



DRAFT MINUTES

San Francisco County Transportation Authority

Tuesday, September 22, 2020

1. Roll Call

Chair Peskin called the meeting to order at 10:02 a.m.

Present at Roll Call: Commissioners Fewer, Haney, Mandelman, Mar, Peskin, Preston, Ronen, Safai, Stefani, Walton (10)

Absent at Roll Call: Commissioner Yee (entered at item 2) (1)

2. Chair's Report - INFORMATION

Chair Peskin congratulated the Bay Area Rapid Transit (BART) on winning a \$1.2 billion federal grant for its Transbay Corridor Core Capacity Program. He added that this grant is the largest the agency has ever received and will fund the purchase of 252 additional rail cars, a new communications-based train control system, a new rail car storage yard and enhanced traction power substations in San Francisco and the East Bay. He added, together the investments will grow train frequencies and system capacity by 45 percent, improving service for millions of riders. He thanked two San Francisco BART representatives for personally travelling to Washington, DC to advocate for these funds alongside staff. He recognized Chair Lateefah Simon and Director Bevan Dufty, and General Manager Bob Powers and his team, and the federal delegation.

Chair Peskin also recognized the next phase of the San Francisco economy re-opening with the resumption of 'low risk indoor and outdoor activities'. He added that he hopes everyone continues to travel with care and follows public health orders along with San Francisco Municipal Transportation Agency (SFMTA) protocols to maintain distancing and wearing facial coverings.

Chair Peskin also made an announcement about the San Francisco Bicycle Coalition's (SFBC) Bike to Work Day, which the Transportation Authority has sponsored for many years. He added that the day was originally scheduled for May but is now being re-envisioned as Bike to Wherever Day and has been rescheduled to take place on Thursday, September 24th. He added that SFBC will set up stations at bike shops and other businesses around the city where participants can pick up traditional Bike to Work Day items and said more event information could be found at sfbike.org.

Lastly, Chair reported that the Board will be sponsoring the San Francisco Transit Riders' Transit Week 2020 event on October 5th - 9th. He added that the theme for this year's celebration is "Transit is Essential" and the activities of the week will highlight how transit is helping move essential trips during the pandemic and the critical importance of enabling transit's recovery moving forward. He also shared that the SF Transit Riders are



accepting nominations for transit heroes in preparation for the Rider First Awards on Friday, October 9th, and directed people to visit sftransitriders.org to submit nominations.

3. Executive Director's Report - INFORMATION

Tilly Chang, Executive Director, presented the item.

During public comment, David Pilpel commented on the Better Market Street project, stating that he believed the federal Finding of No Significant Impact (FONSI) was recently issued, marking a major milestone for the project. Mr. Pilpel also inquired about the Federal and State Legislation update that was deferred at the September 15th Board meeting due to time constraints. He asked if there was any important legislation that the Board and public should be aware of particularly in Sacramento given that the Governor has until the end of the month to sign or veto bills from this session.

During public comment, Roland Lebrun requested to have the Executive Director's Report added to the website.

Executive Director Tilly Chang responded that the report is posted on the website (www.sfcta.org) every month.

Consent Agenda

- 4. Approve the Minutes of the September 15, 2020 Meeting - ACTION**
- 5. [Final Approval] Appoint Nancy Buffum to the Citizens Advisory Committee - ACTION**
- 6. [Final Approval] Program \$4,308,164 in Prop AA Vehicle Registration Fee Funds to Three Projects and Amend the 2017 Prop AA Strategic Plan - ACTION**
- 7. [Final Approval] Allocate \$10,645,271 and Appropriate \$60,000 in Prop K Sales Tax Funds, with Conditions, and Allocate \$3,664,159 in Prop AA Vehicle Registration Fee Funds, with Conditions, for Nine Requests - ACTION**
- 8. [Final Approval] Adopt the Alemany Corridor Safety Project Final Report [NTIP Planning] - ACTION**
- 9. [Final Approval] Adopt the Proposed Fiscal Year 2020/21 Budget and Work Program - ACTION**
- 10. [Final Approval] Execute Contract Renewals and Options for Various Annual Professional Services in an Amount Not to Exceed \$7,075,000 - ACTION**
- 11. [Final Approval] Approve the Revised Procurement Policy and Travel, Conference, Training and Business Expense Reimbursement Policy - ACTION**

During public comment, David Pilpel suggested changes to the draft minutes as follows: on page 9 in the last paragraph "in additional" should be changed to "in addition", "... on the first day of the restart" additional space to be removed, "overheads lights" should be changed to "overhead lights", and on page 11, Mr. Jamie Parks should be consistently referred to as "Mr. Parks" versus "Jamie".



