

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

Board of Directors
Minutes of the 1,870th Meeting
September 10, 2020

A regular meeting of the Board of Directors was held on September 10, 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 Allen, Ames, Dufty, Foley, Li, McPartland, Raburn, Saltzman, and Simon.

Absent: None.

President Simon gave remarks regarding the commemoration of the events of September 11, 2001 and announced that the Meeting would be adjourned in memory of Juan Cortez, valued BART structures worker.

President Simon gave instructions on the virtual meeting, viewing the Meeting and accessing presentation materials online, Public Comment, and Board Members' remarks.

Consent Calendar action items brought before the Board were:

1. Approval of Minutes of the Meeting of August 27, 2020.
2. Computer Software Agreement with Carahsoft Technology Corporation for eSignature Software.
3. Computer Software Agreement with Dell Technologies for Microsoft Enterprise Software.

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

The District Secretary advised the Board that Zoom was experiencing nationwide technological issues.

Director Dufty made the following motions as a unit. Director Raburn seconded the motions, which carried by unanimous roll call vote. Ayes: 9 – Directors Allen, Ames, Dufty, Foley, Li, McPartland, Raburn, Saltzman, and Simon. Noes: 0.

1. That the Minutes of the Meeting of August 27, 2020, be approved.
2. That the General Manager or his designee be authorized to execute a three (3) year information technology software contract with the Carahsoft Technology Corporation for an amount not to exceed \$206,865.69.

3. That the General Manager or his designee be authorized to execute renewal of a Microsoft Enterprise License Agreement utilizing the County of Riverside's competitively awarded agreement with Dell Marketing LP for a three-year term not to exceed \$1,628,051.85.

President Simon called for general Public Comment. No comments were received.

Director McPartland, Chairperson of the Administration Committee, brought the matter of Fiscal Year 2021 Budget Outlook before the Board. Pamela Herhold, Assistant General Manager, Performance and Budget, and Christopher Simi, Director of Budgets, presented the item.

Aleta Dupree addressed the Board.

The item was discussed, with the following highlights:

Director Ames expressed agreement with Aleta Dupree; commented on remote work; and inquired about infrastructure grants and state funding.

Director Dufty commented on commuters comprising 71% of pre-COVID-19 ridership.

Director Li requested that the next budget update include different ridership projections, scenarios, and revenue projections.

Director McPartland commented on comparing transit agencies within the Bay Area.

Director Raburn inquired about and/or commented on service levels implemented by New York City Transit, the remarks of Patrick Foye, Chairman and Chief Executive Officer of the New York Metropolitan Transportation Authority, at the New York City Transit's Special Meeting on August 26, 2020, BART service levels, and the impact of increased headways on the budget, appreciation for staff facilitating social distancing on the most crowded trains, ridership and costs for East Bay Paratransit, and opposition to reductions in paratransit.

Director Saltzman commented on transparency with the public and riders, federal funding, state funding, and the importance of BART to the Bay Area and the nation; and requested that legislative priorities include federal and state funding advocacy.

Director McPartland expressed agreement with Director Saltzman.

Director Foley associated himself with the comments by Directors Li and Saltzman regarding reviewing various scenarios and commented on ridership trends among stations.

President Simon commented on the Bay Area's economy, commitment to keeping the railroad running, future discussion of difficult trade-offs, the crisis state of transit for the foreseeable future, basing quarterly decisions on weekly and daily data analysis and comparison to regions throughout the country and world, the budget process, and her confidence in the Board and staff to move forward and lead with integrity and clarity based on data.

Director Allen commented on the budget as a long-term problem and delivering service in a more efficient and cost-effective way as BART looks forward to ridership returning.

Director Dufty, Chairperson of the Engineering and Operations Committee, announced that the order of Committee items would be changed. He indicated that Item 5-A, Bay Area Rapid Transit District's Annual Surveillance Report – 2020, was continued from the August 27, 2020 Board Meeting and commented on a letter submitted by Brian Hofer with Secure Justice.

Director Dufty brought the matter of Fleet Decommissioning before the Board. Brian Tsukamoto, Manager of Special Projects, Production Support; Alicia Trost, Chief Communications Officer; and Tamar Allen, Assistant General Manager, Operations, presented the item. The presentation included a video depicting the deconstruction process for legacy train cars.

Director Ames inquired about local retention of recycled metals and the destination for recycled metals that are shipped overseas; and commented on exploring local retention of recycled metals in the Request for Proposal (RFP) and improvement of BART's image through recycling and repurposing.

Aleta Dupree addressed the Board.

