



ALAMEDA-CONTRA COSTA TRANSIT DISTRICT

MINUTES

Board of Directors - Regular Meeting

VIRTUAL MEETING

Wednesday, June 9, 2021 at 5:00 PM

<https://bit.ly/3gqBoxK>

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, June 9, 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 4:00 p.m., the Board of Directors convened in Closed Session to discuss Items 7.A. - 7.E. as listed on the agenda. All Board members were present. The Closed Session concluded at 4:05 p.m.

President Ortiz called the Board of Directors meeting to order at 5:01 p.m.

2. ROLL CALL

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

3. PUBLIC COMMENT

[Written comment received prior to the meeting is attached hereto as Exhibit A.]

Katy Scott-Smith, People's Transit Alliance of the East Bay Democratic Socialists of America (PTA-EBDSA), summarized the discussion and action of the Metropolitan Transportation Commission (MTC) budget workshop regarding the use of federal American Rescue Plan (ARP) funds and her group's delivery of a letter from 15 Bay Area elected officials calling for money for immediate use in restoring transit service to pre-pandemic levels. Scott-Smith expressed gratitude to District General Manager Michael Hursh for his comments at the MTC workshop requesting funding needed to aid the District in reaching 100 percent pre-pandemic ridership level.

Nathan, PTA - EBDSA, applauded District General Manager Michael Hursh for his comments at the MTC workshop requesting funding needed to aid the District in reaching 100 percent pre-pandemic ridership level before the start of the 2022 calendar year. Nathan also commented that the District should consider implementing 'back-hazard pay', or "hero pay", to District transit workers.

Nick Ratto, PTA - EBDSA, supported the previous speakers and their comments, especially the comment related to implementing back-hazard pay to District transit workers.

4. MODIFICATIONS TO THE AGENDA

President Ortiz reported that Item 6.E. (report on Diversity, Equity, Access and Inclusion) was pulled off the agenda and would be continued to the next Board of Directors meeting.

5. CONSENT CALENDAR

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

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

- 5.A.** Consider approving Board of Directors minutes of May 26, 2021. [21-291](#)

MOTION: WILLIAMS/WALSH to approve the Board of Directors minutes of May 26, 2021. The motion carried by the following vote:

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

- 5.B.** Consider receiving the Accessibility Advisory Committee minutes of April 13, 2021. [21-280](#)

MOTION: WILLIAMS/WALSH to receive the Accessibility Advisory Committee minutes of April 13, 2021. The motion carried by the following vote:

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

- 5.C.** Consider receiving annual update on compliance with California Air Resources Board (CARB) Regulations. [21-247](#)

MOTION: WILLIAMS/WALSH to receive the annual update on compliance with California Air Resources Board (CARB) Regulations. The motion carried by the following vote:

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

- 5.D.** Consider adoption of Resolution No. 21-018 authorizing the General Manager, or his designee, to file and execute applications and funding agreements, and certifications and assurances with the Metropolitan Transportation Commission for the State of Good Repair (SGR) Program to fund the purchase of fifty diesel buses. [21-253a](#)

MOTION: WILLIAMS/WALSH to adopt Resolution No. 21-018 authorizing the General Manager, or his designee, to file and execute applications and funding agreements, and certifications and assurances with the Metropolitan Transportation Commission for the State of Good Repair (SGR) Program to fund the purchase of fifty diesel buses. The motion carried by the following vote:

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

6. REGULAR CALENDAR

External Affairs Items - Chair Williams

- 6.A.** Consider receiving a briefing on customer satisfaction survey practices. [21-234a](#)
[Requested by Director Peeples - 5/28/2008]

Marketing Administrator Eden Gerson presented the staff report.

Public Comment:

There were no public comments offered.

Board Discussion:

President Ortiz was disappointed that there had not been a customer satisfaction survey since 2008 and emphasized the importance of surveying and learning from the

riders what their riding experiences are in order to make informed decisions. Referring to a statement in the report that surveys will be conducted every few years, President Ortiz asked for more details about the schedule and methods. Ms. Gerson advised that staff planned to conduct in-person surveys every few years in addition to digital and focused surveys. She added that once a policy is in place, staff would look into a more concrete surveying schedule.

