



## **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, July 8, 2020 at 5:00 PM**

**Phone (669) 900-6833**

**Webinar ID: 951 9595 0039**

**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, July 8, 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.

At 4:15 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 except Director Williams who was absent. Closed Session concluded at 4:43 p.m.

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

**2. ROLL CALL**

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

**3. PUBLIC COMMENT**

**Mallika Snyder**, a student and Kensington Resident expressed concern that Line 67 is being considered for removal as part of the route network redesign and requested that the Board keep retain the service as Kensington residents have few options for public transportation and rely on the bus line.

**Carter** expressed concern with the potential 30% cut in service.

**Chimey** commented that there are many disabled seniors in Berkeley who experience pass-ups and requested that bus service not be eliminated.

**4. MODIFICATIONS TO THE AGENDA**

There were no modifications to the agenda.

**5. CONSENT CALENDAR**

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

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

**5.A. Consider receiving Retirement Board Minutes of May 11, 2020. [20-263](#)**

MOTION: ORTIZ/WILLIAMS to receive the Retirement Board Minutes of May 11, 2020. The motion carried by the following vote:

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

**5.B. Consider the adoption of Resolution No. 20-034 approving non-substantive amendments to Board Policy 605 (Claims and Lawsuits: Settlement Authorizations) updating the job titles of authorized designees and repealing Resolution No. 17-026. [20-254](#)**

MOTION: ORTIZ/WILLIAMS to adopt Resolution No. 20-034 approving non-substantive amendments to Board Policy 605 (Claims and Lawsuits: Settlement Authorizations) updating the job titles of authorized designees and repealing Resolution No. 17-026.

The motion carried by the following vote:

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

- 5.C.** Consider the adoption of Resolution No. 20-035 approving [20-259](#) non-substantive amendments to Board Policy 606 (Small Claims Representatives) updating the job titles and positions of authorized designees and repealing Resolution No. 17-027.

MOTION: ORTIZ/WILLIAMS to adopt Resolution No. 20-035 approving non-substantive amendments to Board Policy 606 (Small Claims Representatives) updating the job titles and positions of authorized designees and repealing Resolution No. 17-027. The motion carried by the following vote:

## **6. REGULAR CALENDAR**

### **External Affairs Items - Chair Ortiz**

- 6.A.** Consider receiving a report on the implementation of Senate Bill 1051, [20-226](#) use of forward facing cameras in transit only lanes, and an update on actions taken by local law enforcement agencies to enforce bus stop violations by motorists and provide direction to staff on pursuing legislative action to extend the provisions of Senate Bill 1051.

Director of Legislative Affairs and Community Relations Claudia Burgos presented the staff report.

Director Peeples asked if there was a record of correspondence with the various police agencies asking them to be more proactive about ticketing in bus stops, and if records were being kept as to how often bus operators experienced the problem of people stopping/parking in a bus stop. Ms. Burgos confirmed that the District had corresponded with various agencies a couple of times about the need for enforcement. Chief Operating Officer Salvador Llamas advised that there was a button on the bus the operator could press to activate the camera and flag the system to record; however, he would need to verify how many operators were reporting incidents of people parking in a bus stop. Director Peeples believed the additional level of detail would be needed to demonstrate to Senator Frazer the size of the problem. He made a motion to direct staff to seek an extension of 1) the time the report is due; and 2) the sunset date on the legislation.

Director Young asked if staff planned to forward video of the offenses to local authorities to write a ticket. Mr. Llamas explained that information regarding the violation would be forwarded to the agency that has jurisdiction of the bus stop where the violation occurred. Currently, the only vehicles with this capability are the Bus Rapid Transit buses.

Vice President Ortiz commented that she drove along the BRT corridor noting that there were many cars in the bus only lane trying to beat the traffic.

Director Harper commented that the ticketing agencies may wonder why they are not getting any of the proceeds from the ticketing efforts and for staff to beware of this.

**Public Comment:**

**Harley Lomax**, Bus Operator, commented that automobile parking in bus stops was a systemic problem, and the public view was that there were no consequences for doing so. This matter is problematic for operators, especially when picking-up disabled riders and it was recommended that the District a similar enforcement system to that used by MUNI.

**Mark Sherman**, Bus Operator, recommended a police presence on coaches as many instances of bus lane violations have been observed. It was believed that operator training in the corridor would be challenging.

