

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
2150 Webster Street, P.O. Box 12688, Oakland, CA 94604-2688

Board of Directors
Minutes of the 1,909th Meeting
May 26, 2022

A regular meeting of the Board of Directors was held on May 26, 2022, convening at 4:00 p.m., via teleconference, pursuant to all necessary findings having been made by the Board of Directors of the San Francisco Bay Area Rapid Transit District (for itself as well as all subordinate legislative bodies) to continue remote public meetings in the manner contemplated under urgency legislation Assembly Bill No. 361. President Saltzman presided; April B. A. Quintanilla, Acting District Secretary.

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

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

President Saltzman gave instructions regarding Public Comment.

Director Dufty entered the Meeting.

President Saltzman called for Public Comment on closed session. No comments were received.

President Saltzman announced that the Board would enter into closed session under Item 2-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.

The Board Meeting recessed at 4:04 p.m.

The Board reconvened in closed session at 4:07 p.m.

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

Absent: Directors McPartland and Simon.

The Board Meeting recessed at 4:59 p.m.

The Board reconvened in open session at 5:05 p.m.

President Saltzman announced that the Board had concluded its closed session under Item 2-A and that there was no announcement to be made.

Under Item 4, Report of the Board President, President Saltzman commented on the mass shooting incidents that occurred in Buffalo, New York, Uvalde, Texas, and at the Santa Clara Valley Transportation Authority; and facilitated a moment of silence.

Vice President Li commented on the number of mass shootings that have occurred in 2022 thus far, the impact of the mass shooting in Buffalo, New York, and BART's advocacy efforts.

President Saltzman announced that a new interactive map would be posted on bart.gov and that the Board Meeting on June 23, 2022, would be held at the El Cerrito Del Norte Station; and noted that the next evening Board Meeting would be held on July 28, 2022, and that this meeting would be the target return date for in-person meetings, depending on the COVID-19 circumstances.

Joe Kunzler addressed the Board.

President Saltzman 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 the Fiscal Year 2023 and Fiscal Year 2024 Two-Year Annual Budget; and that the Board would review the item under the Administration Committee portion of the agenda. President Saltzman 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 item and that the Meeting would then be opened for comments from the public.

Christopher Simi, Director of Budgets, presented the item.

Aleta Dupree and Joe Kunzler addressed the Board.

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

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meeting of April 28, 2022.
2. Revision of 2022 Organization of Committee and Special Appointments.
3. Fiscal Year 2023 Proposition 4 Appropriations Limit.
4. Resolution Consolidating 2022 District Elections.
5. Award of Agreement No. 6M3506A with ACR Glazing Contractors, Inc., for On-Call Glass Repair and Replacement Services.
6. Reject All Bids for Contract No. 15CH-110, Millbrae Tail Tracks Extension.

Consent Calendar reports brought before the Board were:

1. 2022 Redistricting Final Report.
2. Cost Information from Sale of 2022 Series D BART Safety, Reliability and Traffic Relief Program (Measure RR) General Obligation Bonds.

Director Raburn requested that Item 6-G, 2022 Redistricting Final Report, be removed from the Consent Calendar and made the following motions as a unit. Director Dufty seconded the motions.

1. That the Minutes of the Meeting of April 28, 2022, be approved.
2. That the Board of Directors ratifies the proposed revisions to the 2022 Organization of Committees and Special Appointments.
3. That Resolution No. 5517, In the Matter of the Establishment Of the Fiscal Year 2023 Appropriations Limit, be adopted.
4. That Resolution No. 5518, Resolution of the Board of Directors of the San Francisco Bay Area Rapid Transit District requesting the Boards of Supervisors of Alameda County, Contra Costa County, and the City and County of San Francisco to provide for the consolidation of a District election, electing members of the Board of Directors, with the State of California general election, to be held on November 8, 2022, be adopted.
5. That the General Manager be authorized to award Agreement No. 6M3506A to furnish and install replacement glass at all District stations and facilities, as needed for a period of five (5) years, at a bid price of \$784,935.76 to ACR Glazing Contractors, Inc., of Oakland, California.
6. That the General manager be authorized to reject all Bids for Contract No. 15CH-110 Millbrae Tail Tracks Extension.

