

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
300 Lakeside Drive, P.O. Box 12688, Oakland, CA 94604-2688

Board of Directors
Minutes of the 1,864th Meeting
May 28, 2020

A regular meeting of the Board of Directors was held on May 28, 2020, convening at 9:00 a.m. via teleconference, pursuant to Governor Gavin Newsom's Executive Order N-29-20 and the California Shelter-in-Place mandate. President Simon presided; Patricia K. Williams, District Secretary.

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

Absent: None. Director Allen entered the Meeting later.

President Simon gave opening remarks and instructions on the virtual meeting, accessing presentation materials online, and Public Comment.

Director Allen entered the Meeting.

President Simon announced that Item 6-A, BART Headquarters Office Building (2150 Webster St., Oakland, CA), had been removed from the Meeting agenda and that the Item would be discussed at a future meeting. She also gave instructions on Board Members' remarks.

Consent Calendar action items brought before the Board were:

1. Approval of Minutes of the Meeting of May 14, 2020.
2. Revision of the Selection of Underwriting Pool from which Senior Manager and Co-Managers Will Be Designated for the Issuance and Sale of the District's Bonds.
3. Approval of BART's Public Transportation Agency Safety Plan (PTASP).
4. Extension of Agreement No. 6M6122 with eLock Technologies, LLC to Provide On-Demand Bike Locker and Bike Station Kiosk Maintenance Services for BART's Program.

Director Raburn made the following motions as a unit. Director McPartland seconded the motions.

1. That the Minutes of the Meeting of May 14, 2020 be approved.
2. That the revised list of Underwriters as shown on Exhibit A be approved. (Exhibit A is attached and hereby made a part of these Minutes).
3. That the BART Public Transportation Agency Safety Plan dated May 8, 2020 be approved and adopted. (The PTASP is attached and hereby made a part of these Minutes).

4. That the General Manager or his designee be authorized to negotiate a one-year extension of Agreement No. 6M6122 with eLock Technologies for a BikeLink locker and Bike Station kiosk maintenance agreement in an amount not-to-exceed \$207,250.00.

Director McPartland recognized System Safety Department staff for their work on the PTASP.

The motions brought by Director Raburn and seconded by Director McPartland carried by unanimous roll call vote. Ayes: 9 – Directors Allen, Ames, Dufty, Foley, Li, McPartland, Raburn, Saltzman, and Simon. Noes: 0. (Director Allen's vote was received later due to audio/visual technical difficulties.)

President Simon called for general Public Comment.

Ms. Williams read written comments submitted by the following individuals into the record:

Kiara Evans
Michelle Voz
Alan Hogan
Jordan Miner
Amanda Delsid
Isaac S.
Jane
Andrew Klein

President Simon gave additional instructions regarding Public Comment.

Aleta Dupree and Daniel Golinski addressed the Board via telephone.

Director McPartland, Chairperson of the Administration Committee, brought the matter of COVID-19 Update: Impact of and Responses to COVID-19 before the Board.

Ms. Tamar Allen, Assistant General Manager, Operations; Chief of Police Ed Alvarez; Ms. Pamela Herhold, Assistant General Manager, Performance and Budget; Ms. Alicia Trost, Chief Communications Officer; Mr. Rodd Lee, Assistant General Manager, External Affairs; Ms. Gia Ilole, Assistant General Manager, Administration; and Mr. Robert Powers, General Manager, presented the item. The presentation contained sections on Front Line and Public Safety Efforts, Ridership, Advocacy, and Employee and Labor Partner Engagement.

Aleta Dupree addressed the Board via telephone.

The item was discussed, with the following highlights:

Director Saltzman thanked BART employees; commented on and/or inquired about employee testing, the 15 Step Welcome Back Plan (hereinafter referred to as "Plan"), publication and communication of the Plan, support for the new seat layout pilot, BART Police Department (BPD) enforcement efforts as outlined in the Plan, updating the BPD information in the Plan, increased BPD presence and fare checks, as outlined in the Plan; and requested the she be provided a full briefing on the Plan, that the BPD information in the Plan be re-written, and that the Plan be reviewed.

Director Raburn thanked BART employees; applauded Ms. Dupree's comments regarding protection of employees and passengers; and commented on and/or inquired about the communication of the Plan, recovery, the provision of masks to the public, increased BPD presence on trains, system hardening, public safety, accessibility and the proposed seat configuration, cap and trade uncertainty, and evaluating ultraviolet germicidal applications, particularly in the heating, ventilation, and air conditioning (HVAC) system.

Director McPartland commented on daily decontamination of trains, Ms. Dupree's comment regarding addressing additional surges of the COVID-19 virus, flexibility with increased ridership, the Plan, public safety and issuing personal hand straps, issuing masks and public confidence, the Plan and increasing ridership, and BART's flexibility with addressing the COVID-19 situation.

