

San Francisco Bay Area Rapid Transit District

2150 Webster Street, P. O. Box 12688, Oakland, CA 94612-2688



BOARD OF DIRECTORS DRAFT MINUTES OF THE 1,969TH MEETING THURSDAY, NOVEMBER 21, 2024

Members of the Board of Directors
Bevan Dufty, President (District 9)
Mark Foley, Vice President (District 2)
 Debora Allen (District 1)
 Rebecca Saltzman (District 3)
 Robert Raburn (District 4)
 Melissa Hernandez (District 5)
 Elizabeth Ames (District 6)
 Lateefah Simon (District 7)
 Janice Li (District 8)

MEETING DESCRIPTION

A Regular Meeting of the Board of Directors was held on November 21, 2024, convening at 9:06 a.m. via simultaneous teleconference at the BART Board Room, 2150 Webster Street, 1st Floor, Oakland, California 94612 and 1309A Longworth House Office Building, 15 Independence Avenue SE, Washington, DC 20515. President Dufty presided, April B. A. Quintanilla, District Secretary.

1. CALL TO ORDER

President Dufty called the Meeting to order at 9:06 a.m.

A. Roll Call.

Directors Present in Oakland: Directors Ames, Foley, Li, Raburn, Saltzman, and Dufty.

Directors Present via Teleconference: Director Simon.

Absent: None. Directors Allen and Hernandez entered the Meeting later.

B. Pledge of Allegiance. Vice President Foley led the Pledge of Allegiance.

Director Hernandez entered the Meeting in Oakland.

C. Introduction of Special Guests.

President Dufty called for Introduction of Special Guests. Director Raburn introduced Christine Arsenault, who has a background in geography, as the new Chair of the BART Accessibility Task Force (BATF). BATF Chair Arsenault was commended for her leadership in advocating for individuals with special needs and guiding the volunteer group.

Public Comment

Aleta Dupree addressed the Board.

2. REPORT OF THE BOARD PRESIDENT

President Dufty reported on BART's holiday toy drive organized by the Office of External Affairs and the BART Police Department, highlighting the selection of Cultura y Arte Nativa de las Americas in the Mission District as the recipient of this year's donations. President Dufty indicated that donations would be collected until December 18th, with bins placed throughout the District and that the leadership from the chosen organization will formally accept the contributions on December 19th. President Dufty noted that the upcoming Board Meeting on December 5th would be the last for the current Board, with newly elected members taking office on December 6th. President Dufty also shared his experience participating in a podcast with departing State Senator Steve Glazer, discussing BART accountability and initiatives.

Public Comment

No comments were received.

3. BOARD COMMITTEE REPORTS

President Dufty called for Board Committee Reports. Director Saltzman, Chair of the Audit Committee, reported on the Audit Committee meeting held on November 18, 2024. Director Saltzman reported that the Committee received reports regarding the external financial auditor's report, the Office of the Inspector General (OIG) Annual Report, and the OIG contractor false claims investigations. Director Saltzman also reported that the Internal Audit Department presented a proposed Contractor Suspension and Debarment policy and that the Committee unanimously recommended that the full Board adopt the policy on December 5, 2024. Director Saltzman expressed appreciation for the work of Audit Committee and the service of its members.

Public Comment

No comments were received.

4. CONSENT CALENDAR.

President Dufty brought the following Consent Calendar items before the Board.

- A. Approval of Minutes of the Meetings of October 16, 2024 (Special), October 21, 2024 (Special), and November 8, 2024 (Special).
- B. Amendments to Transit Security Advisory Committee (TSAC) Bylaws.
- C. Procurement with Transource Services Corporation, a National Association of State Procurement Officials (NASPO) Provider, for Nutanix Hardware, Software as a Service, and Related Services.
- D. Agreement between Capitol Corridor Joint Powers Authority and San Francisco Bay Area Rapid Transit District for Administrative Support.
- E. Award of Invitation for Bid No. 9139, Stake Truck with 3rd Axle and Liftgate (Diesel).
- F. Reject Bid for Invitation for Bid No. 9140, Class 5 Hi-Rail Welding Truck.
- G. Change Order to Contract No. 40FA-110, Procurement of Transit Vehicles, with Alstom (formerly Bombardier Transit Corporation), for Rescue Connector Bypass.

