

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

300 Lakeside Drive, P.O. Box 12688, Oakland, CA 94604-2688

Board of Directors
Minutes of the 1,860th Meeting
March 26, 2020

A Special Meeting of the Board of Directors was held on March 26, 2020, convening at 8:58 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 Allen, Ames, Dufty, Foley, Li, McPartland, Raburn, Saltzman, and Simon.

Absent: None.

President Simon provided instructions on the virtual meeting process and called for written Public Comment on Item 3 Only. Written comments submitted by the following individuals were read into the record by Ms. Williams.

Andrew Klein
Aleta Dupree
Carl Anderson
Rafael Cardenas
Gena Alexander
Colleen McCann
Terese Stanek
Clarence Fischer
Ralph Robinson
Tiana McDonald
A T
Jeff Fernandes
Tina Denise
Shannon Darensburg
David Molowitz
Sal Cruz
Tamara Miller
Minky
Rick Gutierrez
Denise Lillian
Camom9123
Shanett Deshotel

President Simon called for public comments from telephone participants, and announced that public comment would be limited to one minute per speaker, given the large number of people on the line.

The following individuals addressed the Board via telephone:

Niysha Edward
Darrell Keys
Ryan Rivera
Jesse Androtti
Michael Granat
Stephane Barnes
Bing Wong
Jessica Kwon
Nathifa Clark
Suzanne Gamble
Buddy Roark
Sal Cruz
Fatima Wong
Latosha Love
Gena Alexander

Ms. Williams read written comments submitted by Camom9123 and Vicky Roan into the record.

President Simon thanked the District Secretary's Office for facilitating the Meeting; expressed gratitude for the comments offered by staff and members of the public; indicated that the full Board of Directors, a few dozen senior managers, other staffers, and the press were listening to the commenters' observations, demands, and overall commitment to the system; expressed gratitude to essential workers for reporting to work at BART and to other essential workers for ensuring that medical and other essential workers can move forward during this crisis; and indicated that BART was listening and would continue to listen and act.

President Simon brought the matter of COVID-19 Update: Impact of and Responses to COVID-19 before the Board; noted that the presentation was available on Legistar and bart.gov; and indicated that if access to the presentation was desired, one could send an e-mail to Board.Meeting@bart.gov and the URL would be sent back in reply.

Mr. Robert Powers, General Manager; Ms. Tamar Allen, Assistant General Manager, Operations; Ms. Pamela Herhold, Assistant General Manager, Performance and Budget; Mr. Val Menotti, Chief Planning and Development Officer; Mr. Carl Holmes, Assistant General Manager, Design and Construction; Ms. Gia Ilole, Acting Assistant General Manager, Administration; Ms. Alicia Trost, Chief Communications Officer; Mr. Jeffrey Lau, Chief Safety Officer, System Safety; Mr. Rodd Lee, Assistant General Manager, External Affairs; Chief of Police Ed Alvarez; Mr. Matthew Burrows, General Counsel; Mr. Michael Jones, Deputy General Manager; and Mr. Maceo Wiggins, Director of the Office of Civil Rights presented the item.

President Simon thanked the entire BART staff, highlighting various departments for their work and efforts to inform the public and keep the process transparent; indicated that these are unprecedented times; and acknowledged and thanked Board Members for taking time off from their paid jobs to conduct advocacy.

Director Allen commented on the following subjects: concern over frontline workers' comments regarding how they are being protected; whether BART Police Officers have been provided with masks; the Centers for Disease Control and Prevention (CDC)'s guidance for law enforcement

