

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 1,934TH MEETING THURSDAY, MAY 25, 2023

Members of the Board of Directors

Janice Li, President (District 8)

Mark Foley, Vice President (District 2)

Debora Allen (District 1)

Rebecca Saltzman (District 3)

Robert Raburn (District 4)

John McPartland (District 5)

Elizabeth Ames (District 6)

Lateefah Simon (District 7)

Bevan Dufty (District 9)

MEETING DESCRIPTION

A Regular Meeting of the Board of Directors was held on May 25, 2023, convening at 9:02 a.m. in the BART Board Room, 2150 Webster Street, 1st Floor, Oakland, California. President Li presided, April B. A. Quintanilla, District Secretary.

1. CALL TO ORDER

President Li called the Meeting to order at 9:02 a.m.

A. Roll Call.

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

Directors Present via Teleconference: None.

Absent: Director Simon. Directors Allen and Dufty entered the Meeting later.

B. Pledge of Allegiance. Director McPartland led the Pledge of Allegiance.

C. Introduction of Special Guests. No Special Guests were introduced.

2. REPORT OF THE BOARD PRESIDENT

President Li had no report.

3. BOARD COMMITTEE REPORTS

President Li called for Board Committee Reports. Michael Jones, Deputy General Manager, reported on the Financial Structure Ad Hoc Committee meeting held on May 11, 2023, noting that the Financial Structure project scope was discussed and that bid responses were expected the following week.

Public Comment

No comments were received.

4. PUBLIC HEARING

A. Permit Fees, Parking Fees, Fare Changes, and Fiscal Year 2024 and Fiscal Year 2025 Two-Year Annual Budget.

- i. Fee Schedule for Increase(s) to Fees for Permits, Easements, and Plan Review.
- ii. Parking Pricing Policy Proposal.
- iii. 2024 and 2025 Productivity-Adjusted Inflation-Based Fare Increase(s).
- iv. Clipper® START (SM) Discount Increase. v. Fiscal Year 2024 and Fiscal Year 2025 Two-Year Annual Budget.

President Li announced that under the provisions of the Rules of the Board of Directors of the San Francisco Bay Area Rapid Transit District, this was the time set to hold a Public Hearing on i. Fee Schedule for Increase(s) to Fees for Permits, Easements, and Plan Review, ii. Parking Pricing Policy Proposal, iii. 2024 and 2025 Productivity-Adjusted Inflation-Based Fare Increase(s), iv. Clipper® START (SM) Discount Increase, and v. Fiscal Year 2024 and Fiscal Year 2025 Two-Year Annual Budget; and that the Board would review the items under the Administration Committee portion of the agenda.

President Li requested that Board Members hold their questions and comments until the Public Hearing was closed and announced that staff would give a brief presentation on the items and that the Meeting would then be opened for comments from the public.

Val Menotti, Chief Planning and Development Officer, and Pamela Herhold, Assistant General Manager, Performance and Budget, presented the items.

Director Dufty entered the Meeting in Oakland.

Public Comment

Aleta Dupree addressed the Board.

There being no further Public Comment, the Public Hearing was closed.

Action

No Board action was taken, as the item was a Public Hearing.

5. CONSENT CALENDAR

President Li brought the following Consent Calendar action and information items before the Board.

- A. Approval of Minutes of the Meeting of January 26, 2023.
- B. Fiscal Year 2024 Proposition 4 Appropriations Limit.
- C. Procurement with Transource Services Corp., as the Official National Association of State Procurement Officials (NASPO) Provider, for Information Technology Hardware and Software Support.
- D. Fiscal Year 2023 3rd Quarter Financial Report.
- E. Authorization to Enter into Agreement No. 6M3682 with EMS/Rescue Service for Standby Basic Life Support Services at the Downtown San Francisco BART Stations.
- F. Authorization to Extend Agreement No. 6M6148 with Alameda Contra Costa Transit District and Paratransit, Inc. for East Bay Paratransit Consortium Program Coordinator's Office.
- G. Legislation for Consideration - Assembly Constitutional Amendment (ACA) 1 (Aguiar-Curry) Local Government Financing: Affordable Housing and Public Infrastructure: Voter Approval.

Director Dufty moved to approve all Consent Calendar action items by one motion.

Director Saltzman requested that Item 5-G, Legislation for Consideration - Assembly Constitutional Amendment (ACA) 1 (Aguiar-Curry) Local Government Financing: Affordable Housing and Public Infrastructure: Voter Approval, be removed from the Consent Calendar and presented to the Board for consideration at a future Board Meeting.

Director Saltzman seconded Director Dufty's motion regarding Items 5-A, 5-B, 5-C, 5-E, and 5-F.

Public Comment

No public comments were received.

