

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
2150 Webster Street, Oakland, CA 94612, P.O. Box 12688, Oakland, CA 94604-
2688
510-464-6000

NOTICE OF MEETING AND AGENDA
BART ACCESSIBILITY TASK FORCE (BATF)

January 25, 2024

2:00 p.m.

A regular meeting of the BART Accessibility Task Force (BATF) will be held on Thursday, January 25, 2024, starting at 2:00 p.m. to 4:30 pm. The meeting will be held at East Bay Paratransit's location at 1750 Broadway, Oakland, California 94612, 1st Floor conference room. The facility is served by public transportation. The nearest BART Station is the 19th Street BART Station and there are multiple AC Transit routes to the meeting site.

Please note that this meeting will be held in person in the East Bay Paratransit, 1st Floor conference room, Oakland, CA 94612 with an option for public participation via teleconference.

Presentation materials will be available via Legistar at <https://bart.legistar.com>

You may attend the Committee Meeting in person or join the Committee Meeting via Zoom by calling 1-833-548-0282 and entering access code **819 5089 4377**; logging in to Zoom.com and entering access code **819 5089 4377**; or typing the following Zoom link into your web browser:

<https://us06web.zoom.us/j/81950894377>

If you wish to make a public comment:

- 1) Submit written comments via email to evanloo@bart.gov, using "public comment" as the subject line. Your comment will be provided to the Committee and will become a permanent part of the file. Please submit your comments as far in advance as possible. Emailed comments must be received before 12:00 p.m. on January 25, 2023, in order to be included in the record.
- 2) Appear in person and request to make a public comment.
- 3) Call 1-833-548-0282, enter access code **819 5089 4377**, dial *9 to raise your hand when you wish to speak, and dial *6 to unmute when you are requested to speak; log in to Zoom.com, enter access code **819 5089 4377**, and use the

raise hand feature; or join the Committee Meeting via the Zoom link (<https://us06web.zoom.us/j/81950894377>) and use the raise hand feature.

Public comment is limited to two (2) minutes per person.

Please refrain from wearing scented products (perfume, cologne, after-shave, etc.) to these meetings, as there may be people in attendance susceptible to environmental illnesses.

BART provides services/accommodations upon request to persons with disabilities and individuals who are limited English proficient who wish to address Committee matters. A request must be made within one and five days in advance of Board/Committee meetings, depending on the service requested. Please contact the Office of the District Secretary at (510) 464-6083 for information.

Meeting Location

East Bay Paratransit, 1750 Broadway, Oakland, CA 94612
1st Floor Conference Room

1. Roll call of BATF members. (Information) 5 minutes
Self-Introductions: Staff and Guests.
2. Public comment. (Information)
An opportunity for members of the public to comment on items not on the agenda
Public comment is limited to two (2) minutes per person
3. Approval of December 13, 2023 meeting minutes. 5 minutes
(Information/Action)
4. Clipper Card update. (Information) 45 minutes
 - Clipper Card next generation system 2.0.
 - Clipper Card Start update.
5. BART’s improved access settlement agreement. (Information) 20 minutes
6. BART’s middle door marking update. (Information) 15 minutes
7. December 13, 2023, BATF holiday reception debrief. 10 minutes
(Information/Action)
8. Member announcements. (Information) 5 minutes
9. Staff Announcements. (Information) 5 minutes
10. Chairperson announcements. (Information) 5 minutes
11. Future agenda topics – Members suggest topics. 5 minutes
Next meeting scheduled: February 22, 2024
March 28, 2024
12. Adjournment.

BATF

Approval of
December 13, 2023
Meeting minutes –
AGENDA 3

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
2150 Webster Street, P.O. Box 12688, Oakland, CA 94604-2688

BART ACCESSIBILITY TASK FORCE
Committee Meeting **DRAFT** Minutes
December 13, 2023

1. Roll Call of Members:

1. Alex Tiphayachan – ABSENT
2. Anita Ortega
3. Annie Koruga
4. Bruce Yow
5. Catherine Callahan
6. Clarence Fischer
7. Daveed Mandell
8. Don Queen
9. Emily Witkin – ABSENT
10. Hillary Brown
11. Janice Armigo Brown (2nd Vice-Chair)
12. Randall Glock (Chair) – ABSENT
13. Roland Wong (Vice-Chair)
14. VACANT
15. VACANT
16. VACANT
17. VACANT
18. VACANT

Quorum of seven (7) in-person BATF members. Catherine Callahan used, “Just Cause,” for the first time.

BART Customer Access and Accessibility Department Staff:

Elena Van Loo
Matt West
Bob Franklin

BART Director (s), BART Staff, Speakers, and members of the public:

Sara Hill (Captioner)
Josephine Mitchell (Captioner)
Danny Kodmur (Guest)

Christine Arseneault (Guest)
Sergio Valencia (Guest)
Barnali Ghosh (Guest)
Dirk Neyhart (Guest)
Herb Hastings (Guest)

2. Public Comments

Barnali Ghosh introduced herself as a candidate running for BART Board of Directors for District 3 in 2024. She shared that she is interested in working with a committee that focuses on accessibility within the BART System and hopes to be part of some of the meetings in the future.

Herb Hastings introduced himself and is looking forward to coming back as a BATF member.

Danny Kodmur inquired as to whether the West Oakland BART Station would have an open house where people may test out the upcoming faregates and provide input.

3. Approval of November 15, 2023 meeting minutes

Clarence Fischer moved approval of the November 15, 2023 meeting minutes with amendments. Janice Armigo Brown seconded the motion.

- Motion passes with nine (9) in favor, zero (0) against, and zero (0) abstention

4. Discussion about re-posting BATF recruitment article on bart.gov website

Roland Wong led the agenda item.

Article, “BART is recruiting new members for the BART Accessible Task Force (BATF),” was read aloud by Janice Armigo Brown to repost under bart.gov.

Elena Van Loo mentioned articles under bart.gov can be posted every six months and will look into whether the article from June 1, 2023 remains or if it has been removed.

Hillary Brown moved to repost an article, “BART is recruiting new members for the BART Accessible Task Force (BATF),” under bart.gov. Clarence Fischer seconded the motion.

- Motion passes with nine (9) in favor, zero (0) against, and zero (0) abstention

5. New committee member nomination(s)

Danny Kodmur introduced himself and expressed why he is interested in joining the BATF.

Bruce Yow moved to recommend Danny Kodmur as a BATF member. Clarence Fischer seconded the motion.

- Motion passes with ten (10) in favor, zero (0) against, and zero (0) abstentions

6. Member Announcements

No member announcements.

7. Staff Announcements

Elena Van Loo congratulated Hillary Brown and Alex Tiphayachan for officially being elected BATF members by the BART Board of Directors on December 7, 2023.

Elena Van Loo shared that effective January 01, 2024 travel reimbursements will increase from \$15.00 to \$15.85, which is a 5.5% increase. This is to reimburse travel for BART's advisory committee members when attending in-person committee meetings.

Elena Van Loo reminded BATF members to update their RTC card number if it has changes, in order to receive October to December 2023, travel reimbursements.

Elena Van Loo announced the next scheduled BATF meeting will be held at East Bay Paratransit located at 1750 Broadway, 1st floor conference room, Oakland, on Thursday, January 25, 2024.

8. Chairperson Announcements

Roland Wong, Vice-Chair, stated it's been a good, productive year. He mentioned he is happy to be a BATF member with the role of leading today's BATF meeting as the Vice-Chair. Roland Wong shared he is happy with newly elected BATF members and looking forward to continuing with BATF member recruitment. He expressed gratitude to the public and BATF members for visiting BART Headquarters for the meeting and the BATF Holiday Reception to follow.

Janice Armigo Brown, Second Vice-Chair, expressed she was pleased to see the BART Boardroom on her first visit to the BART Headquarters. She asked if there were any hearing loops in the BART Boardroom.

9. Agenda Topics – Member Suggest Topics

- Next generation faregate – Update
- Clipper Card 2.0 – Update

10. Adjournment

The meeting adjourned at 2:53 pm until the next regularly scheduled meeting, Thursday, February 22, 2024 at 2pm.