personnel regarding disinfecting, gear, eye protection, gloves, and masks; public contact with station agents, others in the stations, and train operators; a desire to address the CDC guidance for law enforcement professionals and the concerns communicated by Amalgamated Transit Union (ATU) workers; clarification of previous and current cleaning practices for surfaces at the end of each line and station touch surfaces; whether BART Police Officers are conducting inspection sweeps at Embarcadero Station; the rate of people who have paid fare; feedback received from various sources indicating that the number of people who have been swept off for not paying fare has increased and feedback from riders indicating that the numbers of transient people, people who appear to be in distress in their housing situations, and drug users, have either remained the same or have increased; the expectation that calls for police service would decrease if ridership has decreased by 91% but that the decrease in calls for police service does not equate to the absence of bad actors on trains; requested a report to the Board regarding information about the sweeps at Embarcadero Station for the past four weeks; concern that a vulnerable population of homeless still appear to be living in the streets, indicating that she has heard of potential solutions but no solutions have been implemented; worries about homeless people entering the system with the potential to the spread of the COVID-19 to workers and essential service riders; with the assumption of 9% paid ridership, BART should be preventing people from entering the system without paying fare at the faregates because this prevention may reduce activity on the trains that gives rise to calls for police service; a proposal to close secondary station entrances; focus on reducing operating costs; the receipt of state and federal funding to assist with lost revenue; that work on real estate partnerships, developer discounts, and developing parking lots are secondary to the current situation; a desire for review of BART's management, overhead, and non-operational activities to identify ways to reorganize the work to toward addressing COVID-19; support for efficiently working with labor unions to move shifts and conduct training; the need to work efficiently with regard to management and overhead at the administrative level; overtime costs being overbudget and desire to reduce expenses through reducing overtime; the status of the Fiscal Year 20 budget and Fiscal Year 20 projections, particularly in conjunction with Fiscal Year 2021 preliminary budget information and the expectation that information about the amount of financial assistance would be provided in the next budget discussion; percentage of service reductions, the amount saved in energy expenses through service reductions, areas to save money, including overtime and car cleaning, and whether the overtime costs had been quantified; and if the Shelter-In-Place and 9% ridership continues for more than a couple of months that BART may need to consider furloughs though implementing a furlough process would be a worst case scenario if COVID-19 is not controlled.

Director Ames thanked President Simon for leading the way with the virtual meeting; and commented on the following subjects: the concept that BART is a lifeline; that BART needs to plan for the worst and hope for the best; the public comments received; the relationship between the amount of time that BART can sustain service and financial scenarios; the financial scenario in which the Shelter-In-Place order ends in June; the budget scenarios that had been developed; concern for sustaining service; commended staff for ideas to reduce service; that she would be open to eliminating Sunday service if there were a potential bus bridge option; whether capital projects could be added to the Fiscal Year 2021 budget so employees could be moved from operating positions to capital positions, assuming operating service decreases, and re-purposing work toward capital infrastructure during a recession; the seismic retrofit work being stopped due to the social distancing requirement; desire for the issue to be resolved by providing workers with protective gear; the need for cost reductions, noting that she foresees that people will stay at home until a cure is available, that BART should be forecasting a decrease in ridership for the next eighteen months or longer, that BART should have some budget goals, create scenarios reducing revenues by 30%-40%, freeze contracts, and eliminate non-essential projects, and that

BART might consider revising the 10-year financial model and reducing pay; that she does not wish for lay-offs or furloughs to occur, but that BART needs to stay together to keep service sustainable; the need for more frequent budget meetings; and potentially testing BART staff for COVID-19 and information regarding protocols for such testing.

Director Dufty expressed gratitude to staff, frontline workers, and safety personnel for their courage and dedication during this extraordinary time, highlighting frontline employees' commitment to the mission to help people move; expressed appreciation for the frontline workers who had addressed the Board; commented on public comments regarding cleaning cabs, efforts to clean touchpoints, the existence of touchpoints in the train operator cabs, and the importance of cleaning train operator cabs; asked staff for any additional information regarding cleaning train operator cabs; commented on the provision of personal protective equipment (PPE) and San Francisco Supervisor Catherine Stefani's work with Flexport for the delivery of 50,000 masks, 34,000 gloves, and several hundred thermometers to San Francisco; indicated that he contacted Supervisor Stefani and shared Mr. Powers' contact information with her to see if there is any assistance available for BART; commended BART's social media and public information campaign; suggested that BART reach out to other companies that might be able to help arrange for donation of needed items, noting that there may be entities that are proud of how BART is continuing to operate and meet its responsibilities; requested that staff reach out to Kaiser for assistance with protecting personnel in the Operations Control Center (OCC), noting a public comment regarding the difficulty of achieving social distancing in the OCC and the importance of the OCC; indicated that there is a lot of territory to cover and that it cannot all be covered in one meeting; and commented on the positive nature of the respect and appreciation expressed between executive staff, labor partners, and frontline workers.