President Saltzman called for Public Comment on the Consent Calendar. No comments were received.

The motions brought by Director Raburn and seconded by Director Dufty carried by unanimous roll call vote. Ayes: 7 – Directors Allen, Ames, Dufty, Foley, Li, Raburn, and Saltzman. Noes: 0. Absent: 2 – Directors McPartland and Simon.

Item 6-G, 2022 Redistricting Final Report, was discussed, with the following highlights:

Director Raburn commented that over the past several weeks he has asked for a GeoInovo to prepare a complete final report that would include information about the proportion of each jurisdiction that's in each of the Director's districts since redistricting; further commented that he would like GeoInovo to provide more information on the unincorporated areas that are in his District.

Staff from GeoInovo responded to the Director's comments regarding the total population of all cities and unincorporated areas from San Francisco and Contra Costa 2020 census data.

Patricia Piras addressed the Board.

Discussion continued, with the following highlights:

President Saltzman commented that the contract with GeoInovo has expired; she like Director Raburn represents unincorporated areas and it can be very confusing; and further commented that she has spent time reviewing the maps trying to decipher what the borders were; and lastly asked

staff if there was an option to approve this today and requested staff to create an addendum that could be accomplished in-house.

Director Raburn commented that he would like to ensure that the data requested is provided to the Board.

Director Ames indicated that BART's Information Technology department would be the right source to work with GeoInovo to provide the information being requested.

President Saltzman requested the District Secretary's Office share a memorandum with the Board.

President Saltzman called for general Public comment.

The following individuals addressed the Board:

Jahan Byrne
Joe Kunzler
Elizabeth Thasher
Aleta Dupree
Roland Lebrun
Arlene Tsang
Edward Giordano

President Saltzman announced the order of the agenda items would be changed.

President Saltzman called for the General Manager's Report. Robert Powers, General Manager, reported that BART joined dozens of other transit agencies across the Bay Area to participate in the Golden Eagle Emergency Preparedness exercise for Public Information Officers and Communications staff which simulated response to a 7.0 earthquake in the Oakland region; and further commented that BART has received two Federal Emergency Management Agency (FEMA) grants totaling \$3 mil geared towards COVID related expenses; and that BART is participating in a Summer Intern program hosting 12 interns for a total of six weeks. (6/27 – 8/5/22) as a partnership with Community Based Organizations (CBO's) and educational institutions with a goal of investing in community youth and developing future public transit employees; ridership showed an increase the week of May 9th; and lastly the Green Bond issuance, Measure RR bonds deal successfully closed.

Aleta Dupree addressed the Board.

Director Foley, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, brought the matter of Ashby and North Berkeley BART Station Transit-Oriented Development (TOD) Update before the Board. Shannon Dodge, Principal Property Development Officer, and Rachel Factor, Principal Planner presented the item.

The item was discussed, with the following highlight:

President Saltzman thanked staff for their work on the project and commented that one item of discussion that has come up is the height of the building associated with the project and noted that the Berkeley City Council is the governing body who will make the decision as BART has not

advocated for specific zoning or to adopt a certain height, nor has she as the Director representing North Berkeley.

The following individuals addressed the Board:

Rashi Kesarwani, Councilmember, City of Berkeley
Meryl Siegal
Vicki Sommer
Tony Corman
Chimey Lee
Edward Giordano
G. Dennis Gallego
Betsy Morris

Discussion continued, with the following highlights:

Director Raburn commented that in reviewing the Joint Vision and Memorandum of Understanding, it does not address the full access needs required for the project and thinks BART should plan for access from all four entrances around the station.