Director Li thanked BART employees and commented on BART's efforts to keep employees and riders safe, ridership, publication and communication of the Plan, mask availability and the face covering requirement, BPD presence and enforcement, riders' experiences with BPD enforcement of the face covering requirement, an education-first approach to law enforcement and distribution face coverings, disapproval of the enforcement-first approach language in the Plan, avoiding the use of the face covering requirement to enforce other policies and laws, and publishing information regarding distribution of masks instead of an enforcement-first approach.

Director Dufty thanked BART employees; commented on BART's 50th anniversary, publication of the Plan, the new seat configuration and soliciting riders' feedback, and issuing masks and safety; thanked Ms. Tamar Allen and staff for their communication with vendors; and requested that the Plan be discussed under the General Manager's report.

Director McPartland commented on issuing masks, the supply of masks, and increasing ridership.

Director Allen thanked BART employees and commented on BART's mission statement, the public's demand for the mission statement, enforcement and returning ridership, social distancing, ensuring that fares are paid, train capacity, controlling fare evasion, increased BPD enforcement, station hardening, enforcement of the face covering requirement, the Plan, and publication and communication of the Plan, and disapproval of the new seat configuration.

Director Ames commented on and/or inquired about ridership, appreciation for BART employees, ridership confidence, the COVID-19 virus vaccine, education about wearing masks, BPD presence, the new faregate pilot, station hardening, the Blue Ribbon Transit Task Force and obtaining infrastructure funding for new faregates and HVAC system upgrades, Coronavirus Aid, Relief, and Economic Security (CARES) Act funding, capital funding, and station security; thanked Ms. Tamar Allen for evaluating High Efficiency Particulate Air (HEPA) filters and ultraviolet lighting in the HVAC systems; and requested a detailed assessment of controlling each station and information about the new faregate installation at the next Board Meeting.

Director Saltzman commented on her support for BART requiring masks.

Director Foley recognized BART employees; commented on and/or inquired about daily fogging of trains, rider confidence, the Plan regarding running longer trains and social distancing, the fee

for and distribution of personal hand straps, and business outreach and alternate work schedules; and requested information regarding systemwide ridership capacity and social distancing.

Director McPartland commented on providing county health officials with access to surveillance and the resurgence of the COVID-19 virus.

President Simon recognized BART employees; commented on Chief Alvarez's safety goal and achieving the goal, 21st Century policing policies and law enforcement, and accountability with regard to Chief Alvarez and BPD; and thanked Board Members' for their efforts to procure more resources.

Director McPartland brought the matter of Fiscal Year 2021 Budget Sources, Uses, Service Plan, and Capital Budget before the Board. Mr. Powers, Ms. Herhold, Ms. Tamar Allen, Mr. Christopher Simi, Director of Budgets, Chief Alvarez, and Ms. Ilole presented the item.

Aleta Dupree addressed the Board via telephone.

The item was discussed, with the following highlights:

Director McPartland thanked Ms. Dupree for her comment regarding the increased cost of power during summer.

Director Saltzman commented on and/or inquired about support of the budget proposal, capital project timeline information, the weekend service plan, weekend ridership, approving the budget with thirty-minute weekend headways; and requested that the history of capital allocations over the past ten years and detailed information about increasing service be addressed in the next budget presentation.

Director Raburn commented on and/or inquired about the working budget memo, engagement with the Board, shifting BART Police Officers from capital work to operations work, how classifications are converted from capital work to operations work, maintaining nineteen BART Police Officer positions, BART Police Officer staffing levels, discussion of BART Police Officer staffing with union leaders, and hardening the elevator at Coliseum Station.

Director McPartland commented on and/or inquired about flexibility regarding the Rail Service Strategy for September 2020 to February 2021, providing hand sanitizer and masks at 50% of BART stations, four months of lead time and hiring, and Operations Department staffing levels and increasing service.

Director Li commented on support for quarterly budget reports to the Board, ridership return, future federal funding allocations, rebuilding trust with riders, safety and cleanliness, new faregates, a later closing time on weekdays, using a data-driven approach to service, maintaining employment of BART workers and service scenarios, weekend headways, increasing weekend and weeknight ridership; and requested increased engagement with the Board.

Director Dufty thanked Director Raburn for recognizing staff's work, recognized Ms. Herhold, Ms. Tamar Allen, and staff for their efforts, and commented on and/or inquired about using a data-driven approach to service, BPD staffing and hiring, communicating information regarding BPD operations and staffing to riders, and assignment of new BART Police Officers to trains.