**Darryl Owens** commented that buses are consistently blocked by delivery and Rideshare vehicles and passengers have to board on the street. Mr. Owens was in favor of bus mounted cameras and traffic enforcement without police.

MOTION: PEEPLES/SHAW to receive report on the implementation of Senate Bill 1051, use of forward facing cameras in transit only lanes, and an update on actions taken by local law enforcement agencies to enforce bus stop violations by motorists and direct staff on pursuing legislative action to extend the provisions of Senate Bill 1051. The motion carried by the following vote:

**Ayes:** Wallace, Ortiz, Harper, Shaw, Williams, Peoples, Young

- 6.B.** Consider receiving an update on the District's involvement in the Metropolitan Transportation Commission's (MTC) Blue Ribbon Task Force. [20-261](#)

Director of Legislative Affairs and Community Relations Claudia Burgos presented the staff report, advising that the Metropolitan Transportation Commission's Program and Allocations Committee voted on the second allocation of CARES Act funding, which would provide an additional \$33.8 million to AC Transit, for a total of \$114.2 million.

Director Shaw asked if there was any money specifically for paratransit. General Manager Michael Hursh advised that there was no monies carved out for paratransit, but the public transit health and safety plan under development does include it.

Vice President Ortiz asked if CARES Act funding had any restrictions on how it is spent. Mr. Hursh advised that there are very few restrictions and the message from the federal government was to draw down the money and spend it.

Director Peoples expressed concern about what rich techies are calling connectivity, which takes service away from poor people to provide it to places that have been gentrified. He wanted to ensure that the District was advocating for poor people/local residents and not letting people who have greater access to email and the web to take money away from local riders. Mr. Hursh agreed saying that the District is aware of the situation and is advocating for the local ridership base.

President Wallace commented that the District needed to provide more service on nights and weekends.

Director Young asked if the District anticipated any other distribution of money from MTC or the federal government. Mr. Hursh advised that the District is not anticipating another allocation but are looking for other funding sources through the California Transit Association and the District's federal lobbyist.

**Public Comment:**

**Sheldon Simmons**, Division 4 Operator, commented on passenger limits due to Covid-19, saying that the bus is full at first pick-up. Simmons asked if there is any plan to use "shadow" buses or expanding pick-up limits.

**Ben Fong** commented that the District should use this opportunity to work with other transit agencies to improve transit coordination between transit agencies/districts, costs, and rider transfers between systems.

**Hayden** commented on the need to integrate fare payment to improve connectivity; also, in the interest of bus operator and passenger safety, longer busses should be used to increase rider capacity.

MOTION: WALLACE/SHAW to receive an update on the District's involvement in the Metropolitan Transportation Commission's (MTC) Blue Ribbon Task Force. The motion carried by the following vote:

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

**Finance and Audit Items - Chair Peeples**

- 6.C.** Consider receiving a report on the Draft FY 2020-21 Operating and Capital Budgets, including an overview of the major assumptions and drivers to the operating revenues and operating expenses.

[20-062b](#)

Acting Deputy Chief Financial Officer Chris Andrichak presented the staff report.

Director Peeples asked why diesel taxes would be down. Mr. Andrichak advised that diesel sales are down due to the slowing of the economy.

Director Harper expressed a strong desire for the Board to receive a draft budget at the meeting on August 5th. He further expressed the need to have detailed expense information so the Board can make a comparison of what occurred with the budget as a result of COVID. Director Harper also noted that FY 2020-21 was full of unknowns and the Board needed to know what staff was seeing with regard to making adjustments in the upcoming year to keep the District ahead of potential problems.

Director Shaw asked why the District was getting less CARES Act funds than estimated. Mr. Andrichak responded that the \$120 million figure was his estimate before MTC came up with a formula for distribution of the money.

Director Shaw commented that she hoped staff reviewed any cost savings that might be realized from not having as much service on the road as well as any savings that could be derived from other labor costs such as some of the clerical and salaried overtime. Director Shaw also requested a report on the status of the mobile ticketing applications.

Director Peeples asked about the Capital Budget and advised that he planned to request a report on the installation of a bus wash at Division 3.

Vice President Ortiz asked how staff planned to increase service levels to 75% of pre-pandemic levels. Mr. Andrichak advised that ridership had grown since April, but staff was planning to increase some of the service to give riders more space as a result of social distancing measures.

Vice President Ortiz asked about the twelve positions requested for the Tempo service and whether they were permanent positions. Mr. Andrichak advised that the requests were associated with the operation and maintenance of the service.

