

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
300 Lakeside Drive, P. O. Box 12688, Oakland, CA 94604-2688
(510) 464-6000

NOTICE OF MEETING AND AGENDA
Transit Security Advisory Committee (TSAC)
June 25, 2019

Committee Members: Janet Abelson, Chris Finn, Jessie Jones, Sue Kuipers, Crystal Raine,
and Armando Sandoval.

A regular meeting has been called of the Transit Security Advisory Committee on Tuesday, June 25, 2019, at 10:00 a.m. The Meeting will be held in the BART Board Room, Kaiser Center 20th Street Mall – Third Floor, 2040 Webster Street, Oakland, California.

AGENDA

1. Call to Order. For Discussion. (05 min.)
 - a. Roll Call.
2. Approval of Minutes of the Meeting of May 28, 2019. For Discussion and Action. (05 min.)
3. Public Comment (Limited to 3 minutes per speaker). (05 min.)
(An opportunity for members of the public to address the TSAC on matters not on the agenda.)
4. Review of the District's Station Hardening and Homeless Initiatives. (45 min.)
For Discussion.
5. Review of Monthly Statistics for Prohibition Orders (May 2019). (10 min.)
For Discussion and Action.
6. Review of the TSAC Bylaws. For Discussion and Action. (20 min.)
7. Review of the TSAC 2019 Outlook Calendar. For Discussion and Action. (10 min.)
8. Staff Comments. For Discussion. (05 min.)
9. Committee Member Announcements/Comments. For Discussion. (05 min.)
(An opportunity for Committee members to provide brief comments on matters relevant to the TSAC.)
10. Next Meeting Agenda Items and Date. For Discussion and Action. (10 min.)
11. Adjournment.

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 service/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.

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
300 Lakeside Drive, P.O. Box 12688, Oakland, CA 94604-2688

Transit Security Advisory Committee Meeting Minutes
Tuesday, May 28, 2019

A regular meeting of the Transit Security Advisory Committee (TSAC) was held May 28, 2019 convening at 10:04 a.m. in the BART Board Room, 2040 Webster Street, Oakland, California. The meeting was called to order by Chairperson Crystal Raine; May Cooper, Recording Secretary.

Members Present: Members Janet Abelson, Crystal Raine, Chris Finn and Armando Sandoval.

Absent: Sue Kuipers and Jessie Jones.

1. Call to Order.

The regular meeting was called to order at 10:04 a.m. by Chairperson Raine.

Crystal Raine, Janet Abelson, Armando Sandoval and Chris Finn were present amounting to a quorum.

2. Approval of Minutes of the Meeting of April 23, 2019.

Ms. Abelson called for a motion to approve Minutes of the Meeting of April 23, 2019; Mr. Sandoval seconded the motion. The motion passed with a unanimous voice vote. Ayes – 4: Members Abelson, Sandoval, Raine and Finn. Noes: 0. Absent-1: Members Kuipers and Jones.

3. Public Comment.

Chairperson Raine called for public comments. No comments were received.

4. Review of Monthly Statistics for Prohibition Orders (January -April 2019).

Chairperson Raine brought the matter of review of the Monthly Statistics for Prohibition Orders (January -April 2019) to the Committee. The report for January 2019 was discussed.

Ms. Abelson recommended that Monthly Statistics for Prohibition Orders include a cumulative summary. Mr. Finn recommended that the report include summaries taken from the BART Police Annual AB716 California State Legislative Report from previous years. Mr. Sandoval will report the feasibility of the Committee recommendations at the next TSAC meeting.

Chairperson Raine announced that the order of agenda items would be changed, and called for Mercedes Coleman, with Crisis Support Services of Alameda County to present Mental Health First Aid to the Committee. Chairperson Raine further stated that the Committee would continue their review of the reports for February – April 2019, following Ms. Coleman's presentation.

Review of Mental Health First Aid Training for District Personnel.

Ms. Coleman presented, Mental Health First Aid to the Committee. The item was discussed.

Chairperson Raine brought the matter to continue the review of the Monthly Statistics for Prohibition Orders (February -April 2019) to the Committee. The remaining reports were discussed.

5. Staff Comments.

Chairperson Raine called for staff comments. No comments were received.

6. Committee Member Announcements/Comments.

Mr. Finn suggested future presentations on topics such as, peer support, train the trainer, and customized training for BART personnel. Chairperson Raine requested that the Committee research alternate resources for mental health first aid training. Mr. Sandoval suggested a presentation from the Systems Development, Station Area Planning Department on the topic of station hardening and the homeless initiative.

7. Next Meeting Agenda Items and Date.

Chairperson Raine brought the matter of the next meeting agenda and date before the Committee. The next meeting is scheduled for Tuesday, June 25, 2019 at 10 a.m. in the BART Board Room. The agenda will include the following:

- Review of the TSAC Outlook Calendar
- Review of the TSAC Bylaws
- Review of Training Recommendations for BART Personnel

8. Adjournment.

The meeting was adjourned at 12:06 p.m.



BART's Homeless Program

June 2019



Homelessness Problem Identification

- Homelessness is a national issue ~ 554K individuals (Jan. 2017)
 - $\frac{1}{4}$ of homeless population in CA ~ 134K
 - Bay Area ~ 28K. Majority have previous addresses in the counties where they are homeless, but dumping is common
 - 92K of 134K (68%) unsheltered (CA) vs. 5K of 90K (5%) unsheltered (NY)
 - In 2019, Alameda County counts increased 43%, Santa Clara County by 31%, San Francisco by 17%
- Key causes: Lack of affordable housing, economic instability, trauma/loss of family safety nets, institutional exits, mental illness (including substance abuse), and disability
- Many transit operators (i.e. NYC, LA, Chicago, Philadelphia, Austin, Minneapolis, etc.) struggling with this issue

Homelessness Problem Identification: BART

Monthly Counts at Market St. Stations

Dates	EM	MT	PO	CC	Total
2017 Avg (Oct-Dec)	10.7	26.0	45.7	42.0	124.3
2019 Avg (Jan-May)	17.8	21.3	29.8	32.8	101.5

Quarterly Homeless Count per 100 Train Cars

Dates	Weekday	Weekend	Total
FY18 Q2	24	55	33
FY18 Q3	61	125	77
FY18 Q4	45	79	55
FY19 Q1	46	93	60
FY19 Q2	66	160	93

Staff boards ~570 trains per quarter on all days of the week, all times of day, and all lines

Homeless Initiative Framework + Strategies



- BART Districtwide approach in all four counties
- Tailored strategies for different BART zones: stations, trackway, yards and remnant parcels
- Strategies
 - **Engage + Support:** develop local and regional partnerships, connect to services
 - **Engineer + Maintain:** secure, harden, increase cleaning and connect to public restrooms
 - **Enforce + Monitor:** ordinances, citations, arrests, proof of payment, stay-away orders, LEAD SF

Location	Engage + Support	Engineer + Maintain	Enforce + Monitor
Non-Stations / Right-of-Way <ul style="list-style-type: none"> • Along tracks (incl. East Bay Greenway) 	<ul style="list-style-type: none"> • Contact local jurisdictions and ascertain willingness to assume ownership – need to know their intentions 	<ul style="list-style-type: none"> • Identify & Secure Property (incl. better fencing) 	<ul style="list-style-type: none"> • No Camping Ordinance (DRAFT) • No Trespassing Ordinance
Yards (Concord, Richmond, Daly City, HMC)	<ul style="list-style-type: none"> • Contact local jurisdictions and ascertain willingness to assume ownership – need to know their intentions 	<ul style="list-style-type: none"> • Identify & Secure Property (incl. better fencing) 	<ul style="list-style-type: none"> • No Camping Ordinance (DRAFT) • No Trespassing Ordinance
Remnant parcels	<ul style="list-style-type: none"> • Contact local jurisdictions and ascertain willingness to assume ownership – need to know their intentions 	<ul style="list-style-type: none"> • Identify & Secure Property (incl. better fencing) 	<ul style="list-style-type: none"> • No Camping Ordinance (DRAFT) • No Trespassing Ordinance
Stations: Outside Paid Area <ul style="list-style-type: none"> • Parking lots / Intermodal Areas 	<ul style="list-style-type: none"> • Connect to services • Identify & Request to Keep Moving 	<ul style="list-style-type: none"> • Lighting • Cameras • Signage 	<ul style="list-style-type: none"> • Identify & Request to Keep Moving • No Camping Ordinance (DRAFT) • No Trespassing Ordinance • Warnings/Citations/Arrests
Plazas	<ul style="list-style-type: none"> • Connect to services • SF HOT • LEAD SF Program • Station Retail / Activation • Partner with local jurisdictions <ul style="list-style-type: none"> ○ SF ○ Oakland ○ Fremont ○ Berkeley ○ Other Alameda ○ Contra Costa 	<ul style="list-style-type: none"> • 16th St. Plaza <ul style="list-style-type: none"> ○ Added M-F day cleaning shift ○ Increased steam cleaning (3-4 hours / night) ○ Signs in elevators ○ Continue contributions toward SFDPW Pit Stop (street restroom) • Continue and Expand SFDPW Pit Stop (monitored street restroom) 	<ul style="list-style-type: none"> • Identify & Request to Keep Moving • LEAD SF Program • Intervene & Prevent • No Camping Ordinance (DRAFT) • No Trespassing Ordinance • Warnings/Citations/Arrests
Inside stations	<ul style="list-style-type: none"> • Connect to services • SF HOT • Station Retail / Activation 	<ul style="list-style-type: none"> • Street Entrance Barriers • Head Houses • Zamboni Cleaning • Station Brightening / Steam Cleaning 	<ul style="list-style-type: none"> • Identify & request to Keep Moving • LEAD SF Program • Elevator Attendants • Warnings/Citations/Arrests
Stations: Paid Area / Platforms	<ul style="list-style-type: none"> • Connect to services • SFHOT • LEAD SF Program 	<ul style="list-style-type: none"> • Re-open underground restroom pilots @ Powell & 19th • Hardening – Fare Evasion • Cameras • Steam Cleaning 	<ul style="list-style-type: none"> • Elevator Attendants in SF • Proof of Payment • Stay Away Order • Code of Conduct • Warnings/Citations/Arrests
On Board Trains	<ul style="list-style-type: none"> • Connect to services • Coordinate with local jurisdictions / service providers (Alameda, Contra Costa, etc) 		<ul style="list-style-type: none"> • Proof of Payment • Code of Conduct • Warnings/Citations/Arrests

San Francisco Homeless Outreach Team (SFHOT)

- Partnership with San Francisco Municipal Transportation Agency + Dept of Homelessness and Supportive Housing
- Launched November 2017, continue through FY20
- 4 downtown SF stations, Mon-Thu, 7am – 4pm
- One team of 2 outreach workers
- Monthly reporting to BART
- Added new teams in Contra Costa County (Jan 2019) + SF Mission St. Stations (May 2019). FY20 = Alameda/San Mateo (SFO) counties



Metrics (11.14.17 – 12.31.18)	2017*	2018*	Total
Total Contacts	168	535	703
Total Referrals/Connections **	118	419	537
Total No. of Refusal of Services	44	116	160
Permanent Assistance	28	136	164

* Nov-Dec 2017 vs Jan-Oct 2018

**Types of Services: Homeless Related (Shelter, Resource Center, Emergency Food, Clothing), Mental Health, Substance Use, Medical, State/Federal Benefits, others.

Pit Stop Program



- Ongoing funding partnership with SF Public Works at 16th St., Powell St. + 24th St. Stations, continue through FY20
- Reduce public urination and defecation on BART property
- Attended restroom access for BART customers, cleaned between uses
- Handouts for customers + non-customers; signage in elevators
- Restroom upgrades at Powell St. and 19th St. (2020)



BART Customers	2017	2018
16 th St./Capp	5206	5083
Powell St.	2426	3999
24 th St.	-	672
Total	7,632	9,754

PIT STOP BATHROOMS

San Francisco Public Works operates the Pit Stop Program, which provides clean and safe public toilets in San Francisco's most impacted neighborhoods. The program utilizes both portable toilets, which are traveled to and from the sites daily after overnight servicing at a remote location, and the semi-permanent JCDecaux self-cleaning toilets. All the Pit Stop facilities are staffed by attendants who help ensure that the toilets are well-maintained and used for their intended purpose.

