



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

### **MINUTES**

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

CLOSED SESSION 3:45 PM for Agenda Items 8A-8D

VIRTUAL MEETING

Phone (669) 900 6833

Webinar ID: 984 8717 5063

**Wednesday, March 9, 2022 at 5:00 PM**

**<https://bit.ly/3vX2shj>**

#### **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)**

**VACANT (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 meeting on Wednesday, March 9, 2022, at 5:00 p.m.

The meeting was called to order at 4:16 p.m. for the purpose of Closed Session. All Board members were present. The Board convened in Closed Session to discuss Items 9A-9C as listed on the agenda. Closed Session concluded at 4:35 p.m.

President Ortiz called the Board of Directors meeting to order at 5:03 p.m.

**2. ROLL CALL**

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

**3. PRESENTATION**

- 3.A.** Update from the Alameda County Transportation Commission on the San Pablo Corridor Project. [22-188](#)

Presenters: Alameda County Transportation Commission Staff  
Tess Lengyel, Executive Director  
Cathleen Sullivan, Director of Planning  
Colin Dentel-Post, Principal Transportation Planner

Executive Director of the Alameda County Transportation Commission (ACTC) Tess Lengyel gave a brief introduction of the project and upcoming actions before the ACTC. The meeting was then turned over to ACTC Director of Planning Cathleen Sullivan for the presentation.

**Public Comment:**

**Kiran Agarwal** expressed concern about the exclusion of East Bay Paratransit from satellite monitoring, which Agarwal noted would benefit Paratransit riders.

**George Spies** expressed feelings of encouragement for the San Pablo Corridor Project because its reported design would help speed buses through the corridor and work to keep cyclist safer.

**Patrick** expressed support for the San Pablo Corridor Project and emphasized the use of dedicated bus lanes. Patrick commented that the project might consider prioritizing pedestrian, cyclist, and bus traffic by eliminating auto traffic within the corridor if additional traffic lanes are needed.

**Board Discussion:**

Director Peeples complimented the project and urged ACTC staff to impinge on the sidewalk to improve pedestrian safety. Director Peeples further commented on a performance report on the 72R many years ago and the fact that pedestrians were not a factor in that study [Director Peeples advised that he would distribute the report after the meeting and requested its incorporation into the record.]

Director Shaw asked what has been done in other projects to assist people with visual impairments cross the bike lane to get to the bus stop. Ms. Sullivan advised that staff is looking at tactile and coloration changes between the bike lane, sidewalk, and bike lane transit island as well as signage to alert bicyclists approaching these areas. Staff will continue to look at best practices in this field. Director Shaw shared that she saw a light for bicyclists in Australia and hoped that staff would continue to explore new ideas.

Director Walsh spoke in support of the project, noting that bikes and buses already share a lot of the roadway throughout the District.

The presentation was provided for information only.

#### 4. PUBLIC COMMENT

**Eddie Sanchez**, D2-Facilities Maintenance, opposed the District's COVID-19 vaccination mandate and gave reasons why the Board must end the District's vaccination mandate policy. **Patrick** expressed frustration that Line B service has not been restored and requested answers to questions about hiring delays that would help return this bus line to active service. **Linda B.** commented on the shortcomings of the new bus rider app and requested customer assistance. Linda B. also expressed concerns about being in a wheelchair and being repeatedly passed up at bus stops.

#### 5. MODIFICATIONS TO THE AGENDA

There were no modifications to the agenda. Due to the public hearing (Item 7.A.), items were taken out of sequential order but are reported in sequential order in the minutes for ease in reading.

#### 6. CONSENT CALENDAR

There was no public comment on the Consent Calendar.

MOTION: YOUNG/PEEPLS to receive, approve, or adopt the items on the Consent Calendar as indicated with the exception of Item 6.J. which was pulled off the Consent Calendar by Director Shaw. The motion carried by the following vote:

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

**6.A.** Consider approving Board of Directors minutes of January 26, 2022. [22-086](#)

MOTION: YOUNG/PEEPLS to approve Board of Directors minutes of January 26, 2022. The motion carried by the following vote:

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

**6.B.** Consider approving Board of Directors minutes of February 9, 2022. [22-087](#)

MOTION: YOUNG/PEEPLS to approve the Board of Directors minutes of February 9,

2022. The motion carried by the following vote:

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

- 6.C.** Consider the adoption of Resolution No. 22-008 making the necessary findings and re-authorizing the AC Transit Board of Directors and all District Advisory, Oversight, and Inter-Agency Liaison Committees to hold remote teleconference meetings during a declared state of emergency, subject to the requirements of the Brown Act, through April 8, 2022 or until the State of Emergency set to expire on March 31, 2022, is lifted, whichever occurs first. [21-053g](#)