Vice President Ortiz asked why the District was proposing service cuts when the District had modest deficits. Mr. Andrichak explained that the service was in need of realignment to make it more efficient and to have enough operators to provide the service that is planned. Staff was also looking to get a handle on overtime costs.

Director Young noted that the District appears to be in fairly good financial shape for FY 2020-21 due the CARES Act funding but expressed concern with the finances in FY 2021-22. He asked how staff planned to prepare for this. Mr. Andrichak advised that attrition of staff, advocacy for additional financial support, and attempt to manage expenses and revenues efficiently to reduce the burden in FY 2021-22. He added that sales tax revenues were of concern. General Manager Michael Hursh advised that ridership was difficult to project as well.

Director Williams asked staff to elaborate on Regional Measure 3 funding. Mr. Andrichak advised that the measure was challenged by a couple of groups that are contemplating an appeal of the court decision.

**Public Comment:**

**Tyrone Ellingberg** noted that farebox revenue for the previous fiscal year was 6% of overall budget and asked the following questions: 1) what is the farebox revenue in a normal operating year; and 2) how much of the deficit (in dollars) is related to the Covid-19 crisis; [Later in the meeting, Mr. Andrichak advised that he would follow-up with the speaker.]

**Drew Van Zee** commented that the service needs of passengers was critical and recommended that the Board and staff seek input from operators on how to better serve the public.

**Tamika Johnson (4993)**, Bus operator, requested more shadow buses to assist District efforts toward social distancing on buses.

**Kennard Plummer**, ATU Local 192, commented that the Personal Protective Equipment that was promised in the CARES Act for Operators, Mechanics has not been provided. In addition, operators are unhappy with the cutting-out of 'built-in' runs because many drivers schedule these runs for additional pay.

**Connie McFarland**, Division 2 bus operator, requested that Clipper Card service be made possible through the rear doors of the bus.

**Ben Fong** suggested that alternative revenue sources should be researched (e.g., gasoline tax).

**Darryl Owens**, East Bay Transit Riders, commented that alternative sources of revenue are needed in lieu of cutbacks and suggested that the District consider a transfer tax increase.

**Hayden** suggested the District seek alternative revenue sources, including extended metered (parking) hours as well as a 1/8 cent sales tax.

**Yvonne Williams**, President of ATU Local 192, recalled that Assembly Bill 5 established that Rideshare workers are considered employees, not contractors. This means Rideshare companies must tax them as employees. Speaker Williams added that if the District wants riders to return, operators must be made to feel safe. The District must provide PPE for workers and riders, and bus cleaning measures must be focused on.

**Kyle Finger** suggested revenue generation like the ones used by MUNI are a good idea.

**David Ying** spoke in support of revenue generation ideas like a gas tax as well as the others already reported.

**JD** commented in support of long-term revenue generation such as ideas used in San Francisco (e.g., sustainable tax revenue-related options).

MOTION: ORTIZ/PEEPLES to receive a report on the Draft FY 2020-21 Operating and Capital Budgets, including an overview of the major assumptions and drivers to the operating revenues and operating expenses. The motion carried by the following vote:

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

### Planning Items - Chair Shaw

- 6.D.** Consider receiving report and provide input on staff's initial proposals to redesign the route network in light of diminished operating revenue. [20-262](#)

*[Written comments received prior to the meeting are incorporated into the file by reference.]*

Planning Manager Michael Eshleman presented the staff report, noting that the proposals were subject to change as a result of Board and public input.

President Wallace complained about proposed service reductions in his ward, believing that the existing service should be improved upon, not cut.

Director Peeples commented that the effort to redesign the service needed to consider the following factors: 1) effective outreach to riders who may not have access to technology; 2) outreach to cities in the District about red lanes and transit signal priority to maintain a sufficient speed of the bus; 3) how to make the maps easier to read and understand; and 4) capacity limits. He further commented on the proposal to consolidate Lines 51a and 51b, saying that it was impossible in Berkeley because of the prioritization of parking.

Vice President Ortiz also shared concerns about Lines 51a and 51b. She further inquired what was driving staff's proposal. Mr. Eshleman responded that a long lead time was necessary to implement changes.

Vice President Ortiz mentioned the importance of providing service to low income communities because equity was a serious issue to funding agencies like MTC, ACTC and the legislature. She further commented that any proposal to cur service in low income areas needed to be soundly justified.