Discussion of the item continued, with the following highlights:

Director McPartland commented on public entities paying for expenses related to receipt of legacy train cars and requested that Mimi Bolaffi, Director of Security Programs, Police Operations Division, contact him to discuss agencies' requests for legacy train cars.

Director Saltzman commented on working with public and private entities to place legacy train cars out in the world, opposition to recycling all legacy train cars, and agreement with Aleta Dupree; and requested that staff retain at least one of each type of legacy train car and one ten-car legacy train for preservation.

Director Raburn expressed support for the vehicle acquisition guidelines and appreciation for Alicia Trost's outreach efforts; inquired about the status of the surplus platform at Colma Station; and suggested that Colma is a fitting resting place for BART cars.

Director Foley commented on the video that was shown; requested that staff evaluate whether legacy train cars can be used as homeless shelters or supportive housing for fire victims; and expressed support for a holiday train.

Director Li expressed support for the vehicle acquisition guidelines and commented on branding, the iconic nature of the legacy train cars, people's attachment to the image of legacy train cars, being thoughtful of staff's time, and agreement with ensuring purchasers' payment of all costs.

Director Dufty brought the matter of Innovations in Infrastructure before the Board. Sylvia Lamb, Assistant Chief Engineering Officer, Maintenance and Engineering; Laurence Farrell, Group Manager, Engineering, Civil/Structural/Construction Engineering; and Jefre Riser, Manager of Electrical and Communications Engineering, Systems Engineering; Wendy Wheeler, Acting Group Manager, Systems Engineering; and Tamar Allen presented the item.

Director Dufty noted Tamar Allen's pride and enthusiasm about the presentation and staff's entrepreneurial approach.

Aleta Dupree addressed the Board.

The item was discussed, with the following highlights:

Director Foley inquired about the possibility of using automated drone inspections of railways after a seismic event as part of BART's emergency operations response.

Director Saltzman requested that staff provide an update on the presented innovations and any new innovations in six months and that updates on infrastructure innovations be presented at Board Meetings on a regular basis.

Director Li associated herself with Director Saltzman's comments; commented on staff's innovations; recognized Aleta Dupree for her participation; and requested more substantive cost-saving information.

Director Raburn inquired about the department at University of California (UC) Berkeley that assisted BART and integration of new sensors into the future Operations Control Center displays; and commented on implementing decontamination of air in train cars as soon as possible.

Director Allen expressed agreement with other Directors for more frequent updates on infrastructure innovations.

Director Dufty brought the matter of Bay Area Rapid Transit District's Annual Surveillance Report – 2020 before the Board; read a letter from Brian Hofer, Executive Director of Secure Justice, aloud; and thanked Brian Hofer for his letter. Deputy Chief of Police Kevin Franklin and Tamar Allen presented the item.

Aleta Dupree addressed the Board.

Director Saltzman expressed support for the Annual Surveillance Report – 2020 (Report) and moved that the Board determine, based on information provided in the 2020 Surveillance Annual Report, that the benefits to the community of the 7 surveillance technologies described in such report outweigh the costs, and that civil liberties and civil rights are safeguarded. Director McPartland seconded the motion.

The item was discussed, with the following highlights:

Director Li inquired how the Report identifies whether Memoranda of Understanding (MOUs) are fully implemented and commented on methodology of tracking complaints.

Director McPartland expressed support for the steps taken to protect privacy.

Director Raburn thanked Brian Hofer; commended Deputy Chief Franklin for his responsiveness; and expressed support for the motion before the Board.

Director Allen commented on and/or inquired about the importance of the privacy policy, adherence, and reporting; strengthening surveillance activity; the state of surveillance camera equipment; capital projects to install and replace cameras; the closed-circuit television (CCTV)

system on new trains; re-use of cameras from decommissioned trains; CCTV public video monitors; automatic license plate reader technology; and customer complaints.

Director Foley inquired about addressing consumer complaints regarding insufficient coverage and the sufficiency of staff available to respond to video information requests from the public.

The motion brought by Director Saltzman 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 Saltzman, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, brought the matter of State Ballot Measure (Proposition 15) for Consideration before the Board. Amanda Cruz, Manager of Government Relations and Legislative Affairs, Government and Community Relations, presented the item.

The District Secretary announced that four written comments in favor of supporting Proposition 15 had been previously received.

Director Saltzman moved that the Board of Directors support Proposition 15. Director Li seconded the motion.

The item was discussed, with the following highlights:

President Simon commented on her involvement with moving Proposition 15 throughout the state, Proposition 13, homeless services and safety, and giving counties more resources.

Director Raburn expressed support for Proposition 15 and comment on the 1% cap on commercial and industrial properties.

Director Ames expressed opposition to Proposition 15 and commented on an opinion piece by *The Mercury News*, property tax revenues, the need for more taxes, and implementing a tax incentive and redevelopment of sites.

