

**SAN MATEO COUNTY TRANSIT DISTRICT
1250 SAN CARLOS AVENUE, SAN CARLOS, CALIFORNIA**

**CITIZENS ADVISORY COMMITTEE
MINUTES OF MEETING – AUGUST 1, 2012**

COMMITTEE MEMBERS PRESENT: K. Adler, A. Chow, L. Chow, T. Collette, S. Curry, K. Gilbert, S. Koya, P. Loranger, J. McKie, T. Miller, S. Price, M. Pye, P. Ratto (Chair)

COMMITTEE MEMBERS ABSENT: D. Cruz, M. Hall

SAMTRANS STAFF PRESENT: J. Averill, P. Lee, N. McKenna, C. Patton, L. Alarcon (Hanson Bridgett), J. Sherman (Hanson Bridgett), T. Dumandan (MV Transportation)

Chair Peter Ratto called the meeting to order at 6:30 p.m. and led the Pledge of Allegiance.

PUBLIC COMMENT

None

APPROVAL OF THE MINUTES

The Committee (Koya/McKie) approved the minutes of June 6, 2012; (L. Chow abstained).

PRESENTATION – THE BROWN ACT

Legal Counsel, Julie Sherman said:

- Governmental ethic laws set a minimum standard for behavior and in public service appearances really matter.
- The Brown Act is an opening meeting law that ensures the public is informed of and has access to a committee's meetings.
- Those subject to the Brown Act are any legislative body, any committee created by the Board of Directors and any committee created by a committee.
- The CAC is subject to the Brown Act because it is a committee created by the Board of Directors.
- The Brown Act requires meetings must be opened to the public, properly noticed with a written agenda available to the public at least 72 hours in advance and the public must be allowed to speak before the body.
- A meeting is a majority of members of a legislative body meeting at the same place and time to hear, discuss, deliberate or take action on any item that is within the subject matter jurisdiction of the legislative body.
- A meeting not subject to the Brown Act is individual contact between a member and a non-member or attendance at a conference open to the public.
- The Brown Act does allow for closed session, but it is very unlikely the CAC will ever have a closed session. If there is a closed session materials distributed and discussions held must remain confidential.

- Areas of risky business and possibly violating the Brown Act include serial conversations which is a series of communications. Each involves less than a quorum, but ultimately results in a communication among the majority of the members that did not occur in public. There are two types of serial conversations, a hub-and-spoke and a daisy chain. Other areas include chat rooms, other social media technology, social engagements and other agencies' meetings.
- The Brown Act does have penalties and enforcement, but there are opportunities to cure an action.
- Frequently asked questions include:
 - Can I call in to the meeting? A person can call in, but there must be at least a quorum of the legislative body at the meeting location. The location of the teleconference must be noted on the agenda and the location must be opened to the public.
 - I know it's not on the agenda, but can we go back to that item from last month? An item cannot be discussed if it is not on the agenda unless the majority of the body feels it is an emergency or two-thirds of the body feels there is a need for immediate action and that need for action came to the attention subsequent to the agenda being posted.
 - Can I respond to that? The Brown Act allows for members to briefly respond to questions mainly under public comment, but then it should be put on the next month's agenda if a bigger discussion is required.
 - What if there is less than a quorum? If there is no quorum it is recommended the meeting be cancelled.

Sondra Price said the CAC agenda has public comment and CAC member comments. Can an item from a prior meeting be brought up under CAC member comments and if a public member speaks during public comment can a response be given? Ms. Sherman said the CAC can respond to a member of the public, but it should be brief and then recommend the item be put on the next month's agenda or ask staff to report back at the next meeting. Ms. Sherman would recommend no discussion occur on a prior meeting's discussion under CAC member comments.

Chair Ratto said member comments are relatively short and are not controversial and if a point is brought up that needs greater discussion it is put on the next agenda.

Sonny Koya said if he ever wants to communicate to anyone on the CAC he sends it through Assistant District Secretary Nancy McKenna.

