

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

Board of Directors
Minutes of the 1,916th Meeting
September 22, 2022

A regular meeting of the Board of Directors was held on September 22, 2022, convening at 5:03 p.m., in the BART Board Room, 2150 Webster Street, 1st Floor, Oakland, California and 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, District Secretary.

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

Absent: None.

President Saltzman gave opening remarks and instructions regarding Public Comment.

President Saltzman called for Introduction of Special Guests and announced that Items 1-C, Introduction of Special Guests, and 4-A, Resolution in Recognition of B. R. Stokes, BART's First General Manager, would be called together.

President Saltzman introduced Mike Healy, former BART Director of Public Affairs and author of *BART: the Dramatic History of the Bay Area Rapid Transit System*, and the four children of BART's first General Manager, Bill Richard (B.R.) Stokes: Leigh, Celia, Lindsey, and Tim.

President Saltzman commented on BART's 50th Anniversary celebration and the Resolution in Recognition of B. R. Stokes, BART's First General Manager.

Mike Healy gave remarks regarding B. R. Stokes and read the Resolution in Recognition of B.R. Stokes aloud.

The children of B.R. Stokes, Leigh, Celia, Lindsey, and Tim, shared memories and thanked both the BART Board and staff for their efforts to recognize their father.

Clarence Fisher addressed the Board.

The items were discussed, with the following highlights:

Director Raburn commented on an article written by Lindsey Stokes and thanked her for sharing memories of her father, B.R. Stokes, and acknowledged her siblings.

President Saltzman thanked the Stokes family for attending the BART Board meeting honoring their father and for sharing memories, and thanked Mike Healy for sharing a story of B.R. Stokes.

ORIGINAL

President Saltzman moved that Resolution No. 5532, Resolution of the Board of Directors of the San Francisco Bay Area Rapid Transit District in recognition of Bill Stokes' contribution to the creation of BART, be adopted. Director Simon seconded the motion, which carried by unanimous roll call vote. Ayes: 9 – Directors Allen, Ames, Dufty, Foley, Li, McPartland, Raburn, Simon, and Saltzman. Noes: 0.

President Saltzman brought the matter of Report of the Board President before the Board. President Saltzman welcomed everyone to BART's first in-person meeting since the Pandemic; announced that the Board Meeting on October 27, 2022, would be held at the Hayward Maintenance Complex; and encouraged public attendance.

Aleta Dupree addressed the Board.

President Saltzman brought the matter of Board Committee Reports before the Board. Director Dufty provided a summary of the Audit Committee meeting held on September 13, 2022.

President Saltzman called for Public Comment on Board Committee Reports. No comments were received.

Director Allen thanked Director Dufty for providing the Board with the Audit Committee meeting summary report and commented on the content of the summary.

President Saltzman brought the matter of Discussion and Action on Mask Requirement in the District Code of Conduct. President Saltzman presented the item. President Saltzman presented the item and expressed support for the Resolution option.

Director Allen moved that Resolution No. 5533, In the Matter of Authorizing the General Manager to to reinstitute within the BART Customer Code of Conduct facial masking requirements within the paid areas of the transit system during the duration of specified public health occurrences, be adopted. Vice President Li seconded the motion.

The following individuals addressed the Board:

Sarah
Laura Silberstein
Alisa
Jeffrey Gordon
Unidentified Caller
Alice
Jessica Layman
Aleta Dupree
A.J.
Raya Small
Elizabeth
Joe Kunzler
Ursula
Clarence Fisher
Alexis
Jordan Davis
Emmit Winters
Melissa Margoles

Ann-Lise
Marco

The item was discussed, with the following highlights:

Vice President Li inquired about rider education; thanked staff for the information shared and the public for calling in, and President Saltzman for her comments; and expressed support for the resolution before the Board.

Director McParland commented that making masks optional for people susceptible to COVID-19 to wear a mask was not a good idea as it puts others at risk and recommended that the Board keep the mask order and policy with the Board of Directors.