Director Young asked whether the proposed 15-30% reduction would balance the District's budget in FY 2020-21, saying that there was not enough financial information available to know the appropriate amount of service to cut. He requested more information in a follow-up report what the reductions means from a financial standpoint. Mr. Eshleman advised that it is not clear for many agencies how revenue and ridership will come back.

Director Young asked why the District can't continue operating under the emergency service protocol given the level of uncertainty. General Counsel Jill Sprague advised that Federal Transit Administration guidance is unclear, but staff was continuing to research the issue.

Director Williams echoed Director Peeples' comments concerning access to the public comment process. He further requested that staff give a brief overview of the service changes in Ward 4. He also inquired about the process to eventually bring service back. Mr. Eshleman advised that staff had yet to have those discussions. Director of Legislative Affairs and Communications Claudia Burgos advised of staff's efforts concerning the public outreach process.

Director Harper questioned the number of operators that would be needed to provide the service and how much overtime would be needed. Chief Operating Office Salvador Llamas explained the process of utilizing overtime for the service. He added that there are other situations that cause unplanned overtime. Director Harper believed that the District should attempt to control overtime to the greatest extend possible.

Director Shaw asked for an update on the ridership numbers for the different lines. She also asked for clarification of the sign-up process.



Director Shaw also asked about Clipper readers on rear doors. General Manager Michael Hursh advised that the Clipper Executive Board would make money available for operators that needed them, but the timeline was extended.

Vice President Ortiz suggested that a lower percentage of cuts be added to staff scenarios, such as 10%, 20%, and 30%.

**Public Comment:**

**Jess Daniels**, North Berkeley Hills resident, commented that a 15-30% service reduction will challenge all riders but people like Jess rely on the bus and will suffer from the service cut. Neighborhoods should be viewed individually.

**David Ying** commented that low income areas are hit hardest by Covid 19-related bus service cuts; Cal State East Bay bus service cancelations would be significantly hard on CSUEB students.

**Diego Aguliar-Canabal** commented that the District should enhance service instead of enacting service cuts. District should utilize Back-doors boarding; East-west connectivity is just as important as North-South.

**Yvonne Williams**, President of ATU Local 192, commented that overtime use is needed to provide service (this is not new information). Measure BB was supposed to return service to pre-BB levels and beyond. ATU is opposed to service cuts/re-arrangement of service.

**Darryl Owens** commented that service cuts are not simple and will be problematic to riders.

**Tyrone Ellington** noted that efforts to preserve profitability will cause community relevance to suffer and suggested a fare collection restructuring plan instead of route redesign.

**A. Shapiro** offered that the service cuts do not mirror the information stated in staff report and that the principles of route cuts is not reflected the same on District maps.

**Sofia** appreciated the Board's work on service changes and hoped it would take individual community issues to mind when it decides on the matter.

**Gayle**, Kensington resident, commented on the lack of transit choices for riders in the area. choices. In addition, bus service is the only choice available and the housing crisis, where multi-occupant dwellings are common, illuminates the need for buses.

**Erin Laurison**, commented that service cuts assume walkability of riders to alternate bus stops; however, some riders have unique challenges that make walking to alternate stops difficult. It was requested that the Board ensure transparency and that information is accessible to blind riders.

**Nick Mediati** was concerned about how service cuts will cause greater instances of multi-line transfers for riders, which is a burden to riders. It was suggested that the COVID-19 crisis be used to build a better bus service network.

**John Walsh**, Transbay Coalition, recommended improving the bus experience by speeding up buses so riders arrive at their destination quickly and suggested that the District be aggressive about pushing for a no-car District.

**Kaspar Mossman**, Kensington resident, heard that BART is working to close parking lots and build housing, creating a greater need for bus service to get around, even to BART.

**Kyle Finger** commented that some service is redundant and should be eliminated. Transbay Service should be near-eliminated due to replication of service with BART.

**Angelica**, Kensington resident, was hopeful that route elimination is reconsidered.

**Isaac** recommended that the District explore other alternatives than service cuts.

**Edwina Robinson** commented that service employees wanted all buses cleaned and sanitized and requested training. Bus Operators will feel safer if they see these efforts which impact their daily safety on the job.

**Joyce** asked that rider consideration be looked after, as service cuts will impact ridership.

**Connie McFarland** commented that route changes will cause overtime and that service cuts would result in a major inconveniences for all.

