

**Special Meeting: East Bay Bus Rapid Transit
Policy Steering Committee**



MINUTES

Monday, March 24, 2014

10:00 a.m.

2nd Floor Board Room
1600 Franklin Street
Oakland, CA 94612

PSC Members:

AC Transit Board:

Director Elsa Ortiz, Chair
President Greg Harper
Director Joel Young

Alameda County (Ex Officio):

Supervisor Nate Miley

Metropolitan Transportation Commission/Caltrans:

District Director Bijan Sartipi

City of Oakland:

Councilmember Noel Gallo
Councilmember Rebecca Kaplan

City of San Leandro:

Councilmember Michael Gregory
Councilmember Pauline Cutter

The East Bay Bus Rapid Transit Policy Steering Committee held a special meeting on Monday, March 24, 2014. The meeting was called to order at 10:06 a.m. with Chair Ortiz Presiding.

1. Roll Call

Committee Members Present:

Director Elsa Ortiz, Chair
President Greg Harper
Director Joel Young
Councilmember Michael Gregory
Councilmember Pauline Cutter
Councilmember Noel Gallo
Councilmember Rebecca Kaplan

Committee Members Absent:

Supervisor Nate Miley
Caltrans District Director Bijan Sartipi

AC Transit Staff Present:

General Manager David J. Armijo
Interim General Counsel Denise Standridge
District Secretary Linda Nemeroff
Chief Planning and Development Officer Dennis Butler
Director of BRT David Wilkins

Senior Project Manager Rama Pochiraju
Director of Procurement and Materials Jon Medwin
Accessible Services Manager Mallory Nestor-Brush

2. Public Comment

There was no public comment offered.

3. Chair's Report on pertinent actions of the AC Transit Board of Directors.

Chair Ortiz reported on the following actions/activities which occurred since the last Policy Steering Committee meeting:

- The remaining increment of federal funding, \$27 million, was included in the President's budget.
- The Small Starts Grant application was submitted as scheduled and is under FTA review. Once approved, BRT funding will be totally committed. Approval is anticipated in the fall of 2014.
- Negotiations are underway with property owners of the parcels required for the project.
- In the next month, the BRT Project 65% design for the major construction package will be released and will include the Parking Impact Mitigation Plan and Business Impact Plan.
- Once the design is released, cities, Caltrans and the public at large will have the opportunity to review, comment and further guide the design of the project.

Action Items (Recommendations to the AC Transit Board of Directors):

4. Consider approving the East Bay Bus Rapid Transit (BRT) Policy Steering Committee minutes of January 27, 2014.

MOTION: HARPER/KAPLAN to approve the minutes as presented. The motion carried by the following vote:

AYES:6: Harper, Kaplan, Cutter, Gallo, Gregory, Ortiz

ABSTAIN:1: Young

ABSENT:2: Miley, Sartipi

5. Consider recommending award for the lead artist(s) for the East Bay Bus Rapid Transit Project.

Senior Project Manager Rama Pochiraju presented the staff report, recommending the selection of Concept Option 4 with Johanna Poethig from Oakland and Mildred Howard from Berkeley as the lead artist team, and Joyce Hsu and Peter Richards as the support team. He added that staff's recommendation involved both the selection of the artist and the concept, explaining that the lead artist will conduct three community meetings to receive input and to refine their concept.

Members of the Committee embraced the idea of using community meetings to receive input on to how to make the stations reflect the culture of the different locations along the corridor. A concern was raised that the end product could be very different from what was originally intended; however, Mr. Pochiraju explained that the selection panel chose the design concept

given the budget constraints imposed by the project, and that the panel believes the concept can be successful. He added that all thirty-four stations will have artistic treatments; however, six of the stations will get enhanced treatments.

Councilmember Cutter and Director Young commented that the recommended artist team was not their first choice. Discussion ensued regarding the process used by the selection panel in processing the forty-one submittals down to seven as well as the procurement process. Mr. Pochiraju explained that the Technical Assistance Committee, consisting of two District representatives, a representative from each city, an architect and an urban and landscape design consultant, evaluated the submittals from a technical standpoint and on the responses provided to the Committee's questions. He added that the availability of the lead artists and the samples submitted were also considered. He further stated that the committee's recommendation to the selection panel was to select up to three of the seven lead artists.

Director of Procurement and Materials Jon Medwin added that the FTA's Request for Qualifications (RFQ) methodology was used in this process. He explained that the RFQ process was used because the art is being integrated into the design of the project. He further explained that the RFQ stated that the panel would select seven semi-finalists as part of the evaluation process to provide a significant number to allow for 1-3 to be recommended for award. He stated that the Technical Assistance Committee submitted the top seven of the 41 that were deemed to be responsive and responsible.