Director Allen commented on development of the Fiscal Year 2021 (FY 21) budget, total FY 21 budget reductions, increase between the Fiscal Year 2020 (FY 20) and FY 21 budgets, reduction in operating expenses, COVID-19 expenses, control over budget factors, ridership, labor costs, expansion of service into Santa Clara County, BART's purpose, stabilizing spending, Santa Clara Valley Transportation Authority's (SCVTA) payments to BART, BART's Real Estate Department, reducing overhead, Board Members' fiduciary obligation to taxpayers, and opposition to the presented budget.

Director Ames commented on and/or inquired about the FY 21 budget, ridership, social distancing, the COVID-19 virus vaccine, ventilation and safety concerns, reducing operating expenses, CARES Act Tranche 2 funding, FY 20 rail car allocation deferment, operating costs, cost-of-living increases for staff, across-the-board budget reductions, reductions in non-labor costs and operating expenses, communication with union leaders, funding for new faregates, lack of confidence in the presented budget, installation of faregates, and addressing ventilation issues; and requested that staff reduce operating expenses or non-labor costs.

Director Foley thanked Board Members for their feedback and commented on support for the presented budget and quarterly budget updates, openness to meeting more frequently, and ensuring that the extension into Santa Clara County is revenue-neutral, at a minimum.

President Simon commented on support for staff's consultation with experts, FY 21 budget Option B, weekly status assessments, decisions based on data, development of the proposed budget, efforts to utilize employees to avoid hiring contract workers, communication with union partners and staff, and support for the presented budget.

Director Dufty, Chairperson of the Engineering and Operations Committee, brought the matter of Award of Contract No. 15CQ-120, Oakland Shops Geometry Vehicle Storage and Spur Track, before the Board. Mr. Kevin Reeg, Project Manager, Strategic Engineering, and Ms. Tamar Allen presented the item.

Director Dufty asked staff to address the review of the Engineer's Estimate and thanked Mr. Reeg, Mr. Laurence Farrell, Group Manager, Engineering, Civil/Structural/Construction Engineering, and staff for their review.

Director Raburn expressed appreciation for Ms. Tamar Allen's explanation and the new processes that have been implemented.

Director Raburn moved that the General Manager be authorized to award Contract No. 15CQ-120, Oakland Shops Geometry Vehicle Storage and Spur Track, to DMZ Builders of Concord, California for the Bid Price of \$6,435,000.00, pursuant to notification to be issued by the General Manager, and subject to compliance with the District's Protest Procedures. President Simon seconded the motion.

Director Ames applauded Ms. Tamar Allen for her explanation, asked whether future bids will be more detailed, and commented on the impact of more detailed bids.

The motion brought by Director Raburn and seconded by President Simon carried by unanimous roll call vote. Ayes: 9 – Directors Allen, Ames, Dufty, Foley, Li, McPartland, Raburn, Saltzman, and Simon. Noes: 0.

The Board Meeting recessed at 12:25 p.m.

The Board Meeting reconvened at 12:37 p.m.

Director Dufty brought the matter of Quarterly Service Performance Review – Third Quarter Fiscal Year 2020 before the Board. Ms. Tamar Allen presented the item.

Director Dufty expressed that he was looking forward to the next report.

Director Raburn commented on and/or inquired about the collection of quality-of-life data, car reliability for Fleet of the Future (FOF) trains, opportunities for social distancing on FOF cars, increase in BART Police Officer presence, and BPD hiring.

Aleta Dupree addressed the Board via telephone.

President Simon noted that Item 6-A, BART Headquarters Office Building (2150 Webster St., Oakland, CA), would be heard at a future Board Meeting.

Director Saltzman, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, brought the matter of Update on BART and Valley Transportation Authority Phase I before the Board. Mr. Carl Holmes, Assistant General Manager, Design and Construction, presented the item.

The item was discussed, with the following highlights:

Director Li commented on the revenue service date, new stations, and train service.

Director Ames commented on and/or inquired about President Simon's speech on behalf of BART, SCVTA's efforts to secure stimulus funds for operating losses, and addressing potential deficits with stimulus funding.

Director Raburn thanked Mr. Holmes, Mr. Shane Edwards, Chief Maintenance and Engineering Officer; and Mr. Manan Garg, Chief Transit System Development Officer, Design and Construction, for their work, and commented on the impact of expanding service into Santa Clara County and his request for the Operating and Maintenance Agreement to be posted on the BART and SCVTA websites.

Aleta Dupree addressed the Board via telephone.

Director Saltzman thanked staff for their work.

President Simon brought the matter of Quarterly Report of the Controller/Treasurer for the Period Ending March 31, 2020 before the Board. Ms. Rosemarie Poblete, Controller/Treasurer, and Ms. Herhold presented the item.

Director Allen asked for information about the pension reserves.

President Simon called for the General Manager's Report. Mr. Powers reported that BART will issue a Call for Projects for the Safe Routes to BART program and that the first Blue Ribbon Transit Recovery Task Force meeting will be held on May 29, 2020 from 1:30 p.m. to 3:30 p.m.