BATF

Clipper Card update

- Clipper Card next generation system 2.0
- Clipper Card start update –

AGENDA 4

Clipper[®]

NEXT-GENERATION SYSTEM

CLIPPER START UPDATE

BART Accessible Task Force
January 25, 2024



Today's Agenda

- Clipper Today
- The New Clipper
- Clipper START Update

Clipper Today



Clipper: Backbone for Regional Network Management



22 Transit Operators



Mobile Phone Partners



Support regional and operator-specific fare initiatives



Clipper Executive Board provides program direction

SONOMA COUNTY

NAPA COUNTY

SOLANO COUNTY

Sonoma

Napa

Fairfield

MARIN COUNTY

San Pablo Bay

San Rafael

Martinez

CONTRA COSTA COUNTY

San Francisco

Oakland

ALAMEDA COUNTY

Redwood City
SAN MATEO COUNTY

San Jose

SANTA CLARA COUNTY



4 Million
Active Accounts



\$24 Million
Fares Collected

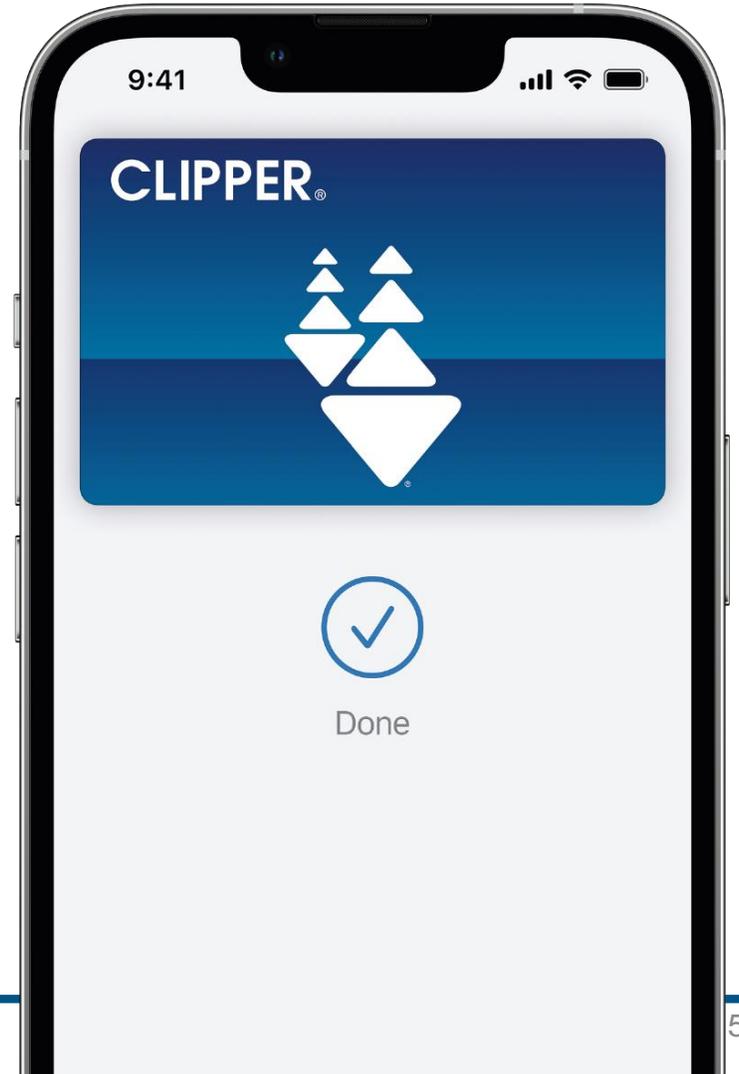
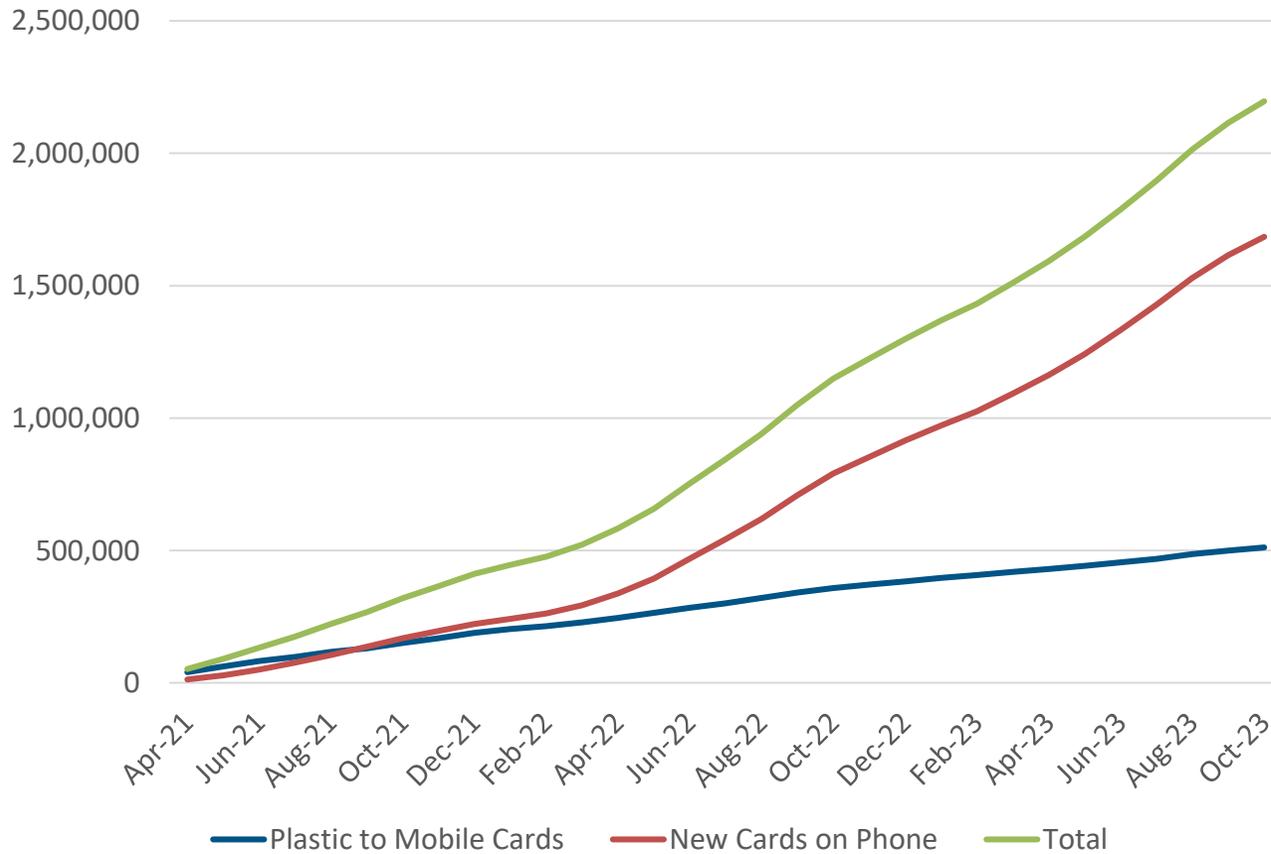


10 Million
Uses

*Every month

Mobile Clipper Cards

2,200,000



Users Love Clipper!

95%
Satisfaction

97%
Would Recommend



The System Needs Modernizing and is Stretching to Meet All Customer Needs

1999 Technology; 2005 Equipment



Transit benefit recipients

Low-income (equity)

Youth and seniors

People with qualifying disabilities (accessibility)

Transit benefit companies

Employers, colleges and residential developments

The New Clipper



Project Delivery Timeline



Equipment Installation



Account-Based System Testing



Transition Pilot Test



Customer Transition

2022

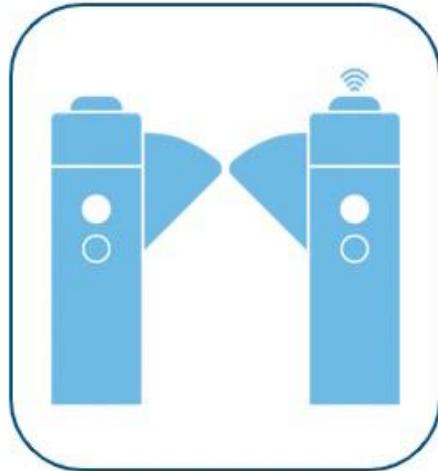
2023

2024

All New Equipment



**On-Board Card
Readers &
Driver Units**



**Clipper Rail
Gate Card
Readers**



**Platform
Stand-Alone
Card Readers**



**Customer
Service
Terminal**



**Handheld
Retail &
Inspection**

Mobile Clipper Card



Cards You Already Have

Major contactless
credit/debit cards
(open payment)



