

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

Board of Directors  
Minutes of the 1,824th Meeting  
October 25, 2018

A regular meeting of the Board of Directors was held October 25, 2018, convening at 9:00 a.m. in the Board Room, 2040 Webster Street, Oakland, California. President Raburn presided; Patricia K. Williams, District Secretary.

Directors present: Directors Blalock, Dufty, Josefowitz, Keller, Saltzman, and Raburn.

Absent: Director McPartland. Directors Allen and Simon entered the meeting later.

Consent Calendar item brought before the Board was:

1. Approval of Minutes of the Meetings of October 9, 2018 (Special), and October 11, 2018 (Regular).

Director Saltzman moved that the Minutes of the Meetings of October 9, 2018 (Special) and October 11, 2018 (Regular), be approved. Director Dufty seconded the motion, which carried by unanimous electronic vote. Ayes – 6: Directors Blalock, Dufty, Josefowitz, Keller, Saltzman, and Raburn. Noes – 0. Absent – 3: Directors Allen, McPartland, and Simon.

President Raburn called for Public Comment.

Ben Zarzychi addressed the Board.

President Raburn announced that the order of agenda items would be changed.

President Raburn brought Board Matters, Appointment of BART Police Citizen Review Board At-Large Member before the Board. The item was discussed.

The following individuals addressed the Board:

Richard Corriea  
Megan Wachpress

Director Simon entered the meeting.

Erin Armstrong addressed the Board.

Discussion continued. The Board members completed weighted voting nomination forms to determine the At-Large appointee. Ms. Williams announced that Erin Armstrong was the applicant receiving the highest score, and Erin Armstrong was appointed At-Large Member of the BART Police Citizen Review Board for a term expiring on June 30, 2020.

Director Dufty, Vice Chairperson of the Administration Committee, brought the matter of Fiscal Year 2019 Short Range Transit Plan/Capital Improvement Program before the Board. Mr. Robert Powers, Deputy General Manager; Ms. Pamela Herhold, Assistant General Manager, Performance and Budget; and Mr. Michael Eiseman, Manager, Financial Planning; presented the item. The item was discussed.

Director Allen entered the meeting.

Director Saltzman moved that the District's Final Fiscal Year 2019 Short Range Transit Plan/Capital Improvement Program be adopted and transmitted to the Metropolitan Transportation Commission and Federal Transit Administration as required. Directors Blalock and Simon seconded the motion. Discussion continued. The Motion carried by electronic vote. Ayes – 6: Directors Blalock, Dufty, Josefowitz, Keller, Saltzman, and Simon. Noes – 1. Director Raburn. Abstain – 1: Director Allen. Absent – 1: Director McPartland.

Robert S. Allen addressed the Board.

Director Keller exited the meeting.

Director Simon, Chairperson of the Engineering and Operations Committee, brought the matters of Sole Source Procurement of Cubic Ticket Vending Machine Software Upgrade for EMV (Europay, Mastercard Visa Protocol) (Chip) Payment Cards and Sole Source Procurement of Ingenico PIN Pads and Readers for EMV TVM (ticket vending machine) as a unit before the Board. Ms. Tamar Allen, Assistant General Manager, Operations; and Mr. John Yen, Manager of Computer Systems Engineering, presented the item. The items were discussed.

President Raburn moved that the General Manager be authorized to enter into direct negotiations and to execute a professional services agreement with Cubic Transportation Systems, Inc. to modify Ticket Vending and Add Fare Machine Software to accept EMV cards and encrypt cardholder data, in an amount not to exceed \$1,850,000. Director Dufty seconded the motion which carried by unanimous electronic vote. Ayes – 7: Directors Allen, Blalock, Dufty, Josefowitz, Saltzman, Simon and Raburn. Noes – 0. Absent – 2: Directors Keller and McPartland.

President Raburn moved that pursuant to Public Contract Code section 20227, the Board finds that UCP is the single source for the purchase of Ingenico PIN Pads and Readers for TVMs/AFMs in use by the District and that the General Manager be authorized to negotiate and award a contract to UCP for the purchase of Ingenico PIN Pads and Readers for TVMs/AFMs, in an amount not to exceed \$750,000, plus applicable taxes. Director Dufty seconded the motion, which carried by unanimous roll call vote by the required two-thirds vote. Ayes – 7: Directors Allen, Blalock, Dufty, Josefowitz, Saltzman, Simon and Raburn. Noes – 0. Absent – 2: Directors Keller and McPartland.

Director Keller re-entered the Meeting.

Director Simon brought the matter of Change Order No. 288, to Contract No. 01RQ-110, Construction of Hayward Maintenance Complex Project Maintenance Facilities, with Clark

Construction Group – LP, for New Truck Turntables before the Board. Ms. Allen; and Mr. Thomas Horton, Group Manager, Seismic Retrofit Capital, presented the item.

Director Blalock moved that the General Manager be authorized to execute Change Order No. 288, New Truck Turntables, for an amount not to exceed \$300,000, for Contract No. 01RQ-110, Hayward Maintenance Complex Project Maintenance Facilities, with Clark Construction. Director Dufty seconded the motion, which carried by unanimous electronic vote. Ayes – 8: Directors Allen, Blalock, Dufty, Josefowitz, Keller, Saltzman, Simon and Raburn. Noes – 0. Absent – 1: Director McPartland.

Director Simon brought the matter of Change Order No. 312, to Contract No. 01RQ-110, Construction of Hayward Maintenance Complex Project Maintenance Facilities, with Clark Construction Group – California, LP, for Milestone No. 3 Time Extension before the Board. Ms. Allen and Mr. Horton presented the item.

Director Blalock moved that the General Manager be authorized to execute Change Order No. 312, Milestone No. 3 Time Extension, in an amount not to exceed \$3,150,000, and extend the Contract completion date 150 calendar days for Contract No. 01RQ-110, Hayward Maintenance Complex Project Maintenance Facilities, with Clark Construction. Director Dufty seconded the motion, which carried by unanimous electronic vote. Ayes – 8: Directors Allen, Blalock, Dufty, Josefowitz, Keller, Saltzman, Simon, and Raburn. Noes – 0. Absent – 1: Director McPartland.

Director Simon brought the matter of Agreements for Transbay Tube Earthquake Safety Service Plan before the Board. Ms. Allen; Ms. Rachel Russell, Senior Planner; and Mr. Joel Soden, Senior Transportation Engineer, presented the item. The item was discussed.

Charlotta Wallace addressed the Board.

Director Blalock moved that the General Manager be authorized to enter into agreements with bus operators to provide early morning bus services for an amount not to exceed \$3,000,000 per year, for a base period of up to three years, plus up to three one-year extensions. Director Simon seconded the motion.