President Ortiz wanted to know when the Board would see the results of a complete customer satisfaction survey and was advised by staff that it would be complete by the end of the fiscal year 2023. Ms. Gerson added that a hefty cost is associated with running in-person customer satisfaction surveys, to which President Ortiz argued that AC Transit should spend funds on such an important tool and reiterated the value that a customer satisfaction survey would bring to decision-making. Acting Director of Marketing and Communications Nichele Laynes clarified that staff has been conducting more focused surveys to better understand the demographic composition of ridership, their access to mobile devices, and public perception. She added that a comprehensive customer satisfaction survey has never been conducted and the first one will take a while to implement, with the preliminary results expected in FY 2022 with the final results available in FY 2023. President Ortiz was disappointed that the cost of operating a customer satisfaction survey was not budgeted and that it would take such a long time to tally the final results.

Director Shaw was also disappointed with the timeline and asked to have the survey data available before the service change in the fall of 2022. Director Shaw concurred with President Ortiz and added that the survey should be done sooner than proposed regardless of the cost and staffing constraints; and wanted to know the cost of the survey so that it can be included in the Budget. General Manager Hursh advised that he would look into ways to accelerate the survey process, noting that this was another reason why the American Rescue Plan funds were needed sooner rather than later. Ms. Laynes added that staff has already planned to conduct an extensive survey as part of the service change in 2022 and assured the Board that data about AC Transit's service will be available.

Director Shaw suggested that staff collect customer feedback from customers who submit complaints to learn how satisfied they were with the response.

Director Peeples was frustrated that it took staff many years to address his agenda request from 2008 and believed the report missed the point. Director Peeples commented that a vast number of academic papers and national and international industry experts are committed to the topic of customer satisfaction in public transit and that he was hoping to see a literature survey and data from resources of a much broader reach. Director Peeples commented that ridership feedback would directly guide service planning efforts and urged staff to use the resources that are already available instead of re-inventing the wheel. Director Peeples agreed with previous Board comments to bring the survey data sooner than proposed.

Director Walsh thanked staff for working on the report and wanted to know why it took many years to start planning the survey. Director Walsh commented on her experience gathering data on riders' experience on social media and advised staff to be creative in engaging the riders and gathering feedback that may not have a high cost associated with it.

Director Williams concurred with the previous comments and asked that staff exercises cultural competency when engaging with riders that do not have access to digital means.

By consensus, the Board gave direction to the General Manager to accelerate the customer satisfaction survey and present the results in time for the 2022 service change.

MOTION: BECKLES/SHAW to receive a briefing on customer satisfaction survey practices. The motion carried by the following vote:

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

Finance and Audit Items - Chair Shaw

- 6.B.** Consider adoption of Resolution No. 21-020 approving the FY 2021-22 Recommended Operating and Capital Budgets. [21-140c](#)

Chief Financial Officer Chris Andrichak presented the staff report.

Public Comment:

Katy Scott-Smith, PTA-EBDSA, commented that the ridership projections in the budget are too modest and that riders will return sooner than reported. Scott-Smith noted that a correlation between operating with low ridership expectations will have the effect of causing diminished ridership. Scott-Smith suggested that the District should prepare a contingency plan to increase bus and operator levels if ridership increases past projected levels.

John Minot, East Bay Transit Riders Union (EBTRU), expressed hope that ridership expectations skew higher than reported and noted that discouraged transit riders may choose to use a car instead of the bus and never ride transit in the future. Minot suggested that use of available funds towards service improvements, such as Quick Build Projects, would be efficient toward assisting the return of strong transit ridership. Minot noted that ARP funds would assist the District in creating more targeted and creative spending opportunities toward this goal.

Andrea Lowe, PTA-EBDSA, noted that the estimated ridership reported by staff in the budget is too low and commented on the repercussions for under-estimating ridership. Lowe addressed her view that more and more people are returning to their offices for work in the coming weeks and there are repercussions to underestimating ridership that delays the service recovery.

Maddy Grace Webbon commented that staff needs to reassess its projected ridership

estimates within the budget because, as the pandemic rules lessen, people who previously rode the bus before the pandemic will now return to riding the bus and ridership may rise quicker than estimated.

Board Discussion:

Vice President Young asked what was included in fringe benefits and what is included. Mr. Andrichak explained that it was many things including employee benefits, retiree benefits, various leave benefits and pension, which is accounted for separately.