Clipper Mobile App

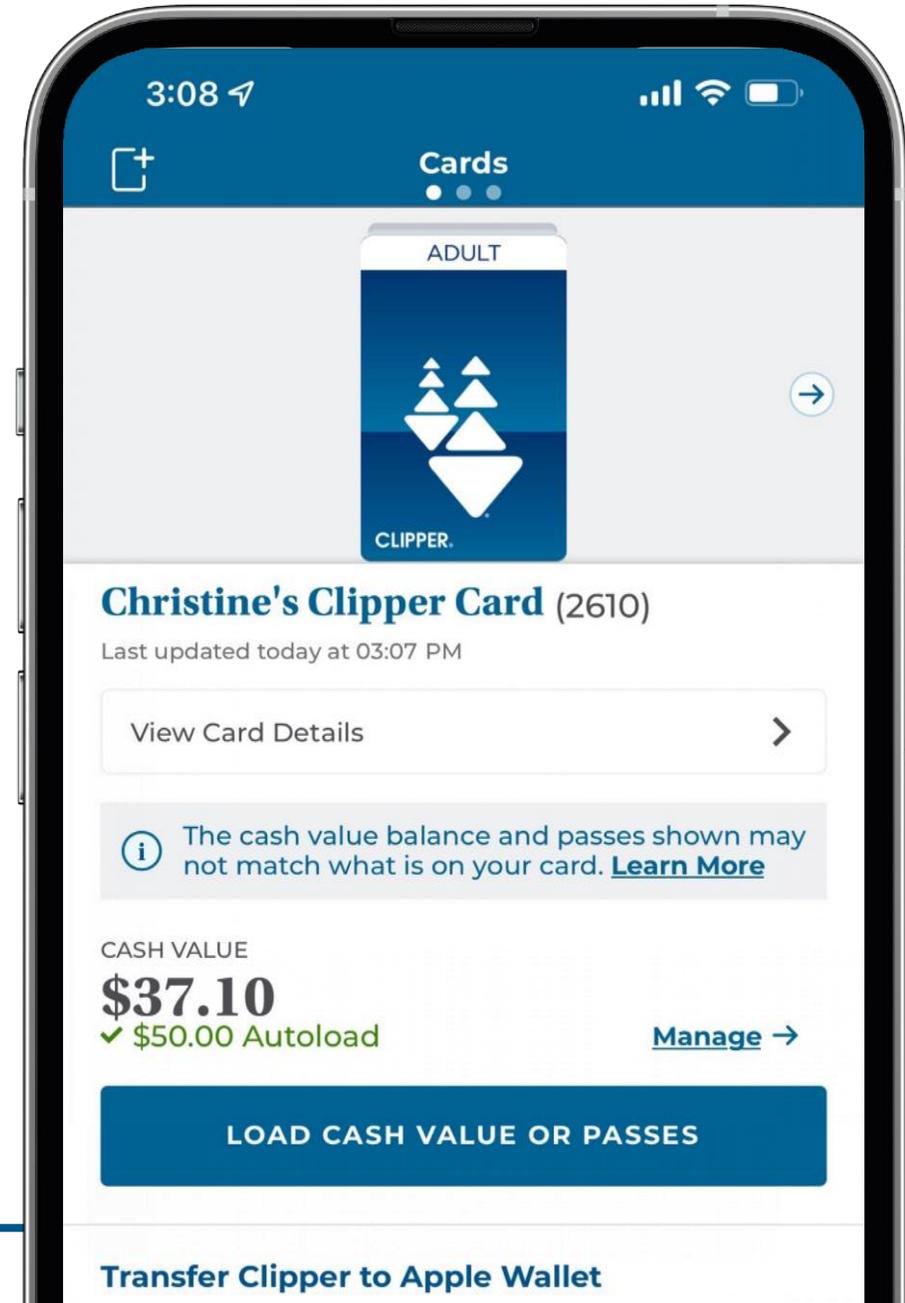
Instant Funds

See Balance

See Travel Costs

Plan Trips

Group Travel

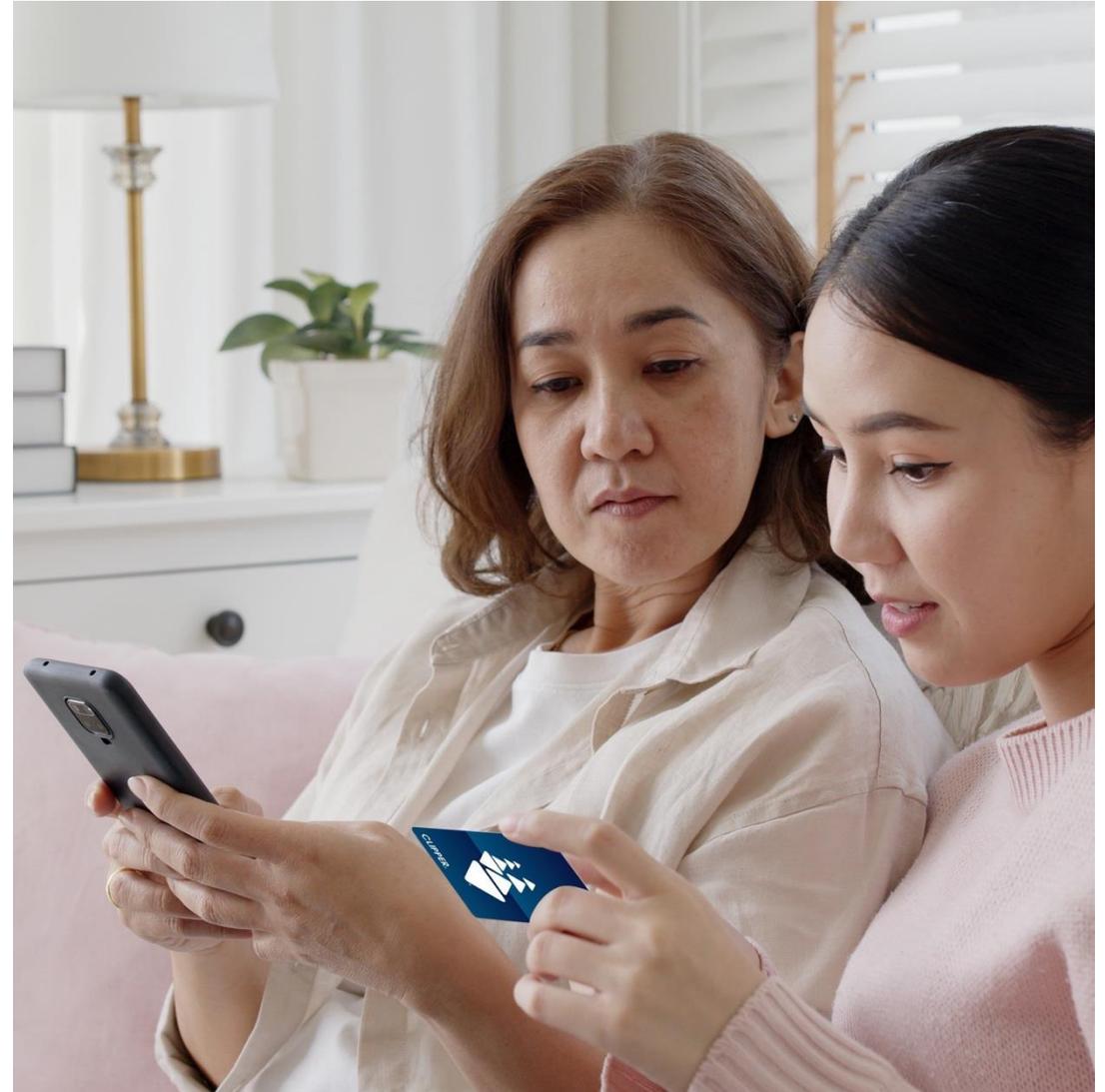


It's Family Friendly

Manage Kids' Cards

Manage Seniors' Cards

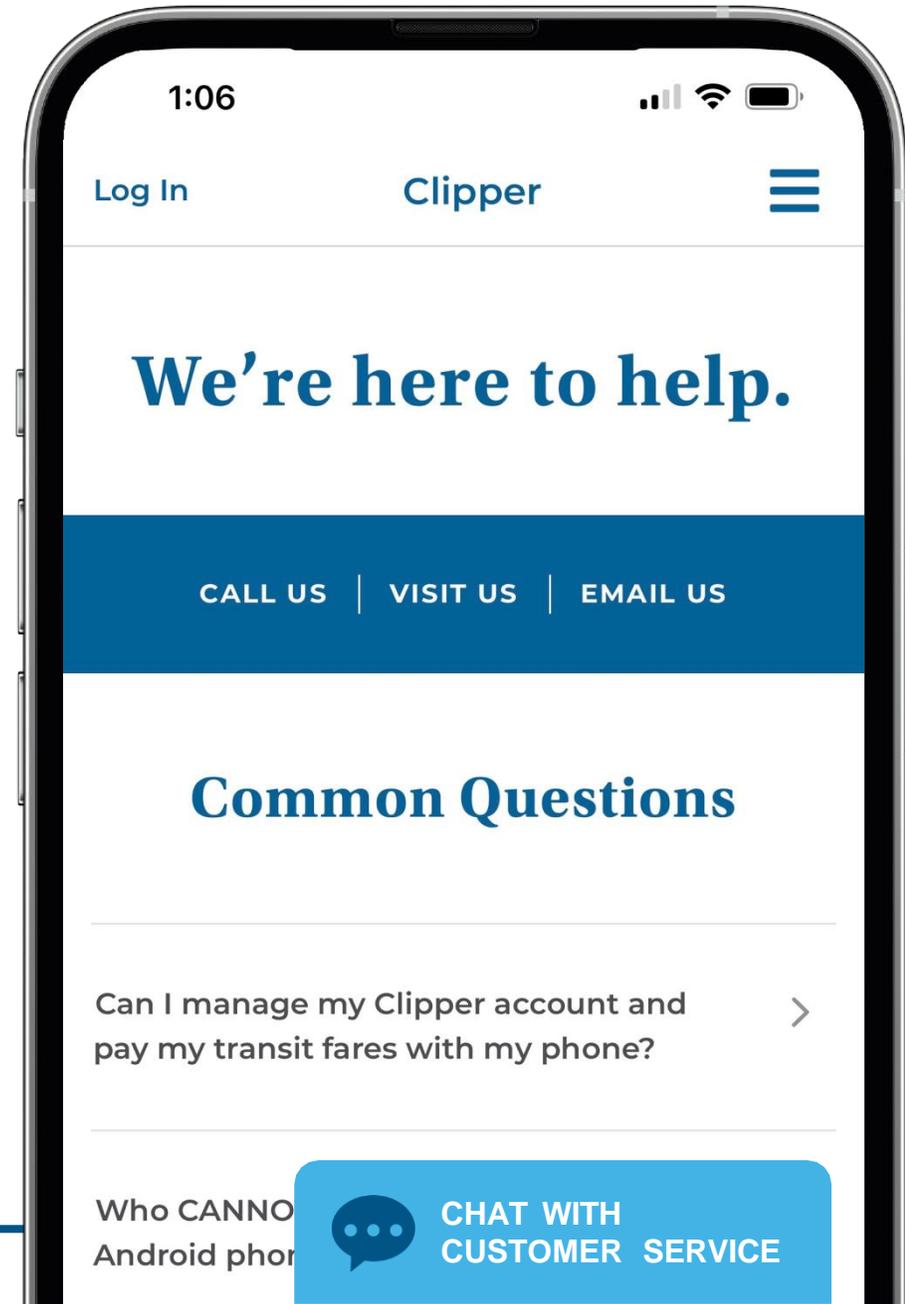
Manage Another Account



Clipper Customer Service, Better Than Ever

Automated Phone Options
that will allow customers
to self-serve

Live “Chat” will give
customers another way to
communicate with Clipper
Customer Service,
especially on the go



Discounts, Promotions and More

Targeted Fare Discounts and Promotions

Regional Fare Product Parity

Group/Visitor/Tourist Travel

CLIPPER GET CARD OR PAY WITH PHONE REGISTER CLIPPER RELOAD CLIPPER HELP LOG IN

We've got you covered around the Bay.

You can tag Clipper to pay fares on all Bay Area transit agencies and use it to access other services.

We've made it easy with quick guides to every service on Clipper. Find your service:

AC Transit	SamTrans
BART	San Francisco Bay Ferry
Caltrain	Santa Rosa CityBus
City Coach	SMART
County Connection	SolTrans
Dumbarton Express	Sonoma County Transit