Director Li thanked frontline employees for engaging with the Board and their work to keep the system running, public commenters who called in, especially healthcare, social, grocery store, and essential workers who continue to ride BART, and senior management for partnering with the labor unions; and noted that she has received feedback indicating that communication between the senior management and labor unions has been regular and often. Director Li commented on the following subjects: expected federal funding and the disbursement of federal funding; how the Metropolitan Transportation Commission (MTC) would determine how to allocate funding to Bay Area transit operators; support for the most subsidization to be allocated to the transit operators that have been the most impacted; what steps Board Members and members of the public can take to ensure that the allocation of funding is executed in the most equitable manner; how BART would determine how to fill budget gaps based on the amount of emergency funding provided; support for prioritizing service; the necessity to make efforts to prevent layoffs and furloughs; the importance of Board Members being engaged regularly and frequently, as well as with union partners, regarding the allocation of funding as funding is received; a letter issued by the California Transit Association (CTA) and if any of the 500 million to 1 billion dollars of emergency funding approved by Governor Newsom would be allocated to funding public transit; the potential low likelihood of BART or transit operators receiving emergency funding from the state, and the state government's prioritization of medical equipment and testing; a suggestion that staff seek state funding to help ensure that frontline employees are provided with PPE; that PPE should be provided to essential workers, noting that a transit operator had commented that COVID-19 testing should be provided to essential workers; guaranteed additional paid sick leave and that BART should increase paid sick leave by one week or ideally two weeks to cover the full recommended fourteen-day period to keep frontline employees safe and incentivize them to utilize their sick leave; that it is critical to continue any planning work that can be continued, such as Transbay Rail Crossing work and

transit-oriented development (TOD) policy guidelines; and requested that TOD guidelines be presented to the Board and updated information be provided regarding the Board's work plans.

Director McPartland commented on the following perspectives as the basis for his comments and questions: hazardous materials, medical setting, disaster mitigation setting, and medical vulnerability of employees and patrons. He referenced the 90-day detail cleaning of rail cars and asked for the frequency of the fogging machine cleaning of rail cars; asked whether the fleet could be fogged quicker if the trains were reduced from 10-car trains to 8-car trains and whether the information he provided to Mr. Lau regarding fogging machines was helpful and pursued; commented on the effectiveness of six-foot social distancing in the underground stations, given the Piston Effect; indicated six-foot social distancing in stations, particularly on platforms in underground stations, is not effective; referenced a photograph of a patron boarding a train while wearing an N-95 mask and commented on his use of an N-95 mask when boarding an airplane and his use of the mask if he were to board a BART train; indicated that employees, especially those in underground stations, should stay in the station booth if possible and wear an N-95 mask outside the station booth; noted that wearing an N-95 mask is probably not critical for train operators because the Piston Effect within the station or platform has already dissipated when they open the door; shared his experience with working in emergency departments, noting that the employees with fewer colds and exposures utilize appropriate PPE and shower and change clothes before returning home; suggested that BART could potentially recommend that employees place their work clothes in bags before returning home; recommended against Director Ames' comment regarding accelerating earthquake and other major projects based on public safety and employee exposure, noting that the Shelter-In-Place order is at the state level to reduce exposure in the workplace or the environment; commented on the existence of active pathogens on a cruise ship seventeen days after passengers had disembarked and the relationship between infection by viral particles and one's fragility; and suggested consultation with an epidemiologist in public health.

President Simon acknowledged the ideas and concerns that had been expressed; noted that staff and management have been in consistent contact with the Governor's Office of Emergency Services and the public health departments of the counties in which BART operates; commented that BART is attempting to procure masks, hand sanitizer, and PPE and that BART is in a global contest with other institutions for these products; and indicated that procurement staff is working to obtain needed materials.

Director Raburn thanked the frontline workforce for its dedicated efforts to keeping the system running and commended staff for working to seek funding to keep the system running, noting their success on several fronts. Director Raburn commented on the following subjects: that BART should consider prioritization of the Operations Control Center (OCC), noting the OCC's critical importance and the inability to provide social distancing in this space; the various uses of ultraviolet radiation, including the Moscow Metro's use of ultraviolet light on various surfaces and the difficulty with using chemicals to clean when better tools could be used in a more frequent and portable setting; service considerations when evaluating service reductions, noting that a Title VI equity analysis was not included as a consideration; that equity is of critical importance and that BART should ensure that changes do not result in a disparate impact on a particular group, such as an employment group; that FedEx workers at the San Francisco International Airport face a commute time of almost two hours using transit and that BART needs to be fully aware of the impacts on different groups of riders; that it seems that cost savings are calculated after decisions are made, and that potential cost savings need to be reviewed upfront in order to make difficult decisions; the consequences of economic uncertainty

on TOD, including the cancellation of Kaiser Permanente's headquarters, and that the North Concord Station does not have a development partner at this time, and that he suspects further impacts to be forthcoming; that the long-term survival and growth of BART is dependent on sustainable TOD near BART stations; that there have been many reports of homeless passengers seeking shelter on trains and that potentially infected passengers may infect other passengers; that passengers sheltering all day on the system could infect many car loads of passengers and that BART should prevent free walk-through into the stations; appreciation for the closure of some passageways and support for any efforts that could help make the system safer for passengers; whether the stimulus package, if passed and signed, is expected to be sufficient to meet BART's needs to offer even existing service levels; whether it would be safe for BART to continue with the existing service reductions for the next two weeks; gratitude for congressional leaders' assistance with providing funding for transit, noting that the Bay Area would receive 1.3 billion dollars; and thanked Alameda – Contra Costa Transit District (AC Transit) for providing full levels of service so that BART's 9 p.m. closure does not have as great of an impact on passengers, although this does not always work beyond the Transbay Transit Center.