Director Peeples noted that his calculations indicated the average bus operator had \$12 an hour in benefits and \$9 per hour in pension. He further inquired what it would take to get an analysis of the maximum practical service level that we can provide given the District's current facilities, fleet, hiring, etc. General Manager Hursh advised that staff can provide a follow-up report in the future with a professional analysis of a menu of choices and the associated costs that can be brought back to the Board. Director Peeples concurred saying that such a document would be helpful in advocating for more funding.

Director Beckles agreed with Director Peeples and felt that ridership and fare revenue were being underestimated in the budget. Mr. Andrichak advised that ridership and fare revenue were not easy to predict at this time and staff did the best to project future ridership based on the information available. He added that in the current fiscal year budget, staff overestimated fare revenue and did not want to make that miscalculation in the next budget.

Director Shaw was concerned about funding for supplemental service saying that she thought it would be an issue in the fall.

President Ortiz asked if there was money set aside for Oakland Unified School District. Mr. Andrichak advised that the money was spent this year and was fully expended as it was time- limited. He added that the Metropolitan Transportation Commission would allocate more funding.

Director Walsh inquired about additional staffing (headcount) and when that would be considered. Mr. Andrichak advised that all of the pending position requests would be addressed during the mid-year budget revision. He also explained why some positions were recommended to be included in the budget and others were held in pending status.

MOTION: BECKLES/PEEPLES to adopt Resolution No. 21-020 approving the FY 2021-22 Recommended Operating and Capital Budgets, but come back to the Board as soon as the District receives the ARP funding from Metropolitan Transportation Commission to make further adjustments. The motion carried by the following vote:

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

Planning Items - Chair Peeples

- 6.C. Consider receiving a report on the initial performance of the All-door Boarding Pilot on Lines 6 and 51B. Requested by Director Walsh - [20-320a](#)
4/14/21]

Service Planning Manager Michael Eshelman presented the staff report.

Public Comment:

John Minot, EBTRU, commented on the promising and problematic aspects of the Pilot Program. Minot hoped the Pilot program will become more available on more dense lines and eventually all lines.

Board Discussion:

President Ortiz commented that the staff report seemed pre-mature and asked what the typical time frame is for conducting an analysis of the service. Mr. Eshelman suggested that quarterly or every six months was appropriate and that the service was being regularly monitored.

Director Shaw commented that an initial report on the pilot was necessary to see what types of operational adjustments needed to be made. She also commented on the need for consistency in bus assignments, saying it is confusing for operators and riders when one bus on a pilot line cannot have rear door boarding when all the rest can. Director Shaw also commented on feedback that the rear door is sometimes not close enough to the curb which is making it more difficult for people to board the bus and wanted to know how this issue is being addressed. In response to questions, Mr. Eshelman reported that staff has data that shows improvement in getting all the doors open, but it there is still not 100% compliance. On the issue of doors not getting close enough to the curb, it was reported that this involves the age of the bus which may not be long enough to position it well at the stop as well as the length of the bus stop itself. He added that the Rapid Corridors Project on Telegraph Avenue should address this issue on lines running on Telegraph. Director Shaw requested that the next report to the Board include information on the stops we are still experiencing issues with.

Director Walsh was pleased with report and in addressing operational issues early for a more effective pilot. She looked forward to data and findings produced at the end of the pilot. She also inquired with staff on how the pilot might be initiated on more lines and when that would happen given the state of Clipper 2. Mr. Eshelman advised that the pilot was built around 25 available Clipper readers and was unsure what might happen down the road with Clipper 2. Chief Information Officer Ahsan Baig reported that the recent schedule indicates a target installation date this fall.

Director Beckles appreciated the positive results of the pilot thus far but was concerned with difficulties experienced by operators given the social distance restrictions. She further asked if there was a way to make sure that bus operators are supported in addressing their concerns about passengers boarding from the rear. Mr. Eshelman

advised that the pilot was an opportunity to gather information from the operators on what works and what doesn't and what learnings can be brought forward in the full implementation. One of the key things staff hoped to address was a reduction in the number of passengers boarding through the front door.

MOTION: BECKLES/PEEPLES to receive a report on the initial performance of the All-door Boarding Pilot on Lines 6 and 51B. Staff was directed to report back to the Board on the pilot on a quarterly basis. The motion carried by the following vote:

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

Operations Items - Chair Beckles

- 6.D.** Consider authorizing the General Manager to enter into contracts and approve renewal rates for Kaiser Permanente, Health Net, Vision Service Plan, MetLife Dental and Standard Life Insurance. [21-270](#)

Human Resources Manager Rachel Lightburn presented the staff report.

