

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

Board of Directors
Minutes of the 1,884th Meeting
April 22, 2021

A regular meeting of the Board of Directors was held on April 22, 2021, convening at 9:01 a.m. via teleconference, pursuant to Governor Gavin Newsom's Executive Order N-29-20 and the California Shelter-in-Place mandate. President Foley presided; Jacqueline R. Edwards, District Secretary.

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

Absent: None. Director Allen entered the Meeting later.

President Foley gave instructions on viewing the Meeting, accessing presentation materials online, and Public Comment.

Director Allen entered the Meeting.

President Foley asked Jacqueline Edwards, District Secretary, if there were any emailed public comments beyond what was forwarded to the Board that morning. District Secretary Edwards confirmed that there were no additional emailed public comments.

President Foley called for Introduction of Special Guests. Director Simon recognized representatives from the Alliance for Girls (AFG) and Haleema Bharoocha, AFG Senior Advocacy Manager; greeted organizations and youth that would be viewing the Meeting; and thanked AFG, AFG members, and Senior Advocacy Manager Bharoocha for their partnership with BART.

President Foley thanked AFG Senior Advocacy Manager Bharoocha and Director Simon.

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meeting of April 8, 2021.
2. Revision of BART Accessibility Task Force Committee By-Laws.
3. Agreement with SHI International Corp. for Renewal of Software License from Auth0, Inc., for Cloud-based Identity Management Software.
4. Renewal of Lease Agreement with City of Berkeley for Downtown Berkeley BART Bike Station.

Director Saltzman requested that the Minutes of the Meeting of April 8, 2021 be amended to include the reason for her comments regarding minimizing the amount of BART funding used for charging infrastructure for electric vehicles, specifically that there is a lot of outside funding and we should compete with that.

Director Saltzman made the following motions as unit. Director Raburn seconded the motions and noted that the Executive Decision Document for Item 2-D, Renewal of Lease Agreement with City of Berkeley for Downtown Berkeley BART Bike Station, incorrectly refers to the East Bay Bicycle Coalition as the founder of the initial Bike Station in Downtown Berkeley in 1999 and that the correct founding organization was the Bike Friendly Berkeley Coalition.

1. That the Minutes of the Meeting of April 8, 2021, as amended by Director Saltzman, be approved.
2. That the General Manager be authorized to amend the BART Accessibility Task Force By-Laws by expanding membership eligibility from residents of the BART District to residents of counties with BART stations.
3. That the General Manager be authorized to execute Agreement No. 6M4742 with SHI International Corporation to obtain a new software subscription from Auth0, Inc. for a three-year term not to exceed \$439,479.18 for cloud-based identity management software.
4. That the General Manager or his designee be authorized to negotiate and execute a lease renewal with the City of Berkeley for the commercial space housing the Berkeley Bike Station at 2023 Center Street for a fifteen-year term, subject to annual Board budget approval, with an option to extend for one additional five-year term.

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

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

President Foley called for general Public Comment. Aleta Dupree and Hayden Miller addressed the Board.

President Foley brought the matter of Amendment to Customer Code of Conduct to Include the Prohibition of Sexual Harassment before the Board. President Foley; AFG Senior Advocacy Manager Bharoocha; and Alicia Trost, Chief Communications Officer, presented the item.

Director Simon moved that the Customer Code of Conduct be amended to include the prohibition of sexual harassment. Director Li seconded the motion.

The item was discussed, with the following highlights:

Director Simon thanked AFG Senior Advocacy Manager Bharoocha and expressed Ramadan greetings to her and BART riders; inquired about the number of cars in operation each day within the system; commented on improving safety with an ecosystem approach and acknowledging and repairing harm to youth; and thanked AFG, the Communications Department, and the Art Department for their work.

Director Saltzman associated herself with the comments of President Foley and Director Simon; thanked AFG Senior Advocacy Manager Bharoocha and the young women and gender expansive youth involved in the partnership; requested that they continue to work on the campaign; and encouraged them to hold BART accountable and communicate with the Board.

Director Ames thanked AFG Senior Advocacy Manager Bharoocha and young women for their leadership; inquired about evaluating problems on BART and how the BART mobile application could be used in a situation involving harassment; and expressed excitement about the BART mobile application, the proposed amendment to the Customer Code of Conduct, and the campaign.