President Dufty requested that Item 4-B, Amendments to Transit Security Advisory Committee (TSAC) Bylaws, would be removed from the Consent Calendar.

Vice President Foley moved to approve the Consent Calendar, except Item 4-B, by one motion.

Director Saltzman seconded the motion.

Public Comment

Aleta Dupree addressed the Board.

Director Simon exited the Meeting.

Action

Upon motion by Vice President Foley and second by Director Saltzman, the Board took the following actions by unanimous roll call vote.

Vote Summary:

Moved / Seconded: Vice President Foley / Director Saltzman

Aye: Directors Ames, Foley, Hernandez, Li, Raburn, Saltzman, and Dufty.

No: 0

Abstain: 0.

Absent: Directors Allen and Simon.

Result: 7-0, motion carried by unanimous roll call vote.

- A. The Minutes of the Meetings of October 16, 2024 (Special), October 21, 2024 (Special), and November 8, 2024 (Special), were approved. *(Vote: 7-0)*
- C. The General Manager or his designee was authorized to enter into a contract to purchase Nutanix Hardware, Software as a Service (SaaS), and related services from Transource, for a 3-year duration, for an amount not to exceed \$429,508.75. *(Vote: 7-0)*
- D. The Board President was authorized to execute an Agreement between the Capitol Corridor Joint Powers Authority and the San Francisco Bay Area Rapid Transit District for Administrative Support for a consecutive five-year term through February 19, 2030 under generally the same terms as the current agreement subject to approval of the General Counsel. *(Vote: 7-0)*
- E. The General Manager was authorized to award Invitation for Bid (IFB) No. 9139, Stake Truck with 3rd Axle and Liftgate (Diesel), to Omaha Track Equipment, LLC., of Kansas City, MO, for the amount of \$1,106,795.34 (includes all applicable sales taxes), pursuant to notification to be issued by the General Manager, and subject to compliance with the District's Protest Procedures and Federal Transit Administration (FTA) procedures related to protest. *(Vote: 7-0)*
- F. The General Manager was authorized to reject the sole responsive bid received for IFB No. 9140, Class-5 Hi-rail Welding Truck. *(Vote: 7-0)*
- G. The General Manager was authorized to execute Change Order No. 077 for Rescue Connector Bypass under Contract No. 40FA-110, Procurement of Transit Vehicles, in an amount not to exceed \$704,006.00. *(Vote: 7-0)*

President Dufty noted that he would like to continue Item 4-B and that he had met with the Chair of the Transit Security Advisory Committee, Omar Farmer, Deputy Chief of Police, Ja'son Scott, and Senior Board Analyst, Mag Tatum. President Dufty indicated that the meeting identified minor wordsmithing adjustments needed in the proposed amendments to the bylaws, making it more efficient to revisit the matter in the next Board Meeting rather than addressing changes during the current Board Meeting.

5. GENERAL MANAGER'S REPORT

A. Report of Activities, including Updates of Operational, Administrative, and Roll Call for Introductions Items.

Robert Powers, General Manager, reported on ridership, the first-ever Veterans Appreciation event for employees, a Meet the Primes contractor and small business event, and a disadvantaged business enterprise outreach event.

Director Allen entered the Meeting in Oakland.

Director Simon re-entered the Meeting via teleconference in Washington, DC.

Rodd Lee, Assistant General Manager, External Affairs, provided an update on the discussions held during the Metropolitan Transportation Commission (MTC) Planning and Allocations Committee meeting on November 9, 2024, regarding regional revenue measure options.