Chair Peskin motioned to amend the minutes with the following changes: "in additional" to be changed to "in addition", and "... on the first day of the restart" additional space to be removed, seconded by Commissioner Mandelman.

The motion to amend the minutes was approved without objection by the following vote:

Ayes: Commissioners Fewer, Haney, Mandelman, Mar, Peskin, Preston, Ronen, Safai, Stefani, Walton and Yee (11)

Absent: (0)

Chair Peskin motioned to move the Consent Agenda with the minutes as amended, seconded by Commissioner Mandelman.

The Consent Agenda, with the minutes as amended, was approved without objection by the following vote:

Ayes: Commissioners Fewer, Haney, Mandelman, Mar, Peskin, Preston, Ronen, Safai, Stefani, Walton and Yee (11)

Absent: (0)

End of Consent Agenda

12. Van Ness Bus Rapid Transit Update - INFORMATION

Peter Gabancho, SFMTA project manager, presented the item.

Chair Peskin asked about an early claim about \$20 million in size related to sewer work.

Mr. Gabancho replied that claims 1 and 2 in combination totaled \$20 million in value and that the final settlement was for \$4.8 million (slide 11 in the presentation). He said the claim 3 was for additional potholing work and was settled for \$1.7 million, and he explained that claim 4 is for additional pedestrian monitoring to help control the volume of pedestrians around the construction site and keep people from wandering into the construction site.

Chair Peskin asked if claim 4 is for \$2.6 million.

Mr. Gabancho replied in the affirmative, noting the claim status is pending as SFMTA has not written and signed the final contract modification, but that the amount is settled.

Chair Peskin asked why there was not a line item for pedestrian monitoring in the original scope after the city's experiences with the Third Street Light Rail Project, Central Subway and other projects.

Mr. Gabancho replied when the contractor (Walsh) was first brought on board, pedestrian monitors were discussed in negotiations, however, the various parties involved felt that the work could be done with just the flaggers that were required. He said they realized in the end that they were mistaken and it was agreed that they needed to put in additional support for the flaggers.

Chair Peskin asked if SFMTA is aware of any potential future claims.



Mr. Gabancho said no, but noted that the SFMTA does have a change order request from the contractor that covers the balance of days in delay of the project. Mr. Gabancho said that SFMTA already agreed to extend the contract by 279 days with no liquidated damages; that the City has agreed to the overhead, which is part of the \$4.8 million (claims 1 and 2); and that the contractor has agreed to extended time with no extended overhead. He continued to explain that the contractor has put in a change-order request for the balance of the days. With the 279-day extension, the project should have finished the construction in July of this year, so the change order request covers from July to when the project reaches substantial completion. Mr. Gabancho said the parties are now negotiating what they think a fair settlement is for that.

Mr. Gabancho continued with his presentation.

With respect to the business support program, Chair Peskin asked if any of the direct financial compensation grants have been distributed by the Office of Economic and Workforce Development (OEWD), noting that there are a lot of very frustrated people hanging on by a thread and that his understanding is that not a single dollar of relief funds have actually been forthcoming from OEWD.

Mr. Gabancho responded that he would talk to OEWD staff to answer the Chair's questions, as well as talk to the outreach team, about what businesses have contacted the city to participate in this program.

Chair Peskin shared that he knows of several businesses that applied many, many months ago and have not seen any response from OEWD, SFMTA or the City and County of San Francisco. He said that he would suggest at the end of this item that the discussion be continued to enable OEWD to attend the next Board meeting to present on this topic. Chair Peskin noted that the Board of Supervisors previously appropriated the funds for this purpose, but not a penny of it has been distributed to the Van Ness BRT-eligible businesses.