Action

Upon motion by Director Dufty and second by Director Saltzman, the following actions were approved by unanimous roll call vote.

Vote Summary:

Moved / Seconded: Director Dufty / Director Saltzman

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

No: 0.

Abstain: 0.

Absent: Directors Allen and Simon.

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

- A. The Minutes of the Meeting of January 26, 2023, were approved. *(Vote: 7-0)*
- B. Resolution No. 5558, In the Matter of the Establishment Of the Fiscal Year 2024 Appropriations Limit, was adopted. *(Vote: 7-0)*
- C. The General Manager was authorized to execute an information technology hardware and software support contract from Transource, a reseller of Fortinet products, for an amount not to exceed \$731,131.00. *(Vote: 7-0)*
- D. Fiscal Year 2023 3rd Quarter Financial Report.
(No vote or action was taken on this item as it was presented for information only.)
- E. The General Manager was authorized to enter into Agreement No. 6M3682 with EMS/Rescue to provide Standby Basic Life Support Services at San Francisco downtown stations for a base term of two (2) years for a total cost of \$598,000.00 from July 2023 through June 2025 with the options to renew the Agreement for up to two (2) additional one-year terms for a total four (4) year cost not to exceed \$1,243,400.00, subject to the District's Protest Procedures and certification by the Controller-Treasurer that funds are available. *(Vote: 7-0)*
- F. The General Manager was authorized to execute, jointly with Alameda-Contra Costa Transit District (AC Transit), a one (1) year extension to BART Agreement No. 6M6148 (AC Transit Agreement 2023-1573) for East Bay Paratransit Consortium's (EBPC) Paratransit Coordinator's Office (PCO) for (BART's share) an amount not to exceed \$112,500.00 for Fiscal Year (FY) 2024. *(Vote: 7-0)*

6. 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 BART's participation in the upcoming San Francisco Carnival Parade and San Francisco Pride Parade, BART's event celebrating Asian American/Pacific Islander Heritage Month, the execution of the new fare gates contract with STraffic America, LLC, the issuance of the Notice to Proceed for the new fare gates project, the establishment of the Metropolitan Transportation Commission's Regional Network Management committee, discussions with United Kingdom (UK) representatives regarding exchange of ideas and best practices, closure of the Yellow Line between Rockridge Station and Orinda Station for maintenance work, ridership, and ongoing advocacy efforts in Sacramento for transit funding.

Public Comment

Aleta Dupree addressed the Board.

Discussion

The item was discussed, with the following highlights:

Director Ames commented on collaborating with the Los Angeles County Metropolitan Transportation Authority (LA Metro) regarding unlimited ride passes and inquired about the UK exchange of ideas.

President Li suggested involving Michael Eiseman, Director of Financial Planning, and William Bacon, Principal, Metropolitan Transportation Commission (MTC), in discussions around regional network management and noted that she would provide additional information to the Board via a memo. President Li also indicated a desire to present an updated list of appointments to the Board on June 8, 2023.

Director Allen entered the Meeting in Oakland.

Director Saltzman expressed gratitude to Rodd Lee, Assistant General Manager, External Affairs, and the team for their advocacy efforts. Director Saltzman also acknowledged the challenges but remained optimistic about potential deals being made at the last moment in the legislative process. Director Saltzman urged fellow Board Members to be ready to help with advocacy efforts.

Director Ames inquired about the transparency of capital project programming in the budget document and emphasized the need to include details about the scope, schedule, and budget of capital projects in the budget document for the sake of transparency and prioritization.

President Li expressed frustration with the lack of specificity in legislative requests and underscored the importance of state legislators responding to the challenges faced by transit operators.

7. PUBLIC COMMENT

President Li 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.

Glenn Overton and Aleta Dupree addressed the Board.

8. ADMINISTRATION ITEMS **Director Dufty, Chairperson**

- A. Title VI Analyses: Parking Policy and Fare Equity.
 - i. Title VI Parking Policy Equity Analysis.
 - ii. Title VI Fare Equity Analysis for the Proposed 2024 and 2025 Productivity-Adjusted Inflation-Based Increases and Clipper® START (SM) Discount Increase.

Director Dufty, Chairperson of the Administration Committee, brought the item before the Board.

Javieree PruittHill, Manager of Title VI and Environmental Justice, and Sabrina Baptiste, Senior Manager of Workforce Policy and Compliance, presented the item.

Public Comment

Aleta Dupree addressed the Board.

Discussion

The item was discussed, with the following highlights:

President Li expressed gratitude to staff for their presentation and intention to vote in favor of approving the Title VI analyses. President Li requested cleaner copies of the written comments for better readability and inquired about the parking fee analysis, particularly regarding the ceiling and future hypothetical impacts, as well as about the feasibility of establishing a low-income parking program as a mitigation measure.