Director Young noted that only one local artist responded and questioned how an artist from Cambridge would be able to conduct community outreach and understand what the community is about. Mr. Medwin responded that the RFQ was a national call for artists and that under FTA requirements, geographic preference could not be included. Mr. Pochiraju emphasized that geographical restrictions or locations were never a preference, stating that the Technical Assistance Committee considered the artists' response to the questions, the lead artist's availability to conduct community outreach and refine of the design, their familiarity and how they work nationwide with other communities. Mr. Medwin stated that staff would follow up with a report indicating the composition of the remaining thirty-four. He reiterated that as this is an FTA funded procurement and geographic preference could not be added to the RFQ.

Councilmember Kaplan offered a motion for staff's recommendation (Concept Option 4), including direction to solicit and include local input but in keeping with the base design. She added that the selection is maintainable and did not have extra odd structures that would impede accessibility. Mr. Pochiraju advised that all the design submittals met the Americans with Disabilities Act requirements.

Councilmember Gallo offered his support for the motion however stated in the future he would like to make sure there is a local presence.

Chair Ortiz stated that she did not support the selection of Option 4, as she preferred Option 3.

Director Young stated he was not comfortable making a decision based on the information presented and would oppose the motion.

Councilmember Cutter stated that she preferred Option 3 as it brought neighborhoods to the station, and requested information on the panels reasoning in selecting Option 4 over 3. Mr. Medwin advised that at the end of the evaluation process, there was consensus by the entire group of the evaluators to select Option 4.

MOTION: KAPLAN/GALLO to recommend award to Johanna Poethig and Mildred Howard as the lead artists for the East Bay Bus Rapid Transit Project, including direction to provide opportunity for local input, particularly in San Leandro, and keeping the base design of Concept Option 4. The motion carried by the following vote:

AYES:5: Kaplan, Gallo, Cutter, Harper, Gregory

NOES:2: Young, Ortiz

ABSENT:2: Miley, Sartipi

6. Consider recommending adoption of a resolution designating the Policy Steering Committee as the East Bay Bus Rapid Transit Policy Advisory Committee and clarifying its purpose and membership.

District Secretary Linda Nemeroff presented the staff report, noting that changes in the Committee's designation and compensation were needed as the role of the Committee had evolved from strategic, direction setting to advisory. In addition, the composition needed updating to make official some informal changes that had occurred over time, including the merger of two representative agencies on the Committee into one.

Officials from the City of Oakland opposed the change in the designation of the Committee from steering to advisory on the basis that the BRT project had a tremendous impact on the City and stakeholders, emphasizing that there were significant policy decisions yet to be made, such as how bus only lanes are going to be enforced. Councilmembers Gallo and Kaplan felt the Committee should be retained as a steering committee and suggested that the item be continued due to concerns raised by City staff and stakeholders.

The matter was retained in committee for further discussion. No action was taken.

Information Items:

7. Consider receiving an update on communications with the BRT Access and Functional Needs Subcommittee [Requested by Councilmembers Gallo and Kaplan] – *Information*

Accessible Services Manager Mallory Nestor-Brush presented the staff report.

MOTION: KAPLAN/CUTTER to receive the report. The motion carried by the following vote:

AYES:7: Kaplan, Cutter, Gallo, Gregory, Harper, Young, Ortiz

ABSENT:2: Miley, Sartipi

The item was presented for information only.

8. Consider receiving BRT Project Update – Information

BRT Director David Wilkins presented the staff report.

Councilmember Cutter requested additional clarification regarding previous statements by District staff regarding the repaving to the BART station and the subsequent restriping.

Mr. Wilkins stated that the complete street paving goes to Belleview and after that is striping. He added that District staff can work with city engineering staff to highlight the paving projects, beyond Belleview all the way to the BART station. There will be a limited amount of repaving around where the station platforms are to be constructed for the curb side station because constructing the concrete bus pads will result in some repair to the existing pavement. He added that the striping will be done to accommodate the realignment of the corridor.

Councilmember Gallo commented that merchants and neighbors in his area continue to raise questions about the project. He referenced statements in a report (brochure) presented by the Eastlake Merchants Association, San Antonio Merchants and East Bay Youth Center regarding a bus only lane, raised platform bus stops in the middle of the street, the elimination of a traffic lane, and the elimination of 400 to 500 parking spaces on International Boulevard, etc. He urged staff to respond to these concerns as the project continues. Mr. Wilkins advised that staff will address the issues as they relate to his district in particular when they meet with Councilmember Gallo in the afternoon.