FAST	Tri Delta Transit
Golden Gate Ferry	Union City Transit
Golden Gate Transit	Vine
Marin Transit	VTA
Muni	WestCAT
Petaluma Transit	Wheels

Plus
[BART Daily Fee Parking \(validation only\)](#)
[Bay Wheels \(access only\)](#)

METROPOLITAN TRANSPORTATION COMMISSION

CLIPPER START

Español 中文(繁體) Tagalog

HOME APPLICATION CONTACT US FAQs Log In

Save on San Francisco Bay Area transit

Clipper START is a pilot program to provide single-ride discounts to eligible riders. Participants can receive:

50% discount	20% discount
Caltrain	AC Transit
Golden Gate Transit and Ferry	Santa Rosa CityBus
Marin Transit	BART
Muni	City Coach
SamTrans	County Connection
San Francisco Bay Ferry	FAST
SMART	Napa VINE
	Petaluma Transit
	SolTrans
	Sonoma County Transit
	Tri Delta Transit
	Union City Transit
	WestCAT
	Wheels

To qualify, you must...

- Be a resident of the San Francisco Bay Area
- Be 18-65 years old
- Not have an RTC Clipper Card for people with disabilities
- Have a household income of 200% of the federal poverty level or less

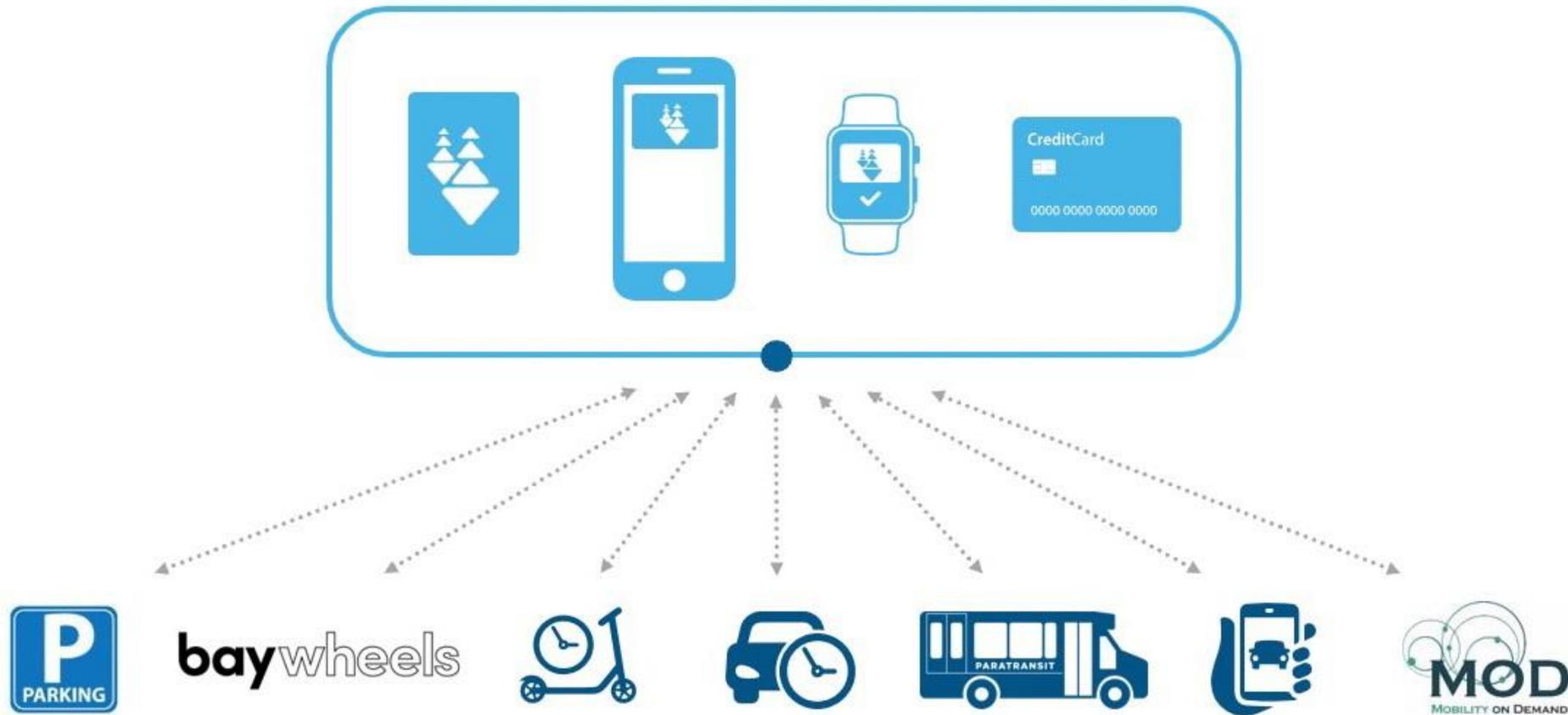
Apply Now

How does it work?