Director Raburn thanked staff for their thorough analyses and inquired about the extension of parking fees to weekends and early evening hours and whether there was a survey specific to the 3-6 p.m. timeframe.

Director Raburn moved that the Board of Directors approves the Title VI Parking Policy Equity Analysis and that the Board of Directors approves the Title VI Fare Equity Analysis for the Proposed 2024 and 2025 Productivity-Adjusted Inflation-Based Fare Increases and Clipper® STARTSM Discount Increase.

Director McPartland seconded the motion.

Director McPartland commended staff for their impressive presentation and mentioned four specific reasons for his support: minimal impact on low-income and minority groups, alignment with other transit agencies, meeting operating costs without excessive profit, and the policy impact of addressing BART's own costs.

Action

Upon motion by Director Raburn and second by Director McPartland, the Board took the following actions by unanimous roll call vote:

1. The Board of Directors approved the Title VI Parking Policy Equity Analysis.
2. The Board of Directors approved the Title VI Fare Equity Analysis for the Proposed 2024 and 2025 Productivity-Adjusted Inflation-Based Fare Increases and Clipper® STARTSM Discount Increase.

Vote Summary:

Moved / Seconded: Director Raburn / Director McPartland

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

No: 0.

Abstain: 0.

Absent: Director Simon.

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

- B. Permit Fees, Parking Fees, Fare Changes, and Fiscal Year 2024 and Fiscal Year 2025 Two-Year Annual Budget.
- i. Fee Schedule for Increase(s) to Fees for Permits, Easements, and Plan Review.
 - ii. Parking Pricing Policy Proposal.
 - iii. 2024 and 2025 Productivity-Adjusted Inflation-Based Fare Increase(s).
 - iv. Clipper® START (SM) Discount Increase.
 - v. Fiscal Year 2024 and Fiscal Year 2025 Two-Year Annual Budget.

Director Dufty brought the item before the Board.

Assistant General Manager Herhold; Chief Planning and Development Officer Menotti; and Christopher Simi, Director of Budgets, presented the item.

Discussion

The item was discussed, with the following highlights:

Director Raburn expressed support for parking fees on weekends and during certain hours on weekdays, highlighted the importance of Community Service Officers, and emphasized the need to manage parking demand effectively.

Director Saltzman expressed opposition to the proposed fare increases over two years and concerns about potentially driving riders away, especially given the uncertainty of the state budget. Director Saltzman also inquired about the feasibility of offering discounts to low-income riders for parking and suggested redirecting additional funds into Clipper® STARTSM.

Public Comment

Clarence Fisher and Glenn Overton addressed the Board.

Discussion

Discussion continued, with the following highlights:

President Li echoed concerns about the proposed fare increases and discussed the complexities of setting a ceiling for parking fees. President Li noted the need for further analysis and suggested working closely with MTC to promote Clipper® STARTSM usage. President Li indicated intent to request a meeting with MTC to discuss marketing efforts for Clipper® STARTSM and the potential for BART to lead in this initiative.

Director Ames expressed support for a 4% fare increase and emphasized the need to focus on projects to improve reliability, especially the expedited deployment of fare gates, proposing a one-year timeline instead of two.

Vice President Foley supported the use of Clipper® STARTSM as the way forward for parking and expressed support for a 5.5% fare increase, indicating that it would provide necessary revenue to fund important programs.

Director Dufty expressed support for the proposed fare increases, emphasizing the importance of building a robust financial framework for the agency's future.

Action

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

9. ENGINEERING AND OPERATIONS ITEMS **Director Foley, Chairperson**

A. Fleet of the Future Update.

Vice President Foley, Chairperson of the Engineering and Operations Committee, brought the item before the Board.

David Hardt, Chief Mechanical Officer, and John Garnham, Group Manager, Rail Vehicle Capital Program, presented the item and the presentation concluded with a photo of the assembly line in Pittsburg, CA, where the Fleet of the Future cars are being manufactured.

Public Comment

Clarence Fisher and Aleta Dupree addressed the Board.

Discussion

The item was discussed, with the following highlights:

Director Allen expressed gratitude for the update on the project's progress, emphasizing its importance for rider return. Director Allen inquired about the Global Positioning System (GPS) positioning and the budget and cost savings of the project, and whether the savings were factored into the projected net deficits.

Director Raburn commended the presentation and inquired about Wi-Fi for passengers and the secured budget for the project.

President Li commended the new fleet and expressed hope in the reliability of the Fleet of the Future, noting that it is significantly quieter than the legacy fleet.