MOTION: YOUNG/PEEPLS to adopt Resolution No. 22-008 making the necessary findings and re-authorizing the AC Transit Board of Directors and all District Advisory, Oversight, and Inter-Agency Liaison Committees to hold remote teleconference meetings during a declared state of emergency, subject to the requirements of the Brown Act, through April 8, 2022 or until the State of Emergency set to expire on March 31, 2022, is lifted, whichever occurs first. The motion carried by the following vote:

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

- 6.D.** Consider receiving the Accessibility Advisory Committee minutes of January 11, 2022. [22-157](#)

MOTION: YOUNG/PEEPLS to receive the Accessibility Advisory Committee minutes of January 11, 2022. The motion carried by the following vote:

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

- 6.E.** Consider receiving Retirement Board minutes of February 10, 2022. [22-200](#)

MOTION: YOUNG/PEEPLS to receive the Retirement Board minutes of February 10, 2022. The motion carried by the following vote:

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

- 6.F.** Consider authorizing members of the Board of Directors to attend the following out-of-state conferences and meetings during fiscal year 2022-23: [22-160](#)

- Conference of Minority Transportation Officials National Meeting and Training Conference, date and location to be determined;
- American Public Transportation Association (APTA) TRANSform Conference, October 9-12, 2022 in Seattle, Washington;
- UITP Land Transport Authority-Singapore International Transport Congress and Exhibition, November 2-4, 2022 in Singapore;
- Transportation Research Board 102nd Annual Meeting, January 8-12, 2023 in Washington, D.C.;
- APTA Legislative Conference, March 12-14, 2023 in Washington, D.C.;
- APTA Mobility Conference (and Bus Roadeo), April 23-26, 2023 in

Minneapolis, Minnesota; and

- UITP Global Transportation Summit, June 4-7, 2023 in Barcelona, Spain.

MOTION: YOUNG/PEEPLS to authorize members of the Board of Directors to attend the following out-of-state conferences and meetings during fiscal year 2022-23:

- Conference of Minority Transportation Officials National Meeting and Training Conference, date and location to be determined;
- American Public Transportation Association (APTA) TRANSform Conference, October 9-12, 2022 in Seattle, Washington;
- UITP Land Transport Authority-Singapore International Transport Congress and Exhibition, November 2-4, 2022 in Singapore;
- Transportation Research Board 102nd Annual Meeting, January 8-12, 2023 in Washington, D.C.;
- APTA Legislative Conference, March 12-14, 2023 in Washington, D.C.;
- APTA Mobility Conference (and Bus Roadeo), April 23-26, 2023 in Minneapolis, Minnesota; and
- UITP Global Transportation Summit, June 4-7, 2023 in Barcelona, Spain. The motion carried by the following vote:

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

- 6.G.** Consider authorizing General Counsel to attend the American Public Transportation Association, (APTA) Legal Affairs Seminar on April 3 - 5, 2022 in Boston, Massachusetts. [22-177](#)

MOTION: YOUNG/PEEPLS to authorize the General Counsel to attend the American Public Transportation Association, (APTA) Legal Affairs Seminar on April 3 - 5, 2022 in Boston, Massachusetts. The motion carried by the following vote:

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

- 6.H.** Consider authorizing a one-year extension of the contract with Eric Ryan Corporation (ERC) for utility auditing consulting services through April 9, 2023. [17-192c](#)

MOTION: YOUNG/PEEPLS to authorize a one-year extension of the contract with Eric Ryan Corporation (ERC) for utility auditing consulting services through April 9, 2023. The motion carried by the following vote:

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

- 6.I.** Consider receiving a report summarizing the creation of and modifications to Classification Specifications in 2021. [22-189](#)

MOTION: YOUNG/PEEPLS to receive a report summarizing the creation of and modifications to Classification Specifications in 2021. The motion carried by the following vote:

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

- 6.J.** Consider approving the award of a firm fixed price construction contract in the amount of \$1,050,612.30 to Bear Electrical Solutions of Alviso, California, for the construction of the AC Transit Rapid Corridors San Pablo Avenue Project segment. [20-236a](#)

Director Shaw pulled the item to ask a clarifying question about contract award process which was addressed by staff.