Director Saltzman thanked all BART employees who have worked long hours to keep the system moving, BART management, and riders who have continued to use BART for essential work or have ceased using BART for non-essential reasons; and commented on the following subjects: agreement with Director Raburn's comments with regard to ensuring that there is no disparate impact caused by service reductions, noting her understanding of limitations; the importance of determining what the riders need, given the small number of riders; that eliminating Sunday service would be the worst service reduction option, noting that doctors, nurses, supportive housing workers, food bank workers, and other essential workers work on Sundays; that BART cannot assume that AC Transit will continue service, noting that the Santa Clara Valley Transportation Authority (SCVTA) announced that it would be closing light rail service and that Muni (San Francisco Municipal Transportation Agency) announced that it would be closing subways, light rail, and nearly all rapid bus service; the decision process for service reductions and that riders' feedback is desired; commended open communication efforts and suggested that staff have an answer ready for questions from the public regarding headway changes; that long-term service changes would be limited to either fifteen or thirty-minute headways; thanked staff for their communication with the public and elected officials regarding BART's dire needs, noting that publishing daily ridership and the impact on revenue had been helpful in advocacy with elected officials; the passage of the federal package which would include additional funding for transit, the impact of the funding on Fiscal Year 2020 and Fiscal Year 2021, and the long-term effect of the funding; the importance of continued communication with the Board regarding funding and other updates; the importance of communicating with riders and the public regarding financial impacts, long-term ridership loss, sales tax revenue, and gas tax revenue and the effects of the absence of additional funding, such as service reductions; agreement with Directors' comments regarding protecting BART workers; that staff continue efforts to protect workers, continue working with labor unions, and respond to individual employees' comments expressed at the Meeting; and satisfaction with the facilitation of the Meeting and that staff continue to refine the meeting process and review other agencies' processes.

Director Foley thanked all essential workers, especially BART's system service workers, utility workers, station agents, train operators, maintenance professionals, and police officers for their work to help keep BART running and move essential workers in the Bay Area; thanked management and union leadership for working together, noting that their collaboration is necessary at this time; and commented on the following subjects: opposition to Sunday service closure; that supporting essential workers is critical, highlighting that almost 13,000 potentially

essential workers used BART on the previous Sunday; that as service is reduced in the evenings, BART needs to maximize capital work and accelerate preventative maintenance work that requires a shut down, if safe to do so; the need to delay the preliminary budget and that it would be useful for various financial scenarios to be presented at the next meeting so that the Board understands potential budget trajectories; that the OCC is a priority and that staff re-evaluate safety and cleanliness procedures and that staff follow-up with employees who communicated cleanliness concerns; support for comments regarding homelessness in the system by Directors Allen and Raburn in relation to passenger and employee safety; that staff help to minimize the use of the system by non-essential workers; that the District would need to consider how reserves are used now and in the future; the importance of increased reserves needed to provide stability in the future; and consideration of multi-year budgeting.

President Simon made the following remarks: that in the next two weeks, Board Members and the public will want consistent updates regarding safety, security, cleanliness, funding, and BART's financial outlook; that the questions and comments from the public and Board Members were of critical importance; that BART's goal is to keep moving; that a healthcare worker who was featured in a BART video advised that ill people continue to seek treatment and that first responders, the BART Police Department, and operational teams travel to work using BART; that the General Manager and his team have been directed to model all scenarios; that no institution could have planned for a global pandemic, but this institution is working to ensure that BART is moving, thoughtful, planning, and trying to procure all necessary safety resources for staff; that BART is one of the nation's leaders in the transportation field in responding to the unprecedented nature of the situation; thanked the Board Members, staff, and the public; that bart.gov would provide ongoing daily updated information regarding BART's service; and advised close monitoring of bart.gov and BART's Twitter and Facebook pages.

The Meeting was adjourned at 12:40 p.m.

Patricia K. Williams
District Secretary