Kevin Franklin, Chief of Police, addressed the ongoing investigation into an officer-involved shooting that occurred on November 18, 2024.

Chief Franklin also introduced Alan Love, Deputy Chief of Police, who will manage the BART Police Operations Division.

Public Comment

Barney Smits and Aleta Dupree addressed the Board.

Director Simon exited the Meeting.

Discussion

The item was discussed, with the following highlights:

President Dufty welcomed Deputy Chief Love, emphasizing the importance of transit in creating safe, complete communities, and noting Deputy Chief Love's relatable experience with the Oakland Housing Authority and the East Bay Regional Parks.

Vice President Foley sought clarification from staff regarding comments made by a public speaker related to the West Oakland TOD (Transit-Oriented Development) and the Board's review of environmental documentation.

Director Ames thanked the BART Police Department and the Independent Police Auditor for their prompt response to the Union City incident and called for greater use of technology to enhance safety and security in stations and parking lots.

6. PLANNING, PUBLIC AFFAIRS, ACCESS, AND LEGISLATION ITEMS

Director Raburn, Chairperson

A. Link21 Program Update.

Director Raburn, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, brought the item before the Board.

General Manager Powers emphasized the strong partnership between BART and the California State Transportation Agency (CalSTA) under the leadership of Chad Edison, Chief Deputy Secretary for Rail and Transit.

Chief Deputy Secretary Edison; Brian Soland, Manager of Rail Planning; Camille Tsao, Capitol Corridor Manager of Special Projects; and Rob Padgette, Managing Director of Capitol Corridor, presented the item.

Public Comment

The following individuals addressed the Board:

John Arantes
Clarence Fischer
Aleta Dupree
Consuelo Hernandez
Anthony
Barney Smits
Sal Cruz
Adrian Brandt
Walter
Diego
David Sorrell

Discussion

The item was discussed, with the following highlights:

Director Li expressed strong commitment to transit projects and underscored the need for transparent governance, rigorous evaluation, and formal Board action on critical milestones such as the adoption of standard-gauge rail technology.

Vice President Foley emphasized the need for more clarity and understanding of Link21's rider benefits, fare structures, and BART's financial responsibilities under the revised project direction.

Director Saltzman expressed optimism about Link21's potential impact, seeing it as a transformative project for the region's future.

Director Hernandez highlighted the need for transit solutions that address the significant commuter population traveling from the Tri-Valley and San Joaquin Valley and urged better collaboration between BART and Valley Link to ensure alignment and avoid oversight or disconnects in planning and development.

Director Ames emphasized the need for a phased approach to Link21 and called for a thorough understanding of costs, impacts, and trade-offs before committing to major decisions about rail technology and configurations.

Director Allen expressed concern about the pace and progress of Link21, emphasizing the need for transparency, efficiency, and a more focused approach to address funding challenges, public skepticism, and future transit needs.

Director Hernandez exited the Meeting.

Director Raburn emphasized the importance of the forthcoming State Rail Plan as a resource for addressing outstanding questions and guiding the Link21 program, voicing optimism about the program's potential to enhance regional connectivity and meet future transit demands.

Action

No Board action was taken, as the item was presented for information only.

- B. Authorization to Execute Agreement No. 6M6190 with Alameda-Contra Costa Transit District and Transdev Services, Inc. for Broker and Service Providers for East Bay Paratransit Consortium.

Director Raburn brought the item before the Board.

Bob Franklin, Director of Customer Access, and Ryan Greene-Roesel, Manager of Access and Accessible Services, presented the item.

Public Comment

The following individuals addressed the Board:

Clarence Fischer

Director Hernandez re-entered the Meeting in Oakland.

Aleta Dupree
Anthony

Discussion

The item was discussed, with the following highlights:

Director Allen moved that the General Manager be authorized to execute, jointly with Alameda-Contra Costa Transit District (AC Transit), Agreement No. 6M6190 (AC Transit Agreement 2025-1606) to provide paratransit services for the East Bay Paratransit Consortium with Transdev Services, Inc. for 4.5 years.