**Nathanial Arnold** reported four new cases of workers contracting Covid-19 since the last Board meeting and that increasing service was unwise as the pandemic continues.

MOTION: PEEPLES/SHAW to receive report and provide input on staff's initial proposals to redesign the route network in light of diminished operating revenue. The motion carried by the following vote:

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

**Nayes:** Ortiz

#### Operations Items - Chair Young

- 6.E.** Consider receiving an update on Computer Aided Dispatch and Automated Vehicle Location (CAD/AVL) Real-Time Passenger Information System. [Requested by Director Harper - 3/11/20] [20-201](#)

This agenda item was moved to a future meeting.

- 6.F.** Consider receiving an update on critical Department of Innovation and Technology projects. [20-121a](#)

This agenda item was moved to a future meeting.

#### Board Administrative Matters - President Wallace

- 6.G.** Consider abolishing the Limited Purpose Covid-19 Response Committee. (verbal) [20-243](#)

District Secretary Linda Nemeroff introduced the item.

#### 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))

Sheila Marie Williams Jones v. AC Transit, WCAB Case Nos. ADJ7940126, ADJ9589729, ADJ1631546, ADJ2486552, ADJ2750208, ADJ288311

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

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

**7.C. Conference with Labor Negotiators**

(Government Code Section 54957.6):

Agency Designated Representative:

- General Manager Michael Hursh;

- Acting Executive Director of Human Resources Nathaniel Kramer;

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

Unrepresented Employees

**7.D. Public Employee Performance Evaluation**

(Government Code Section 54957)

Title: General Manager, General Counsel, District Secretary

**7.E. Conference with Real Property Negotiators**

(Government Code Section 54956.8) (Five Matters)

- Property: 971 & 973 66th Avenue, Oakland, CA
- Agency negotiator: General Manager Michael A. Hursh/Real Estate Manager Lois Rawlings
- Negotiating parties: Matt Hill for Summit CFS
- Under negotiation: Rent abatement requests from District tenants; instruction to negotiator may concern rental amounts and terms of payment.
  
- Property: 975 & 977-A 66th Avenue, Oakland, CA
- Agency negotiator: General Manager Michael A. Hursh/Real Estate Manager Lois Rawlings
- Negotiating parties: Temesghen Gebremichael for TTG Shipping Intl
- Under negotiation: Rent abatement requests from District tenants; instruction to negotiator may concern rental amounts and terms of payment.
  
- Property: 977-B & 995 66th Avenue, Oakland, CA
- Agency negotiator: General Manager Michael A. Hursh/Real Estate Manager Lois Rawlings
- Negotiating parties: Eric Shanks for Cypress Mandela
- Under negotiation: Rent abatement requests from District tenants; instruction to negotiator may concern rental amounts and terms of payment.
  
- Property: 37650-A Sycamore, Newark, CA
- Agency negotiator: General Manager Michael A. Hursh/Real Estate Manager Lois Rawlings
- Negotiating parties: David Tay for Piotech
- Under negotiation: Rent abatement requests from District tenants; instruction to negotiator may concern rental amounts and terms of payment.
  
- Property: 425 Mission Street, San Francisco, CA
- Agency negotiator: General Manager Michael A. Hursh/Real Estate Manager Lois Rawlings
- Negotiating parties: Deanna Simsek (Rep) for Greyhound Lines Int.
- Under negotiation: Rent abatement requests from District tenants; instruction to negotiator may concern rental amounts and terms of payment.

## 8. AGENDA PLANNING

### 8.A. Agenda Planning Pending List for July 8, 2020.

[20-010L](#)

Director Peeples requested a report on D-3 bus wash (Vice President Ortiz concurred)

Director Harper requested a report on including rear door Clipper readers at the back door of the bus. (Director Peeples concurred)

Director Harper requested that the operators be consulted on the issue of passengers wearing masks. (Director Peeples concurred)

Director Williams requested a resolution honoring former Alameda County Supervisor Gail Steele. (Director Peeples concurred)

**9. GENERAL MANAGER'S REPORT**

**9.A.** General Manager's Report for July 8, 2020.

[20-008L](#)

The item 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.

**11. ADJOURNMENT**

There being no further business to come before the Board of Directors, the meeting adjourned at 7:56 p.m. The next meeting of the Board is scheduled for July 22, 2020 at 5:00 p.m.

Respectfully submitted,

/s/

Linda A. Nemeroff  
District Secretary