Director Ames noted the importance of bringing the public up to speed on the progress made with the new BART cars, as they are a critical element for ridership and returning to voters for support. Director Ames also expressed desire to expedite the implementation of Communications Based Train Control (CBTC) and collaborate with the car manufacturer, Hitachi, to explore faster delivery methods.

Director Saltzman expressed appreciation for the update and suggested making future presentations more easily understandable for the public.

Vice President Foley emphasized the need to improve the experience for riders with visual impairments and to address questions regarding the third-door markers on platforms and how riders with visual impairments can identify the location of the third car for boarding.

Action

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

10. **PLANNING, PUBLIC AFFAIRS, ACCESS, AND LEGISLATION ITEMS**

Director Saltzman, Chairperson

- A. Authorization to Extend Agreement No. 6M6062A with Alameda Contra Costa Transit District and Transdev Services, Inc. for East Bay Paratransit Brokerage and Service Provision for One Year.

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

Laura Timothy, Manager of Access and Accessibility Services, presented the item.

Public Comment

No comments were received.

Discussion

The item was discussed, with the following highlights:

Director Allen inquired whether the agreement had been extended previously.

Director Raburn moved that the General Manager be authorized to execute, jointly with AC Transit, a one (1) year extension of time to Agreement No. 6M6062 (AC Transit Agreement 2013-1243), entitled, East Bay Paratransit Consortium, ADA Paratransit Services for AC Transit and BART, for an amount not to exceed \$14,767,555.00, plus actual fuel costs, for Fiscal Year 2024.

Director Duffy seconded the motion.

Director Ames inquired about micro mobility and whether AC Transit is looking at doing this kind of micro mobility.

Action

Upon motion by Director Raburn and second by Director Dufty, the General Manager was authorized to execute, jointly with AC Transit, a one (1) year extension of time to Agreement No. 6M6062 (AC Transit Agreement 2013-1243), entitled, East Bay Paratransit Consortium, ADA Paratransit Services for AC Transit and BART, for an amount not to exceed \$14,767,555.00, plus actual fuel costs, for Fiscal Year 2024, by unanimous roll call vote.

Vote Summary:

Moved / Seconded: Director Raburn / Director Dufty

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

No: 0.

Abstain: 0

Absent: Director Simon.

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

11. BOARD MATTERS

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

President Li called for Items 11-A, Board Member Reports; 11-B, Roll Call for Introductions; and 11-C, In Memoriam.

Director Ames reported on attending the Tesla Transportation event and a Logan High School student-initiated event in Union City and provided an update on the Niles Canyon transportation situation.

Director Dufty requested that the Meeting be adjourned in honor of Heklina, a well-known drag artist and performer, and commented on the memorial service for Heklina.

Director Saltzman reported on speaking at an event hosted by the El Cerrito Democratic Club about the fiscal challenges that all transit systems are facing.

Director Raburn reported on attending the Hayward State of the City address and participating in the dedication of a new mural at San Leandro Station.

Vice President Foley reported on attending the Contra Costa Transportation Authority meeting and receiving an update on the Mokelumne Trail Bicycle/Pedestrian Overcrossing. Vice President Foley also praised the professionalism and responsiveness of BART staff during a fire incident at Antioch Station's parking lot.

Director McPartland expressed the importance of Memorial Day and acknowledged the contributions of the armed forces to the nation.

President Li reported on participating in an interview with the Urban Land Institute (ULI) advisory services panel.

12. CLOSED SESSION

A. CONFERENCE WITH LABOR NEGOTIATORS

Designated Representatives: Robert Powers, General Manager; Michael Jones, Deputy General Manager; David Coleman, Director of Labor Relations

Employee Organizations: (1) BART Police Officers' Association;
(2) BART Police Managers' Association

Government Code Section: 54957.6

President Li brought the item before the Board and announced that the Board would enter into Closed Session under Item 12-A (Conference with Labor Negotiators) of the Regular Meeting agenda, and that the Board would reconvene in Open Session upon conclusion of the Closed Session.

Public Comment

No comments were received.

The Board Meeting recessed at 11:55 a.m.

The Board reconvened in Closed Session at 12:01 p.m.

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

Directors Present via Teleconference: None.

Absent: Director Simon.

The Board Meeting recessed at 1:02 p.m.

13. OPEN SESSION

The Board reconvened in Open Session at 1:03 p.m.

Directors Present in Oakland: President Li.

Directors Present via Teleconference: None.

Absent: Directors Allen, Ames, Dufty, Foley, McPartland, Raburn, Saltzman, and Simon.

A. Announcement from Closed Session, if any.

President Li announced that the Board had concluded its Closed Session under Item 12-A and that there was no announcement to be made.

ADJOURNMENT

The Meeting adjourned at 1:04 p.m. in honor of Heklina.

April B. A. Quintanilla
District Secretary