Director Ames seconded the motion.

Director Raburn commended the performance of East Bay Paratransit and Transdev, citing record-high customer satisfaction.

President Dufty proposed the following substitute motion: That the General Manager be authorized to execute, jointly with AC Transit, Agreement No. 6M6190 (AC Transit Agreement 2025-1606) to provide paratransit services for the East Bay Paratransit Consortium with Transdev Services, Inc., and to exercise the Options, for a total contract amount of \$953,070,000.00 (including the Options). BART's share of the cost of the Agreement for such services shall be an amount not to exceed \$279,026,400.00 for all services (including options, allowances, and special services requested and paid for separately by BART), and an estimated \$17,554,400.00 in fuel/energy costs, which will be reimbursed at cost and not subject to the NTE limit, for a grand total estimated BART obligation of \$296,580,800.00 over the 9.5 year maximum contract term.

Director Saltzman seconded President Dufty's substitute motion.

Director Saltzman noted the lack of alternative service providers as a significant constraint, emphasizing that ensuring service continuity necessitates the approval of staff recommendations.

Vice President Foley inquired whether the exercise of the options was a staff decision and expressed concern about this being a staff decision.

Upon suggestion by Director Saltzman, President Dufty amended his substitute motion to add a requirement that staff seek Board approval prior to exercising the contract options.

Director Raburn requested that staff share the proposed initiatives related to providing service.

Action

Upon motion by President Dufty and second by Director Saltzman, the Board took the following action by unanimous roll call vote: The General Manager was authorized to execute, jointly with AC Transit, Agreement No. 6M6190 (AC Transit Agreement 2025-1606) to provide paratransit services for the East Bay Paratransit Consortium with Transdev Services, Inc., and to exercise the Options after receiving the Board's prior approval to exercise the Options, for a total contract amount of \$953,070,000.00 (including the Options). BART's share of the cost of the Agreement for such services shall be an amount not to exceed \$279,026,400.00 for all services (including options, allowances, and special services requested

and paid for separately by BART), and an estimated \$17,554,400.00 in fuel/energy costs, which will be reimbursed at cost and not subject to the NTE limit, for a grand total estimated BART obligation of \$296,580,800.00 over the 9.5 year maximum contract term.

Vote Summary:

Moved / Seconded: President Dufty / Director Saltzman

Aye: Directors Allen, Ames, Foley, Hernandez, Li, Raburn, Saltzman, and Dufty.

No: 0

Abstain: 0.

Absent: Director Simon.

Result: 8-0, motion carried by unanimous roll call vote.

7. **ADMINISTRATION ITEMS**

Janice Li, Chairperson

Director Li, Chairperson of the Administration Committee, had no report and no items were presented.

8. **ENGINEERING AND OPERATIONS ITEMS**

Lateefah Simon, Chairperson

A. Quarterly Service Performance Review - First Quarter Fiscal Year 2025.

Director Ames, Vice Chairperson of the Engineering and Operations Committee, brought the item before the Board.

Shane Edwards, Assistant General Manager, Operations, and Chief Franklin, presented the item.

Public Comment

Aleta Dupree and Sal Cruz addressed the Board.

Discussion

The item was discussed, with the following highlights:

Vice President Foley inquired about the ability of riders to report broader issues (e.g., broken windows, slippery floors) via the BART app.

Director Raburn emphasized the importance of including narratives in performance reports to enhance understanding, contextualize data, and streamline Board discussions. Director Raburn expressed a desire for staff narratives to be added to future reports.

Director Li commended the improvements in Quarterly Service Performance Review (QPR) reporting and emphasized the importance of transparency, community engagement, and addressing service challenges to foster public trust and enhance the rider experience.

Director Saltzman highlighted the importance of sustained focus and investment in addressing rider concerns, highlighting the elevator and escalator improvements as a testament to BART's ability to enact meaningful change.