Nehama Rogozen, SFMTA Public Relations Officer, shared that the agencies only just opened the application process for the Van Ness direct business support program. She said the team is doing serious outreach to businesses now to let them know they can apply, but the project needed to be delayed enough and they needed to set up the application process in order for businesses to be able to apply. She noted that the agencies were still wrapping things up with the Central Subway project, and with COVID-19 it took additional time to make it happen. Ms. Rogozen said businesses now have until the end of October to apply. She explained that the agencies made it a relatively short application period based on what was learned from Central Subway, namely that it needs to be enough time for folks to make it happen, but not so long that applications drop off because people forget about it.

Chair Peskin asked how a business can apply between now and the end of October.

Ms. Rogozen replied there is information on the OEWD website and today SFMTA will have information on the SFMTA website to direct folks to the OEWD website (www.oewd.org/vanness).

Chair Peskin asked if Van Ness project update emails that describe what to expect in the next week or two could also include the forecast final substantial completion date, estimated to be the fall of 2021.



Mr. Gabancho said he would take that into account in the upcoming announcements.

Chair Peskin asked about site cleanliness, saying he has heard a number of complaints about this topic.

Mr. Gabancho acknowledged this has been a challenge with the long corridor, but it's been getting better. He said that the construction management staff, specifically the new construction manager Lance Jackson and engineer Hubert Wong are walking the corridor regularly and have been working closely with the contractor. He said the project team needs to keep working at it, but they are making improvements.

During public comment, Mr. Pilpel commented that AWSS is the auxiliary water supply system, not the alternate water service system. On slide 11, based on the discussion with Chair Peskin, Mr. Pilpel suggested including the initial claim amounts on the slide in the future. With respect to slides 12 and 13, Mr. Pilpel said if the business support programs and services described represent models that other large SFMTA or City projects could use, then it would be great to document those efforts for future use.

Commissioner Fewer expressed her disappointment and frustration about the direct financial relief funds not getting out to the stores and small businesses along the corridor, saying the Transportation Authority Board had a discussion on this topic over a year ago and the lack of disbursements is very frustrating considering the economic crisis that the businesses are also facing. She commented that this is something that the commission has really taken to heart and that she believed it had been a unanimous vote of the Board of Supervisors to allocate these funds for small businesses.

Commissioner Haney said that he hoped that we can learn from this experience, because when we do these larger projects, which obviously are needed and required, we want to be able to say confidently we're going to be able to support the small businesses and residents impacted. He added that if we've failed to do that here, even when money has been allocated, it's incredibly concerning and it puts into question whether we can honestly tell folks in the future that we're going to be able to ensure their protection and their support as required considering the impact. Commissioner Haney said he would like to know, who is getting the grants and also if there have been surveys done of businesses and residents in terms of their needs, what the impacts are, etc.

Other Items

13. Introduction of New Items - INFORMATION

No new items were introduced and there was no general public comment.

14. Public Comment

During public comment Francisco Da Costa shared his disappointment with the Third Street Project, Central Subway delayed opening, the Van Ness Bus Rapid Transit project, and the businesses that have not yet been helped. He added, it doesn't seem like the public is being listened to when they are making public comment.

During public comment Roland Lebrun thanked staff for improving public comment opportunities for the Downtown Extension Executive Steering Committee meetings. He noted that the Transbay Joint Power Authority (TJPA) is proceeding with awarding a



general engineering services contract, potentially at their October meeting assuming the current alignment. On a parallel track, Caltrain and High-Speed Rail are conducting an operational analysis. Mr. Lebrun opined that there is a high probability that this operational analysis will make it impossible for Caltrain to vacate the Fourth and King yard, potentially forever. Thus, Mr. Lebrun suggested urging TJPA to delay award of the general engineering services contract in case the operational analysis reveals problems with capacity so the contractor can study a different alignment.

15. Adjournment

The meeting was adjourned at 11:07 a.m.