Director Saltzman expressed support for Proposition 15 and commented on addressing problems with Proposition 13 and BART's dependency on fare box revenues.

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

Director Saltzman brought the matter of Update on BART Safety, Reliability and Traffic Relief Program (Measure RR) Safe Routes to BART Grant Program before the Board. Carl Holmes, Assistant General Manager, Design and Construction and Rachel Factor, Principal Planner, Station Area Planning, presented the item.

The item was discussed, with the following highlights:

Director Li thanked Walk SF and Transform and commented on her previous advocacy for access-related projects, her discussion with Bike East Bay, rejecting projects, and receiving more applications in the future.

Director Raburn commented on efforts leading to the Safe Routes to BART Grant Program (Program), the selected projects, his discussion with East County advocates, and BART's contribution to the Pittsburg Center project; and inquired about the timing for the second round of applications.

Director Allen commented on allocating Measure RR access funds to projects that are not on BART property, funding for capital projects, prioritizing fare gate replacement, station hardening, and expanding camera systems, and requesting funding from communities to subsidize the fare gate replacement project.

Director Ames expressed appreciation for Director Allen's concerns and support for the Program; inquired about the project surveys and the selected projects' non-BART funding sources; and requested survey data.

Director Li inquired how the \$25 million would be budgeted and the flexibility surrounding the \$25 million.

Director Raburn commented on and/or inquired about the inclusion of the expenditure plan in the Measure RR Bond Oversight Committee Annual Report, voters' support of the expenditure plan, the permanent nature of the projects and dollar amounts for the projects in the expenditure plan, and BART's adherence to the expenditure plan.

Director Saltzman expressed agreement with Directors Li and Raburn; commented on giving cities funding for projects and requesting funding for different projects from counties, working with cities as partners, the size and importance of the grants, the importance of improving access, and the Powell: 5th Street Improvement Project; requested that staff follow-up on the issues with the traffic and pedestrian signals at 5th Street in San Francisco; and expressed support for the Program.

Director Saltzman brought the matter of Update on BART and Valley Transportation Authority, Phase 2 before the Board. President Simon announced that the item would be continued to a future Board Meeting.

Aleta Dupree and Roland Lebrun addressed the Board on the item.

Director Saltzman brought the matter of Update on Transbay Corridor Core Capacity Project before the Board. Javier Martinez, Group Manager, Capital Projects, Core Capacity Project Delivery, presented the item.

Aleta Dupree addressed the Board.

Director Ames expressed support for the full funding grant agreement (FFGA).

Director Dufty thanked BART's federal representatives for their work with BART and staff, Rodd Lee, Assistant General Manager, External Affairs, and Robert Powers, General Manager, for their work.

Director Saltzman expressed support for the FFGA and thanked the team for their work to secure the grant.

Director Dufty thanked Senator Dianne Feinstein, Senator Kamala Harris, BART's congressional delegation, and Speaker Nancy Pelosi for their assistance in securing the grant.

President Simon called for the General Manager's report. Robert Powers reported on the service schedule change effective September 14, 2020, ridership, the El Cerrito Plaza Station transit-oriented development (TOD) project, and Assistant General Manager Gia Ilole's departure from BART.

Roland Lebrun addressed the Board.

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

Director Dufty reported that he had watched the "DERAILED" series; thanked President Simon and Directors Allen and Li for participating in the series; and commented on the collection of demographic data related to the fare check program at Embarcadero Station and Proposition C.

Director Li expressed agreement with Director Dufty's comments.

Director Raburn reported that he had attended the Diridon Station Area Joint Policy Advisory Board meeting and that he had written letters of support for Senate Bill 731.

Director Saltzman reported that she and President Simon spoke at a community meeting regarding development at the North Berkeley and Ashby BART stations and thanked the City of Berkeley and BART staff for organizing the meeting.

Director Foley reported that he had attended the League of California Cities East Bay Division meeting regarding understanding racial inequity in the San Francisco Bay Area, that the Labor Negotiations Review Special Committee had met, and that he had attended the Contra Costa Mayors Conference meeting regarding responses to non-criminal calls for public safety; and wished BART a Happy 48th Birthday.

President Simon reported that she had presented to the Silicon Valley Leadership Group and thanked Rodd Lee's staff for preparing her for the presentation; thanked Labor Negotiations Review Special Committee members and organized labor representatives for their service; thanked Director Dufty for his leadership and commented on Proposition C; and thanked riders for continuing to ride BART.

The Meeting was adjourned at 12:28 p.m. in honor of Juan Cortez.

Patricia K. Williams
District Secretary