Director Ames underscored the importance of continuous improvement in both Operations Control Center (OCC) recruitment and police operations. Director Ames also called for integrating technological solutions to bolster security measures.

Public Comment

Jerry Grace addressed the Board.

Action

No Board action was taken, as the item was presented for information only.

12. **PUBLIC COMMENT**

Item 12 was heard after Item 8, Engineering and Operations Items.

President Dufty called for general Public Comment, an opportunity for members of the public to address the Board of Directors on matters under their jurisdiction and not on the agenda.

The following individuals addressed the Board:

Glenn Overton
Paul Seto
Janelle Chan
Janet Shi
Z. Huang
Ener Chiu
Alfred Juan
Aleta Dupree
Isaac Chen
Tony Trinh
Adrien Abuyen
Olivia Rocha
Ted Dang

10. CLOSED SESSION

Item 10 was heard after Item 12, Public Comment.

A. CONFERENCE WITH LEGAL COUNSEL- EXISTING LITIGATION

(1) Name of Case: Gabriel Chavez, et al v. BART

Case No.: 22-cv-06119

Government Code Section 54956.9(d)(1)

(2) Name of Case: Jeremiah Cooper, et al v. BART

Case No.: 22-cv-09193

Government Code Section 54956.9(d)(1)

(3) Name of Case: Bradford Mitchell v. BART

Case No.: 22-cv-07720

Government Code Section 54956.9(d)(1)

B. PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Titles: General Manager, General Counsel, District Secretary, Independent Police Auditor, and Inspector General

Government Code Section: 54957

C. CONFERENCE WITH LABOR NEGOTIATORS

Agency Negotiators: President Dufty, Vice President Foley, and Director Simon

Titles: General Manager, General Counsel, District Secretary, Independent Police Auditor, and Inspector General

Government Code Section: 54957.6

President Dufty brought the item before the Board and indicated that the Board would enter Closed Session under Items 10-A (Conference with Legal Counsel-Existing Litigation), Item 10-B, (Public Employee Performance Evaluation), and Item 10-C, (Conference with Labor Negotiators). President Dufty noted that the Board would reconvene in Open Session upon the conclusion of Closed Session.

The Board Meeting recessed at 1:10 p.m.

The Board reconvened in Closed Session at 1:16 p.m.

Directors Present in Oakland: Directors Allen, Ames, Foley, Li, Raburn, Saltzman, and Dufty.

Directors Present via Teleconference: None.

Absent: Director Simon. Director Hernandez entered the Meeting later.

Director Hernandez entered the Meeting.

Director Allen exited the Meeting.

The Board Meeting recessed at 3:31 p.m.

11. **OPEN SESSION**

The Board reconvened in Open Session at 3:34 p.m.

Directors Present in Oakland: Directors Li, Raburn, and Dufty.

Directors Present via Teleconference: None.

Absent: Directors Allen, Hernandez, Saltzman, and Simon. Directors Ames and Foley entered the Meeting later.

A. Announcements from Closed Session, if any.

President Dufty announced that the Board had concluded its Closed Session and that there were no announcements to be made.

B. Compensation and Benefits for General Manager, General Counsel, District Secretary, Independent Police Auditor, and Inspector General.

Item 11-B, was not heard or acted upon.

9. BOARD MATTERS

Item 9 was heard after Item 11, Open Session.

- A. Board Member Reports.
- B. Roll Call for Introductions.
- C. In Memoriam.

President Dufty requested that the Meeting be adjourned in honor of Amani Joy Ward, the infant daughter of San Francisco 49ers Cornerback, Charvarius Ward.

President Dufty expressed gratitude to the IT, Media, and Communications staff for their efforts in ensuring transparency and public engagement in BART operations.

Directors Ames and Foley entered the Meeting in Oakland.

13. ADJOURNMENT

The Meeting adjourned at 3:36 p.m. in honor of Amani Joy Ward.

April B. A. Quintanilla
District Secretary