Director Saltzman requested an amendment to the motion that staff report on service, ridership and outreach to the Board of Directors monthly from January through April 2019 and thereafter twice per year.

Directors Blalock and Simon accepted the amendment.

The motion carried by unanimous electronic vote. Ayes – 8: Directors Allen, Blalock, Dufty, Josefowitz, Keller, Saltzman, Simon and Raburn. Noes – 0. Absent – 1: Director McPartland.

Director Simon brought the matter of Mobility As A Service (MAAS) before the Board. Ms. Allen; Mr. Ravi Misra, Assistant General Manager, Technology/ Chief Information Officer; and Mr. Travis Engstrom, Assistant Chief Information Officer, presented the item. The item was discussed.

Randall Glock addressed the Board.

Director Simon brought the matter of Surveillance Technology Approvals before the Board. Ms. Allen; Mr. Engstrom; and Mr. Jefre Riser, Manager of Electrical and Communications Engineering, presented the item. The item was discussed.

Director Dufty made the following motions as a unit:

1. That the Board determines that the benefits to the community of the BART Mobile Applications and Related Modifications to BART.gov outweigh the costs, and the proposed use policy will reasonably safeguard civil liberties and civil rights. The General Manager or her designee is authorized to proceed with the use of BART Mobile Applications & Related Modification to BART.gov as described in the attached documents.
2. That the Board determines that the benefits to the community of the BART Closed Circuit Television (CCTV) technology outweigh the costs, and the proposed use policy will reasonably safeguard civil liberties and civil rights. The General Manager or her designee is authorized to proceed with use of BART Closed Circuit Television (CCTV) as described in the attached documents.
3. That the Board determines that the benefits to the community of the BART CCTV Public Video Monitors technology outweigh the costs, and the proposed use policy will reasonably safeguard civil liberties and civil rights. The General Manager or her designee is authorized to proceed with the use of BART CCTV Public Video Monitors as described in the attached documents.
4. That the Board determines that the benefits to the community of the BART Public Emergency Phone Towers technology outweigh the costs, and the proposed use policy will reasonably safeguard civil liberties and civil rights. The General Manager or her designee is authorized to proceed with the use of BART Public Emergency Phone Towers as described in the attached documents.

Director Blalock seconded the motions, which carried by unanimous electronic vote. Ayes – 8: Directors Allen, Blalock, Dufty, Josefowitz, Keller, Saltzman, Simon, and Raburn. Noes – 0. Absent – 1: Director McPartland. (The policies are attached and hereby made a part of these Minutes.)

Director Simon brought the matter of Procurement of Additional Transit Vehicles before the Board. Mr. Duncan Watry, Project Manager, Systems Development; and Mr. John Garnham, Group Manager, Rail Vehicle Capital Program, presented the item. The item was discussed.

President Raburn called for the General Manager's Report.

General Manager Grace Crunican reported on steps she had taken and activities and meetings she had participated in, ridership, upcoming events, and outstanding Roll Call for Introductions items.

President Raburn called for Board Member Reports, Roll Call for Introductions, and In Memoriam.

Director Dufty reported he had attended a Salesforce Workshop and reported participating in a walkthrough of 24<sup>th</sup> Street/Mission BART Station with San Francisco Supervisor Ronen,

President Raburn and San Francisco Municipal Transportation Agency staff. He requested that the District not move forward with the Ford Go Bike plans at 24<sup>th</sup> Street/Mission BART Station to respect the Latino Heritage District.

Director Simon reported regularly visiting the RISE youth organization near the Richmond BART Station. She thanked BART staff for assistance received with the Transportation Committee for Transition Team for San Francisco Mayor London Breed.

Director Saltzman reported she had attended a Muni Transit Assistance Program (MTAP) ride-along with Directors Allen and Josefowitz, the Grand Opening of the new entrance to the Downtown Berkeley Station, an AB2923 meeting at the North Berkeley Station, and a community meeting at the North Berkeley Station on Transit Oriented Development concepts; and she spoke at the Contra Costa Transportation Authority Citizen Advisory Committee on Measure J and Measure RR funded projects.

Director Josefowitz reported he had attended the MTAP ride along and would like staff to look at the budgetary costs for this type of program.

Director Allen reported she had attended the MTAP ride along, had given a presentation to the Lafayette Rotary, and had addressed the Lafayette City Council on AB2923.

President Raburn reported he had attended the Oakland African American Chamber Luncheon and a meeting in the South Bay on the future of transportation.

President Raburn called for Public Comment. No comments were received.

President Raburn announced that Item 10, Closed Session, would be continued to the Special Meeting of the Board of Directors.

The Meeting was adjourned at 12:17 p.m.

Patricia K. Williams  
District Secretary



# Surveillance Use Policy

## BART Mobile Applications & Related Modifications to BART.gov

BART Office of the Chief Information Officer  
**OCIO-BMAARMTB-SUP-01**

21 Day BART Board Notice – October 04, 2018

15 Day Public Notice – October 10, 2018

BART Board Meeting – October 25, 2018



# Proposed Surveillance Use Policy – BART Mobile Applications & Related Modifications to BART.gov

## A. Purpose

*This section should include: The purpose(s) that the surveillance technology is intended to advance.*

The proposed BART Mobile Applications (BART Official App & BART to Airport App) and related modifications to BART.gov, will be hereafter referred to as the "BART Applications" in this document. The BART Applications will be used for providing consistent transit information, transit incentives and maps to BART riders. In addition, the BART Applications will also be used to handle financial transactions, provide proof of payment, and aide the BART Police Department in payment and carpool enforcement.

Many of the services provided by the BART Official App & the BART to Airport App will also be offered on BART.gov, to help the District provide a consistent brand experience for BART patrons.

## B. Authorized Use

*This section should include: The uses that are authorized, the rules and processes required prior to such use, and the uses that are prohibited.*

The BART Applications shall be used in a lawful manner as identified in Section A above. In addition, the following uses shall also be authorized:

- Navigation
- Trip Planning
- Fare, Parking and Bike Storage Transactions
- Transaction Enforcement
- Transit System Analysis & Demand Management
- Providing & Redeeming Incentives
- Transit Information & Communication
- Surveys

All other uses not referenced above shall be prohibited, except as defined in the District's Surveillance Technology Ordinance.