- Apply and provide proof of identity and income
- Get approved
- Receive a personalized Clipper card in the mail to get your discounts
- Ride!

Apply Now

The Way to Access Them All



CLIPPER. **START**  SM

Update

Current Program Snapshot

Data through October 2023

- 29,000 applications received
- 2.7 million trips taken
- 25,000 applications approved (roughly 12% of eligible population)
- Up significantly after spring 2023 campaign



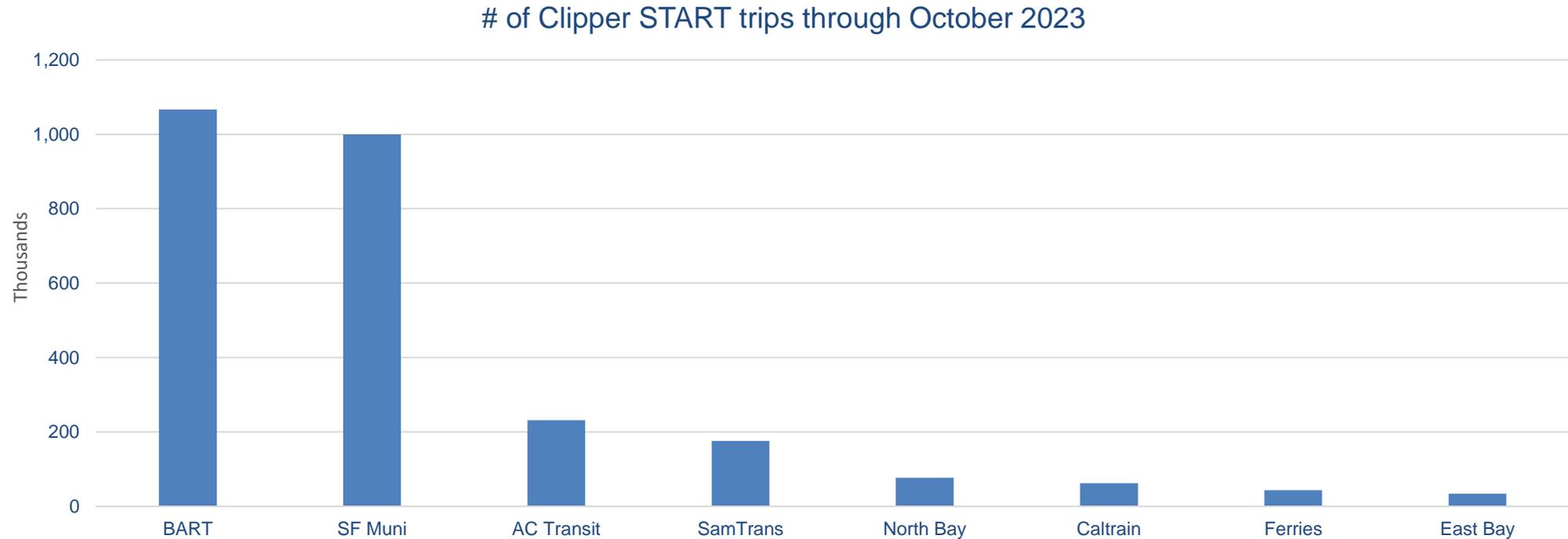
To qualify, you must...

- [Be a resident of the San Francisco Bay Area](#) ⓘ
- [Be 19-64 years old](#) ⓘ
- [Not have an RTC Clipper Card for people with disabilities](#) ⓘ
- [Have a household income of 200% of the federal poverty level or less](#) ⓘ

[Apply Now](#)

Current BART Usage

- 40% of Clipper START trips were taken on BART through October 2023
- 14,070 unique Clipper START cards were used on BART through October 2023



Big Wins

Clipper START continues to improve as it grows.

- Spring 2023 marketing campaign with direct mail nearly doubled applications
- VTA will join Clipper START in January 2024
- Starting January 1, 2024, and all participating agencies will offer a 50% discount

Clipper START Application Activity	March 2023	June 2023	Magnitude Increase
Applications submitted	932	1,667	1.78x
Approved applications	676	1,280	1.89x
TOTAL	1,608	2,947	1.84x

Need help paying for transit?

Get up to **50% off** Bay Area bus, ferry, train!



See if you qualify

START ▶▶

clipperstartcard.com



Spring 2023 Campaign Strategy

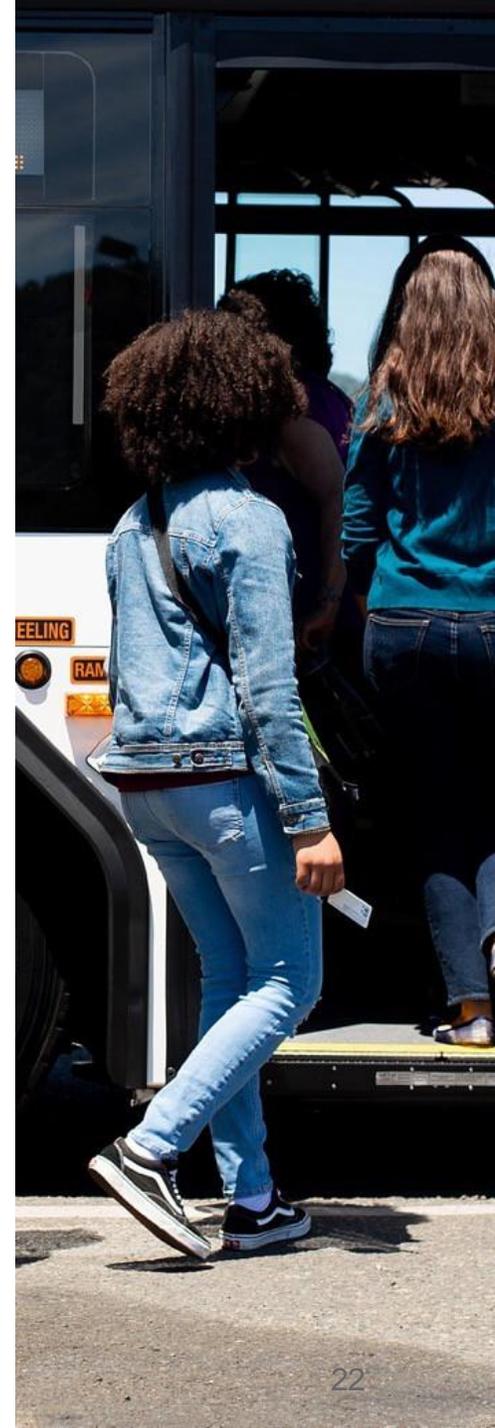


CAMPAIGN OBJECTIVES:

- ▶ Raise awareness of Clipper START
- ▶ Encourage people to apply for Clipper START
- ▶ Distribute a new campaign concept and messaging to reintroduce Clipper START
- ▶ Share the benefits of Clipper START

TARGET AUDIENCES:

- ▶ Low-income transit riders of all Bay Area transit agencies (*except VTA*)
- ▶ College students and young adults
- ▶ Chinese- and Spanish-speaking riders
- ▶ Black women



Active Outreach Tactics



TACTICS:

We updated tactics to reach people where they are at:

- ▶ **Direct mail campaign:** targeted low-income zip codes within the Bay Area – *this was particularly effective*
- ▶ **Neighborhood billboards:** corresponded with the low-income zip codes
- ▶ **Digital advertising:** targeted zip codes instead of income levels and expanded to include search engine marketing and TikTok
- ▶ **Digital out-of-Home:** added digital ads to run in groceries, bodegas, Coinstars
- ▶ **Outreach:** added outreach and contract with Roots Community Health Center to social service agencies and CBOs and updated outreach toolkit
- ▶ **Transit advertising:** donated and paid advertising on Bay Area transit

2024 Marketing Plans

- ▶ Marketing assessment/analysis
 - ▶ Survey completed
 - ▶ 8 focus groups completed
 - ▶ In-depth interviews with community-based organization (CBO) and social service agency (SSA) staff completed
- ▶ Currently developing approach for 2024
 - ▶ Comprehensive advertising
 - ▶ Partnerships with SSAs
 - ▶ Contracting directly with CBOs
- ▶ Budget increased for 2024
- ▶ Operators to provide increased support



BART Marketing Contributions

- ▶ Space on trains and in stations
- ▶ Month-long BART-specific digital advertising in January
- ▶ Co-outreach to colleges and universities
- ▶ Co-outreach to CBOs
- ▶ Platform sign messaging
- ▶ Story in email newsletter
- ▶ Media relations and communications support



Future Actions

- ▶ Assessments/review of strategies to address challenges
- ▶ Income verification can be barrier
- ▶ Exploring new strategies – part of larger assessment for MTC means-based programs, will conclude assessments in 2024
 - ▶ Auto-enrollment
 - ▶ Self-verification
 - ▶ Income eligibility threshold
 - ▶ Fare capping

CLIPPER **START** ▶▶



Clipper

BATF

BART's improved
access settle
agreement –
AGENDA 5

IMPROVED ACCESS SETTLEMENT AGREEMENT

SENIOR AND DISABILITY ACTION Et Al.