MOTION: SHAW/ORTIZ to approve the award of a firm fixed price construction contract in the amount of \$1,050,612.30 to Bear Electrical Solutions of Alviso, California, for the construction of the AC Transit Rapid Corridors San Pablo Avenue Project segment. The motion carried by the following vote:

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

- 6.K.** Consider the adoption of Resolution No. 22-003, approving Board Policy 651 - Records Retention Policy. [22-023](#)

MOTION: YOUNG/PEEPLS to adopt Resolution No. 22-003, approving Board Policy 651 - Records Retention Policy. The motion carried by the following vote:

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

President Ortiz announced that the Board would take a brief recess at 5:57 p.m. The meeting resumed at 6:00 p.m. All Board members were present.

## 7. PUBLIC HEARING

- 7.A.** Hold a Public Hearing to receive public comment on the final draft Redistricting Plan to redraw the ward boundaries of the Alameda-Contra Costa Transit District. [21-029f](#)

At 6:00 p.m., President Ortiz welcomed everyone to the public hearing on the final draft redistricting plan to redraw the District's ward boundaries. President Ortiz also reported that legal notice of the hearing was given in accordance with Board Policy 110. The hearing was opened at 6:01 p.m. and the meeting was turned over to District Secretary Linda Nemeroff for the presentation. There was no public comment offered on the proposal, nor was there any questions from the Board. At 6:13 p.m., President Ortiz announced that the public hearing would stand in recess until the next hearing on March 23, 2022.

## 8. REGULAR CALENDAR

### Finance and Audit Items - Chair Shaw

- 8.A.** Consider receiving a report on the history of transfers at AC Transit and considerations for possible changes to the current day-pass based system. [Requested by Director Walsh - 10/13/21 and Director Beckles] [22-187](#)

- 2/9/22]

[Written comment received prior to meeting is incorporated into the file by reference.]

Chief Financial Officer Chris Andrichak presented the staff report.

**Public Comment:**

Public speakers commented on the Staff Report addressing bus transfers and the day pass system. Some public speakers noted that a free bus transfer would be one way to encourage riders to return following the COVID-19 pandemic. Public speakers offered suggestions to improve bus transfer use, including the use of two-hour transfers or the use of both free transfers and day passes. Public speakers noted that free transfers might also improve bus service efficiency because riders would no longer need to find change and hold up bus service. These public speakers were:

**John Minot**, East Bay Transit Riders Union (EBTRU)

**Hayden**, noted that many other transit agencies offer 2-hour free transfers.

**Adina Levin**, Seamless Bay Area, spoke about the challenges associated with transfers and conflicts faced by the working groups dealing with inter-agency transit.

**George Spies**, Seamless Bay Area

**Derrick Sagehorn**, EBTRU

**Kiran Agarwal**

**Nick Pilch**

**Alfred Twu**

**Vallery Lancey**

**Board Discussion:**

Director Peeples commented that the discussion of transfers and fares should be centered around the integration of AC Transit's fare system with the rest of the region, rather than solely offering free transfers. Director Peeples further commented that he would be interested in plans to fund a region-wide fare system and ways to integrate AC Transit.

Vice President Young commented that while he doesn't oppose free transfers, reevaluating the entire fare structure should be done and, preferably, in parallel with the service redesign efforts because the Metropolitan Transportation Commission's Transit Fare Coordination and Integration Study may be available at the time and serve as a blueprint for fare structure.

Director Beckles acknowledged the members of the public for providing comments and spoke in support of free transfers. Director Beckles further asked staff to consider both the current Day Pass and implement a free two-hour transfer, adding that the ease of transfer and travel on public transit should be regarded as a method to welcome riders to public transit.

Director Shaw commented that although the intention of the Day Pass was to resolve

the transfer challenges, it turned out not to be the best solution, noting that many agencies now offer free transfers. Director Shaw further spoke in support of free transfers for Clipper and Mobile App users and commented that implementing free transfers at AC Transit in the near future will not have an adverse effect on the fare integration plan further down the line.

Director Walsh thanked the public speakers and organizations for participating and providing their input. Director Walsh commented that both Day Pass and free transfers are different fare products that would not cancel each other and could be implemented simultaneously. Director Walsh further agreed with previous mentions of redesigning the entire fare system considering the new strategic element of equity, regional fare integration, the price of Transbay fares, and Tempo fares.

Director Shaw commented that redesigning the entire fare structure would be a major undertaking and thought implementing free transfers on Clipper and mobile apps could be done fairly quickly.

During the Agenda Planning portion of the meeting, Director Shaw requested a report on implementing free two-hour transfers for Clipper and mobile app users by the end of the year.

