

Meeting of the East Bay Bus Rapid Transit Policy Steering Committee

MINUTES

Thursday, March 30, 2017

2:00 p.m.

2nd Floor Board Room

1600 Franklin Street

Oakland, CA 94612

PSC Members:

AC Transit:

President Elsa Ortiz, Chair

Director Greg Harper

Director H. E. Christian Peeples

Alameda County (Ex Officio):

Supervisor Nate Miley

Metropolitan Transportation Commission/Caltrans:

District Director Bijan Sartipi

City of Oakland:

Council Member Rebecca Kaplan

Council Member Noel Gallo

City of San Leandro:

Mayor Pauline Cutter

Council Member Corina Lopez

The East Bay Bus Rapid Transit Policy Steering Committee held a regular meeting on Thursday, March 30, 2017. The meeting convened in the Lobby of the General Offices at 2:00 p.m. for a Tour of the BRT Bus. The Tour concluded at 2:15 p.m. and the meeting reconvened in the Board Room at 2:20 p.m. with Chair Ortiz presiding.

1. Roll Call

Committee Members Present:

President Elsa Ortiz, Chair

Director Greg Harper

Director H. E. Christian Peeples

Councilmember Rebecca Kaplan

Councilmember Noel Gallo

Mayor Pauline Cutter

Committee Members Absent:

Supervisor Nate Miley

Councilmember Corina Lopez

Caltrans District Director Bijan Sartipi

AC Transit Staff Present:

General Manager Michael Hursh

General Counsel Denise Standridge

District Secretary Linda Nemeroff

Acting Executive Director of Planning and Engineering Ramakrishna Pochiraju

2. Public Comment For Items Not on the Agenda

There was no public comment offered.

3. Consider approving the BRT Policy Steering Committee minutes of September 15, 2016.

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

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

ABSENT:3: Miley, Sartipi, Lopez

The minutes were received because three members in attendance were not present at the last meeting and would need to abstain on the approval of the minutes.

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

Chair Ortiz reported on the following:

- Progress made towards advancing from pre-construction activities into major construction of the infrastructure and station platforms;
- Delivery of two 60-foot, 5-door BRT buses;
- Construction occurring in Segment A, Phase 1 - Zones 8, 10, and 12 in Oakland and Zone 14 in San Leandro, which includes upgrades to curb ramps and crosswalk areas as well as adjacent sidewalks and drainage systems; installation of foundations for traffic signals and street lights along with new conduit connections;
- Traffic Control Plans are near completion and necessary to obtain permits from the City of Oakland to start work in Phase 2 - Zones 9, 11, and 13;
- Concentrated effort to mitigate the expected cost increases inherent in a project of this magnitude and complexity as well as a late construction start; and
- Contributions from City Partners, Utility Partners and Funding Partners to develop a plan to acquire additional funding in order to establish an achievable revenue service date.

5. BRT Project Updates:

- a. Tour of the BRT bus [Requested by Councilmember Kaplan – 9/15/16]

Members of the Committee toured the bus.

- b. Progress update on major construction activity.

Project Manager Mitra Moheb gave an overview of ongoing construction activities along the corridor. She discussed weather-related impacts and reported that the permit for Zone 14 was received today with work to begin next week.

Director Peebles reported that the Sierra Club was concerned about tree removal and asked if trees taken out for the project were being replaced. Ms. Moheb advised that all trees would be replaced.

- c. Update on program funding and projected costs [Requested by Director Harper – 3/10/16]

Director of Management and Budget Chris Andrichak gave an overview of the current status of the project budget and contingency needs. Staff was continuing to work on obtaining additional contingency funds.

President Ortiz asked if Cap & Trade funds for the project were guaranteed. Mr. Andrichak reported that these monies were designated for the BRT project.

Director of BRT David Wilkins discussed projected costs, noting there was a funding gap of approximately \$20 million. Staff continues to evaluate risks on a weekly basis and provides monthly updates to the Federal Transit Administration (FTA). Delivery of the project is projected for the end of 2018.

Mayor Cutter advised that Caltrans had promised to repave a portion of East 14th Street from Davis Street to the Oakland border and wondered if there was a way for Caltrans speed up their work, noting this could pose a cost savings for the project. Mr. Wilkins advised that staff would reach out to Caltrans and explore this opportunity.

- d. Update on the project schedule. [Requested by Council Member Gallo – 3/10/16]

Mr. Wilkins provided an overview of the project schedule, including important milestones and the level of completion for the zones currently under construction. Staff is working to complete traffic control plans in order to obtain the necessary permits to begin construction in other zones. He added that the project was a year behind schedule.

Councilmember Kaplan asked if staff expected the slip in the completion date to be a problem. General Manager Michael Hursh advised that there were opportunities in the project to advance the schedule, suggesting that more construction hours (nights and weekends) and help with utilities and permits would be useful. He added that staff was presenting a worst case scenario and an honest account of the challenges.

Director Harper asked staff to explain the difference between “Contract Completion Deadline” and “Anticipated Project Completion Deadline” as referenced in the presentation. Mr. Wilkins advised that the original contract with O.C. Jones had a notice to proceed of August 1, 2016, but construction didn’t start until January, which resulted in an extension of the completion date to the end of 2018. In response to a question about change orders, Mr. Wilkins further advised that staff is currently reviewing the

update to the baseline schedule, which will reflect the anticipated completion date and allow a change order pertaining to the duration of the work to be finalized.