## C. Data Collection

*This section should include: The information that can be collected by the surveillance technology.*

The following data may be obtained through the BART Applications:

- Name
- Address
- Phone Number
- Email Address
- Payment Card Details
- Clipper Card Details (Serial Number, Entry/Exit, Timestamps)
- Username
- Password
- Social Media Information
- Parking Stall Number & User Defined License Plate for Registered Parking
- User Defined Location (Favorite Station, Station Start, Station Stop, Address, Point of Interest)

## Proposed Surveillance Use Policy – BART Mobile Applications & Related Modifications to BART.gov

- GPS Location
- Radio Frequency Identification (RFID)
- Near Field Communication (NFC)
- Bluetooth Connection/Broadcast Information
- Barcode/QR Code and similar Data

Any data collected by the BART Applications must be used and handled pursuant to this policy. Data from the BART Applications shall not be used for personal purposes or to surveil any particular individual or group without probable cause or a court order. Data shall not be used to intentionally violate anyone's right to privacy; and shall not be used to harass, intimidate, or discriminate against any individual or group.

### D. Data Access

*This section should include: The individuals (as a category) who can access or use the collected information, and the rules and processes required prior to access or use of the information.*

- Access to the BART Applications data is limited to authorized BART employees, BART service providers and the BART Advertising Franchise pursuant to this policy.
- Data may be downloaded and released to a third party as required by law. See section H below.

### E. Data Protection

*This section should include: The safeguards that protect information from unauthorized access, including encryption and access control mechanisms.*

The BART Office of the Chief Information Officer sets standards for BART data protection in an Information Security Procedure Manual that includes standards within ISO/IEC 27002, NIST, PCI-DSS and HIPAA.

The BART Applications will consist of databases and servers that interact through an Application Programming Interface (API) between systems in both BART secure on-premise datacenter(s) and secure cloud environments.

The BART Applications shall utilize encryption technology to transmit any Personally Identifiable Information and store all payment related information in at least a Level 2 Payment Card Industry Data Security Standard (PCI-DSS), as applicable.

Access to the BART Applications Backend Enterprise Architecture is limited to the following:

- BART Database, Server & Application Administrators
- BART Cybersecurity Engineers
- BART Supervisor of Business Systems Applications
- BART Assistant Chief Information Officer over Web & Mobile
- BART Service Providers

The BART Applications Backend Enterprise Architecture will be handled only by those that have been trained in its operation.



# Proposed Surveillance Use Policy – BART Mobile Applications & Related Modifications to BART.gov

## F. Data Retention

*This section should include: The time period, if any, for which information collected by the surveillance technology will be routinely retained, the reason such retention is regularly deleted after that period lapses, and the specific conditions that must be met to retain information beyond that period.*

Data generated from the BART Applications shall be stored in the BART Applications Backend Enterprise Architecture. Non-Personally Identifiable Information may be retained indefinitely unless otherwise deleted by the BART Office of the Chief Information Officer when the allocated hardware has reached its memory capacity. Individual Transit Account and Personally Identifiable Information may be retained for a maximum of four years and six months from the date of individual account termination. Active accounts are retained as long as they are active.

## G. Public Access

*This section should include: How collected information can be requested by members of the public, including criminal defendants.*

Requests for information under the California Public Records Act should be filed with the Office of the District Secretary. Email [records@bart.gov](mailto:records@bart.gov). Phone (510) 464-6080, Fax (510) 464-6011. Mail Public Records Request c/o District Secretary BART 300 Lakeside Drive 23<sup>rd</sup> Floor Oakland, CA 94612.

## H. Third Party Data Sharing

*This section should include: If and how other BART District or non-BART District entities can access or use the information, including any required justification or legal standard necessary to do so and any obligations imposed on the recipient of the information.*

Other than data subject to public release under the California Public Records Act, data may be shared with BART service providers and the BART Advertising Franchise pursuant to this policy.

Staff will adhere to the District's Safe Transit Policy.

## I. Training

*This section should include: A summary of the training required for any individual authorized to use the surveillance technology or to access information collected by the surveillance technology.*

Training for access and administration of the BART Applications Backend Enterprise Architecture will be provided by BART internal staff associated with custom application development, and where necessary related service providers. Training will be limited to staff assigned to the administration of the BART Applications.

## J. Auditing and Oversight

*This section should include: The mechanisms to ensure that the Surveillance Use Policy is followed, including internal personnel assigned to ensure compliance with the policy, internal recordkeeping of the use of the technology or access to information collected by the technology, technical measures to monitor for misuse, any independent person or entity with oversight authority.*

Pursuant to the BART Chief Information Officer's Information Security Procedure Manual, the BART Applications Backend Enterprise Architecture will be subject to BART's cybersecurity controls, enterprise logging, administrator activity monitoring and Level 2 Payment Card Industry Data Security Standards (PCI-DSS), as applicable.

## **Proposed Surveillance Use Policy – BART Mobile Applications & Related Modifications to BART.gov**

As defined in the District’s Surveillance Technology Ordinance, an annual accounting of this surveillance technology will be included in the District’s “Surveillance Annual Report”, in a public hearing on or before August 1, before the BART Board of Directors.

# Surveillance Impact Report

## BART Mobile Applications & Related Modifications to BART.gov

BART Office of the Chief Information Officer

**OCIO-BMAARMTB-SIR-01**

21 Day BART Board Notice – October 04, 2018

15 Day Public Notice – October 10, 2018

BART Board Meeting – October 25, 2018



# Anticipated Surveillance Impact Report – BART Mobile Applications & Related Modifications to BART.gov

## A. Information describing the proposed surveillance technology and how it generally works.

The proposed BART Mobile Applications (BART Official App & BART to Airport App) and related modifications to BART.gov, will be hereafter referred to as the “BART Applications” and are intended to be released as publicly available Android and iOS mobile apps that use an Application Programming Interface (API) to provide transit information, transit incentives and maps to BART riders. In addition, the BART Applications will also be used to handle financial transactions, provide proof of payment, and aide the BART Police Department in payment and carpool enforcement.

