

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

Board of Directors
Minutes of the 1,908th Meeting
May 12, 2022

A regular meeting of the Board of Directors was held on May 12, 2022, convening at 9:00 a.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 Ames, Dufty, Foley, McPartland, Raburn, and Saltzman.

Absent: None. Directors Allen, Li, and Simon entered the Meeting later.

President Saltzman gave instructions regarding Public Comment.

Vice President Li entered the Meeting

Director Simon entered the Meeting.

President Saltzman gave opening remarks and, under the Report of the Board President, commented that the Board meeting on May 26, 2022, would be an evening Board meeting and that the Board Meeting on June 23, 2022, would be an in-station, morning meeting at the El Cerrito Del Norte Station.

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meeting of April 14, 2022.
2. Resolution to Continue Virtual Meetings During the Pandemic.
3. Extension of the Letter of Agreement for the Ridership Incentive Program for San Francisco International Airport (SFO)-Badged Employees Program.
4. Award of Invitation for Bid No. 9106, For the Procurement of Aggregate Material.
5. Single Source Procurement with Ruf Avatech AG for Spare Parts.
6. Single Source Procurement with ABB Inc. for Spare Parts.
7. Extension of 19th Street Oakland Bike Station Cooperative Agreement and Lease.
8. Change Order to Agreement No. 6M6151 with eLock Technologies, LLC.
9. Property Exchange Agreement with Millbrae Adrian Science Park, LLC at Millbrae BART Station and Grant Easements to the City of Millbrae.

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

1. That the Minutes of the Meeting of April 14, 2022, be approved.
2. That Resolution No. 5516, In the Matter of Re-Authorizing the District's legislative and subordinate legislative bodies to utilize the provisions enacted by Assembly Bill (AB) 361 to meet remotely with teleconferenced meetings during a re-proclaimed emergency as authorized by law in accordance with Government Code Section 54953(e) and other applicable provisions of the Ralph M. Brown Act for an additional period of thirty (30) days from the adoption of this Resolution, be adopted.
3. That the General Manager be authorized to extend the Letter Agreement for Ridership Incentive Program for SFO Airport-Badged Employees Program extension, including the two one-year options to extend.
4. That the General Manager be authorized to award Invitation for Bid (IFB) No. 9106 to Green Dream International LLC in the amount of \$1,876,714.13, pursuant to notification to be issued by the General Manager, subject to compliance with the District's Protest Procedure.

(The foregoing motion was made on the basis of analysis by the staff and certification by the Controller/Treasurer that funds are available for this purpose.)

5. That the Board finds, pursuant to Public Contract Code Section 20227, that Ruf Avatech AG is the single source supplier for the procurement of spare parts for the District's Diesel Multiple Unit (DMU) Passenger Information System ("PIS"); and that the General Manager be authorized to enter into direct negotiations with Ruf Avatech AG to execute an agreement for spare parts for an amount not-to-exceed \$407,365.00 including all taxes.
6. That the Board finds, pursuant to Public Contract Code Section 20227, that ABB is the single source supplier for ABB power converters, battery chargers and power modules; and that the General Manager be authorized to enter direct negotiations with ABB to execute an agreement for the supply of spare converters, power modules and maintenance training for the DMU vehicle propulsion system in an amount no-to-exceed \$979,705.80 including all taxes.
7. That the General Manager or his designee be authorized to execute three-year extensions to (1) the cooperative agreement with the City of Oakland for the 19th Street Oakland Bike Station and (2) the commercial lease extension in the amount of \$330,936.00 with 19th & Broadway LLC for the space housing the 19th Street Oakland Bike Station at 1775 Broadway.
8. That the Board authorized the General Manager or his designee to execute a change order to Agreement 6M6151 with eLock Technologies in an amount not to exceed \$215,812.00 to add mobile app-based access functionality to one BikeLink bike station kiosk and all of the District's older on-demand BikeLink lockers, and perform hardware security upgrades to some of BART's older BikeLink eLockers.
9. That (1) the General Manager or his designee be authorized, subject to approval by the Federal Transit Agency, to enter into a land exchange agreement with Millbrae Adrian Science Park, LLC; (2) the General Manager or his designee be authorized to grant right-of-way easements to the City of Millbrae; and (3) the General Manager or his designee be authorized to execute such documents and agreements as are necessary to effectuate the foregoing motions.

President Saltzman called for Public Comment on the Consent Calendar. Aleta Dupree and Alejandra (Alex) Villa addressed the Board.

The motions brought by Director Dufty and seconded by Director McPartland carried by unanimous roll call vote with the required two-thirds vote regarding Item 3-C, Extension of the Letter of Agreement for the Ridership Incentive Program for San Francisco International Airport (SFO)-Badged Employees Program; Item 3-E, Single Source Procurement with Ruf Avatech AG for Spare Parts; and Item 3-F, Single Source Procurement with ABB Inc. for Spare Parts. Ayes: 8 – Directors Ames, Dufty, Foley, Li, McPartland, Raburn, Simon, and Saltzman. Noes: 0. Absent: 1 – Director Allen.