Director Raburn queried staff on the conditions that would have to exist in order to employ a mask mandate, referencing that health officers from either state or the counties have all indicated that indoor masking is required, in addition, the Centers for Disease Control and Prevention (CDC) and Transportation Security Administration (TSA) also require masking on transit.

Director Foley thanked the speakers and callers for their support around the extension of the mask mandate and inquired about flexibility with signage related to masks and the plan to educate riders if the mandate changes.

The motion brought by Director Allen and seconded by Vice President Li carried by roll call vote. Ayes: 8 – Directors Allen, Ames, Dufty, Foley, Li, Raburn, Simon, and Saltzman. Noes: 1 – Director McPartland.

Director Simon exited the Meeting.

Consent Calendar items brought before the Board were:

1. Resolution to Continue Virtual Meetings During the Pandemic.
2. Agreement with Pacific Gas and Electric Company (PG&E) for Installation of San Francisco Transition Structure Utility Transformers.
3. Reject All Bids for Contract No. 15EJ-100, Temporary Shoring at CLA Substation.
4. Change Orders to Contract No. 15TC-107, Aerial Structure Fall Protection A-Line North, with DMZ Builders.
 - i. Increase the Number of Watchpersons (Change Order No. 15).
 - ii. Furnish and Install Additional Concrete Anchors (Change Order No. 018).
 - iii. Furnish and Install Additional Guardrail Posts and Support Assemblies (Change Order No. 019).

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

1. That Resolution No. 5534, 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.

2. That the General Manager be authorized to execute a contract with PG&E in an amount not-to-exceed a \$700,000.00 for PG&E to upgrade and replace the two PG&E transformers in the San Francisco Transition Structure.
3. That the sole Bid received for Contract No. 15EJ-100, Temporary Shoring at CLA Substation, from Thompson Builders Corporation, Novato, CA in the Bid amount of \$769,600.00 be rejected.
4. That the General Manager be authorized to execute the various Change Orders in an aggregate amount not to exceed \$1,312,457.00 to contract No. 15TC-107, Aerial Structure Fall Protection – A-Line North Project.

President Saltzman called for Public Comment on the Consent Calendar.

The following individuals addressed the Board:

Laura Silberstein
Joe Kunzler
Aleta Dupree

The motions brought by Director Dufty and seconded by Director Raburn carried by unanimous roll call vote. Ayes: 7 – Directors Ames, Dufty, Foley, Li, McPartland, Raburn, and Saltzman. Noes: 0. Abstentions: 1 – Director Allen. Absent: 1 – Director Simon.

President Saltzman called for the General Manager's Report. Robert Powers, General Manager, reported on operations, service disruptions, a fatality involving a motorcyclist, the Warm Springs BART Station's recently opened pedestrian bridge, receipt of the Outstanding American Society of Civil Engineers Outstanding Transportation Project for 2022, five awards received by BART Headquarters (BHQ), BART's first outdoor concert at the Downtown Berkeley Station, the dates for upcoming outdoor concerts; finalists for the BART Lines, BART's first-ever writing contest, immunization shots for the flu and COVID-19, and ridership; thanked all who attended BART's 50th Anniversary, including former General Manager, Grace Crunican; acknowledged Hispanic Heritage Month; and announced the departure of Carl Holmes, Assistant General Manager, Design and Construction, from BART.

Assistant General Manager Holmes expressed appreciation for serving the District, acknowledging the General Manager, staff, and various departments and the multitude of projects he has both worked on and led.

Director Simon re-entered the Meeting.

The following individuals addressed the Board:

Aleta Dupree
Ethan Mizzy
Unidentified Caller
Randall
Vallery Lancey

Alexis
Clarence Fisher

The item was discussed, with the following highlights:

Director Dufty inquired whether there could be a discussion on protocol at the next Board Meeting addressing ways to improve rider information, specifically in situations where service is impacted due to a fatality, and thanked Assistant General Manager Holmes for his service to the District.

Vice President Li echoed Director Dufty's comments; commended BART's 50th Anniversary event; and shared an experience where she had the opportunity to interact with Assistant General Manager Holmes in a manner that demonstrated his subject-matter expertise.

