

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



## MINUTES

Tuesday, September 30, 2014

2:00 p.m.

2<sup>nd</sup> Floor Board Room

1600 Franklin Street

Oakland, CA 94612

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### **PSC Members:**

#### ***AC Transit:***

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

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The East Bay Bus Rapid Transit Policy Steering Committee held a special meeting on Tuesday, September 30, 2014. The meeting was called to order at 2:02 p.m. with Chair Ortiz Presiding.

### **1. Roll Call**

#### **Committee Members Present:**

Director Elsa Ortiz, Chair

Director H. E. Christian Peeples (Alternate)

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

President Greg Harper

#### **AC Transit Staff Present:**

General Manager David J. Armijo

Interim General Counsel Denise Standridge

District Secretary Linda Nemeroff

Acting Chief Planning and Development Officer Dennis Butler

Director of BRT David Wilkins

**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:

- Progress in engineering and community outreach;
- Advertisement of the first two construction contracts for utility relocation and parking lot construction;
- The development of a proposal for a more robust and comprehensive Business Impact Mitigation Program made possible through savings achieved in cooperation with the City of Oakland;
- Implementation of a new merchant engagement process to help improve the design and better mitigate impacts to businesses; and
- Small Starts Grant Application in its final stages.

**Information only.**

**4. Consider approving the East Bay Bus Rapid Transit (BRT) Policy Steering Committee minutes of April 30, 2014.**

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

AYES:5: Gallo, Kaplan, Cutter, Young, Ortiz

ABSTAIN:2: Gregory, Peeples

ABSENT:2: Miley, Sartipi

*Items 5 through 8 were taken out of sequential order, but are reported in sequential order in the minutes for ease in reading.*

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

**5. Consider recommending incorporation of the Federal Transit Administration Guidance into the Construction Careers Policy (CCP) and the Project Labor Agreement (PLA).**

Interim General Counsel Denise Standridge introduced Julian Gross, the District's Special Counsel on workforce issues. Mr. Gross gave an overview of the Federal Transit Administration's (FTA) guidance concerning the Construction Careers Policy and Project Labor Agreement, noting a compliance review by the FTA required the District to remove all references to local hire throughout the documents. He also commented on stakeholder meetings and meetings with other interested parties on the policy.

Chair Ortiz reiterated AC Transit's commitment to work with the stakeholder groups through the duration of the project.

Member Cutter sought assurances that both cities would be treated the same under the project and that union labor would be used from different halls to ensure that the work on the project

would be distributed. Mr. Gross reported that San Leandro and Oakland are treated the same under the policy, noting that the FTA is most concerned that both in the contracting and the workforce there are advantages for local workers or contractors compared with out of state contractors. He added that the Project Labor Agreement has a system to resolve jurisdictional disputes and that he was not aware of any opposition to the PLA and CCP.

**Public Comment:**

Jahmese Myres, Revive Oakland Coalition, spoke in support of the CCP and PLA even though the FTA had removed language pertaining to local hiring. She added that Revive Oakland was committed to working on an implementation plan and proper enforcement of the CCP.

MOTION: GALLO/KAPLAN to recommend incorporation of the Federal Transit Administration Guidance into the Construction Careers Policy and the Project Labor Agreement. The motion carried by the following vote:

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

ABSENT:2: Miley, Sartipi

**6. Consider recommending:**

Items 6a, 6b, and 6c were considered concurrently.

- a) **Receipt of informational report on the development of the business and parking impact mitigation programs for the East Bay Bus Rapid Transit Project.**
- b) **Approval of the Business Impact Mitigation Plan for Bid Package #1, Advanced Utilities and the Parking and Business Impact Mitigation Plan for Bid Package #2, Fruitvale Bypass and Off-Street Parking Lots (Fruitvale and Elmhurst).**
- c) **Approval of BRT Project funding in the amount of \$2.5 million for the City of Oakland and \$.294 million for the City of San Leandro Business Technical Assistance Programs.**

With regard to Items 6a through 6c, the following presentations were given:

- Director of BRT David Wilkins presented the staff report with regard to the Business Impact Mitigation Plan for Bid Packages #1 and #2;
- City of Oakland Economic Development Manager Aliza Gallo presented an overview of the Oakland Business Sustainability Program and its major components and benefits to business owners (*the PowerPoint presentation given is incorporated into the file by reference*); and
- Acting BRT Program Manager Christine Calabrese provided an overview of a proposal for lighting and sidewalk repairs along International Boulevard. She also spoke to the ongoing concerns about parking along the corridor and what the BRT Team and City are doing to alleviate those concerns.

Acting Chief Planning and Development Officer Dennis Butler added that the Business Technical Assistance Program is equally available to businesses in the San Leandro.

Chair Ortiz asked how the Business Support Initiatives differed from the Business Technical Assistance Program. Mr. Wilkins advised that business support initiatives were part of the business impact mitigation fund (window washing, street sweeping, BRT information center and

staffing, etc.), whereas the Technical Assistance Program was designed by the City of Oakland to provide internal business operations support throughout the project. Ms. Gallo added that the Technical Assistance Program was designed to provide support throughout construction into the start of revenue service for approximately three years.

Chair Ortiz further inquired whether the Parking Study (conducted by the City of Oakland) would impact the project and how staff would handle parking losses in San Leandro. Ms. Calabrese advised that the City of Oakland is working with merchants and stakeholders and continues to make revisions based on the feedback received. The next step will involve the formulation of the mitigation plans which will be part of the bid documents. With respect to San Leandro, Mr. Wilkins advised that this area has fewer impacts and staff works directly with the Public Works Department in that area.

With regard to parking losses in the City of San Leandro, Councilmember Cutter suggested that District and City staff be proactive and engage the public sooner rather than later.