Below are Pit Stop locations near downtown San Francisco BART stations.

Near Civic Center/UN Plaza Station

- Grove & Larkin Streets — Daily
9 am to 8 pm
- UN Plaza — Daily
9 am to 8 pm



Near Powell Street Station

- Market St. above Hallidie Plaza — Daily
9 am to 8 pm



Regional Coordination



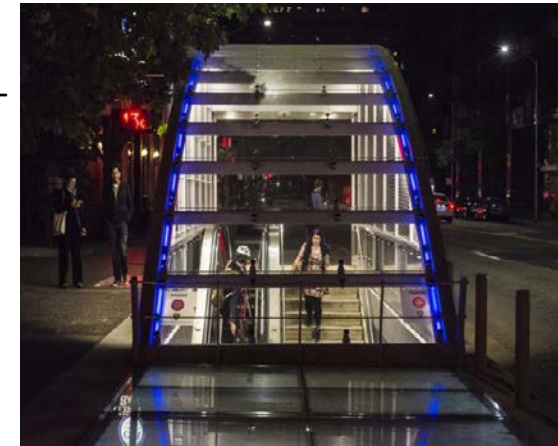
Regional coordination with all counties served by BART to share resources/information, explore data sharing, consider potential properties for navigation centers and tough sheds, and discourage dumping.

Explore partnership and access to beds with Salvation Army

Entrance Barriers + Canopies



Pilot Entrance Canopies at 19th St. + Market Street



Plaza Canopy at Downtown Berkeley



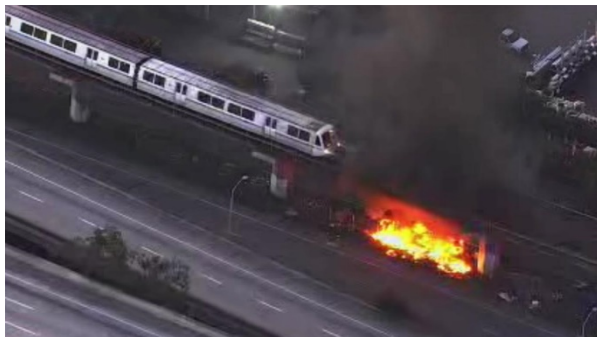
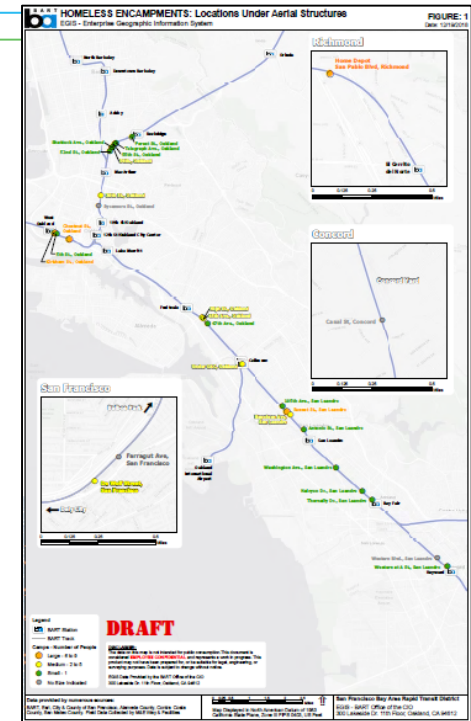
Station Opening Stairwell Counts

Stations	12/21/15	12/24/18
Embarcadero	232	101
Montgomery	125	93
Powell St.	196	119
Civic Center	188	100

Homeless Encampment Sites



- Fruitvale track fire in December 2017
- Concerned with fires from large encampment sites under/adjacent to BART Tracks including 2 in West Oakland
- Hotspot map
 - West Oakland at 4th and Adeline St. (relocated homeless population, secured property underneath BART tracks)
 - Coliseum Station Area
 - Richmond Yard



Enforcement

Dedicated BART PD and Staff

- Police Officers
- Fare Inspectors
- Community Service Officers
- Frontline Social Worker
- Ambassadors



Elevator Attendants



- Launched April 2018, continue through FY20
- Partnership with SFMTA & CBO Urban Alchemy
- Monitor and discourage undesirable activities in street and platform elevators at Civic Center + Powell St. Stations
- Daily during all BART operating hours
- Expanding to Montgomery + Embarcadero (FY20)
- Major success with customers, especially ADA, seniors, and families

10.30.18

Six months in, elevator attendant pilot program at Civic Center and Powell is going strong

By MELISSA JORDAN
BART Senior Web Producer

Six months into a pilot to provide elevator attendants at two BART stations, data show the program is helping to keep stations cleaner. And it's getting rave reviews from customers, too.

The pilot at Civic Center and Powell Street stations began on April 30, 2018, and will continue through June 30, 2019. It's funded by BART and the [San Francisco Municipal Transportation Agency](#), using workers placed through the community-based organization [Hunters Point Family](#) to serve as attendants.

"We have seen a significant drop in misuse of those elevators," to virtually nil, said David Coggshall, Assistant Superintendent of System Service. "The elevators are being used now by the people they're meant to be there for - people in wheelchairs, with strollers, senior citizens, luggage, anyone who would have trouble on escalators or stairs."



Monthly Avg. (2019)	Total	Disabled	Stroller	Luggage	Needles	Biowaste	Vandalism	Assaults
Powell St.	39,145	3,530	3,990	16,863	0	0	0	0
Civic Center	59,263	5,432	3,372	25,761	0	0	0	0

A decorative graphic consisting of several colored lines (red, orange, yellow, blue, green) that enter from the left and right edges of the slide and curve inward, creating a frame-like effect around the central text.

Thank You!

Prohibition Order Statistics
(From May 1, 2019 to May 31, 2019)

Crime	Description	Prohibition Orders Issued	Percentage	In-Custody	Citations
664/187 PC	Attempt Murder				
215 PC	Carjacking				
211 PC 664/211 PC	Robbery/ Attempt Robbery	4		4	
241/243/422/415(3) PC	Assault/Battery/Threats to Station Agents	1		1	
243/422 PC	Battery/Threats to Train Operator				
243/422 PC	Battery/Threats to System Service or Other	1		1	
243(b)/69/422PC	Battery/Threats to Officer	3		3	
243(e)(1) PC	Domestic Battery	3		3	
273.5 PC	Domestic Battery– Corporal Injury				
243.3/243d/422 PC	Battery/Threats to Patron	13		12	1
243.4/288 PC	Sexual Battery	1		1	
245 PC	Assault with Deadly Weapon				
273d(a) PC/ 243a(b) PC	Child Abuse/ Endangerment				
314 PC	Indecent Exposure	1		1	
417 PC	Brandishing Weapon	1		1	
647(a) PC	Lewd Conduct	1		1	
11352/11360 H&S	Narcotic Sales	2		2	
148 PC ;/ 237 PC/647 (f)	Resisting Arrest/ False Imprisonment/Disorderly Conduct	2		2	
Total		33	100%**	32 (%)**	1 (%)**

2019 AB730 STATISTICS

Crime	Description	Arrests	Prohibition Appeals	Mental Illness *	Transient	Juvenile (<18)
664/187 PC	Attempt Murder					
215 PC	Carjacking					
211 PC/ 664/211 PC	Robbery/ Attempt Robbery	4				3
243/422 PC	Battery/Threats to Station Agent	1				
243/422 PC	Battery/Threats to Train Operator					
243/422 PC	Battery/Threats to System Service or Other	1				
243(b)/69/422 PC	Battery/Threats to Officer	3				
243(e)(1)PC	Domestic Battery	3				1
273.5 PC	Domestic Battery-- Corporal Injury					
243.3 PC/ 422 PC	Battery/Threats to Patron	12			1	3
243.4/288 PC	Sexual Battery	1				
245 PC	Assault w/ Deadly Weapon					
487(c) PC	Theft from Person					
314 PC	Indecent Exposure	1			1	
417 PC	Brandishing Weapon	1				
647(A) PC	Lewd Conduct	1				
11352/11360 H&S	Sales of Illegal Narcotics	2			1	
148 PC ;/ 237 PC	Resisting Arrest/ False Imprisonment	2				
Total		32	0 (0%)**	0 (%)**	3 (%)**	7 (%)**

2019 AB730 STATISTICS

Crime Classification	Prohibition Orders Issued	Percentage
Felony	16	%
Misdemeanor	17	%
	33	100%

Gender	Prohibition Orders Issued	Percentage
Male	28	%
Female	5	%
	33	100%

Ethnic Background	Prohibition Orders Issued	Percentage
Black	20	%
Hispanic	7	%
Other	1	%
White	5	%
	33	100%**

Age	Prohibition Orders Issued	Percentage
17 & Under	7	%
18 to 25	10	%
26 to 35	9	%
36 to 45	2	%
46 to 55	1	%
56 +	4	%
	33	100%**

2019 AB730 STATISTICS

Age/Ethnic Background	Black	Hispanic	Other	White
17 & Under	7	0	0	0
18 to 25	6	3	0	1
26 to 35	2	4	1	2
36 to 45	2	0	0	0
46 to 55	1	0	0	0
56 +	2	0	0	2
	20 (%)**	7 (%)**	1 (%)**	5 (%)**

Month	Prohibition Orders Issued	Percentage
January	33	%
February	43	%
March	30	%
April	26	%
May	33	%
June		%
July		%
August		%
September		%
October		%
November		%
December		
Year to date total =	165	100%**

Zone	Prohibition Orders Issued	Percentage
Zone 1 (Oakland)	7	%
Zone 2R (Berkeley & West Contra Costa County)	1	%
Zone 2C (East Contra Costa County)	3	%
Zone 3 (South Alameda County)	7	%
Zone 4 (San Francisco County)	13	%
Zone 5 (San Mateo County)	2	%
	33	100.25%**

2019 AB730 STATISTICS

Station	Zone	Prohibition Orders	Percentage
12 th Street (Oakland)	1		
16 th Street (San Francisco)	4		
19 th Street (Oakland)	1	1	
24 th Street (San Francisco)	4		
Ashby (Berkeley) – AHS	2r		
Balboa Park (San Francisco) – BPS	4	3	
Bay Fair (San Leandro) – BFS	3	2	
Berkeley - BES	2r		
Castro Valley – CVS	3	1	
Civic Center (San Francisco) – CCS	4	5	
Coliseum (Oakland) – COS	1	2	
Colma – CLS	5		
Concord - CDS	2c	1	
Daly City – DCS	5		
Dublin Pleasanton – DPS	3	3	
El Cerrito Del Norte – CNS	2r		
El Cerrito Plaza – CPS	2r		
Embarcadero (San Francisco) – EMS	4	2	
Fremont - FMS	3		
Fruitvale (Oakland) – FVS	1		
Glen Park (San Francisco) - GPS	4		
Hayward – HAS	3	1	
Lafayette – LFS	2c	1	
Lake Merritt (Oakland) – LMS	1	2	
MacArthur (Oakland) – MAS	1		
Millbrae – MBS	5		
Montgomery Street (SF) – MOS	4		
North Berkeley – NBS	2r	1	
North Concord – NCS	2c		
Orinda - ORS	2c		
Pittsburg – PBS	2c		
Pleasant Hill – PHS	2c		
Powell Street (San Francisco) – PPS	4	3	
Richmond – RIS	2r		
Rockridge - ROS	2c		
San Bruno – SBS	5	1	
San Leandro – SLS	3		
South Hayward – SHS	3		
South San Francisco – SSS	5		
Union City – UCS	3		
Walnut Creek – WCS	2c	1	
Warm Springs – WSS	3		
West Dublin – WDS	3		
West Oakland – OWS	1	2	
San Francisco Airport (SFO)	5	1	
Other BART Property (P&R)			
Total Stations		33	100%**

2019 AB730 STATISTICS

Public Utilities Code Section 99171(a) (1) (A)

There have been 0 violations during this month. No subjects were cited on three separate occasions for the violations, within a period of 90 consecutive days.