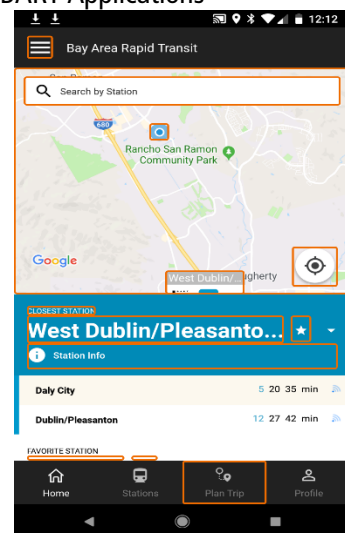
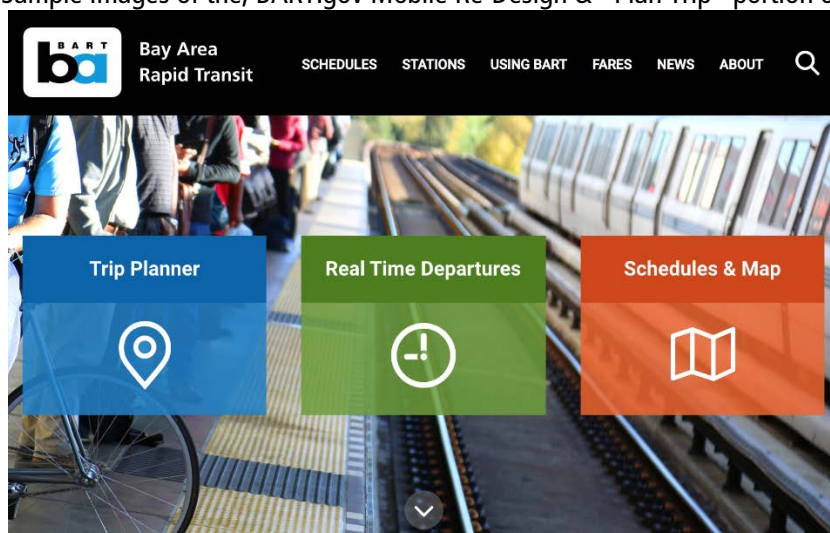
The BART Applications are intended to provide:

- Navigation
- Trip Planning
- Fare, Parking and Bike Storage Transactions
- Transaction Enforcement
- Transit System Analysis & Demand Management
- Providing & Redeeming Incentives
- Transit Information & Communication
- Surveys

As a for-pay transportation agency, BART intends to use a combination of locational data and related financial transactions to allow BART riders to more easily plan and execute their trips on BART.

BART staff has determined that, “Locational” data is a key element in the core function of the BART Applications, as riders use the apps to plan their trips to and from BART stations and surrounding points of interest using the “My Location” feature of their mobile device and other user defined fields such as station pick lists.

Sample Images of the, BART.gov Mobile Re-Design & “Plan Trip” portion of the BART Applications



## **Anticipated Surveillance Impact Report – BART Mobile Applications & Related Modifications to BART.gov**

All data use is subject to the “Surveillance Use Policy” for the BART Applications, submitted with this “Surveillance Impact Report”.

### **B. Information on the proposed purpose(s) for the surveillance technology.**

The proposed BART Applications will be used by BART for the following purposes:

- **To Provide Navigation Services**
  - Provide BART riders with modern navigation to and from BART stations, in and around BART public facilities, and to user defined points of interest and destinations.
- **To Provide Trip Planning Services**
  - Provide BART riders with the necessary tools to plan their trips, view relevant fares and view departure and arrival times.
- **To Manage Fare, Parking and Bike Storage Transactions**
  - Provide BART riders with the ability to purchase select products/services through their mobile device, store digital tickets/receipts and provide digital proof of payment.
- **To Resolve Payment Issues & Conduct Payment Enforcement**
  - Provide BART Operations employees and the BART Police Department with the ability to verify payment, troubleshoot rider payment issues, and conduct payment enforcement.
- **To Perform Transit System Analysis**
  - Analyze transit system use, trip preferences, demand management, frequency and duration to better enhance the service provided by BART.
- **To Provide Transit Use Incentives**
  - Provide incentives such as points, discounts, and special offers to encourage transit system use, off-peak ridership, frequency and to reduce crowding.
- **To Redeem Incentives**
  - Provide BART riders with the ability to redeem incentives such as select gift cards or other forms of incentives.
- **To Provide Official Transit Information & Communication**
  - Provide BART with a platform to send official correspondence to participating mobile devices such as, BART Service Alerts, Safety Messages, Trip Related Tips, Directions, and Advertising.
- **To Conduct BART Surveys**
  - Widen participation and/or frequency of BART surveys by sending digital surveys through the BART Applications.

### **C. If applicable, the general location(s), it may be deployed.**

The BART Applications are intended to be released as publicly available Android and iOS mobile apps and related modifications to BART.gov that encompass all geographic areas of BART Operation, and they are intended to be updated from time to time to include all future geographic extensions of BART service(s).

Due to the nature and portability of installed mobile apps, users who download the BART Applications, will have the ability to view content within the app from anywhere in the world, and at all times.

## **Anticipated Surveillance Impact Report – BART Mobile Applications & Related Modifications to BART.gov**

### **D. Crime statistics for any location(s), if the equipment is used to deter or detect crime.**

The BART Applications will be used to provide BART Operations employees and the BART Police Department with the ability to verify payment, troubleshoot rider payment issues, and conduct payment enforcement.

### **E. An assessment identifying any potential impact on privacy rights and discussing any plans to safeguard the rights of the public.**

The BART Applications are voluntary, user installed applications subject to modern app store restrictions for the voluntary use of location services, push notifications and other transmissions. As such, the use of the BART Applications do not collect any surreptitious information or violate the 4<sup>th</sup> Amendment protections for any individuals.

The BART Applications are subject to BART’s Surveillance Technology Ordinance and a specific Surveillance Use Policy that has been publicly noticed and presented to the BART Board for approval.

### **F. The fiscal costs for the surveillance technology, including initial purchase, personnel and other ongoing costs, and any current or potential sources of funding.**

The BART Applications were under construction, and nearly ready for release, prior to the September 2018 approval of the BART Surveillance Technology Ordinance. However, due to the Board’s adoption of the Ordinance, the BART Mobile Applications public launch has been delayed until the requirements of the Ordinance have been met, including the creation and approval of both a “Surveillance Use Policy”, and “Surveillance Impact Report”.

<b>App Component</b>	<b>Budget</b>	<b>Fund</b>	<b>Ongoing Cost</b>
BART Incentives	\$500,000	Federal Grant	
	\$475,000	BART Funds	
Mobile Application	\$400,819	BART Funds	
Multi-Modal Trip Planner	\$98,500	BART Funds	\$98,500
BART to Airport App	\$131,719	BART Funds	
Single Sign-On	\$163,950	BART Funds	\$146,250
<b>Total</b>	<b>\$1,769,988</b>		<b>\$244,750</b>

### **G. Whether use or maintenance of the technology will require data gathered by the technology to be handled or stored by a third-party vendor on an ongoing basis.**

Yes. Data from the BART Applications will be handled and stored by a third-party on an ongoing basis. Examples of this include connections to the BART Application Programming Interface (API) that provide specific customer centered integrations for the use of Credit Card Information, Clipper Card Information, and the

## **Anticipated Surveillance Impact Report – BART Mobile Applications & Related Modifications to BART.gov**

storage of Usernames and Passwords to enable Single-Sign On (SSO) between elements of the BART Applications.