Vice President Li thanked everyone for their comments regarding the project and members of the public for their emails to the Board; commented that some of the emails contained inappropriate language and encouraged those in support of the project to perhaps call in with their point of view; expressed her support for the project.

Director Ames echoed Director Raburn's comments related to access and planning; asked staff a few questions about accessibility and the travel distance to and from the BART Station; further commented that a comprehensive access planning effort needs to be made to ensure that people can easily get to the BART stations without a car or taking the bus; also asked staff to clarify the streamlining associated with AB2923, and how it can deliver what the community wants, and lastly shared thoughts around affordable housing and low income.

Director Allen commented that building 7 stories in the middle of the BART station parking lots, is going to dramatically change that neighborhood; expressed that many people who bought their homes there over 40 – 50 years ago and to rapidly change their neighborhood this way is going to have a large impact on the residents; expressed empathy about this and commented that she hopes the City of Berkeley is listening to the community as many of the emails have indicated that people are not opposed to the project but would like the project to be reasonable and limited to seven stories or less; lastly inquired from staff if there has been a financial analysis of the funds BART is giving up in parking revenue by tearing down the parking lots versus the revenue gained on the land leases for housing, and how much BART makes from lease revenue or ridership increase, offset by parking loss.

President Saltzman thanked everyone who attended the meeting, as well as the public for their comments and emails related to the project; commented that varying sides on this subject have been similar; thanked all of the Directors for their comments and further commented on the collaborative process behind the efforts of the Joint Vision Plan and priorities, as well as the Memorandum of Agreement; and lastly shared that there have been discussions with City of Berkeley Council Members regarding accessibility issues to and from the BART stations.

Director Foley thanked staff for their presentation.

Director Ames, Vice Chairperson of the Administration Committee, brought the matter of Fiscal Year 2023 and Fiscal Year 2024 Two-Year Annual Budget, before the Board. Michael Eiseman, Director of Financial Planning, and Christopher Simi, Director of Budgets, presented the item.

The item was discussed, with the following highlight:

Director Ames commented a member of the public indicated that a fare increase would create a hardship for some people; can BART find a way to create savings that would offset the need for fare increase and posed the question to staff; and also queried staff on the vacancy rate and savings could be achieved there.

Director Ames, Vice Chairperson of the Administration Committee, brought the matter of Title VI Fare Equity Analysis for the Proposed 2022 Productivity-Adjusted Inflation-Based Fare Increase before the Board. Maceo Wiggins, Director of Office of the Civil Rights, and Emily Alter, Manager of Title VI and Environmental Justice, presented the item.

Aleta Dupree addressed the Board.

The item was discussed, with the following highlights:

Vice-President Li commented that while fare increases are not ideal, BART must do so in order to match the increase of inflation, and to do so later would only lead to an even higher increase; and also commented that what would make BART more affordable is to extend its Low Income Fare Program to its riders; and to make sure riders know that the program exists; and commented that BART can do more to become creative to make the system affordable as voting down the fare increase will not make BART more affordable; and lastly asked staff to make two commitments: Bringing back a more comprehensive fare policy item with scenarios for expanding the Clipper Start Program, specifically what the cost would be to expand the discount to more than 20% and increase the eligibility as its currently only available to households 200% below the federal poverty line or less, which is around \$55,000 per year for a household of four.

Vice President Li moved that the Board of Directors approves the “Title VI Fare Equity Analysis for the Proposed 2022 Productivity-Adjusted Inflation-Based Fare Increase.” Director Dufty seconded the motion.

Discussion continued, with the following highlights:

Director Raburn thanked Vice-President Li for her efforts to increase the eligibility of the Clipper Start Program and staff for their presentation; and further commented that the survey did not reference that the increase was deferred six months as this is the Consumer Price Index Fare Increase Program which has been every 2 years; referenced that the fare increase was based on 2018 – 2020 and adopted January 2022; lastly stated that he will be voting for this item.