Violation	Description	Number of Violations
640(d)(1) PC	Willfully Disturbing Others	0
640(d)(4) PC	Blocking Free Movement	0
Total		0

*** In all cases involving mental illness issues, subjects are transported to and evaluated at a psychiatric facility prior to being booked at the jail or cited.**

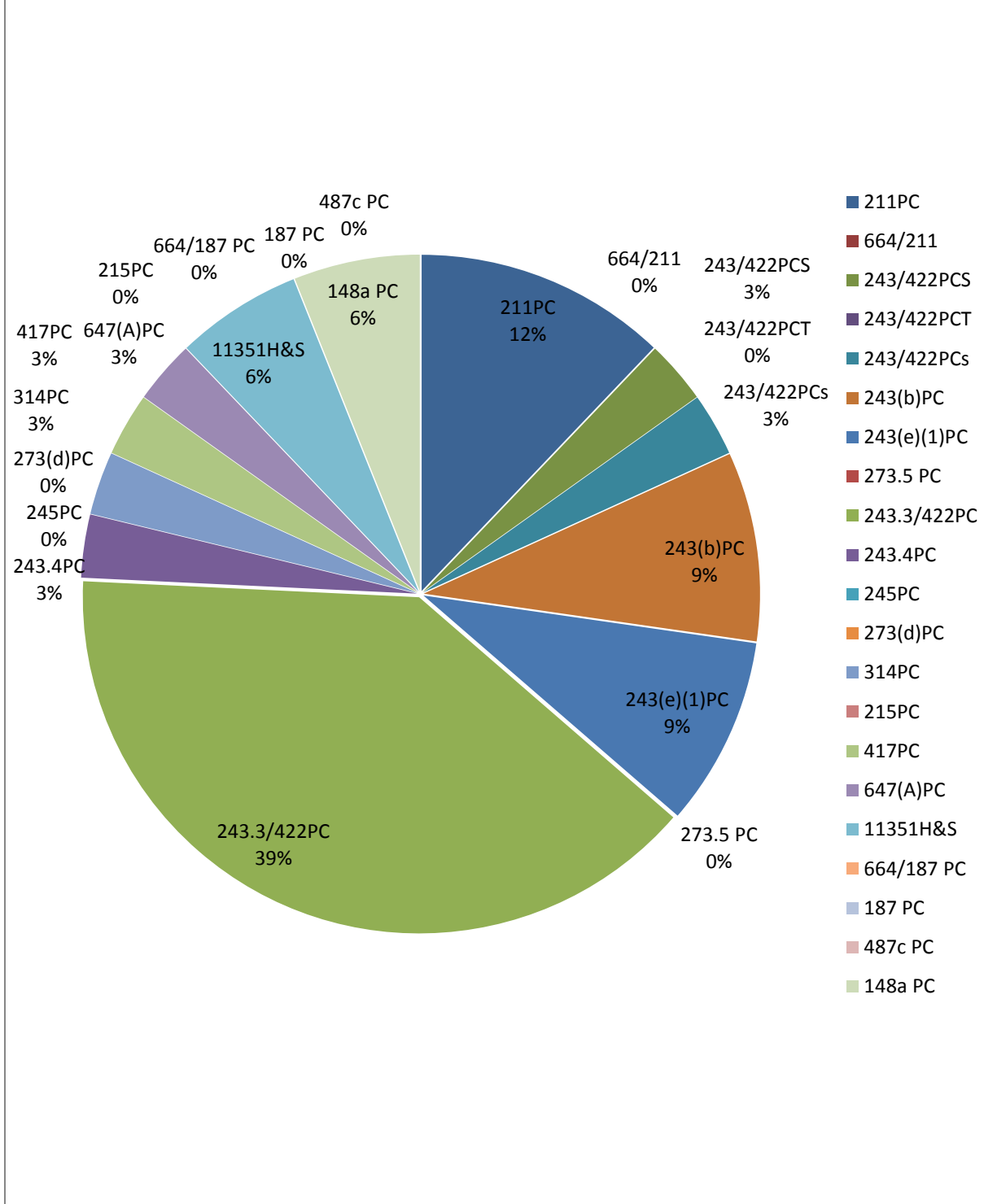
**** Percentages rounded to nearest quarter of a percent - .25**

i Not a qualifying offense

Top 5 Stations for Part I Crime		
Arrests and Citations		
Felony		Not Available
Misdemeanor		Not Available
Arrest by Citation		Not Available
Fare Evasion		Not Available
Total Commendations Written		Not Available
Total Calls to ISRC (Dispatch)		Not Available
Total phone calls, 911 call, events created	Total Phone calls answered by ISRC	Not Available
	Total 911 Calls	Not Available
Field Interview Cards		Not Available

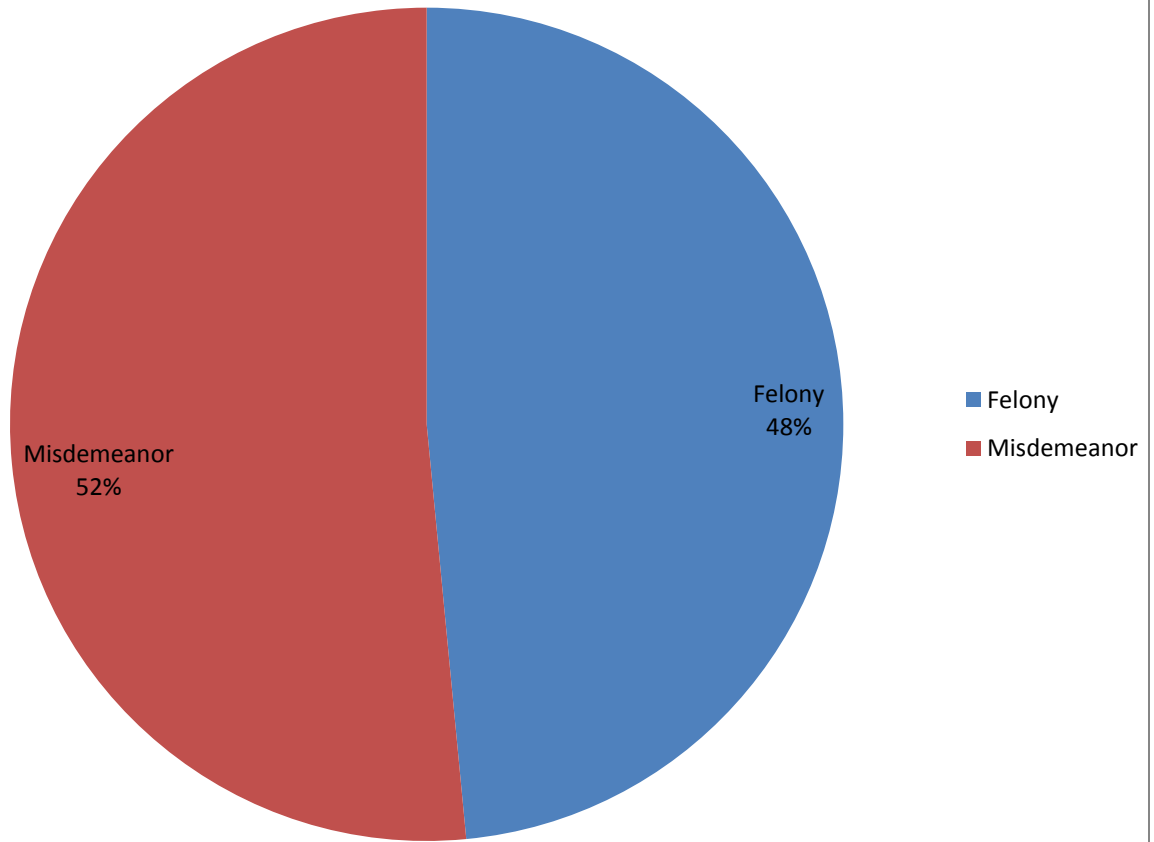
AB730 Violation Statistics December (12-31-2018)

Arrests



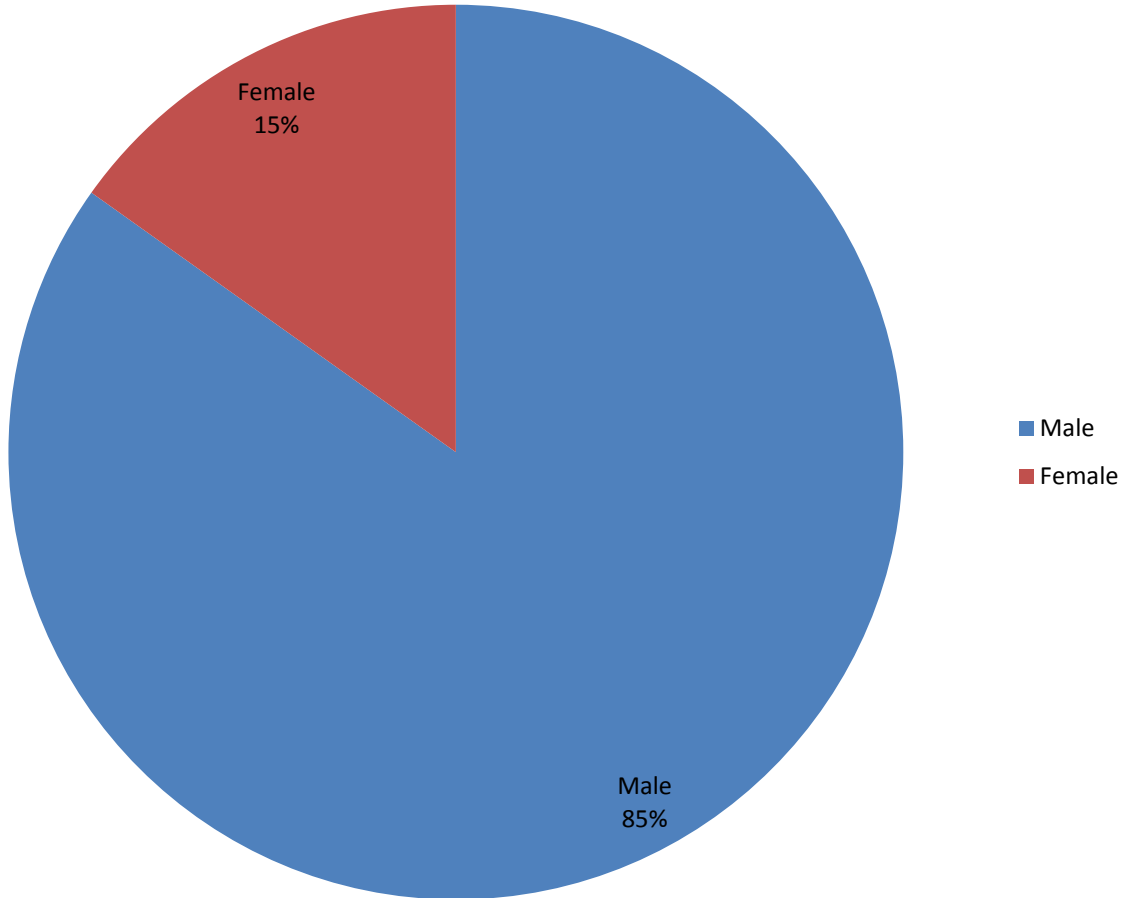
AB730 Violation Statistics December (12-31-2018)