Access to the BART Applications data is limited to authorized BART employees, BART service providers and the BART Advertising Franchise pursuant to the "Surveillance Use Policy" for the BART Applications.

The BART Applications shall utilize encryption technology to transmit any Personally Identifiable Information and store all payment related information in at least a Level 2 Payment Card Industry Data Security Standard (PCI-DSS), as applicable.

### **H. A summary of alternative methods (whether involving the use of a new technology or not) considered before deciding to use the proposed surveillance technology, including the costs and benefits associated with each alternative and an explanation of the reasons why each alternative is inadequate or undesirable.**

In developing the concept for the BART Applications, BART staff looked at the following alternatives.

#### **Public API Strategy**

In the past, BART has used a Public Application Programming Interface (API) strategy to allow the public market to develop commercial apps for BART. Although this effort has created a wide variety of commercially available applications, BART cannot ensure the uptime, accuracy, security or consistency of the data and messaging provided by these externally managed products. In addition, the commercial app developers cannot process payments to BART or provide riders with tickets.

As the world has migrated further into a mobile centric web browsing base, and grown more accustomed to digital payment, BART has recognized a need to enter this space, and provide a dedicated mobile app to better manage BART's message, service offerings and payments.

BART has recognized that the transportation world is rapidly evolving, and without a convenient mobile interface, BART is more likely to lose market share to other service providers.

#### **Modifications to Existing Fare Infrastructure & Signage**

BART has examined the costs and complexities involved with making modifications to existing fare infrastructure and signage and found that the Mobile Application alternative is far more cost effective and efficient for both the rider and BART administrator. In addition, the introduction of new Mobile Application technology opens the door to a greater expansion of foreign language support, currency support, disability support for the hearing impaired and blind, as well as augmented reality and rich web experiences when using a smartphone camera to interact with a BART journey.

## **Anticipated Surveillance Impact Report – BART Mobile Applications & Related Modifications to BART.gov**

- I. A summary of the experience, if any is known, other law enforcement entities have had with the proposed technology, including information about the effectiveness, any known adverse information about the technology such as unanticipated costs, failures, civil rights or civil liberties issues.**

Although BART's Application Programming Interface (API) is highly BART specific, many of the core technologies that BART intends to use are currently employed around the world. Agencies such as SFMTA, SamTrans, CalTrain, LA Metro, WMATA, DART, Denver RTD, New Orleans RTA, TriMet, Hamburg, Berlin, Stuttgart, Aschaffenburg, and others have leveraged modern smartphone technology including but not limited to GooglePay and ApplePay to provide more efficient and convenient ways to plan trips, make payments, and provide a wide variety of proof of payment options to transit operators such as secure visual inspections and electronic access to fare gates.

BART is not aware of any known adverse information about the anticipated technology such as unanticipated costs, failures, civil rights or civil liberties issues associated with the use outlined in the BART Applications Surveillance Use Policy and this Surveillance Impact Report.





# Surveillance Use Policy

## BART Closed Circuit Television (CCTV)

BART Maintenance & Engineering

**ME-BCCTV-SUP-01**

21 Day BART Board Notice – October 04, 2018

15 Day Public Notice – October 10, 2018

BART Board Meeting – October 25, 2018



## Proposed Surveillance Use Policy – BART Closed Circuit Television (CCTV)

### A. Purpose

*This section should include: The purpose(s) that the surveillance technology is intended to advance.*

The use of cameras based on closed-circuit television (CCTV) technology has proven effective in increasing the confidence of the community in public transport and improving the protection of patrons, employees, railcars, and critical infrastructure. The CCTV system captures and records video images of Passengers. It serves the following key purposes:

- Reduces the fear of crime and reassures the public and employees
- Prevents, deters and detects crime, damage of infrastructure and vehicles, public disorder, unlawful behavior and inappropriate conduct.
- Act as a risk management tool against fare evasion and as a defense against fraudulent claims, particularly for individuals alleging injury during accidents.
- Aid in dispute mediation, complaint resolution, accident investigation, employee monitoring, etc.
- Monitor, identify, apprehend and prosecute offenders for criminal offences, criminal damage, public disorder, road way accidents and harassment.
- Investigate complaints or offences and provide evidence upon which to take criminal, civil and disciplinary actions.
- Collect passenger and transport data to monitor and support network planning objectives and initiatives.

#### Location of cameras

The cameras are generally installed, but not limited to, the following locations:

- Stations (including all areas for ingress and egress)
- Parking Lots and Structures
- Public areas of BART facilities
- Joint use area's
- BART Board Room
- Revenue Vehicles

#### Location of cameras not included

- District wide capital improvement projects contracted to third party
- Secure areas not accessible to the public.

### B. Authorized Use

*This section should include: The uses that are authorized, the rules and processes required prior to such use, and the uses that are prohibited.*

The CCTV security cameras and the images/video they capture shall be used for BART business purposes only, including the uses identified in Section 1 of this Policy, and not for personal use or other non-BART uses. The use of the security cameras shall be 24 hours a day, 7 days per week, and 365 days per year within all San Francisco Bay Area Rapid Transit District properties and adjacent properties not owned by BART where the image is captured during normal surveillance of BART property. The security cameras and their recordings shall be used in a lawful manner. The cameras shall not be used in areas where there is a reasonable expectation of privacy, such as restrooms, and shall not be used to harass, intimidate, or discriminate against any individual or group.

## Proposed Surveillance Use Policy – BART Closed Circuit Television (CCTV)

For purposes of this Use Policy, BART business shall include use for BART administrative, civil, and criminal investigations and monitoring activity to protect against harm to persons or property. It shall be permissible for data collected from the cameras to be used for the following public safety and BART investigation purposes:

- To assist in identifying and preventing threats to persons and property.
- To assist in identifying, apprehending, and prosecuting offenders.
- To assist in gathering evidence for administrative, civil, and criminal investigations and court actions.
- To help public safety personnel respond to emergency events.
- To assist in investigating and resolving staff and customer complaints and/or issues relating to conduct of the public or employees

BART management shall be permitted to review images or video footage to protect BART's technology equipment, assets, and electronic information; and to respond to law enforcement inquiries, to investigate complaints by employees and customers, and to provide local law enforcement authorities with images or video clips of potential illegal or suspicious activity. BART staff will adhere to the District's Safe Transit Policy.

### C. Data Collection

*This section should include: The information that can be collected by the surveillance technology.*

BART's CCTV system shall collect and record audio, video and still photography images.