V.

San Francisco Bay Area Rapid Transit District

Background, Impacts on the District, and Information to know

HISTORY

- On April 5, 2017, Plaintiffs filed a putative class action against the San Francisco Bay Area Rapid Transit District (“BART” or the “District”) in the United States District Court for the Northern District of California (the “District Court”), Case No. 3:17-cv-01876. In their Complaint, Plaintiffs alleged claims under Accessibility Laws.
- The complaint was filed by SENIOR AND DISABILITY ACTION, on behalf of its members and all others similarly situated; INDEPENDENT LIVING RESOURCE CENTER OF SAN FRANCISCO; PI RA, on behalf of himself and all others similarly situated; and IAN SMITH, on behalf of himself and all others similarly situated
- The Complaint alleged that people with mobility disabilities were denied equal access to a critical component of the Bay Area’s mass transit system.

CLASS ACTION

- Though a full breakdown of Class Action Requirements and Legal authority is beyond the scope of what we are covering today, it is important to note that this Complaint was filed as a Class Action.
- The class covered in this matter, as you may have reviewed in the Notice released, includes all persons with any mobility disability, who from April 5, 2014 through June 1, 2039: (1) have needed to use the Accessible Features of BART facilities; or (2) will need to use the Accessible Features of BART facilities.
- Important for our purposes is that while there are individual Plaintiff's the litigation was filed on behalf of the above group of individuals with the named Plaintiffs acting as class representatives.

THE COMPLAINT

- Principal allegations of the Complaint were that:
 - elevators were regularly out of service in an unplanned fashion. Including more than 2,500 elevator outages occurring during BART's normal operating hours between October 2015 and the filing of the Complaint.
 - BART did not provide effective, reliable, or well-publicized alternate accessible transportation options for passengers with mobility disabilities who are unable to enter or leave their chosen BART stations because of outages.
 - The elevators were not suitably cleaned.
 - Escalators out of service, accessible fare gates out of service, call boxes used to alert station agents to access problems were frequently out of service.
 - BART's policies and practices create barriers to access.
 - Inadequate communication and plan for emergency evacuation.

NEGOTIATED SETTLEMENT

- The District and the Plaintiffs entered negotiations to address the concerns raised in the Complaint as well as any associated attorney's fees.
- After six years of work by the District's Office of the General Counsel, Outside Counsel, Internal Stakeholders, Plaintiff's Counsel, and Plaintiff stakeholders, the Parties Agreed on a settlement agreement to address the concerns of the Complaint.
- The settlement includes common terms for class action settlements including:
 - No admission of fault,
 - A Fairness hearing requirement,
 - Final court approval,
 - Notice to settlement Class,
 - No opt out.

DISTRICT OBLIGATIONS IN THE SETTLEMENT

- Preliminary matters:
 - Delayed Implementation Date: Several obligations under the Settlement are conditioned on the 'Delayed Implementation Date' therefore this date is important to note with regards to the District's obligation under the Settlement Agreement.
 - the Delayed Implementation Date shall be the earlier of:
 - (1) June 1, 2024; or
 - (2) 90 days after BART ridership reaches an average of 1.82 million weekly paid exits
 - (average weekly paid exits for each month will be determined by dividing the total trips reported in BART's Monthly Ridership Reports published on its website by four)
- Per our most recent projections, the June 1, 2024 date is the most likely date for the 'Delayed Implementation Date'

TERM OF THE SETTLEMENT OVERSIGHT

- The total term of the settlement will be complete fifteen (15) years after the delayed implementation date.
- Notice of settlement shall be published within 30 days of preliminary approval

ELEVATOR REQUIREMENTS RENOVATION

- BART will use Reasonable Best Efforts to seek funding and qualified contractors for and renovate elevators under the “Strategic Maintenance Plan” such that the 40 elevators identified in the Settlement Agreement will be renovated within 15 years of the Delayed Implementation Date.
- If funding or contractor constraints threaten that schedule, BART will notify Class Counsel.
- Subject to adequate funding and the availability of qualified contractors, BART will continue to make Reasonable Best Efforts to renovate additional elevators each year, until all elevators in need of such work have been renovated.

ELEVATOR REQUIREMENTS PROMPT REPAIR

- BART will make prompt repairs of out of service station elevators.
- BART will make Reasonable Best Efforts to achieve this standard:
 - Weekdays that are Non-Holidays. BART will **dispatch** a repair person or crew to the site of an out of service station elevator within **one hour** of the elevator being reported out of service.
 - Saturdays, Sundays, Holidays. BART will **dispatch** a repair person or crew to the site within **two hours**;
 - If BART, due to financial constraints, is unable to maintain staffing necessary to achieve this standard or fails to meet this standard two times in any consecutive seven-day span, BART will promptly notify Class Counsel.
 - In addition, BART will track response time to out-of-service elevators on a monthly basis, and will make the data available upon request.

ELEVATOR REQUIREMENTS PREVENTATIVE MAINTENANCE

- BART will make Reasonable Best Efforts to ensure that:
 - station elevators are operational system wide at least 98% of the time that BART is open to passengers, and
 - that each individual elevator is operational at least 95% of the time that BART is open to passengers.
 - These objectives will be assessed every six months, and will exclude all planned outages for maintenance, repairs and renovations.
 - BART will track elevator uptime on a monthly basis, and will make those data available upon request.

ELEVATOR REQUIREMENTS PREVENTATIVE MAINTENANCE SCHEDULE

- The District has created a maintenance schedule for elevators and that schedule cannot be modified during the term of the Settlement Agreement to provide for maintenance less than what is provided by original equipment manufacturers (“OEM”) recommendations.
- If BART seeks to modify the maintenance schedule to provide less than OEM recommendations, BART must provide Plaintiff’s counsel one-months’ notice of the proposed changes and reasoning.
- BART will perform work pursuant to the maintenance schedule during the graveyard shift, when trains are not in service. Should circumstances change such that BART must schedule such regular preventative maintenance during operating hours, BART will notify Class Counsel. If BART needs to perform regular preventative maintenance during operating hours, it will comply with the elevator mitigation requirements.

ESCALATOR UPGRADES

- BART developed a plan to replace or “truss up” 40 downtown San Francisco station escalators and to add one additional escalator, using funds from bond Measure RR. BART refers to this as “Phase One” of its escalator renovation plan.
- BART has also identified 38 escalators in Downtown Oakland and along Mission Street in San Francisco to be renovated as part of “Phase Two,” and 96 remaining escalators to be renovated as part of “Future Phases.”
- Subject to qualified contractor availability, BART agrees to use Reasonable Best Efforts to renovate six “Phase One” escalators per year such that all 40 “Phase One” escalators are renovated within 10 years of the Delayed Implementation Date.
- If funding or contractor constraints materially impact the current schedule, BART will notify Class Counsel. BART will produce an updated version of the Phase One escalator renovation schedule every six months as part of the monitoring process. The Parties agree that BART is not obligated to renovate more escalators than it has available funding or qualified contractors to do the work. If BART cannot meet the above schedule, BART will report such.

ESCALATOR UPGRADES FUTURE WORK

- The Settlement acknowledges that BART does not currently have a funding source to implement “Phase Two” or the “Future Phases” of its escalator renovation plan.
- BART has agreed to use Reasonable Best Efforts to fund the renovation of its additional escalators, but the Parties recognized that BART will continue to prioritize critical systems and elevator renovations and repairs over escalators.

ESCALATOR REQUIREMENTS

PROMPT MAINTENANCE

- BART will make prompt repairs at out of service station escalators. This requires, at minimum, that BART **dispatch a repair person or crew** to the site of an out of service station escalator:
 - Weekdays, non-holidays: within **four hours**,
 - Saturdays, Sundays, and Holidays: **within six hours after such escalator condition is discovered.**
- BART will make Reasonable Best Efforts to achieve this standard, but notes that it is dependent on availability of qualified mechanics, and that elevator repairs must take priority over escalator repairs.