Crime Classification



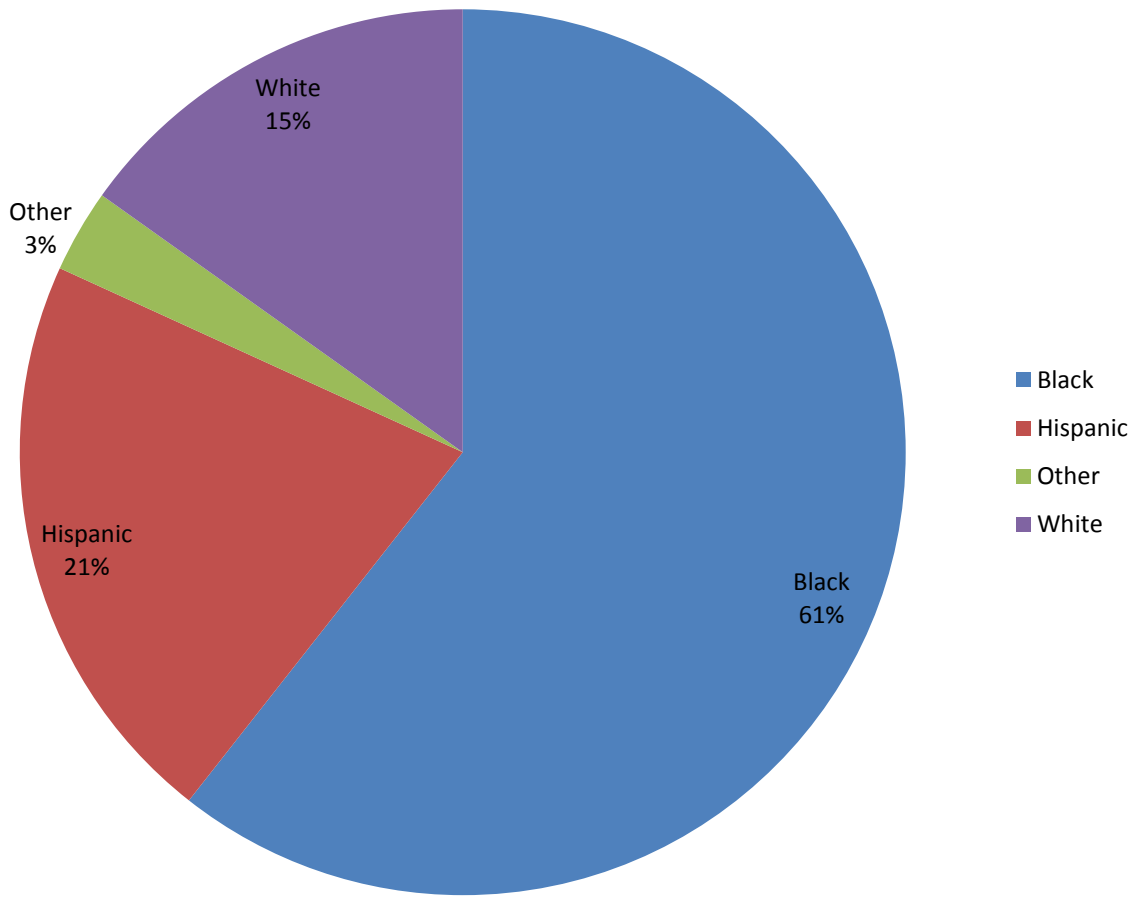
AB730 Violation Statistics December (12-31-2018)

Gender



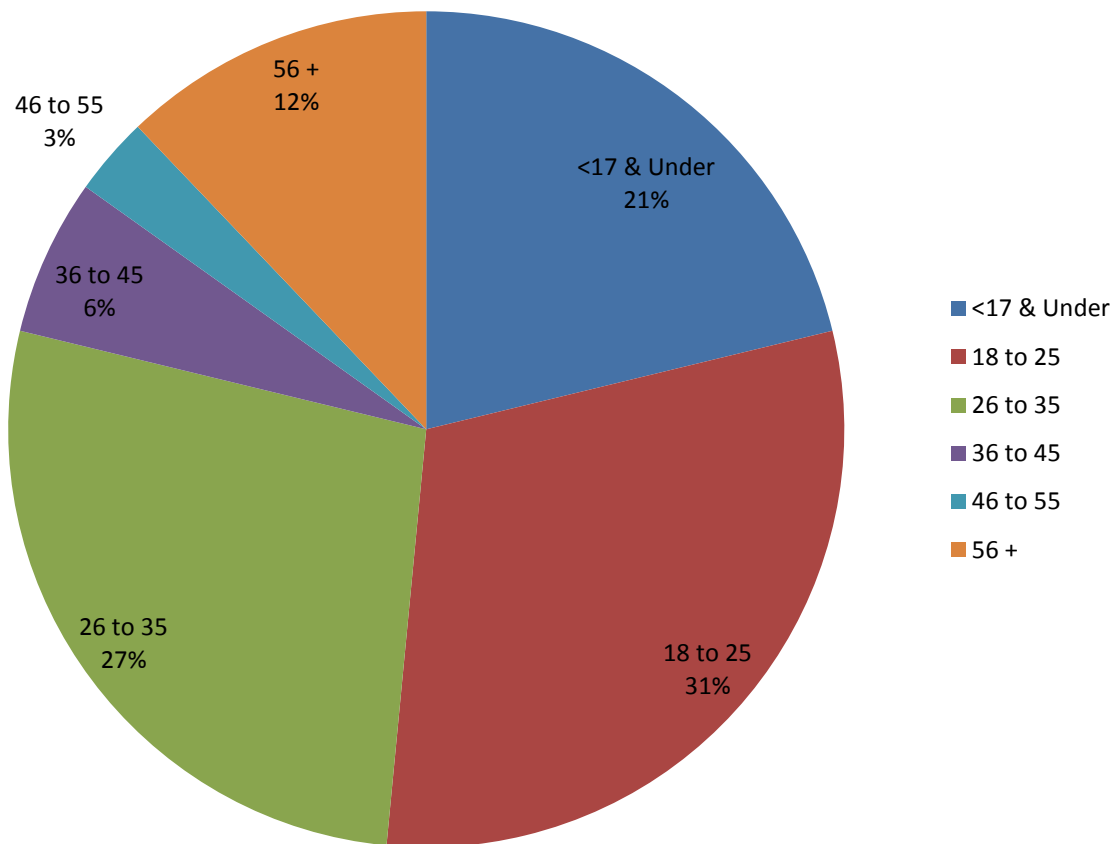
AB730 Violation Statistics December (12-31-2018)

Ethnic Background

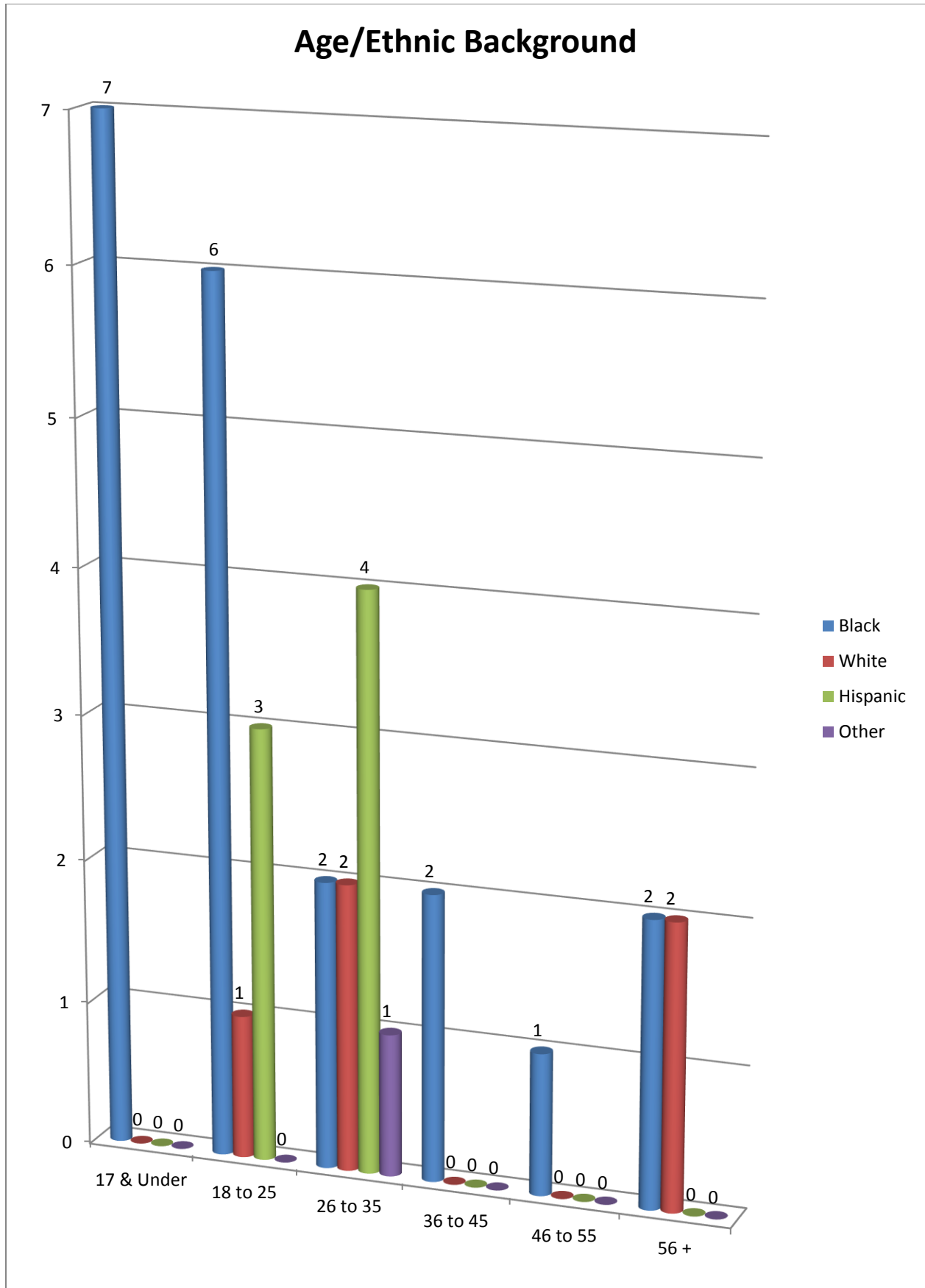


AB730 Violation Statistics December (12-31-2018)