Councilmember Gallo commented on the benefits of the project, noting opportunities in parking, sidewalk, and pavement improvements; lighting; fiber optic and other public works improvements.

Councilmember Kaplan requested that the District follow up with Mr. Jennifer with regard to the concerns he raised under public comment. The General Counsel will advise the committee if more needs to be done to get his issues resolved. [See public comment below by Jai Jennifer.]

**Public Comment:**

- Xavier Sibaja spoke on behalf of merchants for the San Antonio, Eastlake, and Fruitvale areas. He requested the following: 1) that technical assistance services be tailor-made to the type of business; 2) that training be given to merchants on how to take advantage of the programs available; 3) the need for a forgivable loan program; and 4) parking assistance for the Eastlake and San Antonio districts. He also complained that the meeting time had changed and requested that notices and reports be sent by email in the future.
- Joel Ramos, TransForm, commented in support of the project and the allocation of funding to the City of Oakland to assist merchants, noting that some have specific needs. He also expressed support for the Parking Impact Mitigation Plan and city/communities' interest in developing a parking benefits district.
- Thu Fam, business owner in the Eastlake district, expressed support for the merchants, noting that some businesses will be affected more than others and some may have to close permanently due to the impacts. She asked the elected officials on the Committee to think of the businesses when they vote because it affected their families and community. She asked that business impact mitigation funds be used for the merchants and not consultants, and requested a forgivable loan program. She also requested resolution to the parking issues.
- Jai Jennifer, real estate consultant, asked policy-makers to look at the negative impact of the project on small businesses, noting his own experience with the project/District. He suggested that there be some effort made to eliminate the negative impacts on small businesses that work for the District on the project.

MOTION: GALLO/KAPLAN to recommend the following to the AC Transit Board of Directors:

- a) Receive informational report on the development of the business and parking impact mitigation programs for the East Bay Bus Rapid Transit Project;
- b) Approve the Business Impact Mitigation Plan for Bid Package #1, Advanced Utilities and the Parking and Business Impact Mitigation Plan for Bid Package #2, Fruitvale Bypass and Off-Street Parking Lots (Fruitvale and Elmhurst);
- c) Approve the BRT Project funding in the amount of \$2.5 million for the City of Oakland and \$.294 million for the City of San Leandro Business Technical Assistance Programs.

AYES:5: Gallo, Kaplan, Young, Peeples, Ortiz

NOES:2: Gregory, Cutter

ABSENT:2: Miley, Sartipi

**Councilmember Kaplan left the meeting at 3:50 p.m. Councilmember Gallo left the meeting at 4:03 p.m.**

#### **Information Items:**

#### **7. Consider receiving BRT Project update.**

*[The PowerPoint presentation is incorporated into the file by reference.]*

Director of BRT David Wilkins gave an informational update on the BRT Project.

Chair Ortiz commented that if the voters augment and extend Measure B, there would be an additional \$10 million in funding for the project, which was not reflected in the project budget.

Councilmember Kaplan asked if the bus specifications included the guided docking feature, noting that level boarding was a necessary element of the project for ADA reasons. Mr. Wilkins advised that the specifications did not include this, noting that it posed challenges to operators. Instead, a kettle curb was incorporated into the design of the station platform that would allow a bridge plate to deploy and create a level surface. Acting Chief Planning and Development Officer Dennis Butler noted that the gap between the platform and the bus should be minimal and the bridge plate would be deployed if necessary. He added that there was no mature guidance system available for guided docking.

Mr. Wilkins also addressed questions about the procurement process.

The item was presented for information only.

#### **8. Consider receiving update on BRT Artistic Enhancement Program.**

*[The PowerPoint presentation is incorporated into the file by reference.]*

Senior Project Manager Ramakrishna Pochiraju provided an update on the Artistic Enhancement Program. He further introduced Lead Artist Johanna Poethig who gave an overview of the artistic concept for the project entitled, "Cultural Corridor-Urban Flow".

**Public Comment:**

- Brishana Evans, Youth Uprising, commented that it was great to connect with youth and share ideas, which helped shape the artistic component of the Project and allow the youth to have some input into what the community looks like.
- Shalonda Mann, Youth Uprising, commented that she was proud of her work on the artistic elements of the project. She added that the art improves the neighborhoods along East 14<sup>th</sup> Street and was glad to be a part of the project and the experience to help shape the future.
- Steven Huss, Cultural Arts Manager for the City of Oakland, commended the efforts of the team in developing a comprehensive program that is inclusive of all the neighborhoods, while creating an innovative artistic concept with integrity. He was also happy to see the youth engagement throughout the process.
- Cynthia Battenberg, Community Development Director for the City of San Leandro, thanked the artistic team for the comprehensive outreach process that took place, noting it was thorough and inclusive and identified the uniqueness of the individual neighborhoods. She said that she wished there was more funding to do enhancements for each station.
- Paniel Takela participated in the youth workshops in San Leandro for the artistic enhancement project. She said that she enjoyed the experience while learning a lot about her community while incorporating her own ideas into the project. She added that the people of Oakland and San Leandro should be delighted with the outcome.

The item was presented for information only.

**9. Confirm date and time of next meeting**

The next meeting date is to be determined.

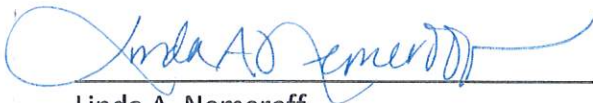
**10. Future Agenda Items/Review List of Pending Items**

No new items were requested.

**11. Adjournment**

There being no further business to come before the committee, the meeting adjourned at 4:15 p.m.

Respectfully submitted,



Linda A. Nemeroff  
District Secretary