.

21-130

Service Planning Manager Michael Eshleman presented the staff report.

Director Walsh asked if any of the changes affected the regular rider. Mr. Eshleman advised that some of the changes impacted stops, time points, and minor schedule changes. Most of the changes impact supplemental service.

MOTION: SHAW/WILLIAMS to receive a report on the District's planned service changes associated with the March 2021 Sign-up. The motion carried by the following vote:

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

Operations Items - Chair Beckles

6.H. Consider approving the disposal of vehicles by sale or by other means most advantageous to the District.

21-105

Technical Services Manager Stuart Hoffman presented the staff report.

President Ortiz asked whether staff considered her request to donate buses to provide shelter for the unhoused, concerned that if the proposed disposal is rushed at this time, there may not be an opportunity to donate the busses for another year. Director of Maintenance Cecil Blandon advised that the Board's approval to dispose of the buses was actually the first step in securing the buses for the donation. He clarified that the busses need to be officially decommissioned before they can be donated. General Manager Hursh advised that the Board's approval could open a pipeline to stream retired buses for housing.

President Ortiz asked that staff continue to offer the retired buses to local housing authorities and counties.

Board Members Peoples, Beckles and Walsh commented in support of President Ortiz's

suggestion. Staff provided more information about the disposal procedure and what happens to buses after decommissioning.

MOTION: SHAW/ORTIZ to approve the disposal of vehicles by sale or by other means most advantageous to the District. The motion carried by the following vote:

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

Board Administrative Matters - President Ortiz

District Secretary Linda Nemeroff gave an overview of the draft agenda.

To Director Shaw's request about adding an update on the Facilities Master Plan to the agenda, General Manager Hursh responded that there are no significant changes to the plan. Chief Financial Officer Andrichak clarified that minor facility repair projects are on the Capital Improvement Plan, however, staff continues to work on securing the funding for major facility upgrades that are on the Facilities Master Plan.

MOTION: PEEPLES/SHAW to approve the draft agenda for the Board of Directors/Board Officers Retreat scheduled for March 31, 2021. The motion carried by the following vote:

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

7. CLOSED SESSION/REPORT OUT

There was nothing to report out of closed session.

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 the Agenda Planning Pending List.

21-018c

Director Shaw requested a report about the pros and cons of providing school service

during the pandemic while social distancing rules on buses still apply. Director Shaw added that the report should provide data for an informed decision in the event schools open during the pandemic-related capacity restrictions. (President Ortiz concurred).

Director Walsh requested a report on the process for maintaining accurate schedule information on bus stops. (Director Peeples concurred)

Director Walsh requested an update on the marketing campaign to expand Clipper use. (Director Shaw concurred)

Director Beckles requested a report about the next steps toward cashless payment system, including information on whether the savings from going to a cashless system would offset the costs of free fares for low-income riders. (Director Ortiz concurred)

Director Williams commented about recent media reports of violence in which Asian Americans were assaulted in the city streets and communities and requested a public statement condemning the violence against Asian Americans. (Director Beckles concurred)

9. GENERAL MANAGER'S REPORT

9.A. General Manager's Report for February 24, 2021.

21-020c

The report was provided for information only.

Director Young left the meeting at approximately 7:30 p.m.

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 7:39 p.m. The next meeting of the Board is scheduled for March10, 2021 at 5:00 p.m.

Respectfully submitted,

/s/ Linda A. Nemeroff District Secretary