Age

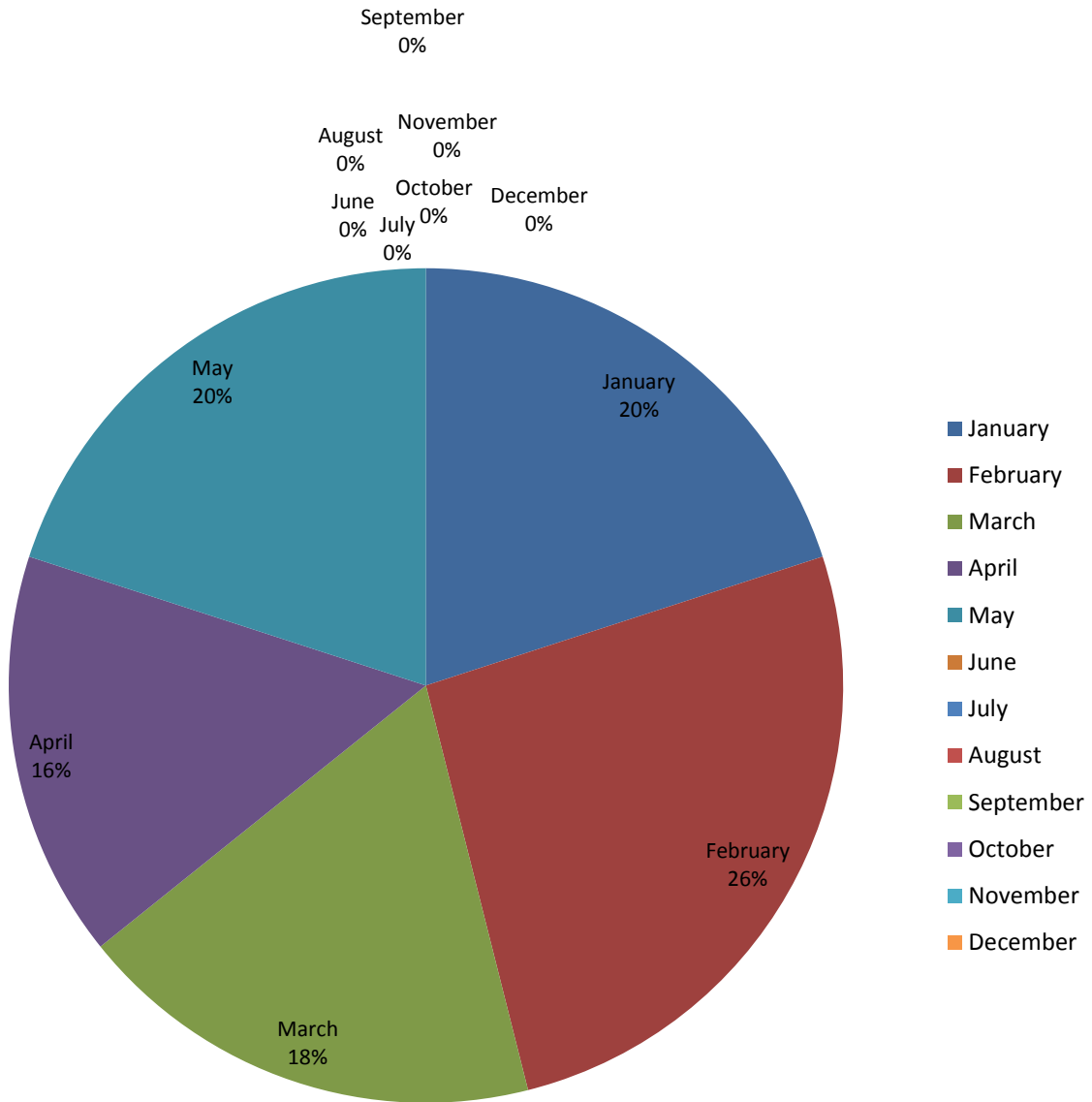


AB730 Violation Statistics December (12-31-2018)



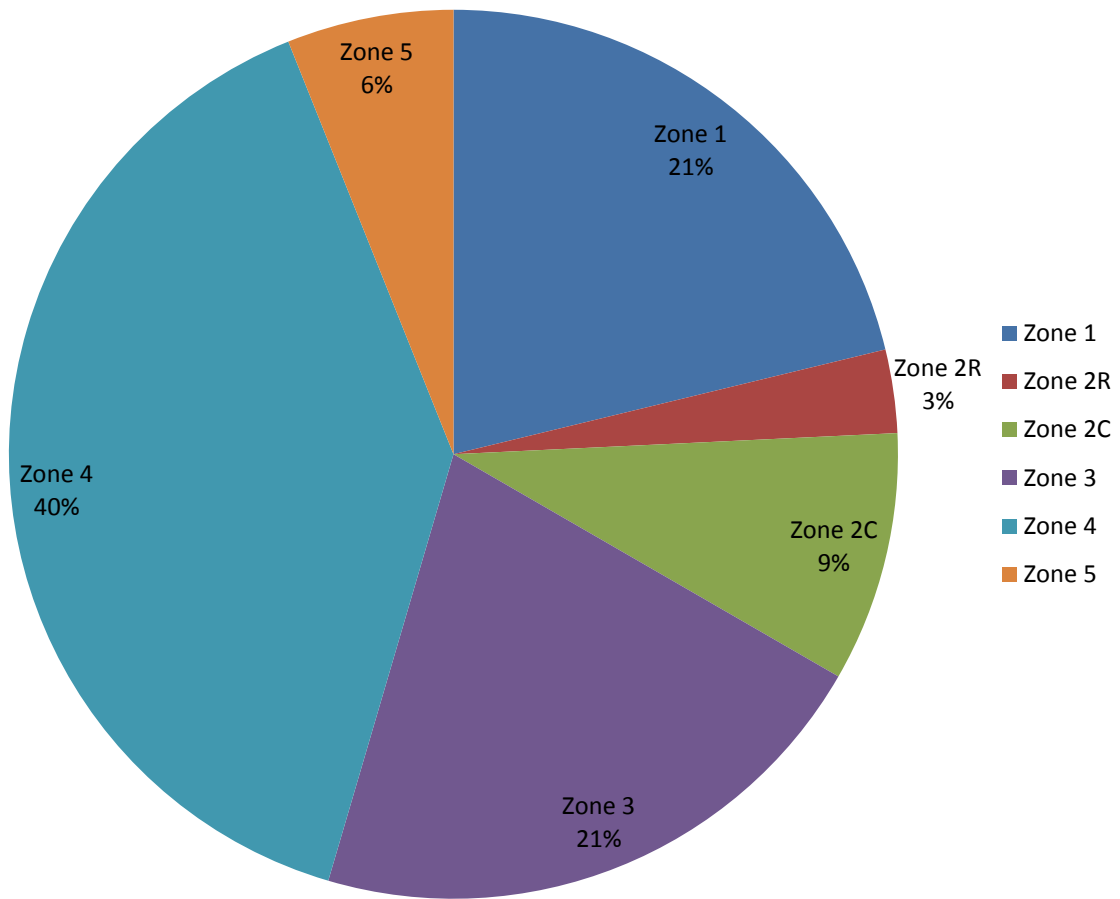
AB730 Violation Statistics December (12-31-2018)

Year to Date by Month



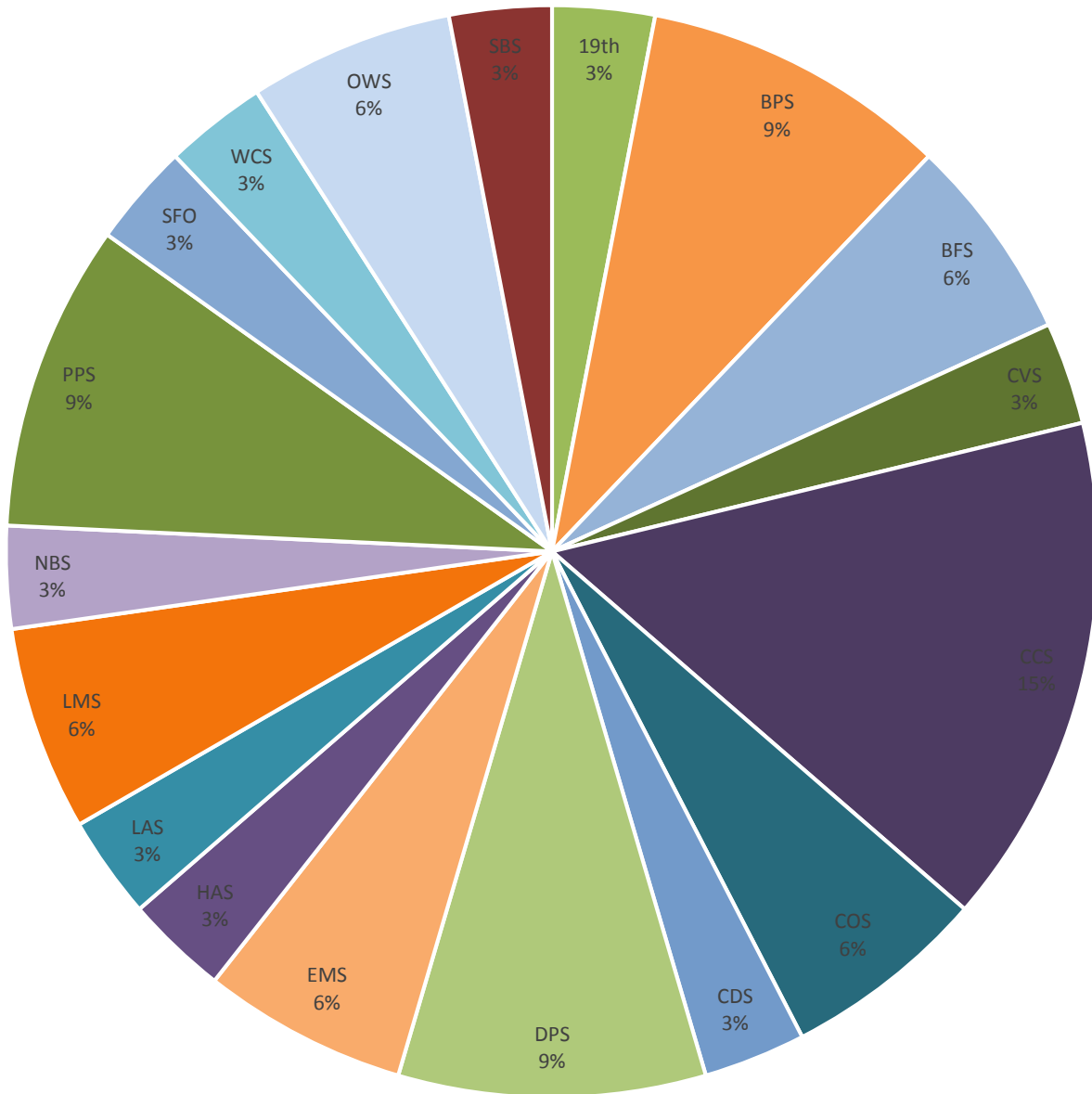
AB730 Violation Statistics December (12-31-2018)

Zone



AB730 Violation Statistics December (12-31-2018)

Stations



- 12th ■ 16th ■ 19th ■ 24th ■ AHS ■ BPS ■ BFS ■ BES ■ CVS ■ CCS ■ COS ■ CLS
- CDS ■ DCS ■ DPS ■ CPS ■ CNS ■ EMS ■ FMS ■ FVS ■ GPS ■ HAS ■ LAS ■ LMS
- MAS ■ MBS ■ MOS ■ NBS ■ NCS ■ ORS ■ PBS ■ PHS ■ PPS ■ RIS ■ ROS ■ SLS
- SFO ■ SHS ■ SSF ■ UCS ■ WCS ■ WDS ■ OWS ■ SBS ■ WSS ■ Other

**BEFORE THE BOARD OF DIRECTORS OF THE
SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT**

**In the Matter of Adopting the San Francisco Bay Area Rapid Transit District
Administrative Rules for Issuance and Processing Exclusions**

Resolution No

WHEREAS, there has been an increase in attacks on front-line staff of the San Francisco Bay Area Rapid Transit District (hereafter referred to as the District), including station agents and train operators; and

WHEREAS, Assembly Bill 716 (Dickinson), authorizes the District to issue prohibitive orders (also referred to as exclusion citations or exclusion orders) to individuals who are cited for certain specified infractions on three separate occasions within 90 consecutive days, or who are arrested for or convicted of certain specified misdemeanor or felonies.

WHEREAS, upon citation of the specified infractions on three separate occasions within 90 consecutive days. Assembly Bill AB 716 establishes a maximum exclusion from District properties not to exceed 30 days (1st prohibition order), 60 days (2nd prohibition order) and 180 days (3rd prohibition order). Upon conviction of a specified misdemeanor, the prohibition order may be extended for an additional period not to exceed a total of 180 days when added to the initial period of exclusion. Upon conviction of a specified felony, the prohibition order may be extended for a period not to exceed one year, when added to the initial period of exclusion.

WHEREAS, AB 716 requires the Board of Directors to adopt procedures governing the issuance of prohibition orders and providing an opportunity to contest the orders through an initial review and, if the initial review results in a determination that the prohibition order should be upheld, an opportunity to request an administrative hearing; and

WHEREAS, attacks on District staff are prosecuted by the District Attorneys of the counties where such attacks take place; and

WHEREAS, District front-line staff are on duty in the following counties: Alameda, Contra Costa, San Francisco, and San Mateo Counties; and

WHEREAS, the District has asked the District Attorneys of Alameda, Contra Costa, San Francisco, and San Mateo Counties to prosecute any attacks on District front-line staff to the fullest extent of the law; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors adopts the San Francisco Bay Area Rapid Transit District Administrative Rules for Issuance and Processing of Exclusions, attached hereto as Exhibit A, in accordance with the California Public Utilities Code 99171 .