Director Raburn echoed Director Dufty's comments regarding providing information to passengers and not spreading any misinformation; commented on the success of BART's 50th Anniversary event; and expressed his sentiments on the departure of Assistant General Manager Carl Holmes.

Director Allen commented on the comments she has heard from riders about service and the motorcyclist tragedy; thanked staff for the 50th Anniversary party; thanked Assistant General Manager Holmes for his flexibility and for always being available to meet with Directors; and expressed that Assistant General Manager Holmes would be greatly missed.

Director Foley commented on the motorcyclist tragedy and the need to provide information to people in a timely manner; commended BART's 50th Anniversary party; thanked all of those who volunteered and Linton Johnson, Strategic Program Manager; congratulated Assistant General Manager Holmes on his new job; and expressed his appreciation for all that Assistant General Manager Holmes has done at BART, specifically the relationships he has built over the years with the Directors.

Director Ames agreed with all of the Director's comments regarding train service and the dissemination of information to passengers; commented on the success of BART's 50th Anniversary celebration; and shared an experience with Assistant General Manager Holmes and noted how valued he has been at BART for his honesty, friendship, and calm demeanor.

Director McPartland expressed enjoyment with the work that he and the Board have been able to accomplish with Assistant General Manager Holmes, complimenting him on being responsive, timely, and accurate with any issue that may have arisen; commented that he wishes Assistant General Manager Holmes much success in his new role; and noted that the 50th Anniversary celebration was successful and commended Strategic Program Manager Johnson for his efforts in assisting with the event.

President Saltzman echoed the previous comments of the other Director's regarding the tragedy related to the motorcyclist and the timely dissemination of information; expressed appreciation and gratitude towards Assistant General Manager Holmes for his years of service to the BART Board and the District and his work on the Downtown Berkeley BART Plaza and the El Cerrito Del Norte Station Modernization projects and numerous others.

President Saltzman called for general Public Comment.
The following individuals addressed the Board:

Jerry Grace
Raia Small
Inure By-Young
Clarence Fisher
Alice
Aleta Dupree
Joe Kunzler
Beth Kenny

Director Foley, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, brought the matter of Draft System Development Policy before the Board. Val Menotti, Chief Planning and Development Officer, presented the item.

Adina Levin addressed the Board.

The item was discussed, with the following highlights:

Director McPartland commented on the presentation presented by staff and queried staff with a related few questions.

President Saltzman thanked staff for their presentation and for all of their hard work; referenced the need to update the policy; and suggested putting infill-station consideration on equal footing with extensions.

Director Raburn commented that the proposed policy offers the opportunity to guide the District to provide ubiquitous service, through equitable service that serves all 50 stations while building our ridership and transit-dependent ridership.

Director Ames commented that she appreciates BART working with the City of Fremont on a final design; commented that she thinks that metric would reduce a lot of sprawl in the Bay Area; thanked staff for developing a new goal; and expressed concern with climate resiliency and hope that BART can become a leader in this area.

Director Allen expressed satisfaction with the way the policy goals have been written into policy objectives, specifically regarding ensuring the District's long-term financial sustainability; queried staff with a few questions on how the District would use the policy in the future; and expressed that the Board should receive more financial information before they vote on the items.

Director Foley brought the matter of Regional Transit Coordination Update: Station Access Signage and Wayfinding before the Board. Chief Planning and Development Officer Menotti, Jumana Nabti, Manager of Access Programs, and Robert Franklin, Director of Customer Access, presented the item.

Aleta Dupree and Ian Griffiths addressed the Board.

The item was discussed, with the following highlights:

Director Raburn inquired about parking.

Director Simon commented that there are some organizations in the Bay Area that have trained thousands of men and women with disabilities and that they have requested that BART ensures that the color patterns of the communities it serves are consistent with other transit organizations for both visually-impaired individuals and hearing-impaired individuals.

Jerry Grace addressed the Board.

General Manager Powers introduced Gary Griggs, Chief BART Silicon Valley Program Officer, Santa Clara Valley Transportation Authority, who will be responsible for all of BART's coordination and input.