Peter Loranger said occasionally a nominating committee is created so would it follow the Brown Act. Ms. Sherman said the rules on advisory committees are not subject to the Brown Act, but they have to meet some criteria. They have to be comprised of less than a quorum, have a finite charge, they are required to report back to the parent body within a specific time period of less than a year and no meeting schedule is established by the parent body.

Kris Adler said he has "liked" the SamTrans page on Facebook and is it an issue if eight members of the Board liked the same page or the group. Ms. Sherman said the law is vague on social media. If a majority of the group comments on a person's post it could be a possible violation.

Andy Chow said writing a Facebook post is comparable to writing a letter to the editor. He said State legislators were suspending the Brown Act. Ms. Sherman said there are certain mandates and if they cost the agency money they are allowed to charge the State. The notice and agenda requirements were suspended, but Hanson Bridgett is recommending staff continue posting the agendas.

Chair Ratto said the email situation is the most critical so that is why the CAC needs to channel through Ms. McKenna for distribution and if needed it will be agendized.

REPORT OF THE CHAIR

Chair Ratto said the Legislature passed the funding for High Speed Rail and electrification. This is a critical step to improve rail service locally and in Southern California.

SAMTRANS STAFF UPDATE

Director of Bus Transportation Chester Patton reported:

- Progress has been made on stops for Route 122 from comments received from Kathy Gilbert last month. The sawhorse has been removed and a permanent sign has been installed at Merced and Higuera avenues. Staff is negotiating with the San Francisco Municipal Transportation Agency to see if the bus stop at Merced and Font avenues can be shared again.
- Staff is talking to the owners of the golf course along Lake Merced Boulevard to find a resolution to the shorter fence by the bus stop.

CAC MEMBER COMMENTS/REQUESTS

Judy McKie said the bus stop at El Camino Real and Oak Grove in Burlingame recently had construction around it. The construction is now completed and the bench is in the dirt and very low and difficult for an older person to use. She asked if the bench could be moved to the sidewalk.

Mr. Koya said the overall performance of Route 292 continues to be good and passengers are pleased with the drivers. More passengers seem to be paying their fares and fewer people are eating and drinking on the buses. The number of people engaging in high level cell phone conversations has not decreased and people continue to play their music very loud. One operator stopped the bus and asked the passenger to turn their music down. Buses are required to stop at rail crossings, but can an exception be made at Geneva Avenue and Bayshore Boulevard? There is a piece of rail that is not connected to anything and poses no danger to buses, but would save passengers a lot of travel time. The northbound buses travelling along Bayshore Boulevard in San Francisco have to be on the extreme right because the bus has to stop right after the crossing intersection at Industrial and the extreme right lane is a turn only lane. The bus shelter on Old County Road in Brisbane is missing glass panels on both ends. Mr. Koya asked if there is a way for drivers to report missing signage. He would like to receive a report on the new hybrid buses at the September meeting. SamTrans continues to be a very reliable transportation.

Ms. Gilbert thanked staff for getting the issues she reported last month resolved. She asked why "Other Services" in the District Fiscal Year 2013 Operating Budget went up 160 percent.

Mr. Patton said he will research and report back.

Saundra Curry asked about the transfer agreement between SamTrans and Santa Clara Valley Transportation Authority (VTA) because some VTA drivers do not accept her CAC pass for a transfer. She asked if she could be issued a Clipper Card with her pass loaded on it either on an interim or permanent basis.

Mr. Chow said in the middle of June there was an incident with the Bay Area Rapid Transit (BART) and the Transbay Tube was shut down. He asked if SamTrans helps BART with events like this. He looked at the new El Camino Real (ECR) schedule and it adds an additional 30 minutes travel time. Mr. Patton said the ECR schedule is 30 minutes longer end-to-end, but the buses will not be taking any longer to get end-to-end because that is the actual time they take now. Mr. Patton said there was a serious regional emergency, but the good thing is it occurred before the start of the service day. SamTrans did very little to support this emergency because there are not enough resources to divert to San Francisco.