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

AB 716 Advisory Committee Bylaws

ARTICLE I - NAME

The name of this committee shall be TRANSIT SECURITY ADVISORY COMMITTEE, "TSAC".

ARTICLE II — OBJECT

This committee shall serve to provide recommendations to the BART Board of Directors and BART staff. The purpose of the committee is to evaluate the procedures for and issuance of prohibition orders and recommends a course of training for personnel charged with issuance and enforcement of prohibition orders.

Specifically, in accordance with Section 99171 of the Public Utilities Code, the TSAC shall:

1. Provide recommendations, in consultation with the County Mental Health Director, regarding the type and extent of training that should be undertaken by individuals with responsibility for issuance and enforcement of prohibition orders, with an emphasis on training designed to assist in identifying and interacting with persons who are homeless or who have psychiatric, developmental, or other disabilities;
2. Identify, in consultation with the County Mental Health Director, services and programs to which persons who are homeless or who have psychiatric, developmental, or other disabilities maybe referred by transit district personnel prior to or in conjunction with issuance of a prohibition order;
3. Monitor the issuance of prohibition orders to assist BART in ensuring compliance with Section 51 of the Civil Code; and
4. Provide BART's Board of Directors and the California State Legislature with an annual report summarizing the number of prohibition orders issued by BART during the preceding year, including, but not limited to, the types and numbers of citations by category, and the number of exclusion orders appealed, the appeals granted, the reasons granted, and other relevant information directly related to those orders.

ARTICLE III — MEMBERS

Section 1. Maximum Membership

The membership of this Committee shall be composed of no less than five (5) and no greater than seven (7) representatives. Each member shall be appointed by the BART BOARD of DIRECTORS. Alternates: two alternates shall be appointed by the BART Board with no more than one alternate per category. All alternates are strongly encouraged to attend all meetings. Alternates are not eligible to vote unless filling in for an appointed member that is absent. An alternate is designated by the Chairperson. Staff will notify alternate that attendance will be needed for the next meeting.

Section 2. Membership Representation

Representation will be composed of the following categories:

- A. Mental Health Representative: At least one (1) member with experience working with individuals with psychiatric, developmental, or other disabilities.
- B. Youth Advocates Representative: At least one (1) member with experience as a youth advocate within the region of the BART system.
- C. Law Enforcement: At least one (1) member with experience as a sworn peace officer within the region of the BART system.

At-Large Representatives: There shall be three (3) or four (4) at-large Representatives, preferably users of the BART system.

Section 3. Composition of Committee

Other than Mental Health Representative, the Youth Advocates Representative, and the Law Enforcement Representative, which are mandated by Section 99172 of the Public Utilities Code, no group shall be entitled to representation on the TSAC.

Section 4. Resignations

Any member may resign by filing a written or verbal resignation with staff, chair or the BART Board of Directors.

Section 5. Term of Membership

The term of each member shall be two (2) years. Terms shall begin on January 1, 2013 and end on December 31, 2014 unless Section 99172 is amended to apply to BART beyond the January 1, 2015 sunset date. Members may be considered for re-appointment if the Section 99172 of the Public Utilities Code is so amended.

Section 6. Removal of Members

BART's Board of Directors may remove any member of the TSAC with or without cause.

Section 7. Appointment of Vacancies

In the event of a vacancy, the BART Board of Directors shall appoint a replacement member to fill the term of the vacancy.

ARTICLE IV — OFFICERS

Section 1, Officers and Duties

The officers of the TSAC shall be a Chair and a Vice Chair, These officers shall perform the duties prescribed by these Bylaws and by the parliamentary authority adopted by the. TSAC. The officers may serve as liaisons to the BART Board of Directors.

- A. Chair. The TSAC shall elect from its membership a Chair who shall preside at all meetings of the TSAC. The Chair or his designee shall act as the preliminary spokesperson for the TSAC and will perform such other duties applicable to the office as prescribed by the parliamentary authority adopted by the TSAC.
- B. Vice Chair, The Committee shall elect from its membership a Vice Chair who, in the absence or inability of the Chair to serve, shall have all of the powers of the Chair and shall perform all of those duties. The Vice Chair will perform such other duties from time to time as may be requested by the Chair.

Section 2. Nomination Procedure

At the first regular Committee meeting, a Chair and a Vice Chair shall be selected. It shall be the duty of this Committee to nominate candidates who are members of the TSAC for the officers of Chair and Vice Chair.

Section 3. Election of Officers

The Chair and Vice Chair shall be elected by majority vote to serve for one (1) year. Those elected may serve beyond one (1) year if successors have not been elected. The election shall occur at the first meeting of the calendar year.

The Chair and Vice Chair can be removed from office upon a vote of two-thirds of the TSAC.

ARTICLE V - MEETINGS

Section 1. Committee Meetings

Regular meetings will be held as frequently as necessary to achieve the objectives set forth in Section II above, but in no event shall the committee hold less than 4 regular meetings in a calendar year. Notice of the times and locations of the meetings will be set by the BART staff liaison at least 72 hours prior to the meeting.

Section 2. Special Meetings

Special meetings may be called at any time by the Chair or by a majority of the TSAC members. BART staff will provide written notice required for all special meetings, with such notice may be discussed by the Committee at a special meeting.

Section 3. Meetings Open to the Public

All regular and special meetings of the TSAC shall be conducted in accordance with the requirements of the Ralph M. Brown Act (Government Code 54950 et seq.). Meeting agendas shall be posted by BART stall in a public place and distributed to all members at least 72 hours before the meeting for regular meetings and 24 hours before the meeting for special meetings.

Section 4. Quorum

A majority of the members then appointed to the TSAC shall constitute a quorum for the purposes of conducting business.

Section 5. Voting

Each member of the TSAC has a single vote.

Section 6. Actions

All actions of the TSAC shall be by motion passed by a majority of the members present and voting.

Section 7. Adjournment

The TSAC may adjourn any meeting to a time and place specified in the motion of adjournment, but not beyond the next regular meeting, if any.

ARTICLE VIII -LIAISON WITH BART

There shall be an ongoing liaison between BART staff and the TSAC. The BART General Manager shall designate a BART staff person to serve as liaison. The staff liaison shall prepare meeting notices, agendas, and minutes as required. BART staff shall provide information, technical assistance, and facilitation assistance during all TSAC meetings. The BART staff liaison shall serve as the custodian of records.

ARTICLE IX -PARLIAMENTARY AUTHORITY

The rules contained in the current edition of Robert's Rules of order Newly Revised shall govern the TSAC in all cases to which they are applicable and in which they are not inconsistent with these Bylaws and any special rules of order the TSAC may adopt.

ARTICLE X -AMENDMENT OF BYLAWS

These bylaws may be amended or repealed at any time by majority vote of the BART Board of Directors after consultation with or by recommendation of the TSAC committee.

ARTICLE XI — TERM OF COUNCIL

The TSAC shall remain in existence until discharged by action of the BART Board of Directors or the sunset of Section 99172 of the Public Utilities Code.

EXHIBIT A

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

ADMINISTRATIVE RULES For Issuance and Processing of Exclusions

The following Administrative Rules (Rules) shall govern the issuance and processing of prohibition orders by Bay Area Rapid Transit (BART) District, in accordance with Public Utilities Code (PUC) §99171.

Nothing in these Rules or the existence of these Rules shall prevent BART from taking any lawful steps to protect its employees, passengers and the BART Transit System. Specifically, nothing in these Rules affects the right of BART or law enforcement to request the immediate departure of any person posing a safety threat to system users, BART personnel or any other persons, or who is in violation of any provision of criminal law or BART's administrative rules or procedures. Further, nothing in these Rules affects the right of law enforcement to accomplish the forceful removal of any person posing an imminent threat, so long as the law authorizes such action.

A. DEFINITIONS

As used in these Rules, the following terms shall mean:

Business Day. The term "business day" shall mean Monday through Friday, with the exception of BART Holidays: Christmas Day, New Year's Day, Martin Luther King Jr.'s birthday, Thanksgiving Day, Labor Day, Memorial Day and Independence Day. When the last business day of any time period set forth in these Rules falls on a BART Holiday, an additional day shall be added to any time provisions set forth in these Rules by virtue of the holiday, excluding all weekend days.

Calendar Day. The term "calendar day" shall include all week days. When a calendar day falls on the following holidays: Christmas Day, New Year's Day, Martin Luther King Jr.'s birthday, Thanksgiving Day, Labor Day, Memorial Day and Independence Day an additional day shall be added to any time provisions set forth in these Rules by virtue of the holiday.

Exclusion Administrator. The term "Exclusion Administrator" shall include all BART employees appointed by the General Manager to conduct an initial review of a Prohibition Order issued pursuant to these Rules.

Exclusion Officer. The term "Exclusion Officer" includes all BART Police Officers authorized to issue Prohibition Orders under these Rules.

Hearing Officer. The term "Hearing Officer" shall include those persons appointed by the General Manager to conduct an Administrative Hearing following an initial review of a Prohibition Order issued pursuant to these Rules. Hearing Officers may be a BART employee or agents, however, the Hearing Officer's continued service, performance, evaluation, compensation, and benefits, as applicable, shall not be directly or indirectly linked to his or her

findings related to the number of prohibition orders upheld by the Hearing Officer.

Transit Dependent. The term "Transit Dependent" means a person who has no independent source of transportation and relies solely on public transit for trips of necessity, including but not limited to, travel to and from medical or legal appointments, school or training classes, places of employment, or obtaining food, clothing and necessary household items.

BART System. The term "BART System" shall include the property, vehicles, equipment and improvements of whatever nature, owned, leased, maintained, controlled or operated by BART to provide mass transportation for passengers or to provide for the movement of people, and includes any BART vehicle, bus stop on District property, parking facility, track way and BART right of way.

B. ISSUANCE OF PROHIBITION ORDER

1. Authority for Prohibition Order

BART may exclude an individual from any or all parts of the BART System, as permitted by Public Utilities Code (PUC) §99171 or other applicable law. In accordance with this authority, a person subject to a prohibition order may not during the period of exclusion, enter or remain upon any part of the BART System from which the person is excluded, except as permitted by the terms of the prohibition order or by applicable law.

A Notice of Prohibition Order may be issued by any authorized person that has received training from BART, as required by PUC §99171 including, but not limited to, law enforcement officers, and BART Police Officers.

2. Designation of Violations Eligible for Prohibition Order

The violations eligible for a Prohibition Order and the corresponding length of exclusion is established by PUC §99171. A Prohibition Order may be issued to any person who:

- (A) On at least three (3) separate occasions within a period of ninety (90) consecutive days, is cited for an infraction committed in or on the Transit System for any act that constitutes a violation of any of the following:

(1) Penal Code §640(d) (1) - Willfully disturbing others on or in a system facility or vehicle by engaging in boisterous or unruly behavior.

(2) Penal Code §640(d) (2) — Carrying an explosive or acid, flammable liquid, or toxic or hazardous material in a public transit facility or vehicle.

(3) Penal Code §640(d) (3) — Urinating or defecating in a system facility or vehicle, except in a lavatory. (This section does not apply to a person who cannot comply with this section as the result of a disability, age or medical condition.).

(4) *Penal Code §640(d) (4)* — Willfully blocking the free movement of another person in a system facility or vehicle.

(5) *Penal Code §640.5(a) (1)* — Defacing with graffiti or other inscribed material the interior or exterior of the facilities or vehicles of a public transit system.

(6) *Public Utilities Code 99170(a) (2)* — Interfering with the operator or operation of a transit vehicle, or impeding the safe boarding or alighting of passengers.

(7) *Public Utilities Code 99170(a) (5)* — Committing an act or engaging in a behavior that may, with reasonable foreseeability, cause harm to injury to any person or property.