The following individuals addressed the Board:

Aleta Dupree
Anyka Barber
Elizabeth Newman
Riss Myung
Brytanee Brown
Clarence Fisher
Marianne Ceballos

Discussion continued, with the following highlights:

Director Raburn thanked AFG Senior Advocacy Manager Bharoocha, Chief Communications Officer Trost, and Anyka Barber for their leadership and work; commented on his experiences at Fruitvale Station and Liberation Village, community outreach efforts, and using the Customer Code of Conduct to communicate that sexual harassment is not tolerated; and inquired whether Girls, Inc. is included in the AFG.

Director Dufty commented on the meaning of infrastructure; acknowledged Chief Communications Officer Trost, Jennifer Easton, Manager of Special Projects (Strategic and Policy Planning), Anna Duckworth, Communications Officer, Cheryl Stalter, Communications Officer, Maria Avila, Marketing Representative II (Communications), and Director Simon for their work on the “Not One More Girl” (NOMG) campaign; and thanked the young women who advocate for the NOMG campaign.

Director Li echoed Directors’ expressions of gratitude toward AFG, Betti Ono, Black Girls Brilliance, The Unity Council, and the women and girls who power those organizations and the NOMG campaign; expressed support for the proposed amendment to the Customer Code of Conduct; recognized Director Simon for her leadership and Chief Communications Officer Trost, Special Projects Manager Easton, and staff for their work on the NOMG campaign; commented on feedback she has received from BART riders; and thanked public speakers for their comments.

Director McPartland commented on Board Member’s support of the public, his gratitude for the increased representation of women on the Board of Directors, and the effects of the proposed amendment to the Customer Code of Conduct; and thanked staff for their work.

President Foley thanked AFG Senior Advocacy Manager Bharoocha, Chief Communications Officer Trost, Special Projects Manager Easton, and Director Simon for their support, advocacy, and making a difference.

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

Director Li, Chairperson of the Administration Committee, brought the matter of Fiscal Year 2022 Preliminary Budget Overview before the Board. Pamela Herhold, Assistant General Manager, Performance and Budget; Michael Eiseman, Director of Financial Planning; and Christopher Simi, Director of Budgets, presented the item.

The following individuals addressed the Board:

Aleta Dupree
David Ying
David Sorrell
Nishant Kheterpal
Clarence Fisher
Hayden Miller
Hayley Currier

The item was discussed, with the following highlights:

Director Li commented on the preliminary budget memo, support for additional car cleaning and postponement of fare increases, appreciation for the inclusion of progressive policing initiatives and support to fund them, Service Scenario D, starting the bid schedule before September 13th, and increasing weekend headways, especially on Saturdays; requested that staff present rider incentives and promotions at the next Board meeting; and inquired about the bid schedule process.

Director Saltzman commented on targeted fare incentives, implementing fare incentives after service has been increased, support for deferring the fare increase, increasing service and weekend service, restoration of capital and pension allocations, discontinuing train fogging and transitioning resources to some of the more important cleaning work; inquired about weekend fare discounts and train fogging; requested that staff provide cost estimates of increasing weekend service in January or February before the Board votes on the budget; and expressed support for the proposed budget.

Director Li indicated that she would support Director Saltzman's suggestion to discontinue fogging trains and transition resources to some of the more important cleaning work.

Director Simon congratulated Assistant General Manager Herhold and staff on the Government Finance Officers Association's commendation of BART's Budget and Performance team and thanked them for their work; commented on the difficult decisions and proposals made by staff, especially in times of austerity, and moving past the COVID-19 pandemic period; and recognized the work of employees and the agency.

Director Li expressed agreement with Director Simon's comments.

Director Allen commented on the \$350 million federal subsidies and \$31 million deficit in the Fiscal Year (FY) 2022 budget, concern about not meeting ridership projections, not expanding service to 12:00 a.m. until we have a more stable recovery outlook, delaying the 12:00 a.m. opening for six months except for large events when we can run event trains after 9:00 p.m., riders' safety considerations and expectations, heightened cleaning efforts, and increasing effort into the police budget and presence in the proposed budget.

Director Ames expressed appreciation for Director Allen's comments; inquired about the cost of increasing service under Service Scenario D, the projected revenue loss at the slow recovery ridership mark, the action plan if revenue projections are not met, whether a capital outlay for the fare gates would be provided, showing which stations will receive new fare gates, and a capital program to improve ventilation; commented on ultraviolet lighting, increasing filtration systems, not increasing fares, and giving back to riders; and requested that staff provide information about ventilation improvements and a plan to address the operational deficit between FY 2022 and FY 2025 at the next Board meeting.