Public Comment:

Katy Scott-Smith, PTA-EBDSA, commented that the Board should not cut costs by increasing deductibles and co-pays because it would hurt employees.

Andrea Lowe, PTA-EBDSA, supported the previous speaker's comments that the Board not cut costs by making access to medical benefits more difficult for transit workers.

Maddy Grace Webbon supported the previous speakers' comments and noted that the effects of Covid-19 can have a lasting impact on workers and that it would be wrong to make access to health care for these affected workers more difficult.

Board Discussion:

Director Shaw noted the decrease in health plan rates compared to last year and thanked staff for their work.

Director Beckles was pleased with the decrease in rates but asked for clarification about staff's alternative analysis, which included a transition to the CalPERS medical system. General Manager Hursh advised that the District does not propose any of the alternatives presented in the report but is committed to providing an alternative analysis to the Board as a standard form of reporting. He emphasized that the District proposes to continue with the existing benefits and health coverages, adding that alternatives might be discussed with the unions later this year.

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

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

- 6.E.** Consider receiving a report on the District's Diversity, Equity, Access and Inclusion Efforts. [21-237a](#)

This item was removed from the agenda and continued to the next Board of Directors meeting.

7. CLOSED SESSION/REPORT OUT

There was nothing to report out of closed session.

7.A. Conference with Legal Counsel – Existing Litigation

(Government Code Section 54956.9 (a))

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

(Government Code Section 54956.9(b))

7.C. Conference with Labor Negotiators

(Government Code Section 54957.6):

Agency Designated Representative:

- General Manager Michael Hursh;

- Labor and Employee Relations Manager Nathaniel Kramer;

Employee Organizations: ATU Local 192, AFSCME Local 3916, IBEW Local 1245,

Unrepresented Employees

7.D. Public Employee Performance Evaluation

(Government Code Section 54957)

Title: General Manager, General Counsel, District Secretary

7.E. Threat to Public Services and Facilities

(Government Code Section 54957(a))

Consultation with: Ahsan Baig, Chief Information Officer

8. AGENDA PLANNING

8.A. Review of the Agenda Planning Pending List.

[21-018j](#)

Director Shaw requested a presentation from Transbay Joint Powers Authority on their wayfinding project. (President Ortiz concurred)

Director Shaw requested data on where within the District no-car households are situated. (President Ortiz concurred)

Director Walsh requested a report on Tempo line performance. Director Shaw concurred and asked that report include any final and pending actions related to the closure of the project. President Ortiz advised that this item follows the East Bay Bus Rapid Transit Policy Steering Committee meeting which is tentatively expected in September. President Ortiz believed that all items related to Tempo would be discussed and presented in the Committee's final meeting.

Director Walsh requested to advance Director Peeples' agenda planning request from 2015 about the Line 51A and 51B transfer at Rockridge BART. (Director Peeples

Concurred)

Vice President Young requested a report on the current state of AC Transit's healthcare and directed the General Manager to consider forming a working group to study the District's healthcare options. (President Ortiz concurred)

Director Peebles requested a report on work being done by the Training Department with Bike East Bay and Cycle for Change. (President Ortiz concurred)

9. GENERAL MANAGER'S REPORT

9.A. General Manager's Report for June 9, 2021.

[21-020j](#)

The report was provided 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.

11. ADJOURNMENT

There being no further business to come before the Board of Directors, the meeting adjourned at 6:35 p.m. The next meeting of the Board is scheduled for June 23, 2021 at 5:00 p.m.

Respectfully submitted,

/s/

Linda A. Nemeroff

District Secretary

3. PUBLIC COMMENT

Public Comments

- Brian Menges: The NX4 Transbay service has been suspended for some months. As a Castro Valley resident for years on this line working in San Francisco, this bus line is critical to my commute situation, and has been for the past near two decades. When will this line resume now that the state is opening and more and more offices are requesting employees return to the offices (albeit partial days per week but this is ever evolving and will eventually result in full-time return at some point) Even if there were a limited introduction or limited service that would be helpful. This is a critical commute corridor for me if my employer chooses to enforce a "return to work" stance.