Director Dufty requested that when staff is assigned a task concerning an issue raised by a member of the public, an email be sent to all of the Directors apprising of the resolution after follow-up.

Director Raburn expressed appreciation for Alejandra (Alex) Villa's comments and commented on his requests for reactivating parking fees.

President Saltzman called for general Public Comment.

Aleta Dupree addressed the Board.

Director Allen entered the Meeting.

Richard Gallo addressed the Board.

President Saltzman called for the General Manager's Report. Robert Powers, General Manager, reported on staff's meeting with Amit Bose, Federal Railroad Administrator of the Federal Railroad Administration (FRA); and commented on Maintenance and Engineering maintenance activities, the upcoming 2022 Equity Awards in San Francisco, BART's support of Bay to Breakers, closure of the Civic Center canopy for approximately six months, BART's first-ever short story contest in celebration of BART's 50th Anniversary, Asian American/Pacific Islander (AAPI) heritage month, BART's partnership with East Bay Bike on a Bartable Sweep Stakes, and ridership. Edgardo Alvarez, Chief of Police, reported that the BART Police Department had 290 applicants derived from efforts to attract more Police Officer candidates.

Aleta Dupree addressed the Board.

The item was discussed, with the following highlights:

Director Foley inquired about the number of vacancies that exist within the BART Police Department.

President Saltzman inquired about the mask compliance enforcement throughout the system.

Director Simon commented that she has witnessed both sworn officers and staff walking through the stations asking riders to wear masks, as well as, compliance with the mask requirement; and commented on the updates to the screens at the Embarcadero Station.

Director Simon, Chairperson of the Administration Committee, brought the matter of Regional Institutional and Employer Pass Pilot before the Board. Michael Eiseman, Director of Financial Planning, presented the item.

The following individuals addressed the Board:

Aleta Dupree
Tawney Warren
Cyrus Hall
Tiffany Rodriguez

The item was discussed, with the following highlights:

Director Raburn commented on the rollout of the previous Gator Pass and making the program available to colleges and airports and inquired about Clipper® supporting smartphone apps.

Director Dufty inquired about including public housing residents in the program; suggested that staff engage public housing officials in a discussion about the program; and request that staff inform Congresswoman Jackie Speier of the efforts being put forth.

Director Ames commented on the exclusion of community colleges without a transit pass program from the policy development and adding community colleges that do not have a transit pass; and inquired whether staff had evaluated a program similar to the City and County of San Francisco's multiuse pass that includes Muni, BART and bus rides.

Director Foley thanked staff for their hard work on the program; expressed support for the program; and inquired about the timeline for the final adoption of the program.

Director McPartland expressed his appreciation for staff's work and support for the program.

Vice President Li thanked staff for their involvement with this program; expressed support for the program; and commented on the need for more awareness initiated from the Metropolitan Transportation Commission (MTC) to ensure that other institutions are aware of and apply for funding to develop their own transit passes.

President Saltzman expressed excitement about the inclusion of the University of California, Berkeley in the program.

Annie Koruga addressed the Board.

Director Simon brought the matter of Rail Service Plan, Fiscal Year 2023 and Fiscal Year 2024 Operating Budget Sources and Uses before the Board. Shane Edwards, Interim Assistant General Manager, Operations; John McCormick, Director of Operations Planning; Christopher Simi, Director of Budgets; and Mike Eiseman, Director of Financial Planning, presented the item.

The following individuals addressed the Board:

Aleta Dupree
Sal Cruz
Jesse Hunt
Vallery Lancey

The item was discussed, with the following highlights:

Director Dufty expressed concern about the number of Train Controller trainees who successfully become Train Controllers; inquired about how retention can be improved and how BART can attract stronger candidates; recommended retaining retired Train Controllers to mentor and assist; and commented that BART should look at other ways to improve retention.

Director Raburn commented on the presented data, which suggested that BART does not have the personnel to deliver service; recommended re-evaluating each of the positions needed and considering wages and bonuses, given inflation in the Bay Area and the competitive labor market; and inquired whether any of the projects pushed out to 2028 could be moved up.

Director Ames expressed concern about the union's assessment that there are significant challenges with staffing of critical positions; and commented that perhaps BART could not focus on improving service levels but instead focus on retention, hiring, and retaining employees.

Director Foley commented on concern about the length of the hiring process, retention issues, and potential impacts on service and staff; inquired whether BART has a hiring timeline goal or metric, whether BART has continuous recruitment for positions that have either high turnover or greater need, and which transit agencies, if any, have had a fare increase amidst the pandemic or within the past two years.

Director Allen inquired if the proposed Fiscal Year 2023 budget assumes any of the service expansion items as shown in the presentation; expressed concern about the state of BART's workforce and the recent turnover; suggested that BART should be turning focus away from service expansion, new programs and initiatives and redirecting focus towards resolving internal issues; and commented on the workforce management process over the last two years, the impact of the District Retirement Incentive program (DRIP), and the imprudence of continuing to increase BART's budget based on a projected increase in ridership when the District is experiencing critical issues in the labor force at all levels.