**MOTION:** PEEPLES/WALSH to receive a report on the history of transfers at AC Transit. The motion carried by the following vote:

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

### **Operations Items - Chair Young**

- 8.B.** Consider receiving an update on operator hiring efforts, including the number of applications, interviews, and hires to understand when and why applicants do not complete the hiring process. [Requested by Directors Walsh - 1/26/2022] [22-198](#)

Human Resources Manager Emily Cruz presented the staff report.

**Public Comment:**

There was no public comment offered.

**Board Discussion:**

Director Peeples noted that based on the information provided in the staff report, it appeared that roughly 17% of applicants who meet the minimum qualifications end up behind the wheel and asked staff to comment why this percentage was so low. Ms. Cruz advised that this statistic was impacted by the number of best qualified candidates and candidates who choose to drop out of the process. Another impact is candidates that are not responsive to interview requests within a reasonable amount of time. General Manager Hursh added that once the minimum qualifications are met, a lot of people don't pass the drug screen, medical, or background check. It was suggested that



District get back to holding “career day” events where more information about the job can be offered up front to prospective applicants.

Director Walsh was disappointed that staff was not making much progress in hiring new operators above the attrition rate, but acknowledged that there wasn’t necessarily a shortage of people that want to drive for AC Transit. Director Walsh believed that treating people with respect, being responsive, and making AC Transit an employer of choice was critical in being able to recruit the number of operators necessary to increase service levels in the future.

Director Shaw asked about testing resources and if there were opportunities for the Union to participate in educating potential new operators about the job. Chief Operating Officer Salvador Llamas advised that the District does partner with the Union via the mentoring program to help retain new bus operators. Mr. Llamas further pointed out that limitations in class size were a result of safety protocols due to the pandemic, but those restrictions have relaxed and class sizes are growing. Additional instructors are in the process of becoming certified which will expand training capacity by the end of summer with the goal of certifying 250 operators by March 2023.

MOTION: SHAW/ORTIZ to receive an update on operator hiring efforts, including the number of applications, interviews, and hires to understand when and why applicants do not complete the hiring process. The motion carried by the following vote:

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

#### **External Affairs Items - Chair Peeples**

- 8.C.** Consider receiving an update on the status of filling the Ward 4 seat on the Board of Directors. (verbal)

[22-164a](#)

District Secretary Linda Nemeroff presented the staff report.

#### **Public Comment:**

There was no public comment offered.

#### **Board Discussion**

The Board confirmed the following dates for special meetings associated with the interviews:

Monday, April 11th - Initial Presentation

Friday, April 15th - Final Interviews

Director Young suggested that the interviews be done in person. The issue will be discussed further at the next Board meeting.

MOTION: PEEPLES/SHAW to receive an update on the status of filling the Ward 4 seat on the Board of Directors. (verbal) The motion carried by the following vote:

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

**9. CLOSED SESSION/REPORT OUT**

There was nothing to report out of closed session.

**9.A. Conference with Legal Counsel – Potential Litigation (Two Cases)**

(Government Code Section 54956.9(b))

**9.B. Conference with Labor Negotiators**

(Government Code Section 54957.6):

Agency Designated Representative:

- General Manager Michael Hursh;

- Labor and Employee Relations Representative;

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

Unrepresented Employees

**9.C. Public Employee Performance Evaluation**

(Government Code Section 54957)

Title: General Manager, General Counsel, District Secretary

**10. AGENDA PLANNING**

**10.A.** Review of Agenda Planning Pending List. [22-065d](#)

Director Peeples requested a review of the fare policy, specifically its integration with the region-wide fare policy, including transfers and daily/monthly passes. The review should occur before the end of 2022. (Ortiz concurred)

Director Shaw requested a report about implementing 2-hour free transfers on AC Transit on Clipper and the mobile application only. The report should outline a plan to implement the transfers within a year. (Walsh concurred)

Director Walsh requested that a report about missed trips requested by Director Peeples on 2/12/2020 be advanced to an earlier date. The report should include data on the missed trips by bus line and their time. (Beckles concurred)

**11. GENERAL MANAGER'S REPORT**

The report was presented for information only.

**11.A.** General Manager's Report for March 9, 2022. [22-041d](#)

The report was presented for information only.

**12. BOARD/STAFF COMMENTS**

(Government Code Section 54954.2)

Members of the Board commented on the events they attended since the last Board Meeting.

**Public Comment:**

**Carol Jefferson** commented that the mentoring program is going very well for Jefferson's spouse, who is a bus operator.

**13. ADJOURNMENT**

There being no further business to come before the Board of Directors, the meeting adjourned at 7:21 p.m. The next meeting of the Board is scheduled for March 23, 2022, at 5:00 p.m.

Respectfully submitted,

*/s/*

Linda A. Nemeroff  
District Secretary