Director Dufty expressed agreement with Directors Li and Saltzman regarding potential growth in evening and weekend service and support for pivoting from fogging trains to cleaning rolling stock; responded to Director Ames regarding fare gates; and discussed his confidence in the Progressive Policing and Community Engagement Bureau.

Director McPartland expressed agreement with Directors' comments; commented on train fogging efforts, receiving concurrence from the local county health agency regarding the Centers for Disease Control and Prevention's (CDC) recommendation on fogging, the filtration system, high-efficiency particulate air (HEPA) filters, and ultraviolet lighting for the Fleet of the Future; and indicated support for discontinuing train fogging if the local county health agency concurs.

Director Raburn commented on the preliminary budget memo, increases in service, and commitment to progressive policing and new fare gates; requested that staff provide cost estimates for increased service expansion beyond Service Scenario D, options to move forward before September 13th, and expanding weekend and off-peak service in January or February at the next Board meeting; and expressed support for deferring the fare increase, openness to hearing about weekend service discount options, and support for an enhanced cleaning initiative without disinfection efforts.

President Foley commented on the preliminary budget memo and free fare on New Year's Eve if ridership rebounds and BART is open late; expressed concern about the \$380 million budget deficit and support for the proposed budget, not increasing fares, enhanced cleaning initiatives, discontinuing train fogging after fully retrofitting the system with ultraviolet filtration, improving restroom cleaning, refreshing seventy-five restrooms, continuing Pit Stop restrooms, and new fare gates; inquired about the existing fare discount structure; and requested that staff provide information about stepping back if ridership milestones are not achieved at a future Board meeting.

Director Simon, Chairperson of the Engineering and Operations Committee, had no report.

Director Raburn, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, brought the matter of State Legislation for Consideration before the Board. Amanda Cruz, Manager of Government Relations and Legislative Affairs, Government and Community Relations, presented the item.

Director Raburn commented on legislators' support for Senate Bill (2) and SB 2.

Director Dufty moved that the Board of Directors support SB 2. Director Saltzman seconded the motion.

Director Simon commented on her support for SB 2.

Aleta Dupree addressed the Board.

The item was discussed, with the following highlights:

Director Allen indicated that she would oppose SB 2; expressed support for the general decertification process; inquired about the felony conviction aspect of Assembly Bill (AB) 60; and commented on AB 60.

Director Ames commented on placing SB 2 on a watchlist and lack of collaboration to develop a better compromise; inquired about whether the California League of Cities placed SB 2 on a watchlist and the civil rights component of SB 2; and indicated that she would abstain from voting on SB 2 at this time.

Director Raburn commented on the Bane Act, hate crimes, and the need for training police forces to combat inherent biases.

Director McPartland expressed support for SB 2 and commented on checks and balances within SB 2.

Director Raburn commented on the inclusion of representatives of police and the public in the SB 2 advisory body.

President Foley commented on his support for continued improvement of policing at BART, including a Commission on Peace Officer Standards and Training (POST) renewal and decertification process; and explained why he remained opposed to SB 2.

The motion brought by Director Dufty and seconded by Director Saltzman carried by roll call vote. Ayes: 6 – Directors Dufty, Li, McPartland, Raburn, Saltzman, and Simon. Noes: 2 – Directors Allen and Foley. Abstentions: 1 – Director Ames.

Director Raburn brought the matter of Update on Regional Transit Coordination before the Board. Hannah Lindelof, Group Manager, Policy Planning, Strategic and Policy Planning; Financial Planning Director Eiseman; and Government Relations and Legislative Affairs Manager Cruz presented the item.

Director Raburn requested that staff present AB 629 for Board discussion at a future Board meeting.

The following individuals addressed the Board:

Clarence Fisher
Aleta Dupree
Adina Levin
David Ying
Ian Griffiths

The item was discussed, with the following highlights:

Director Li commented on BART's leadership regarding seamless transit principles and not taking a position on AB 629 at this time; and expressed support for the concept of AB 629.

Director Saltzman inquired about the upcoming meetings among the transit agency Board members and the plan for receiving input from transit agency Board members; expressed support for AB 629; and suggested that AB 629 be placed on the Board meeting agenda soon for the Board to potentially take a position and discuss timing of amendments with the bill's author.

Director Ames inquired about and/or commented on transit services that were excluded from the study, fare integration for other transit systems such as Capitol Corridor® and Altamont Corridor Express (ACE), contactless payment, the Metropolitan Transportation Commission's (MTC) advocacy principle to avoid rushing complex items that require more evaluation, MTC's authority over transit agencies, and regional coordination planning.