Director Dufty asked for clarification from staff on the 6-month deferment and if it was properly communicated to the public; and further commented that the Federal government does not provide the money to run the system; thanked General Manager Powers for his hard work; and expressed his support of the fare increase as a necessary inflation-based fare increase.

Director Allen commented that everything is increasing and thinks the increase roughly equates to around 3% based on a few years ago related to the Consumer Price Index, which BART delayed for 6 months; commented inflation is higher than the 3% BART is raising to increase fares.

President Saltzman commented that she supports the comments thus far, thinks that this compounds year after year, and if BART does not increase fares, it creates an even larger increase in the future; further commented that BART needs to get the word about the Clipper Start Program.
Director McPartland commented that he supports the measure.

Director Ames queried staff on the inclusion of inflation; commented that BART should look at more incentives for the low income riders; uncertain about the approval of a one year budget, with the second year being more of a forecast; further commented that the one year budget would include a \$7 million dollar revenue stream if fares are increased; thinks that BART could find other ways to save, such as through the employment vacancy estimate; commented that if inflation is better next year she would support a fare increase. Lastly, commented that she does not support this right now as we could enter into a recession next year.

The motion brought by Vice President Li and seconded by Director Dufty carried by roll call vote. Ayes: 7 – Directors Allen, Dufty, Foley, Li, McPartland, Raburn, and Saltzman. Noes: 1 – Director Ames. Absent: 1 – Director Simon.

Director Dufty, Chairperson of the Engineering and Operations Committee, brought the matter of Quarterly Service Performance Review – Third Quarter Fiscal Year 2022. Shane Edwards, Assistant General Manager, Operations, and Edgardo Alvarez, Chief of Police, presented the item.

Aleta Dupree addressed the Board.

The item was discussed, with the following highlights:

Vice President Li thanked staff for their presentation and for being able to see the numbers; commented that there have been more cancelled and delayed trains recently; asked staff to bring back more information to help the Board track the increase or decrease of canceled train runs; commented that real time departure information does not always show canceled trains and often people show up at stations only to find that the train has been canceled; further stated that it would be helpful to see the information pushed out through the data, or mass transit apps.

Director Raburn commented on the traction power issues and the forensic report on the fires at 2 substations; expressed concerns with the lack of police presence and asked if there's a specific reason or staffing issues associated with police presence throughout the stations.

President Saltzman commented that she has received complaints regarding cancelled trains and that they are not showing up; also commented that she notices this because she utilizes the system as well; additionally, commented that perhaps the right questions around police presence are not being asked as it appears that personnel are in and around the stations.

President Saltzman called for Board Member Reports, Roll Call for Introductions, and In Memoriam Requests.

Director Raburn reported that he participated with 1400 transit officials throughout the United States reviewing the Transit Equity Policy with the United States Department of Transportation; participated in the Real Estate Department's Oakland Design Review Board with Abigail Thorne-Lyman.

Director Foley reported that he attended the Contra Costa Transportation Authority meeting; the Concord City Council meeting and there was a proposed action to extend a negotiated agreement with Concord First Partners for the development of the Concord Naval Weapons Station site; further commented that the extended negotiated agreement was set to expire this month, but the City Council voted to extend negotiations with Concord First Partners until January 31, 2023; and asked staff to follow up on AB 1621 regarding serialized firearms, and lastly asked everyone to take time on Monday, Memorial Day, to remember those who gave their lives defending our country and our freedom.

Director Ames thanked staff for helping the with the Bike Bridge celebration in Fremont at the Warm Springs BART Station; commented on working with Ohlone College students to pass a resolution regarding the Fare Integration Program; and also attended the Ohlone College Tides of Change with Aisha Brown.

The Meeting adjourned at 8:40 p.m.

April B. A. Quintanilla
Acting District Secretary