Vice President Li commented on weekend ridership numbers; suggested that the District should be focused on increasing ridership, as the Bay Area needs this; and requested that the General Manager present initiatives to address the staffing issues at the next Board Meeting.

President Saltzman recommended that the Labor Negotiations Review Special Committee convene to have an in-depth discussion about the issues that were raised and bring the discussion to the Board at a future Board Meeting; commented that many transit agencies in the Bay Area and across the country are experiencing hiring issues and cannot restore service due to being understaffed; and suggested first considering what is best for BART riders and how BART serves them in an effort to encourage people to return to BART.

Director Simon brought the matter of Fiscal Year 2023 Capital Program and Project Update before the Board. Sylvia Lamb, Acting Chief Maintenance and Engineering Officer, and Priya Mathur, Director of Funding Strategy presented the item.

Aleta Dupree addressed the Board.

The item was discussed, with the following highlights:

President Saltzman commented on the importance of all of the capital work being performed, the lack of Board input in the Capital Project prioritization framework, disappointment about the entire process, and the need for a Board process to determine priorities, as there is a lot of money being spent on projects; and suggested that BART refrain from communicating that the priorities presented are the priorities until the Board has determined which projects are priority projects.

Director Ames echoed President Saltzman's comments regarding prioritization and details of BART projects and inquired about projects for operations within the Capital Program and the list of projects that were submitted to the MTC in February.

Director Allen expressed satisfaction with BART's process and concept to determine priorities; and suggested that the project information be reported quarterly and reconciled annually considering the total budget that has accrued, new projects added during the year, and projects in progress and that the project information be added to BART's annual report as a supplementary data page.

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

Director Foley, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, had no report.

President Saltzman brought the matter of Board Discussion Regarding Logistics for Future Public Meetings (e.g. hybrid, teleconferencing, in-person) before the Board. President Saltzman presented the item.

Aleta Dupree addressed the Board.

The item was discussed, with the following highlights:

Director Allen expressed that the Board should return to the Board room as soon as possible, as there is value in the Board being there and allowing the public back into the Board room; and suggested that the public should continue to be able to participate remotely; and noted that committee meetings should remain virtual.

Director McPartland commented on virtual participants' inability to visually appear before the Board and suggested that they be permitted to do so.

Director Simon suggested that the Board should be physically present at Board Meetings in solidarity with the workforce and expressed support for the virtual option as well.

Director Simon exited the Meeting.

Director Foley expressed support for returning to in-person Board Meetings on July 28th and noted that the return needs to be based on the Bay Area COVID-19 metrics; expressed agreement with Director Allen's suggestion to continue virtual committee meetings, as the virtual format renders greater participation and support for virtual public attendance and public comment for all meetings going forward; and commented on requiring face masks and vaccination for in-person meetings, and allowing individuals to opt-out of attending in-person if these requirements are not implemented.

Director Raburn commented on the hybrid Capital Corridor Joint Powers Authority Board Meeting and the increased burden on staff due to the hybrid format, the limited staff in the District Secretary's Office, and insisting that advisory committee presenters are physically in the room and that the public has the option of being physically present to hear the presentation and not be dependent upon failing technologies.

Vice President Li expressed support for returning to in-person meetings as long as it is safe to do so; commented on keeping public participation fully virtual for at least the first meeting; and noted that regarding the mask requirement, the Board cannot pass anything additional beyond the County Department of Health level.

President Saltzman suggested that the Board strongly urge every Board member to attend the meetings in person unless there is a particular reason that they cannot attend; noted that staff would be presenting in person; and advised that she will work with the District Secretary's Office and the General Manager to develop a specific plan for July and send a memo the Board about the plan.

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

Director Raburn reported that he had attended the Fruitvale Job Workshop and the BART Police Citizen Review Board meeting and requested that staff delay the presentation of the Specialized or Military Equipment Ordinance to the Board to allow the BART Police Citizen Review Board to review the draft Military Equipment Use Policy report and report back to the Board.

Director Ames reported that she had attended the Stroll and Roll event in Niles Canyon and that she would be attending the pedestrian/bike bridge celebration with the Fremont community.

Director Foley reported that he had attended the Santa Clara Valley Transportation Authority (SCVTA) Board Meeting, the Contra Costa Mayors Conference, and the Special Personnel Review Special Committee meeting.

Director McPartland requested that the Meeting be adjourned in honor of Mickey Gannon, United States Navy Master Chief and Pearl Harbor survivor.

President Saltzman requested that the Meeting be adjourned in honor of Norman Mineta, United States Secretary of Transportation.

President Saltzman announced that the Board would enter into closed session under Item 10-A (Public Employee Performance Evaluation) 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 12:46 p.m.

The Board reconvened in closed session at 1:02 p.m.

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

Absent: Director Simon.

The Board Meeting recessed at approximately 2:07 p.m.

The Board reconvened in open session at 2:10 p.m.

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

The Meeting adjourned in honor of Mickey Gannon and Norman Mineta at 2:10 p.m.

April B. A. Quintanilla
Acting District Secretary