Director Li responded to Director Ames' comments.

Director Raburn commented on the Contra Costa Transportation Authority's (CCTA) paratransit pilot project, BART and Alameda-Contra Costa Transit District's (AC Transit) joint grant application, inter-regional integration advanced by Capitol Corridor and other state operators through the California Integrated Travel Project (Cal-ITP), addressing bridge approaches for buses, fare coordination pilots, updating wayfinding signage, and achieving a data-driven pilot for fare integration.

President Foley called for the General Manager's Report. Robert Powers, General Manager, reported on the A75 Interlocking Project and the related weekend bus bridges; his interview with KPIX for its *Road to Recovery* segment; his meeting with *San Francisco Chronicle* columnist Phil Matier for the ABC 7 series, *The Path Forward*; ridership; and Clipper® contactless payment.

Director Raburn inquired about the vehicle automatic train control software for the Fleet of the Future (FOF), and installation of modifications to FOF train cars.

Director Saltzman requested that staff provide information about Clipper on Apple Pay, including the number of devices that can be utilized and limitations.

President Foley brought the matter of Report of the Audit Committee before the Board. Director Allen, Chairperson of the Audit Committee, reported on the Audit Committee meeting of April 13, 2021 and noted that the next Audit Committee meeting would be held on May 18, 2021 at 1:00 p.m.

Director Allen reported that she had attended the Innovate 680 Advisory Commission and Pleasant Hill BART Leasing Authority meetings.

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

Director Saltzman reported that she had attended the Capitol Corridor Joint Powers Authority (CCJPA) Board meeting; commented on CCJPA staff and Union Pacific Railroad's safety concerns regarding at-grade access to the new Oakland Athletics stadium through active rail tracks; and requested that staff provide the BART Board with the CCJPA Board meeting materials regarding the new Oakland Athletics stadium.

Director Raburn agreed with Director Saltzman's request.

Director Li reported that she had met with her BART Police Citizen Review Board (BPCRB) representative and requested that senior management provide updates regarding the BPCRB Ad Hoc Working Group on Fare Evasion and that the Inspector General (IG) present quarterly reports to the Board as a regular agenda item.

President Foley indicated that he had spoken to the Inspector General and encouraged her to bring quarterly reports before the Board.

Director Raburn reported that he attended the Alameda City Manager's Report on the State of the City, the City of Oakland meeting regarding the transit-oriented development project at Lake Merritt Station, the Oakland Economic Indicators presentation, the public outreach event at Fruitvale Station and Liberation Park with the Not One More Girl Committee, and the CCJPA Board meeting.

Director Ames commented on her attendance at the Innovate 680 Advisory Commission meetings; reported that she had attended the CCJPA Board meeting; requested that a transportation planning session be arranged; wished everyone a Happy Earth Day; and requested that staff present a climate resilience plan to the Board at a future Board meeting.

Director McPartland reported that he had attended the CCJPA Board meeting and commented on the safety issue at the new Oakland Athletics stadium.

President Foley thanked Ed Alvarez, Chief of Police, and BART Police Department staff for their quick response and arrest of a subject in an assault at Pleasant Hill Station and for attending an East Bay Municipal Utility District (EBMUD) town hall event; reported that he had attended the Innovation Center at Brentwood town hall meeting; requested that the Meeting be adjourned in honor of Estelle Cartwright, long-term employee in the Procurement Department at BART, and Shawn Rollerson, long-term employee and Train Operator at BART.

Director Simon gave remarks regarding Shawn Rollerson and thanked President Foley for his *In Memoriam* request for Shawn Rollerson.

President Foley announced that the Board would enter into closed session under Item 10-A (Conference with Legal Counsel – Existing Litigation) 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 12:59 p.m.

The Board reconvened in closed session at 1:14 p.m.

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

Absent: None. Director McPartland entered the Meeting later.

Director McPartland entered the Meeting.

The Board Meeting recessed at 2:00 p.m.

The Board reconvened in open session at 2:02 p.m.

Directors present: President Foley.

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

President Foley announced that the Board had concluded its closed session under Item 10-A and that there was no announcement to be made.

President Foley thanked Kevin Franklin, Deputy Police Chief, and Anisa McNack, Police Lieutenant, for their involvement in the EBMUD town hall event.

The Meeting adjourned at 2:03 p.m. in honor of Estelle Cartwright and Shawn Rollerson.

Jacqueline R. Edwards
District Secretary