### D. Data Access

*This section should include: The individuals (as a category) who can access or use the collected information, and the rules and processes required prior to access or use of the information.*

Access to live images and live video footage shall be restricted to:

- All persons designated by the BART Police Department as video surveillance system users
- BART personnel involved in the operation, installation and maintenance of the CCTV system.
- Operational Control Center - OCC
- Customer Access
- Office of Independent Police Auditor
- Station Agents
- Operations Planning
- BART Management

### E. Data Protection

*This section should include: The safeguards that protect information from unauthorized access, including encryption and access control mechanisms.*

BART shall maintain data collected by CCTV System in a secure location where physical access is limited to authorized individuals and includes physical access protections and/or firewall protections from external intrusion.

## Proposed Surveillance Use Policy – BART Closed Circuit Television (CCTV)

### F. Data Retention

*This section should include: The time period, if any, for which information collected by the surveillance technology will be routinely retained, the reason such retention is regularly deleted after that period lapses, and the specific conditions that must be met to retain information beyond that period.*

BART shall retain/stored data collected from the CCTV system per BART Policy 707.

#### 707.1.5 VIDEO STORAGE CAPABILITY

Structure and facility images captured from the video surveillance system will automatically be downloaded onto a secure data storage system where they will be stored based on the systems' design and recording capabilities before being overwritten by new data; which varies from seven (7) to thirty (30) days. The design of some legacy camera systems in District facilities will only record video when the camera is being actively monitored by an authorized user.

Train car video recorders store images for two (2) to seven (7) days before being overwritten. This video image storage time frame is based on the various recording systems design, capabilities, and District resources.

### G. Public Access

*This section should include: How collected information can be requested by members of the public, including criminal defendants.*

BART shall grant Public access to data collected from the CCTV system per BART Policy 707.

#### 707.1.8 RELEASE OF VIDEO IMAGES TO THE GENERAL PUBLIC

All video images/data shall be used for District operations, law enforcement or public safety purposes only; except as required by law, subpoenas or other court process, such data will not otherwise be disclosed/released by the BART Police Department without the consent of the Chief of Police.

Department employees shall not release any information, including capabilities regarding the Districts CCTV systems to the public without prior authorization from the Chief of Police, or the appropriate designee. Personnel shall not release the Video Recovery Personnel telephone number or email address to members of the public.

#### 707.1.9 REQUESTS FOR VIDEO IMAGES FROM THE MEMBERS OF THE PUBLIC

Persons that have a subpoena or preservation letter, and are interested in requesting video footage, shall be directed to the Department's Records Division during normal business hours, or via fax at 510-464-7089.

Persons that do not have a subpoena or preservation letter and are interested in requesting video footage are to be directed to the District Secretary's Office at 510-464-6000 or via fax at 510-464-6011.

## Proposed Surveillance Use Policy – BART Closed Circuit Television (CCTV)

### H. Third Party Data Sharing

*This section should include: If and how other BART District or non-BART District entities can access or use the information, including any required justification or legal standard necessary to do so and any obligations imposed on the recipient of the information.*

- In response to subpoenas issued by the defendant
- Pursuant to a Court Order
- Criminal Investigations by Law Enforcement Agencies
- Staff will adhere to the District's Safe Transit Policy.

### I. Training

*This section should include: A summary of the training required for any individual authorized to use the surveillance technology or to access information collected by the surveillance technology.*

Training for access and administration of the BART CCTV system will be provided by BART internal staff and where necessary related service providers. Training will be limited to staff assigned to the operation, installation, maintenance and administration of the BART CCTV System.

### J. Auditing and Oversight

*This section should include: The mechanisms to ensure that the Surveillance Use Policy is followed, including internal personnel assigned to ensure compliance with the policy, internal recordkeeping of the use of the technology or access to information collected by the technology, technical measures to monitor for misuse, any independent person or entity with oversight authority.*

The BART Police Department shall oversee the BART CCTV System to ensure compliance with the Policy, designate personnel who shall have access to the camera system and ensure that access to the data complies with this Policy.

A log shall be maintained that records when access to image/video data is requested. This shall include the date, time, data record accessed, and staff member involved.

# Surveillance Impact Report

## BART Closed Circuit Television (CCTV)

BART Maintenance & Engineering

**ME-BCCTV-SIR-01**

21 Day BART Board Notice – October 04, 2018

15 Day Public Notice – October 10, 2018

BART Board Meeting – October 25, 2018



## Anticipated Surveillance Impact Report – BART Closed Circuit Television (CCTV)

### A. Information describing the proposed surveillance technology and how it generally works.

CCTV (closed-circuit television) is a TV system in which signals are not publicly distributed but are monitored, primarily for surveillance and security purposes. CCTV relies on strategic placement of cameras, and observation of the camera's input on monitors. Because the cameras communicate with monitors and/or video recorders across private communication links, they gain the designation "closed-circuit" to indicate that access to their content is limited by design only to those able to see it.

The various types of cameras that are employed for public surveillance purposes include visible and semi-visible, each having its own purpose. Visible cameras are intentionally designed to be visible to the public and for the most part, one can easily detect what is being recorded by the direction of the camera. Semi-visible cameras have become increasingly more common. These cameras have a dome-shaped covering that prevents the public from identifying the direction the camera is facing. For crime prevention efforts, this type of camera is more effective for deterrence purposes because would-be offenders are unable to determine whether they are being recorded and may therefore refrain from criminal activity due to fear of apprehension.

Sample Image of Semi-Visible CCTV Camera



### B. Information on the proposed purpose(s) for the surveillance technology.

The use of cameras based on closed-circuit television (CCTV) technology has proven effective in increasing the confidence of the community in public transport and improving the protection of patrons, employees, railcars, and critical infrastructure. The CCTV system captures and records video images of Passengers. It serves the following key purposes:

- Reduces the fear of crime and reassures the public and employees

## **Anticipated Surveillance Impact Report – BART Closed Circuit Television (CCTV)**

- Prevents, deters and detects crime, damage of infrastructure and vehicles, public disorder, unlawful behavior and inappropriate conduct.
- Act as a risk management tool against fare evasion and as a defense against fraudulent claims, particularly for individuals alleging injury during accidents.
- Aid in dispute mediation, complaint resolution, accident investigation, employee monitoring, etc.
- Monitor, identify, apprehend and prosecute offenders for criminal offences, criminal damage, public disorder, road way accidents and harassment.
- Investigate complaints or offences and provide evidence upon which to take criminal, civil and disciplinary actions.
- Collect passenger and transport data to monitor and support network planning objectives and initiatives.