In addition, Mr. Wilkins advised that while he had not seen the brochure, a lot of the statements are framed to present an adverse impact to large areas in these neighborhoods. He added that there are certain areas along the corridor with a high displacement of parking; however, there is relocation to an arterial street and there are many consecutive blocks with minimal impact, which in accordance with the methodology developed in the final environmental impact statement, allows the project to move forward. Mr. Wilkins assured Councilmember Gallo that he would come away from their afternoon discussion with a much better understanding of what is being proposed for his district.

Councilmember Kaplan offered congratulations on the progress with the FTA. Mr. Wilkins noted that the FTA also found that the changes for related impacts to the design did not have significant impacts and won't require a separate environmental impact statement or assessment. He emphasized that it completely eliminates any possibility for the need of another environmental process.

In response to Director Harper's inquiry regarding metered electrical service at each station, Mr. Pochiraju advised that each station will require a separate meter, as they will have ticket vending machines and real time signs so they need electrical service. Due to previous issues with PG&E on San Pablo Avenue, Director Harper expressed concern with the costs, time delays in getting those separately metered systems. He suggested that it would be easier to enter into an agreement with the City of Oakland to pull power from the city light system.

Councilmember Kaplan stated that she would assist and suggested possibly looking into solar power.

In response to Councilmember Gallo's question regarding the issue with the City related to the fiber optic lines, Mr. Wilkins advised that the issue is open and discussions are ongoing.

Chair Ortiz stated that the City of San Leandro has a fiber optic plan for the future and that it should be extended into San Leandro, suggesting that the District contact San Leandro staff. Mr. Wilkins clarified that the fiber network that is being put in, is to run the BRT system and that the opportunity to leverage that network for greater community benefit is a possibility, but is a separate action that requires a separate discussion.

MOTION: KAPLAN/CUTTER to receive the BRT Project update report. The motion carried by the following vote:

AYES:7: Kaplan, Cutter, Gallo, Gregory, Harper, Young, Ortiz

ABSENT:2: Miley, Sartipi

9. Consider receiving update on the BRT Information Center [Requested by Councilmember Kaplan] – *Information*

BRT Community Outreach Team Manager, Terry Lightfoot of L. Luster & Associates presented the staff report.

Councilmember Kaplan asked if the Clipper card point of sale issue was resolved and what fare media will be available in the Center. She emphasized the need to make Clipper and other fare media available for anyone who decides to try the system, adding that there is still a systemic inequity in that low income and working class communities still do not have access to the Clipper discounts. Mr. Lightfoot advised that in discussions with customer service there is the possibility of transferring one of the AC Transit's add value machines to the Information Center, however, it cannot happen until a network upgrade has been completed later in the year. This would provide an opportunity to evaluate the hours of operation, foot traffic and other needs for Clipper support.

Chief Planning and Development Officer Dennis Butler acknowledged the importance of providing Clipper machines, noting that while it has been a difficult process, staff continues to work on it with the Metropolitan Transportation Commission (MTC).

Councilmember Cutter emphasized that safety is a major concern and Clipper is important so that users of the system do not have to pay with cash.

Councilmember Kaplan commented in favor of sending a letter to MTC, adding that as a regional Metropolitan Planning Organization, MTC could not authorize Clipper Cards disproportionately. She suggested sending a letter from the City or City Attorney to MTC on the importance of obtaining a Clipper card machine for the center.

Chair Ortiz reported that the AC Transit Board has been working hard to get Clipper accessibility in communities of color.

Councilmember Cutter asked how members of the Committee who also sit on the Policy Steering Committee could help staff get the issued resolved. Mr. Butler appreciated the willingness of Committee members to help. Staff would come back to the Committee with suggestions at a future meeting.

MOTION: KAPLAN/CUTTER to receive the report and to provide an update on the availability of a Clipper machine at the next meeting. The motion was adopted by the following vote:

AYES:7: Kaplan, Cutter, Gallo, Gregory, Harper, Young, Ortiz

ABSENT:2: Miley, Sartipi

10. Consider receiving update on the Business Impact Mitigation Plan - *Information*

BRT Community Outreach Team Manager, Terry Lightfoot of L. Luster & Associates presented the staff report.

Councilmember Gallo acknowledged the Team's meetings with merchants in the neighborhood and questioned how their concerns would be addressed as far as providing recommendations for mitigation. Mr. Lightfoot advised that the feedback received from the merchants will be included in the impact mitigation plan that will be presented to the Steering Committee.