ESCALATOR REQUIREMENTS PREVENTATIVE MAINTENANCE

- BART has designed and implemented an escalator preventative maintenance plan.
- Routine escalator maintenance shall not be scheduled to be performed on escalators serving the commute direction during daily commute hours, and shall not be performed at stations when the elevator serving the same platform is also out of service.
- This maintenance schedule cannot be modified during the term of the Settlement Agreement to provide for maintenance less than what is provided by OEM recommendations.
 - If BART seeks to modify the maintenance schedule to provide less than OEM recommendations, BART must provide Class Counsel one-months' notice of the proposed changes and reasoning.

ESCALATOR REQUIREMENTS

- BART will make Reasonable Best Efforts to ensure that station escalators system-wide are operational at least 90% of the time that BART is open to passengers.
 - This objective will be assessed every six months, and will exclude all planned outages for maintenance, repairs and renovations.
 - BART will track escalator uptime on a monthly basis and make those data available upon request.

ELEVATOR ATTENDANTS

- BART will use Reasonable Best Efforts to fund the existing elevator attendant program at Civic Center, Powell Street, Embarcadero, and Montgomery Street stations for the Settlement Term.
- In no event will BART be obligated by this Agreement to fund SFMTA's share of the elevator attendant program.
- BART will not discontinue or otherwise materially alter the elevator attendant program during the Settlement Term without notifying Class Counsel at least three weeks beforehand.

SYSTEM SERVICE WORKER STAFFING

- In August 2017, BART modified its staffing schedules for System Service Workers (“SSW”) to ensure adequate personnel are available during BART operating hours to respond promptly when Accessible Features have been soiled. The modified staffing schedule is currently subject to a labor grievance, which is subject to arbitration. BART plans to vigorously defend the grievance, but were the grievance sustained, BART could be unable to continue the revised staffing schedule. In the event that this occurs, BART will notify Class Counsel.
- As part of its SSW efforts, BART has also modified its management structure to provide increased management personnel, including foreworkers, supervisors, and a superintendent to oversee the most heavily used and soiled stations.

STAFFING CONTINUED

- Subject to the grievance proceeding noted above, BART will make Reasonable Best Efforts to maintain a staffing schedule that will allow SSW to be present in the downtown San Francisco and downtown Oakland stations during regular business hours, so that they may promptly respond to instances of Accessible Feature soiling in those stations.
- Under the current staffing plan, BART seeks to ensure that SSW will be able to respond to instances of soiling of Accessible Features in Level One stations within 30 minutes of the soiling being reported; and in Level Two stations within one hour of the soiling being reported. Assuming BART is not required as the result of union grievances to modify its staffing, it will continue to use its Reasonable Best Efforts to achieve these response times.

STAFFING CLEANUP

- Starting no later than 90 days after the Effective Date, BART agrees that, with the exception of soiling that poses an immediate risk to passenger or employee health or safety, including disinfecting and other Covid-19 required procedures, addressing soiling that affects the Accessible Features of BART's stations takes priority over all other janitorial tasks.
- However, starting no later than 90 days after the Effective Date, BART will make Reasonable Best Efforts to achieve the response times identified in paragraph 44 (i.e., 30 minutes for Level One stations and one hour for Level Two stations) from Monday to Saturday for soiling that is reported between 9:00 a.m. and 7:30 p.m. The remaining times (i.e., before 9:00 a.m. and after 7:30 p.m., and Sundays) will not go into effect until the Delayed Implementation Date.

COMMUNICATION REGARDING OUTAGES

- The Communication Regarding Outages shall be implemented no later than the Delayed Implementation Date.
- BART will make Reasonable Best Efforts to promptly (i.e., within 15 minutes of notification of an outage report) communicate elevator and escalator outages to the public through a variety of media, including BART's email subscription, BART's on-demand text messages, and BART's website.
- BART is investigating the cost and feasibility of installing remote elevator monitoring technology in station elevators. BART has implemented this technology on a pilot basis at 12th Street, 19th Street, Embarcadero, Montgomery, Powell and Civic Center stations. BART currently lacks funding to continue this project, but agrees to use Reasonable Best Efforts to seek the funding necessary.
 - BART will notify Class Counsel if it locates funding to move this project forward. If BART is able to locate funding, it will use Reasonable Best Efforts to expand the technology throughout the BART system.

COMMUNICATION OBLIGATIONS CONTINUED

- BART will continue to update its elevator hotline hourly, and will ensure that hotline messages are time-stamped.
- BART will continue to update elevator outages on the Platform Destination Signs as well as station agent booths. BART will continue to announce elevator outages on trains and at platforms, at least once every fifteen minutes.
- Signage on Elevators
 - Where a planned elevator outage is known more than a week in advance, BART will post signage on elevators and station agent booths at least one week before a planned elevator outage. In all other circumstances, BART will post signage as soon as reasonably possible. Such signage will have the ability to direct the customer to mitigation instructions.
 - BART cannot be responsible if the signage is vandalized or removed by third-parties, but will make Reasonable Best Efforts to ensure adequate signage is available.
- BART will promptly communicate escalator outages to the public via on-demand text messages and website postings.

ACCESS AND ELEVATOR MITIGATION PLAN

- Within one month of Final Approval, BART will disseminate and publicize the Access and Elevator Outage Mitigation Plan through standard methods including, but not limited to, email subscriptions, BART's website and BART's social media, and discussing the plan with the BART Accessibility Task Force.
 - The Mitigation Plan includes a guide which details mitigation options available when a given BART station elevator is out of service, and which will allow BART personnel to provide people with disabilities with accurate and detailed information on alternative options to reach their destination.

ELEVATOR HELPLINE

- BART will use Reasonable Best Efforts to seek funding to implement an Elevator Helpline (“Helpline”) pilot, which will provide a telephone line that will be staffed 7 days per week, during BART’s hours of operation.
- BART does not currently have funding to implement the Elevator Helpline pilot. Once adequate funding is acquired, the pilot will be implemented no later than four months after for a testing period of three months, and then based on the results of the testing period for an additional six months.
- At the end of the pilot period, the Parties will meet to review this data and determine whether BART’s Elevator Helpline service should be made permanent, modified, or ended, depending on availability of funding.

MITIGATION SHUTTLE PILOT

- BART has developed a pilot program which will test the usage, reliability and cost-effectiveness of on-demand and staged shuttle service (the “Mitigation Shuttle” pilot).
- BART does not currently have funding to implement this additional pilot program, but will use Reasonable Best Efforts to seek funding for implementation.
- The pilot program will be implemented at a minimum of 14 stations with the most limited alternatives (i.e., where backtracking or other transit options would take longer than 45 minutes, on average).
- For the seven stations with the most limited mitigation alternatives and which also have the least on-demand availability and highest need, BART will provide staged accessible service vehicle
- The remaining stations in the pilot program will be given priority for the development of contracts to enhance service and minimize response times for on-demand accessible service vehicles. At these stations, BART will provide on-demand, accessible service vehicles that riders can request via the Helpline or a station agent. These accessible service vehicles will transport riders from one BART station to another.

MITIGATION SHUTTLE PILOT CONTINUED

- Riders may also request on-demand accessible vans as a mitigation option for other stations experiencing elevator outages, regardless of whether the station is included in either pilot program.
- BART will track how often such requests are made and fulfilled, along with information regarding response time, and starting and ending destinations for each request, and share this information with Class Counsel as part of its general Reporting requirements.
 - For on-demand accessible service, BART's goal is to provide the most prompt service possible, and accordingly, BART will revise its contracts to incentivize third party contractors to have response times not to exceed 45 minutes if feasible and funding is available.
 - BART will ensure that all Helpline and accessible service vehicle operators providing elevator mitigation services have training sufficient to meet the needs of passengers with mobility disabilities.

MITIGATION SHUTTLE PILOT CONTINUED

- BART will also make Reasonable Best Efforts to communicate with passengers regarding the existence of this pilot program throughout its Term. At the end of the 6-month period, BART will evaluate the efficacy of the 6-month pilot program based on customer satisfaction, utilization, response time, travel-time comparison, and cost and share the results with Class Counsel.
- Within forty-five days of the end of the 6-month pilot program, the parties will subsequently meet and confer regarding BART's evaluation of the pilot program, and work together to determine whether to continue, modify, or terminate the program based on the results of the pilot.
- BART will use Reasonable Best Efforts to secure funding to implement the Elevator Helpline and Mitigation Shuttle pilot programs described in this section during each annual budget cycle, and will keep Class Counsel apprised of these efforts, in accordance with the Reporting schedule
- BART will implement the Elevator Helpline program 4 months after funding is acquired and the Mitigation Shuttle pilot program 6 months after funding is acquired.