### **C. If applicable, the general location(s), it may be deployed.**

- A10 – Lake Merritt
- A20 – Fruitvale
- A30 – Coliseum
- A40 - San Leandro
- A50 - Bay Fair
- A60 – Hayward
- A70 – South Hayward
- A80 – Union City
- A90 – Fremont
- L10 - Castro Valley
- L20 - West Dublin
- L30 - Dublin / Pleasanton
- K10 – 12th Street
- K20 – 19th Street
- K30 – MacArthur
- R10 – Ashby
- R20 – Berkeley
- R30 - North Berkeley
- R40 - El Cerrito Plaza
- R50 - El Cerrito Del Norte
- R60 – Richmond
- C10 – Rockridge
- C20 – Orinda
- C30 – Lafayette
- C40 – Walnut Creek
- C50 – Pleasant Hill
- C60 – Concord
- C70 - North Concord
- C80 – Pittsburg
- M10 – West Oakland
- M16 – Embarcadero
- M20 – Montgomery



## **Anticipated Surveillance Impact Report – BART Closed Circuit Television (CCTV)**

- M30 – Powell
- M40 – Civic Center
- M50 - 16th Street
- M60 - 24th Street
- M70 - Glen Park
- M80 - Balboa Park
- M90 - Daly City
- W10 – Colma
- W20 - South San Francisco
- W30 - San Bruno
- W40 – Millbrae
- Y10 – SFO
- S10 – Irvington (Future)
- S20 - Warm Springs
- S40 – Milpitas
- S50 – Berryessa
- E20 – Pittsburg City
- E30 – Antioch
- C88 / E10 – Transfer Platform
- BART Board Room
- Oakland Airport Connector
- Revenue Vehicles
- All future stations
- Hercules (Bus Park-and-Ride)
- Isabel (Livermore) (Park-and-Ride)
- Laughlin (Livermore) (Park-and-Ride)
- Irvington (Fremont) (future station)
- Brentwood

### **D. Crime statistics for any location(s), if the equipment is used to deter or detect crime.**

The Closed-Circuit Television System is intended as a District wide security system having amongst other functions the purpose of prevention, deterrence and detections. The system will target PART 1 crimes as measured by the BART Police Performance Measurements monthly report and the reported data from the BART official monthly FBI Uniform Crime Reporting (UCR) program.

### **E. An assessment identifying any potential impact on privacy rights and discussing any plans to safeguard the rights of the public.**

BART recognizes that all people have an inalienable right to privacy and is committed to protecting and safeguarding this right. BART will not capture audio and still or video footage of persons in areas where there is an expectation of privacy without the individual's permission, unless responding to a natural disaster or District wide emergency.

**F. The fiscal costs for the surveillance technology, including initial purchase, personnel and other ongoing costs, and any current or potential sources of funding.**

Initial Purchase Cost

Based on a budget generated by BART, the cost is approximately \$12.3 million.

Personnel Costs

BART personnel will provide installation for the Closed-Circuit Television System, the cost is approximately \$3.2 million at normal BART labor rates.

Ongoing Costs

The ongoing costs associated with the deployment of Closed Circuit Television System are for normal preventative and corrective maintenance.

The anticipated lifespan of the system is about Ten (10) years. However, with proper maintenance and lack of vandalism staff anticipates the useful operational lifespan of the system could be extended.

Potential Sources of Funding

- FTA Security Grant
- Operating Funds
- Other Grants Services
- Private Investments

**G. Whether use or maintenance of the technology will require data gathered by the technology to be handled or stored by a third-party vendor on an ongoing basis.**

Yes. Third party vendor support requires the use of log files and sample image data to be collected for analysis of errors and system malfunctions. The data is not stored after maintenance is complete.

**H. A summary of alternative methods (whether involving the use of a new technology or not) considered before deciding to use the proposed surveillance technology, including the costs and benefits associated with each alternative and an explanation of the reasons why each alternative is inadequate or undesirable.**

BART examined two types of technology in the implementation of the Closed-Circuit Television System, legacy Analog and current Digital IP Based technology. The benefits and disadvantages are:

Benefits of Analog Cameras

- Cost
- Larger pool of installers and vendors
- Simplicity

## Anticipated Surveillance Impact Report – BART Closed Circuit Television (CCTV)

- Advancements in image quality

### Disadvantages of Analog Cameras

- Image quality is significant less than Digital IP Based Technology
- Less coverage
- More Cables
- No Encryption

### Benefits of IP Cameras (PTZ and Fixed)

- Multiple image sensors in one unit.
- Decrease in cost
- Ease of Installation
- Image Resolution
- Intelligence and analytics
- Security -video is encrypted
- Less equipment
- Open Platforms

### Disadvantages of Digital IP Based Technology (PTZ and Fixed)

- Cost of initial set-up
- Storage
- Training for new technologies

## **I. A summary of the experience, if any is known, other law enforcement entities have had with the proposed technology, including information about the effectiveness, any known adverse information about the technology such as unanticipated costs, failures, civil rights or civil liberties issues.**

While no published experience was known at the time of this writing a report by the ACLU of Illinois dated February 2011 titled *CHICAGO'S VIDEO SURVEILLANCE CAMERAS: A PERVASIVE AND UNREGULATED THREAT TO OUR PRIVACY* included some estimated costs.

- The Chicago Police Department's Police Observation Devices POD cameras cost approximately \$10 million to install. There are 1,260 POD's
- The Chicago Transit Authority is spending \$43 million on its cameras.
- The Chicago Public schools spent \$4 million to install cameras in 2006 and 2007.
- Chicago's Navy Pier spent \$4.2 million on its camera system in 2009.



# Surveillance Use Policy

## BART CCTV Public Video Monitors

BART Maintenance & Engineering

**ME-BCCTVPVM-SUP-01**

21 Day BART Board Notice – October 04, 2018

15 Day Public Notice – October 10, 2018

BART Board Meeting – October 25, 2018



## Proposed Surveillance Use Policy – BART CCTV Public Video Monitors

### A. Purpose

*This section should include: The purpose(s) that the surveillance technology is intended to advance.*

The CCTV Public Video Monitors may be deployed above the entry fare gate array at BART stations jointly determined by the BART Police Department and BART Operations to deter fare evasion and reduce crime in these areas by alerting the public that a CCTV system is operating in these areas.

### B. Authorized Use

*This section should include: The uses that are authorized, the rules and processes required prior to such use, and the uses that are prohibited.*

- Public information
- Awareness of CCTV surveillance in the BART station.

### C. Data Collection

*This section should include: The information that can be collected by the surveillance technology.*

No data is collected or stored. The CCTV Public Video Monitors are passive devices incapable of Data Collection.

### D. Data Access

*This section should include: The individuals (as a category) who can access or use the collected information, and the rules and processes required prior to access or use of the information.*

Access to live CCTV images are available to all persons in a viewable distance of the CCTV Public Video Monitors.