Councilmember Cutter requested that the business list be shared with the city, as she makes it a practice to visit new businesses that locate within her district.

Public Comment:

- Rosendo Gamez, Fruitvale District merchant, (through an interpreter) expressed concern with the project, noting that the 300 businesses around Fruitvale depend on the vehicles driving through the district. He added that the project would cause up to 80% of business to close because of the elimination of parking, and that business is already in crisis due to crime, prostitution and violence. In his opinion, AC Transit and the City have not considered these factors and questioned who would pay for cleaning during the construction and how would businesses be compensated because of relocation.
- Juan Chavez, business owner, expressed concern with street parking issues, noting 70% of the business in Oakland is conducted on Saturday and Sunday. He felt the project would kill all business around the Fruitvale District and urged AC Transit and the City to help.
- Jose Romero, a 35 year business owner on International Boulevard, commented that he depends on deliveries and customers driving through and questioned what AC Transit will do about the impact on the merchants.
- Tim Le, representing East Lake merchants, expressed concerns with parking and deliveries, believing that the project would drive business away.

Councilmember Kaplan suggested that time be set aside at the next meeting to focus on the parking issue (where parking is being lost and where the new lots are located). She acknowledged that all aspects of the project are improving with the exception of the parking impacts.

Mr. Lightfoot responded that the effort is underway and that staff from the City and AC Transit are meeting with merchants to look at the maps that show block by block where parking is being

moved and where it is going on side streets and what is happening with loading zones. He acknowledged the need to provide a much finer level of detail so the merchants understand what is occurring.

Chair Ortiz emphasized the need for the Committee members, as the policy makers, to receive information identifying the name of the specific business, the concern and solution.

Councilmember Gallo advised of the walk through with staff in the afternoon on International from Fruitvale to High street, and acknowledged the issue with parking. He stated that the City owns lots along International that have been vacant for a number of years that could be used to help not only merchants but also the BART traffic.

MOTION: HARPER/ORTIZ to receive the report. The motion carried by the following vote:

AYES:7: Harper, Ortiz, Cutter, Gallo, Gregory, Kaplan, Young

ABSENT:2: Miley, Sartipi

The item was presented for information only.

11. Consider receiving update on the Parking Impact Mitigation Plan - *Information*

Program Manager Alan Brick-Turin of Gannett Fleming, Inc. presented the staff report.

Chair Ortiz clarified with previous speakers under item 10, that the same comments apply to this item.

Councilmember Kaplan reiterated the need to bring the item back with a map in order to see where mitigations are and see if more are needed. Councilmember Gallo added that there are many possibilities, such as the privately owned parking lot at 35th and International, where the owners are willing to work with the City and AC Transit to make it available. In addition, the City has a proposed a housing project near BART that is being made available to the merchants, their employees and customers.

An unidentified speaker from the audience questioned how the project will deal with BART riders who park in the street in front of their businesses.

MOTION: YOUNG/ORTIZ to receive the report. The motion carried by the following vote:

AYES:7: Young, Ortiz, Cutter, Gallo, Gregory, Harper, Kaplan,

ABSENT:2: Miley, Sartipi

12. Consider receiving status report on the 65% Design Plan for Major Infrastructure Construction - *Information*

Program Manager Alan Brick-Turin of Gannett Fleming, Inc. presented the staff report. He addressed questions from the Committee regarding trash issues and the idea of capturing storm

water runoff for irrigation of landscaping. The trash issue will be addressed in the 85% design plan and the idea of capturing water runoff would be explored.

Councilmember Kaplan emphasized the need to select drought and maintenance free landscaping.

Councilmember Gallo expressed his appreciation to the General Manager and District staff for helping to restore International Avenue.

MOTION: KAPLAN/ORTIZ to receive the report. The motion carried by the following vote:

AYES:7: Kaplan, Ortiz, Cutter, Gallo, Gregory, Harper Young

ABSENT:2: Miley, Sartipi

The item was presented for information only.

13. Confirm date and time of next meeting.

The next meeting is scheduled for April 30, 2014, at 10:00 a.m. to discuss the Parking and Business Impact Mitigation Plan. The 65% design will be scheduled for discussion at a later date.

14. Future Agenda Items

- Update on Clipper (April 30th)

15. Adjournment

There being no further business to come before the committee, the meeting adjourned at 11:54 a.m.

Respectfully submitted,



Linda A. Nemeroff
District Secretary