Director Harper asked if the \$24 million deficit was based on anticipated change orders, to which Mr. Wilkins confirmed that it was. There was also risk attributed to professional services contracts that will need to be extended through the end of 2018. Much of the risk, however, was reported to be associated with utilities and resulting relocation and redesign costs. Mr. Hursh added that O.C. Jones has been very cooperative in dealing with unexpected utilities, moving to another area to work while the utility issue is being resolved. This was an area where the cities could assist in obtaining permits in a timely manner.

Director Harper commented that AC Transit figures it could raise another \$5.6 million from upcoming grants and wanted to know how this translated to the project budget. Mr. Wilkins advised that this money was already figured into the current project budget and has already been applied to the funding gap.

Chair Ortiz asked what factors were responsible for the projected \$20 million funding gap and at what point it becomes an actual problem. Mr. Wilkins advised that hard construction costs and unanticipated issues with utilities were largely responsible. In addition, it was difficult to determine at what point it would become an actual problem, but staff continues to assess the situation on an ongoing basis. He pointed out that this was an area where Caltrans and the cities could help in finding solutions to streamline how problems are dealt with in order to reduce costs.

Councilmember Kaplan commented on the issues with as-built (utility) drawings, noting that they were always wrong. She felt the Committee didn't need to know the engineering-level detail, but rather what the PSC needed to do at the policy level and the timing of any decisions that needed to be made. Mr. Hursh requested that staff at the cities be pushed to look at the limited hours of service issues because, currently, the work is limited to certain hours on certain days of the week. The second issue is franchise rights. The State of California has given franchise rights to the District and when a utility is uncovered in a Caltrans area, it is the utility's responsibility to relocate it. The City of Oakland has yet to assign those franchise rights. He requested the City either find a way to assign them or take on that responsibility so that the entities that have incorrect as-built drawings take the liability for relocating the utilities that are being found during construction. He requested that Committee look into this issue if it cannot be resolved at the staff level.

Director Harper asked if the "Total Projected Program Cost Committed" includes the value engineering discussed at a previous Board of Directors meeting (i.e. deferring ticket vending machines (TVM), benches, etc.). Mr. Wilkins advised that the change orders were still in process and these items were not yet reflected in the budget.

Councilmember Kaplan asked if the “Total Projected Program Cost” included the purchase of TVMs. Mr. Pochiraju advised that \$3 million in TVMs were included in the cost. Councilmember Kaplan requested a discussion about the TVMs at a future meeting and the possible savings to the project by deferring them. Mr. Hursh advised that staff is investigating a less expensive alternative that is compliant with the Small Starts Grant Agreement, but at a significantly reduced cost. With regard to value engineering, he further noted the removal of some items did not mean they were being eliminated, but deferred and could be added back in later.

Councilmember Kaplan also asked that the Committee consider a free fare during the first year of service. This would also defer a decision on TVMs to a later date.

Director Harper asked if his idea to eliminate some of the stops was still on the table. Mr. Pochiraju advised that staff was still investigating this and was working with FTA to see if it were feasible. Director Harper added that the project has more stops than most and the elimination of some of the stations would improve performance. He also suggested that staff look at the contingency confidence level. Mr. Pochiraju advised that at last check, the confidence level was about 40%; however, staff will re-evaluate and report back at the next meeting.

e. BRT community outreach.

External Affairs Representative Claudia Burgos gave an update on current outreach activities including letters, postcards, door hangers, door-to-door outreach, eNews, social media and web updates. She also spoke regarding the various meetings with community groups about the project.

f. Branding/sponsorship update.

Director of Marketing and communications Michele Joseph gave an update on branding and sponsorship activities. Mr. Wilkins also discussed planned construction activities over the next six months.

Councilmember Kaplan asked about the securement of a contractor to identify sponsorship and naming rights opportunities, recalling that there was already a contractor for these activities. Mr. Hursh advised that he was a sub-contractor on another BRT contract and staff was attempting to establish a direct relationship with him. He also advised that the project had to be real before earnest discussions could occur with respect to sponsorship and naming rights. Councilmember Kaplan asked that staff seriously consider changing the colors of the bus to green and yellow and that the Oakland A’s be contacted about possible sponsorship.

Mayor Cutter asked if it would be possible to advertise events on digital displays. Ms. Joseph responded that the advertising world was moving to digital media and staff would investigate the use of this media to incorporate advertising with wayfinding, and

would work with Caltrans to ensure compliance with rules for advertising along the corridor.

Public Comment:

Joel Ramos, TransForm, thanked staff for the work on the corridor thus far. He noted some concerns with the art on the wind screens and what some felt was an over simplification of some of the art. He felt more input in finalizing the art was needed. With regard to funding shortfalls, he reminded the committee that the District had used capital money from the project for operations several years ago and urged finding creative solutions to address shortfalls. He also advised against eliminating some of the stations in order to save money.

6. Schedule date and time of next meeting.

The next meeting was scheduled for June 29, 2017 at 2:00 p.m.

7. Future Agenda Items/Review List of Pending Items.

- Councilmember Kaplan requested a discussion of the colors for the buses, suggesting that yellow and green (Oakland A's colors) be suggested.
- Councilmember Kaplan requested a discussion about the ticket machines and making the service free for the first year. Councilmember Gallo commented that residents value, appreciate, and are looking forward to improvements to streets and landscaping throughout the corridor.

8. Adjournment

There being no further business to come before the Committee, the meeting adjourned at 3:24 p.m.

Respectfully submitted,



Linda A. Nemeroff
District Secretary