EMERGENCY PREPAREDNESS PLAN TRAINING STATION AGENTS AND TRAIN OPERATORS

- BART will provide station agents and train operators training regarding the evacuation of people with disabilities during an emergency, with the understanding that such employees will not be required to personally perform evacuations.
- The training described will be provided as part of the initial certification and recertification classes for all station agents and train operators.
- The training described will be conducted by BART's Employee Development Specialists and the agreement further defines the subtopics of training.

EMERGENCY PREPAREDNESS PLAN TRAINING POLICE

- As part of its regular “toolbox” training of BART police officers, BART will inform officers that they may be requested to assist train operators in the event of emergencies, and that this could include the evacuation of people with disabilities

UPDATED PRINT MATERIALS AND WEBSITE RE EMERGENCY EVACUATION PLAN

- BART shall provide general information on its website about what to expect in the event of an emergency evacuation in the BART system, including but not limited to the types of emergencies that necessitate evacuation, BART's methods for alerting passengers of the need to evacuate and BART's procedures for the evacuation of riders with disabilities.
- BART will provide Class Counsel with drafts of any materials to be used in the training described previously, as well as materials to be provided online described above, by no later than 90 days after the Effective Date. BART will work in good faith to incorporate any feedback from Plaintiffs into the training materials, as appropriate and feasible. BART will modify the poster entitled "BART Safety Card 2015 – Final" to replace the statement "Wait for assistance" and the translated versions thereof with the language "Rescue personnel will assist persons with disabilities."

UPDATED PRINT MATERIALS AND WEBSITE RE EMERGENCY EVACUATION PLAN

- BART will add language directing the general public and riders with mobility disabilities to the website address for the emergency evacuation information BART has agreed to develop to any current and future emergency evacuation posters or other evacuation-related written materials meant for public distribution, including but not limited to the “BART Safety Card 2015 – Final” and the “In Case of Emergency” poster.

EVACUATION MATERIALS

- BART will ensure that evacuation chairs and other evacuation equipment are maintained in good working order, and all such equipment will be added to the agency's annual station maintenance inspection checklist

EMERGENCY DRILLS

- BART will request that emergency evacuation drills with the Fire Departments include practice in the evacuation of persons with disabilities, including the use of appropriate evacuation equipment. BART will make such requests as part of all emergency evacuation exercise planning efforts with the Fire Departments.

MOBILITY DEVICE REUNIFICATION

- The Mobility Device Reunification practices shall be implemented no later than the Delayed Implementation Date.
- The Settlement proscribes the practices that must be followed to ensure mobility device reunification in the event of an evacuation.
- BART shall ensure that all station agents and other personnel responsible for communicating with evacuated riders and/or securing mobility devices are trained on the above practices and procedures

ALERTS MANDATED

- To the extent technologically practical, BART shall utilize the interactive display screens available on the Fleet of the Future BART cars to textually communicate emergency alerts that are otherwise being communicated audibly.

CALL BOXES

- BART replaced all call boxes in BART stations in Fall 2017. BART will maintain call boxes in working condition per the OEM maintenance schedule.

SIGNAGE AND PATH OF TRAVEL OBLIGATIONS

- The Signage/Path of Travel practices shall be implemented no later than the Delayed Implementation Date.
- BART will notify Class Counsel (beforehand if possible) of any planned material changes to any aspect of a station's path of travel, to ensure that such changes do not inadvertently create access barriers for people with disabilities. Class Counsel shall then have the opportunity to provide comments. Class Counsel may also notify BART of and provide comments on any material changes to any aspect of a station's path of travel that they discover. BART agrees to consider any comments and requested modifications by Class Counsel, and BART will not unreasonably refuse to adopt Class Counsel's requested revisions.
- BART will use its Reasonable Best Efforts to install Clipper pods and/or BART fare gates at elevator entrances (e.g., North Berkeley and Ashby stations) where elevators are located outside of paid area in order to bring them inside of paid area.

PATH OF TRAVEL CONTINUED

- Where the platform elevator is located outside of the paid area, BART will install signage stating that passengers should make use of the service gate, and describing the path to the platform and street elevators.
- BART will work with staff and/or appropriate consultants, as needed, to improve signage related to the accessible path of travel, to determine the best locations for new accessible fare gates/Clipper pods, and to simplify paths of travel between fare gates and elevators.

ACCESSIBLE FARE GATES

- The practices proscribed for Accessible Fare Gates shall be implemented no later than 90 days following the Effective Date.
- BART will maintain accessible fare gates in working condition per the OEM maintenance schedule.
- Where the accessible fare gate is out of order, BART will make Reasonable Best Efforts to ensure the station agent is readily available to assist riders with Mobility Disabilities in the tagging and processing of tickets.

LOCKING FARE GATES

- The practices proscribed for Locking of Elevators and Service Gates shall be implemented no later than 90 days following the Effective Date.
- BART will ensure that Station Agents do not lock or turn off elevators during BART's operating hours, unless doing so is necessary to perform elevator maintenance or for some legitimate safety-related reason. Such a legitimate safety-related reason may include, but are not limited to, a fire/smoke emergency or police-related matter.
- Station agents may not lock elevators in an effort to prevent fare evasion. Elevator emergency calls will, if not answered within 30 seconds, roll over to Central Control.

LOCKING FARE GATES CONTINUED

- BART will ensure that swing gates adjacent to the Station Agents' booths shall not be locked during BART's operating hours, unless a Station Agent is immediately adjacent to the gates and able to provide passenger assistance. BART will put up a sign at each swing gate stating, "Gate is locked when station agent is present. Please ask station agent to unlock gate." Each sign will include a wheelchair access icon.
- Within 90 days from the Effective Date, BART's Station Agent trainings and training materials will reflect the above policies.
- Should a person with a disability discover that an elevator or emergency gate is locked during operating hours, they may report the issue via the Complaint Procedure.

TRAINING REQUIREMENTS

- Station Agents, Train Operators, System Service Workers, and Operations Control Center workers shall receive training on accessibility, emergency evacuation, soiling issues, and otherwise dealing with the disabled.
- Training schedules shall begin no later than the Delayed Implementation Date.

COMPLAINT PROCEDURE UPDATES

- The District will provide telephone number and web link to enable people to raise accessibility issues.
- Implementation within 90 days after the effective date.

PROGRESS MONITORING REPORTS

- Report within 120 days of effective date re: status of compliance.
- For 5 years provide a report 2 times/year re: compliance.
 - Currently scheduled on February 15 and July 15 (subject to adjustment mutually agreed by the Parties) regarding BART's compliance with this Settlement Agreement
- For remainder of the term, once per year written reports.
- First five years the District representative and class counsel shall meet at least once per year to discuss BART's efforts to implement this Settlement Agreement and to attempt to resolve any disputes regarding its implementation or enforcement.

REQUESTS FOR INFORMATION

- Respond to class counsel whenever the BART point person receives reasonable requests from Class Counsel for explanations and/or information regarding particular elevator or escalator outages.
- BART will make Reasonable Best Efforts to provide prompt and accurate explanations of why particular elevators or escalators went out-of-service, how long such equipment was out-of-service or is expected to remain out-of-service what efforts were or have been made to return such equipment to service, and whether repairs are being conducted by BART or by an outside contractor.

MONITORING FEES

- For fees and costs associated with monitoring compliance with this Settlement Agreement, BART shall pay Class Counsel \$12,500 per year for years 1-5 of the Term, and \$10,000 per year for the remainder of the Term. Payment shall be made annually on the anniversary of the Effective Date.

DISPUTE RESOLUTION GOVERNED BY THE SETTLEMENT AGREEMENT

- The Parties have additionally outlined the procedure to resolve disputes that may arise during the course of the settlement. These include notice periods, meet and confer obligations, and response times that can be reviewed in more depth in the Settlement Agreement.

COSTS OF SETTLEMENT

- In addition to the material changes to the procedures and infrastructure of the District, the attorney fees and settlement amount paid to the class representatives is as follows:
 - \$825,000 to Class Counsel.
 - \$7,500 to each of the named plaintiffs
 - \$15,000 to each of the organizational plaintiffs

QUESTIONS AND ISSUES RAISED