Ms. Price said she was at the southbound bus stop on El Camino Real and Burlingame Avenue at 5:37 p.m. At 5:59 p.m. a Route 391 arrived and it was the first of three southbound buses. She said the driver of the Route 391 would only stop if a passenger pulled the cord. She asked if it is the driver's discretion to pass up passengers with a full bus. Mr. Patton said the buses seem to be out of sequence and the first operator was probably not working with the Radio Controller to correct the situation. He said in the future it helps to have the bus number or driver's badge number. Ms. Price said she was shocked there are no ticket vending machines on the northbound platform at the Caltrain California Avenue Station. Mr. Patton said he will pass this comment along to the appropriate staff.

Margaret Pye said on July 30 she was going to take Route 390 northbound from the Palo Alto Transit Center and when she got there two bike passengers were already in line so she rode home. Today the exact same thing happened. She asked why SamTrans buses only hold two racks and other transit agencies' buses hold three bikes. Mr. Patton said some are in violation of the law. There are length requirements and restrictions that apply to the 40-foot buses. Staff has looked at the issue and until a legal way to outfit the 40-foot buses can be found it won't happen. If a funding source could be found to retrofit the articulated buses it will be considered. Ms. Pye distributed a flyer on a bike safety class being held September 15 at the San Carlos Library.

Mr. Adler said he took either Route 390 or KX to the San Jose Earthquakes soccer game at Stanford Stadium on June 30. He waited at Oak and El Camino Real and the bus was 25 minutes late. He asked when the predictive arrival system would be working and the bus stops serialized for 511.org calls. Mr. Adler said as part of the process it would be a great benefit to get the SamTrans stops cataloged on Google Transit. Mr. Patton said staff hopes to have the signs working by August 26. The real time information can be obtained on 511.org.

Tryn Miller asked if there could be more frequency and longer operating hours on Route 140. She said the last bus heading towards her home is at 9:50 p.m. She said some of the operators are giving her looks when she shows her CAC pass to board. She loves the bus system as this is her main mode of transportation. There is a lot of loud music being played on buses and it disturbs other passengers. She is constantly looking around the bus and notices a lot of people eating and drinking on the bus. She says she sees people ignoring the farebox and some drivers won't say anything or the passengers ignore them. Mr. Patton thanked Ms. Miller for helping

SamTrans collect fares. He said the service hours for Route 140 are not being considered for expansion. The September CAC meeting will have a presentation on the SamTrans Service Plan and discussion on route improvements and adjustments.

Chair Ratto said contractors like to remove signs. He thanked staff for getting temporary signs up in the Aragon High School area and hopes permanent signs can be installed before school starts.

LIAISON REPORTS

a. SamTrans Board - Peter Ratto

- The Board did not meet in July so his report is from the June meeting.
- April ridership was down.
- The Board approved the Fiscal Year 2013 Operating and Capital budgets.
- A presentation was given on the new ECR weekend service.
- Director Adrienne Tissier was recognized as Woman of the Year by the Women's Transportation Seminar.

Ms. Curry left at 7:59 p.m.

b. SamTrans Accessibility Advisory Committee - Tom Collette

- Discussed the ECR weekend service and bus emergency procedures.
- Currently there are two people certified to bring Segways onto SamTrans.
- The committee is looking for new members.
- The next meeting is September 28.

c. Caltrain Accessibility Advisory Committee - Peter Loranger – no meeting.

d. Peninsula Corridor Joint Powers Board - Andy Chow – no report.

e. Peninsula Corridor Joint Powers Board Citizens Advisory Committee - Andy Chow- no report.

f. Senior Mobility Action Plan - vacant

NEXT MEETING:

The next meeting will be held September 5, 2012, at 6:30 p.m., 1250 San Carlos Avenue, Bacciocco Auditorium, 2nd Floor, San Carlos, California 94070.

Adjourned at 8:06 p.m.