Director Foley brought the matter of Silicon Valley BART Extension, Phase II, Project Update before the Board. Assistant General Manager Holmes presented the item.

The following individuals addressed the Board:

Aleta Dupree
Clarence Fisher
Adina Levin
Edward Giordano
Jerry Grace

The item was discussed with the following highlights:

Vice President Li expressed looking forward to working with Gary Griggs; asked Assistant General Manager Homes to discuss staffing on the project as he transitions to his new role outside of BART; thanked Assistant General Manager Holmes and the entire BART team, expressing great optimism about the project; commented on station refinements; suggested that staff arrange a non-Board Meeting setting to discuss the project; and requested a financial update on the project.

Director McPartland thanked staff for changing the configuration from vertical to horizontal, from a safety standpoint, and commented that he looks forward to having a discussion with Gary Griggs regarding the project.

Director Ames expressed an interest in learning more about the constructability analysis and the single bore related to the project.

President Saltzman thanked Gary Griggs for attending the Board Meeting and seconded the suggestion from Vice President Li to arrange a special workshop to further discuss pertinent details of the project.

Director Raburn expressed excitement about the project; noted the project's feasibility; and expressed concern related to the narrow platform.

Director Foley exited the Meeting.

President Saltzman announced that Item 9-A, Fiscal Year 2023 Capital Program Priorities Process and Fiscal Year 2024 Board Engagement Plan, would be continued to a future Board Meeting.

Director Dufty, Chairperson of the Engineering and Operations Committee, brought the matters of (1) BART Police Department Public Safety Update and (2) BART C-Line Summary and Update before the Board. Chief of Police, Ed Alvarez, and Kevin Franklin, Deputy Chief of Police, presented the first item.

Director Dufty noted that information about Item 10-B, BART C-Line Summary and Update, was presented at a prior Board Meeting and provided an opportunity for questions from the Board and Public Comment on the BART Police Department Public Safety Update and BART C-Line Summary and Update.

Aleta Dupree and Joe Kunzler addressed the Board.

The items were discussed, with the following highlights:

Vice President Li expressed appreciation for the quick response received from the BART Police Chief when she has questions and noted that the data contained in the presentation was a slightly obscured.

Director McPartland commented on the fentanyl epidemic and asked staff whether it is increasing or decreasing.

Director Raburn asked staff about deployment on the weekends.

Director Ames commented that constituents have requested more police presence in the system related to passenger and employee safety and increased violence in the system and that she would like to see an alternative plan to address the concerns that are brought to her attention.

Director Allen commented on the current Police Officer vacancies; inquired about the Police Officer vacancy data; and noted that constituents are expressing that they do not feel safe in the system.

President Saltzman commented that there are some very serious challenges in crime prevention in the Bay Area, not just at BART that are also impacting our ability to hire more police officers and hiring non-sworn staff allows the Police Department to separate the people with social issues from those who have criminal issues.

Director Dufty commented that the challenges are not only within the Police Department but also the housing crisis has had some impact on some of the challenges BART is currently facing.

Director Simon echoed the sentiments of the Board members and queried staff on police response time to incidents in the system and commented on several incidents and national situations involving patrons, the public, and others that have been impacted by violence.

President Saltzman announced that Item 11-A, Approval of Organizational Structure of BART's Financial Operations Audit Recommendations, would be continued to a future Board Meeting.

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

Director Allen reported that she had submitted a Roll Call for Introductions (RCI) request in 2018 specific to joint efforts with other Police Departments that is still incomplete.

Director Raburn reported that he had attended a PRIDE breakfast on October 11th, the Alameda County Mayor's Conference in San Leandro, the Mobility as a Service (MaaS) meeting with BART staff, and the Sierra Awards on October 17th.

Director Simon shared that Tony Coleman, Founder and Director of Bikes for Life in West Oakland, was in the last hours of his life at a local hospital.

President Saltzman called for general Public Comment. Joe Kunzler and Aleta Dupree addressed the Board.

The Meeting adjourned at 10:32 p.m.

April B. A. Quintanilla
District Secretary