Mr. Powers, Ms. Tamar Allen, Ms. Alicia Trost, Chief Alvarez, Mr. Val Menotti, Chief Planning and Development Officer, Systems Development, and Mr. Holmes presented information about the 15 Step Welcome Back Plan.

The item was discussed, with the following highlights:

Director Ames commented on and/or inquired about soliciting feedback regarding riders' comfort with three-feet social distancing on trains.

President Simon commented on public health official's current six-feet social distancing requirement and reaching a three-feet social distancing standard and requested that staff address Director Ames' question.

Director Ames commented on planning and riders' nervousness.

President Simon requested that staff address the social distancing issue in a memo.

Director Ames commented on reducing the COVID-19 virus, maintaining a six-feet social distancing standard, implementing capital projects, and her confidence regarding three-feet social distancing.

President Simon commented on the Board directly addressing spacing concerns in the upcoming formal update.

Director Ames commented on consideration of whether three-feet social distancing is a realistic scenario for riders.

Director Li commented on the Rebuilding Ridership Task Force, the Board's involvement in policy decisions, soliciting feedback from riders, consultation with public health experts, face coverings, and social distancing.

President Simon commented on BART's consultation with epidemiologists.

Director Li commented on and/or inquired about including experts who have consulted with BART in future Board Meetings, support for contactless payment, issues with Clipper®-only payment and mitigation efforts to distribute free Clipper cards, Ms. Dupree's comment related to open payment methods, business community outreach, resuming survey work, the

Customer Satisfaction Survey (CSS), including COVID-19-related questions in the CSS, support for a BART store, and the personal hand strap fee.

President Simon indicated that Director Dufty needed to leave the Meeting early and requested that Director Dufty provide his Board Member Report. Director Dufty requested that the Meeting be adjourned in honor of the following individuals:

Larry Kramer, playwright of *The Normal Heart* and co-founder of Gay Men's Health Crisis and AIDS Coalition To Unleash Power (ACT UP).

Kendra Bell-Williams, member of the Lower Haight neighborhood community in San Francisco and former neighbor of Director Dufty.

Margot Antonetty, supportive housing leader for the City and County of San Francisco and colleague of Director Dufty.

Director Dufty exited the Meeting.

Director Raburn associated himself with the comments of Director Li, specifically regarding Clipper, and commented on customer confidence and health departments' approach to testing and tracing and the inclusion of requests for business' assistance with ensuring that testing and tracing are funded in BART's business outreach.

Director McPartland indicated that he needed to leave the Meeting early.

President Simon requested that Director McPartland offer his comments and provide his Board Member Report.

Director McPartland commented on focusing on epidemiology without waiting for a consensus from other counties in the future, BART's autonomy, social distancing, return of ridership, workers' decisions to work from home, reticence surrounding use of public transit, recovery, networking with other transit agencies, and making decision based on risks to patrons.

Director McPartland exited the Meeting.

President Simon called for Board Member Reports, Roll Call for Introductions, and In Memoriam requests.

Director Ames reported that she had attended the Santa Clara Valley Transportation Authority Partnership Special Committee meeting on May 22, 2020.

Director Li thanked Mr. Powers and BART Communications staff for publishing "Portraits of women rail workers at BART, in their own words."

Director Raburn reported that he had attended the Santa Clara Valley Transportation Authority Partnership Special Committee meeting on May 22, 2020.

Director Saltzman expressed support for the publication of “Portraits of women rail workers at BART, in their own words” and reported that the first Audit Ad Hoc Committee meeting will be held on June 4, 2020 at 1:00 p.m.

Director Foley reported that a meeting of Labor Negotiations Review Special Committee will be held on May 29, 2020 at 9:00 a.m.

President Simon thanked Board Members for their participation in meetings with stakeholders and requested that the Meeting be adjourned in honor of Bay Area community members who have passed away due to the COVID-19 virus and George Floyd, who died after a Minneapolis, Minnesota police officer held his knee onto Floyd’s neck for several minutes.

The Meeting was adjourned at 1:52 p.m. in honor of Larry Kramer, Kendra Bell-Williams, Margot Antonetty, Bay Area community members who have passed away due to the COVID-19 virus, and George Floyd.

Patricia K. Williams
District Secretary

Exhibit A

Proposed Revised Underwriting Pool

Senior Manager Pool

Barclays Capital

Citigroup/Siebert Williams Shank Joint Venture (MBE/WBE)**

Goldman Sachs

JP Morgan

Morgan Stanley

Stifel Financial Corp.

Co-Manager Pool

Alamo Capital (WBE/SB)

Backstrom McCarley Berry & Co. LLC (MBE)

Bank of America

Blaylock Van, LLC (MBE/SB)

Raymond James

Wells Fargo

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