OR

- (B) The person is arrested or convicted for a misdemeanor or felony committed in a vehicle, bus stop, or parking lot on BART property for acts involving violence or threats of violence upon passengers and transit employees, lewd or lascivious behavior, or possession for sale of a controlled substance.

OR

- (C) The person is convicted of a violation of one of the following offenses:
- (1) *Health and Safety Code §11532(a)* — Loitering in a public place in a manner and under circumstances manifesting an intent to engage in drug-related activity.
 - (2) *Penal Code §653.22(a)*— Loitering in a public place with the intent to commit prostitution.

3 Length and Scope of Exclusions

The length of any Prohibition Order shall be no greater than those permitted under PUC §99171(a) (2).

- (A) If issued pursuant to section 2(A) above, the period of exclusion shall be:
- (1) For a period not to exceed thirty (30) days for the first prohibition order,
 - (2) For a period not to exceed 90 days for the second prohibition order issued within one year from the date of the first prohibition order: and

- (3) For a period not to exceed 180 days for a third or subsequent prohibition order issued within one year from the date of the first prohibition order.
- (B) If issued pursuant to section 2. (B) or (C) above, the period of exclusion shall be as follows:
 - (1) For a period not to exceed thirty (30) days if issued pursuant to an arrest.
 - (2) Upon conviction of a misdemeanor, the duration of the prohibition order for the conviction, when added to the duration of the prohibition order shall not exceed 180 days.
 - (3) Upon conviction of a felony, duration of the prohibition order for the conviction, when added to the duration of the prohibition order for the initial shall not exceed one year.

A Notice of Prohibition Order shall identify the violation supporting the exclusion and must state the length of exclusion. No person is permitted to vary the length of exclusion, except:

- a. In accordance with the findings of the Exclusion Administrator or the Hearing Officer: The Exclusion Administrator or the Hearing Officer may vary the length or scope of exclusion in accordance with his or her authority.

In response to changed conditions: The Exclusion Administrator or the Hearing Officer may modify a prohibition order.

- c. In response to a finding by the Exclusion Administrator or the Hearing Officer, that exclusion is not warranted or does not comport with BART policy: The Exclusion Administrator or the Hearing Officer may invalidate or modify a prohibition order, based upon a review of all the facts and circumstances, as provided in these Rules.

4. Enforcement Requirements

a, Sufficiency of Facts and Cause for Citation or Exclusion

All citations and exclusions issued for prohibited conduct must be based upon probable cause. In determining whether there is enough evidence to justify a prohibition order or citation, peace officers and exclusion officers may rely upon facts resulting from their own personal observations or reliable facts provided by witnesses or others.

b. Notice of Exclusion

Every person alleged to have engaged in conduct prohibited by PUC §99171(a) (1) (A)-(C) and sought to be excluded for such a violation(s), shall be issued a Notice of Prohibition Order. The Notice of Prohibition Order to be used for exclusions is incorporated by reference.

The exclusion officer alleging the violation shall complete the Notice of Prohibition Order in its entirety and provide a copy of the notice to the individual sought to be excluded.

In order to be deemed valid, the Notice of Prohibition Order must accurately denote the violating conduct and reference the applicable provision or statute that was violated, in accordance with PUC §99171(a).

The Notice of Prohibition Order may be issued to the person sought to be excluded contemporaneously with the course of conduct supporting the exclusion or at some time period after the violating conduct has occurred. When the Notice of Prohibition Order is issued to the person sought to be excluded at some time period after the violating conduct has occurred, the Notice of Prohibition Order must be personally served upon the person sought to be excluded as set forth in PUC §99171 (b)(2)(A)-(C). Service may be accomplished by in-person delivery, registered mail, overnight delivery (with confirmation of delivery) or any other means agreed to in writing by BART and the person being served.

At no time may a Notice of Prohibition Order be served to a person sought to be excluded more than six (6) months after the violating conduct has occurred, unless agreed to in writing by the person being served.

Service of the Notice of Prohibition Order shall be deemed to be complete on one of the following dates:

- (1) On the date of delivery, if delivered in person.
- (2) On the date of confirmed delivery, for any delivery by mail.
- (3) For any alternative method of service, as provided in writing specifying the alternative method.

Proof of service shall be filed with the BART Exclusion Administrator.

5. Multiple Penalties

An exclusion will not be issued for the same act or omission committed by a single person during a single interaction. However, multiple citations, or a citation and a prohibition order, may be issued to a single person who during a single interaction engages in multiple acts or omissions that constitute violations of those provisions delineated in PUC §99171(a)(1)(A)-(C). The issuance of a citation or Notice of Prohibition Order to a person shall not prevent the arrest, prosecution or conviction of that person for violation of criminal laws for the same or different act or omission.

6. Stay of Prohibition Order

In accordance with PUC 99171(b) (6), all prohibition orders will be subject to an automatic stay of ten (10) calendar days following the date of service. Thus, exclusions will not take effect until the eleventh (11th) calendar day following the date of issuance, or if review has been requested, the date on which the Exclusion Administrator or Hearing Officer's final order takes effect **in** accordance with review process set forth in these Rules, but no less than eleven (11) calendar days after service of the final order.

C. REVIEW AND APPEAL PROCEDURES

I. Initial Review of Notice of Prohibition Order

An initial review may be requested by the person issued a Notice of Prohibition Order within ten (10) days after personal service to a BART Exclusion Administrator. There shall be **no** charge for the initial review. The request may be made by telephone at (510) 464-7000, in writing to P.O. Box 12688, Oakland CA 94604-2688, or in person at: 300 Lakeside Drive, Oakland CA 94604-2688. If an initial review is requested, the Notice of Prohibition Order shall be reviewed by a BART Exclusion Administrator. The Exclusion Administrator shall determine:

- (a) Whether the Prohibition Order meets the requirements of PUC 99171 (a) and:
- (b) Unless the person has been convicted of the offense or offenses, whether the offense or offenses for which the person was cited or arrested are proven by a preponderance of the evidence.
- (c) Whether the exclusion has been issued to a person not eligible for a complete exclusion under the circumstance outlined in Section 9. Circumstances Affecting Applicability of Exclusion.

If the Exclusion Administrator determines, based on the initial review, that the Prohibition Order is not adequately supported or that extenuating circumstances make dismissal of the Prohibition Order appropriate in the interest of justice, the Exclusion Administrator shall cancel the notice of Prohibition Order. The Exclusion Administrator shall cancel a prohibition order if it determines that the person did not understand the nature and extent of his or her actions or did not have the ability to control his or her actions. The cancellation of a Prohibition Order shall be effective immediately and the excluded person may continue to use the BART System subject all rules and regulations regarding its use.

If the Exclusion Administrator determines that the person is dependent upon the transit system for trips of necessity, including, but not limited to, travel to or from medical or legal appointments, school or training classes, places of employment, or obtaining food, clothing, and necessary household items, the Exclusion Administrator shall modify the Prohibition Order to reasonably allow for those trips under the conditions established by the Exclusion Administrator. Any person entitled to such a modification of the prohibition order shall remain subject to all applicable laws, rules and regulations regarding the use of the BART System, including but not limited to, providing proof of fare payment.

If the Exclusion Administrator determines that the Prohibition Order is valid, either in whole or in part, the Exclusion Administrator shall issue a written statement to that effect and may include any modification to the period or scope of the Prohibition Order.

The burden of proof to establish the conditions for cancellation or modification, as provided

above, is on the party seeking the cancellation or modification. The party seeking to establish the qualifying circumstances must do so by a preponderance of the evidence.

The Exclusion Administrator shall serve the results of the initial review to the person contesting the notice by personal service. This decision shall become final after the expiration of ten (10) days after service, unless the person is dissatisfied with the results of the initial review and requests an administrative hearing within the ten (10) days. If an administrative hearing is requested, the excluded individual shall be entitled to further review in the form of a hearing as provided below.

2. Right to an Administrative Hearing following the Initial Review

Every person issued a Notice of Prohibition Order is entitled to a hearing as a matter of right upon issuance of the results of the initial review. The purpose of the hearing is: (a) to review and determine whether the Prohibition Order meets the requirements of PUC 991719A0; (b) unless the person has been convicted of the offense or offenses, to determine whether the offense or offenses for which the person was cited or arrested are proven by a preponderance of the evidence; (c) to determine whether the length and scope of the exclusion is commensurate with the nature of the violation; (d) to consider any mitigating and aggravating factors relevant to the scope and length of the exclusion; and (e) issue a final decision to sustain, modify, or set aside a Notice of Prohibition Order. All persons receiving a prohibition order shall receive notice of their right to a hearing on the Notice of Prohibition Order.

3. Initiation of Hearing Proceedings

An individual who has received a Notice of Prohibition Order following an initial review, must contact BART by 5:00 p.m. no later than the tenth (10th) calendar day following service of the Exclusion Administrator's decision in order to request a hearing. The Exclusion Administrator may be reached by phone at **(510)464-7000**; in writing to **P.O. Box 12688, Oakland, CA 94604-2688**; or in person at **300 Lakeside Drive, Oakland, CA. 94604-2688**,

The request may be made by phone, in writing or in-person, but must be received by the Exclusion Administrator by the tenth (10th) calendar day following the date of personal service of the Exclusion Administrator's decision. An individual requesting a hearing need not demonstrate cause for the hearing, and the Exclusion Administrator shall immediately forward a copy of the Notice of Prohibition Order and any supporting documentation to the designated Hearing Officer.

The Hearing Officer, or his/her designee, will contact the individual by phone or mail to schedule a hearing within three (3) business days of receipt of the Notice of Exclusion. The Hearing Officer shall provide notice to the Exclusion Officer that issued the Notice of Prohibition Order of the date and time of the hearing in accordance with the Hearing Officer's procedures for issuing such notice.

The person requesting the hearing shall have the choice of a hearing by mail or in person. An

in-person hearing shall be conducted at a location selected by the Hearing Officer, within the boundaries of the BART District.

4. Scheduling of Hearings

- a. Hearing Date: Each hearing shall be scheduled directly with the Hearing Officer or his/her designee within thirty (30) calendar days of the request. To the extent possible, the Hearing Officer shall make every attempt to schedule each hearing at a time that is convenient for appearance by the excluded individual, BART, and any witnesses, including exclusion officers. All hearings shall be scheduled on a weekday, Monday through Friday, during normal business hours.
- b. Continuance: The Hearing Officer may grant one continuance, on its own motion or the motion of one of the Parties, of no more than seven (7) calendar days. The Hearing Officer has the sole discretion to grant or deny a continuance. Further, the Hearing Officer has the discretion to impose a stay, pending the later hearing date.

5 Treatment of Evidence

In conducting a hearing and reaching a decision, the Hearing Officer may rely upon any evidence that a reasonable person would rely upon in making an important decision or conducting personal business. Hearsay is admissible, except where its admission would offend due process. The Hearing Officer shall have the authority to compel testimony or evidence deemed necessary; in the Hearing Officer's sole discretion, to a fair decision. The Hearing Officer may receive testimony concerning the interpretation of the Administrative Rules from any BART representative.

The Notice of Prohibition Order shall be prima facie evidence of the violation or violations pursuant to PUC 99171(a) establishing a rebuttable presumption affecting the burden of producing evidence. The person who issued the Notice of Prohibition Order shall not be required to participate in an administrative hearing, unless their participation has been requested by the person requesting the hearing no less than five (5) calendar days prior to the hearing. Requests for such participation shall be made to the Hearing Officer by telephone, in writing or in person through the Exclusion Administrator.

6 Statement of Rights by Hearing Officer

The Hearing Officer shall advise all parties, through written correspondence or personally when parties appear for the hearing, of the following rights:

- Hearings shall be informal and shall be conducted so as to facilitate the parties' ability to present their respective positions to the Hearing Officer. BART shall present its reasons for the exclusion first, and then the person contesting the exclusion shall present his or her reasons in support of rescission or modification of the exclusion. The Hearing Officer may question the parties and witnesses, and shall review

all evidence submitted by the parties.

- The hearing shall be electronically recorded.
- An aggrieved party has the right to seek Administrative Mandamus from any County Superior Court within the boundaries of the BART District in accordance with Cal. Code Civ. Proc. 10946.
- A party has the right to representation by an attorney at their sole cost.
- BART has the burden of proof, based upon a presentation of substantial evidence, **to** establish that it is more probable than not that the conduct justifying the exclusion occurred and that no factors are present to nevertheless warrant setting aside the exclusion.

7. Length and Scope of Exclusions

The length and scope of the Prohibition Order shall be determined in light of all the facts and circumstances giving rise to the exclusion. After consideration of the evidence presented, the Hearing Officer may sustain the exclusion, modify the exclusion or set aside the exclusion. The Hearing Officer shall make a finding on whether it is more probable than not that the excluded individual engaged in the conduct supporting the exclusion. In addition, the Hearing Officer shall consider any mitigating or aggravating factors in determining the appropriate scope and length of the exclusion, that the Hearing Officer determines relevant, in **his/her** sole discretion.

If the Hearing Officer determines that the exclusion will be sustained but the scope or length of the exclusion is not commensurate with the seriousness of the violation, the Hearing Officer may modify the exclusion. An order modifying the exclusion should discuss the Hearing Officer's basis for the modification of the exclusion, including a discussion of findings related to the factors listed above.

8 Final Order by the Hearing Officer

Within five (5) business days following the conclusion of a hearing, the Hearing Officer shall issue a final order setting forth all findings and a decision on the exclusion, unless issuance of a final order within five (5) business days is not practicable. If a final order cannot be issued within five (5) business days of the hearing, the Hearing Officer shall extend the stay on the exclusion until the final order is effective. The Hearing Officer's decision following the administrative hearing shall be delivered by personal service.

The final order shall set forth the findings of the Hearing Officer and the basis for such findings. If the final order sustains or modifies the Notice of Prohibition Order, the final order shall clearly set forth the period of exclusion, including the exact starting and ending date. The final order shall notify the person excluded of the right to seek judicial review with any Superior Court within the boundaries of the BART District within 90 days of delivery by personal service, in accordance with Cal. Code Civ. Proc. 1094.6. The final order shall be effective ten (10) days after personal service.

9 Circumstances Affecting the Applicability of Exclusions

If the Hearing Officer determines that BART has established that the violation was more probable than not, and that consideration of the factors justifies sustaining the exclusion, the Hearing Officer must nevertheless modify or set aside the exclusion in the circumstances defined below. Any person asserting the right to a qualified prohibition order on the basis of the factors set forth below shall have the burden of establishing their applicability by a preponderance of the evidence.

a. Exclusions Issued to Persons Who Did Not Understand the Nature and Extent of Actions or Did Not Have Ability to Control Actions

The Hearing Officer shall cancel a Prohibition Order if he or she determines that the person did not understand the nature and extent of his or her actions or did not have the ability to control his or her actions.

b. Exclusions Issued to Disabled Persons

An individual with a disability shall not be issued a complete exclusion from the BART System unless the person engaged in violent conduct, or in conduct posing a serious threat to the safety of others or to the operation of the transit system. Absent such a finding, if a Hearing Officer determines that a violation was more probable than not, the Hearing Officer shall order a qualified Prohibition Order to permit an individual with a disability to use the system for trips of necessity (e.g., travel to and from medical and legal appointments, school or training classes, places of employment, obtaining food, clothing and necessary household items, or for accessing any critical services.).

b. Exclusions Issued to Transit Dependent Persons

If the person issued the Prohibition Order is dependent on the BART system for trips of necessity, including, but not limited to, travel to and from medical or legal appointments, school or training classes, places of employment, or obtaining food, clothing and necessary household items, the Hearing Officer shall order a qualified prohibition order to permit a transit dependent person to allow for those trips.

c. Exclusions Issued Based Upon Expressive Conduct Protected by the First Amendment

A person issued a Notice of Exclusion for conduct determined to be expressive conduct protected by the First Amendment to the U.S. Constitution, shall not be excluded on the basis of such conduct. If the Hearing Officer finds that a violation was more probable than not, but also finds that the conduct involved expressive conduct by the First Amendment to the U.S. Constitution, the Notice of Prohibition Order shall be set aside, unless the Hearing Officer also finds that the effect of the conduct endangered public safety, disrupted service, or interfered with transit operations. For the purposes of this paragraph, the parameters of the free

expression and religious protections afforded under this paragraph shall be coextensive with constitutional guarantees.

10. Treatment of Persons Who Do Not Provide a Mailing Address

If a person issued a Notice of Prohibition Order cannot, or will not, provide a mailing address at the time of issuance by an Exclusion Officer, a Notice Letter from an Exclusion Administrator, correspondence from the Hearing Officer, and any other documents concerning the Prohibition Order, shall be made available for pick-up at BART's administrative offices located at **300 Lakeside Drive, Oakland, CA. 946042688**. If at any time during the pendency of the initial review or the administrative hearing, an excluded individual, or his or her representative, designates an address for mailing, any correspondence or documents produced subsequent to the date of the request shall be mailed to the address designated by the individual. If an individual is represented by counsel in the exclusion proceedings, all written materials shall be provided to the individual's attorney, at the attorney's mailing address.

An excluded individual without a mailing address may personally appear at the BART administrative offices, to request a hearing, or any other process to which he or she is entitled.

11. Effect of Failure to Provide an Address.

When a person receiving a Notice of Prohibition Order is not able, or refuses, to provide a mailing address at the time of issuance, the Notice of Prohibition Order shall set forth the procedure for picking up any letters, notices or orders produced by an Exclusion Administrator or Hearing Officer, in a manner that is consistent with these Rules.

12. Appointment of Exclusion Administrators and Hearing Officer

The General Manager shall appoint one or more Exclusion Administrators and Hearing Officer(s) based on the individual's qualifications, training and objectivity. Hearing Officers may be BART employees or agents, however, the Hearing Officers continued service, performance, evaluation, compensation, and benefits, as applicable, shall not be directly or indirectly linked to his or her findings related to the number of prohibition orders upheld by the Hearing Officer.

D. WRIT OF ADMINISTRATIVE MANDAMUS

All decisions issued by the Hearing Officer shall be subject to judicial review from any County Superior Court within the boundaries of the BART District as provided by Code of Civil Procedure § 1094.6. Judicial review must be filed within 90 calendar days of the delivery of the decision of the Hearing Officer by personal service.

Any judicial review proceedings shall not stay the effective date of the Prohibition Order, unless so ordered by a Judge of the Superior Court. Any and all costs, fees or other expenses related to judicial review shall be borne by each party, unless otherwise ordered by the Superior Court.

E. REQUEST FOR REFUND OF FARE MEDIA.

A person issued a prohibition order under PUC §99171(a) may, within ten (10) calendar days of the date the order goes into effect, request a refund for any prepaid fare media rendered unusable in whole or in part by the prohibition order. The request for refund should be made in writing to the Exclusion Administrator.

If there is a balance of useable fare media of one or more days following the period of the prohibition order, the refund shall be prorated based on the number of days the fare media will be unusable. The issuance of any refund shall be subject to the surrender of the fare media.

TSAC SCHEDULE PLANNER 2019-2020

PROJECT/EVENT	RECCOMENDATIONS FOR CSL ANNUAL REPORT2019
ORGANIZER	TSAC COMMITTEE

PROJECT PHASE	STARTING	ENDING	PROJECT PHASE	STARTING	ENDING

MAY 2019	JUNE 2019	JULY 2019	AUGUST 2019	SEPTEMBER 2019	OCTOBER 2019
MONTHLY REVIEW OF STATS RECRUITMENT SPEAKER : YOUTH OUTREACH	MONTHLY REVIEW OF STATS BYLAW REVIEW CALANDAR UPDATE RECRUITMENT SPEAKER : DISTRICT'S STATION HARDENING / HOMESNESS INITIATIVES DISCUSSION- INCREASE HOURS OF MEETING BACK TO 3. GO FROM 9-12PM CAN ALWAYS LEAVE EARLY IF FINISHED	MONTHLY REVIEW OF STATS RECRUITMENT NEW TOPICS/ CONSIDERATIONS SPEAKERS	MONTHLY REVIEW OF STATS RECRUITMENT NEW TOPICS/ CONSIDERATIONS SPEAKERS	MONTHLY REVIEW OF STATS RECRUITMENT NEW TOPICS/ CONSIDERATIONS SPEAKERS	MONTHLY REVIEW OF STATS FOR 10 MONTHS TOTAL ANNUAL REPORT(AR) - 1 ST DICUSSION: SET-UP GAME PLAN FOR ANY ADDITIONS, DELETIONS, FORMAT CHANGES TO ANNUAL REPORT
M T W T F S S	M T W T F S S	M T W T F S S	M T W T F S S	M T W T F S S	M T W T F S S
6 7 8 9 10 11 12	3 4 5 6 7 8 9	8 9 10 11 12 13 14	5 6 7 8 9 10 11	2 3 4 5 6 7 8	7 8 9 10 11 12 13
13 14 15 16 17 18 19	10 11 12 13 14 15 16	15 16 17 18 19 20 21	12 13 14 15 16 17 18	9 10 11 12 13 14 15	14 15 16 17 18 19 20
20 21 22 23 24 25 26	17 18 19 20 21 22 23	22 23 24 25 26 27 28	19 20 21 22 23 24 25	16 17 18 19 20 21 22	21 22 23 24 25 26 27
27 28 29 30 31	24 25 26 27 28 29 30	29 30 31	26 27 28 29 30 31	23 24 25 26 27 28 29	28 29 30 31
				30	

NOVEMBER 2019

MONTHLY REVIEW OF STATS
REVIEW AND DISCUSS CHANGES
OF FORMAT IF NEEDED

DECEMBER 2019

NO MEETING

JANUARY 2020

MONTHLY REVIEW OF STATS
FOR 2019. ARE THERE ANY
TRENDS? SUMMER VS WINTER?

CALANDAR UPDATE

FEBRUARY 2020

TWO (2) MEETING THIS MONTH
ON THE 11TH AND REG-
MEETING ON THE 25TH

ON 25TH - REVIEW OF FINAL
NUMBERS FOR END OF YEAR
2019 ANNUAL REPORT
RECCOMENDATIONS AND
SUBMITTED TO GC&R

MARCH 2020

ANNUAL REPORT SUBMITTED
FROM FEB MEETING AT THE
BEGINNING OF MONTH TO BE
REVIEWED BY GC& R.

ANY MODIFICATIONS WILL BE
VOTED ON AT THIS MEETING.

TRAINING FOR MEMBERS OF
TSAC IF NEEDED

FINAL REPORT WITH GC&R TO
TAKE TO CALIFORNIA STATE
LEGISLATURE

APRIL 2020

WHAT ARE THE GROUPS'
FUTURE GOALS AND SCOPE
FOR THE GROUP THIS YEAR

CONSIDER ANALYSIS OF DATA
HISTORY - 5 PAST YEARS -
WHAT DOES IT TELL US?

RECRUITMENT

NEW TOPICS/ CONSIDERATIONS

M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S								
				1	2	3							1			1	2	3	4	5						1	2							1				1	2	3	4	5
4	5	6	7	8	9	10	2	3	4	5	6	7	8	6	7	8	9	10	11	12	3	4	5	6	7	8	9	2	3	4	5	6	7	8	6	7	8	9	10	11	12	
11	12	13	14	15	16	17	9	10	11	12	13	14	15	13	14	15	16	17	18	19	10	11	12	13	14	15	16	9	10	11	12	13	14	15	13	14	15	16	17	18	19	
18	19	20	21	22	23	24	16	17	18	19	20	21	22	20	21	22	23	24	25	26	17	18	19	20	21	22	23	16	17	18	19	20	21	22	20	21	22	23	24	25	26	
25	26	27	28	29	30		23	24	25	26	27	28	29	27	28	29	30	31		24	25	26	27	28	29		23	24	25	26	27	28	29	27	28	29	30					
							30	31																				30	31													