### E. Data Protection

*This section should include: The safeguards that protect information from unauthorized access, including encryption and access control mechanisms.*

No Data Protection is required. No data is collected or stored. The CCTV Public Video Monitors are passive devices incapable of Data Collection.

### F. Data Retention

*This section should include: The time period, if any, for which information collected by the surveillance technology will be routinely retained, the reason such retention is regularly deleted after that period lapses, and the specific conditions that must be met to retain information beyond that period.*

No Data Retention occurs. The CCTV Public Video Monitors are passive devices incapable of Data Collection.

### G. Public Access

*This section should include: How collected information can be requested by members of the public, including criminal defendants.*

Public Access occurs during viewing on Monitor in public areas.

## **Proposed Surveillance Use Policy – BART CCTV Public Video Monitors**

### **H. Third Party Data Sharing**

*This section should include: If and how other BART District or non-BART District entities can access or use the information, including any required justification or legal standard necessary to do so and any obligations imposed on the recipient of the information.*

No Third-Party Data-Sharing occurs

### **I. Training**

*This section should include: A summary of the training required for any individual authorized to use the surveillance technology or to access information collected by the surveillance technology.*

Training for operating the CCTV Public Video Monitors system will be provided by BART and will be limited to staff assigned for operation and maintenance of this device.

### **J. Auditing and Oversight**

*This section should include: The mechanisms to ensure that the Surveillance Use Policy is followed, including internal personnel assigned to ensure compliance with the policy, internal recordkeeping of the use of the technology or access to information collected by the technology, technical measures to monitor for misuse, any independent person or entity with oversight authority.*

The BART Maintenance and Engineering Department (M&E) shall oversee the CCTV Public Video Monitors to ensure compliance with the Policy.

# Surveillance Impact Report

## BART CCTV Public Video Monitors

BART Maintenance & Engineering

**ME-BCCTVPVM-SIR-01**

21 Day BART Board Notice – October 04, 2018

15 Day Public Notice – October 10, 2018

BART Board Meeting – October 25, 2018





# Anticipated Surveillance Impact Report – BART CCTV Public Video Monitors

## A. Information describing the proposed surveillance technology and how it generally works.

The CCTV Public Video Monitors is a large format color LED or equivalent video monitor mounted above the entrance to a BART station jointly determined by BART police department and BART Operations as part of the Districts Fare Evasion and Public Safety measures.

Sample Image of CCTV Public Video Monitor



## B. Information on the proposed purpose(s) for the surveillance technology.

The CCTV Public Video Monitors will be deployed above the entry fare gate array at BART stations determined by the BART Police Department and BART Operations to deter fare evasion and reduce crime in these areas by alerting the public that a CCTV system is operating in these areas.



## Anticipated Surveillance Impact Report – BART CCTV Public Video Monitors

### C. If applicable, the general location(s), it may be deployed.

BART may deploy the CCTV Public Video Monitors at the follow 95 locations and any future locations.

<u>Station</u>	<u>Number of Monitors</u>
A10 – Lake Merritt	2
A20 – Fruitvale	2
A30 – Coliseum	1
A40 - San Leandro	1
A50 - Bay Fair	1
A60 – Hayward	1
A70 – South Hayward	1
A80 – Union City	2
A90 – Fremont	2
L10 - Castro Valley	1
L20 - West Dublin	2
L30 - Dublin / Pleasanton	1
K10 – 12 <sup>th</sup> Street	4
K20 – 19 <sup>th</sup> Street	4
K30 – MacArthur	2
R10 – Ashby	1
R20 – Berkeley	4
R30 - North Berkeley	1
R40 - El Cerrito Plaza	2
R50 - El Cerrito Del Norte	2
R60 – Richmond	1
C10 – Rockridge	1
C20 – Orinda	1
C30 – Lafayette	2
C40 – Walnut Creek	1
C50 – Pleasant Hill	1
C60 – Concord	2
C70 - North Concord	2
C80 – Pittsburg	1
N10 – West Oakland	1
M16 – Embarcadero	5
M20 – Montgomery	5
M30 – Powell	5
M40 – Civic Center	3
M50 - 16th Street	2
M60 - 24th Street	2
M70 - Glen Park	3
M80 - Balboa Park	2
M90 - Daly City	2
W10 – Colma	2
W20 - South San Francisco	1
W30 - San Bruno	2
W40 – Millbrae	2
Y10 – SFO	2

## Anticipated Surveillance Impact Report – BART CCTV Public Video Monitors

S10 – Irvington (Future)	1
S20 - Warm Springs	2
S40 – Milpitas	2
S50 – Berryessa	2
E20 – Pittsburg City	1
E30 – Antioch	1

### **D. Crime statistics for any location(s), if the equipment is used to deter or detect crime.**

The CCTV Public Video Monitors are intended to be passive view only devices to deter fare evasion and reduce crime in the areas deployed by alerting the public that a CCTV system is operation. The system will target PART 1 crimes as measured by the BART Police Performance Measurements monthly report and the reported data from the BART official monthly FBI Uniform Crime Reporting (UCR) program.

### **E. An assessment identifying any potential impact on privacy rights and discussing any plans to safeguard the rights of the public.**

The CCTV Public Monitors are a passive display only device, no recording capabilities exist. BART recognizes that all people have an inalienable right to privacy and is committed to protecting and safeguarding this right. BART will not capture audio and still or video footage of persons in areas where there is an expectation of privacy without the individual's permission, unless responding to a natural disaster or District wide emergency.

### **F. The fiscal costs for the surveillance technology, including initial purchase, personnel and other ongoing costs, and any current or potential sources of funding.**

#### Initial Purchase Cost

Based on a budget generated by BART, the cost of full implementation is approximately \$285,000.

#### Personnel Costs

BART personnel will provide installation for the CCTV Public Monitors at normal BART labor rates.

#### Ongoing Costs

There are no ongoing costs associated with the deployment of CCTV Public Video Monitors. The anticipated lifespan of the system is about Three (3) years. However, with proper maintenance and lack of vandalism staff anticipates the useful operational lifespan of the system to be 5 years.

#### Potential Sources of Funding

- FTA Security Grants
- Operating Funds
- Other Grant Services
- Private Investment

**G. Whether use or maintenance of the technology will require data gathered by the technology to be handled or stored by a third-party vendor on an ongoing basis.**

No Data is collected, and no third-party sharing occurs.

**H. A summary of alternative methods (whether involving the use of a new technology or not) considered before deciding to use the proposed surveillance technology, including the costs and benefits associated with each alternative and an explanation of the reasons why each alternative is inadequate or undesirable.**

No alternative method was examined.

**I. A summary of the experience, if any is known, other law enforcement entities have had with the proposed technology, including information about the effectiveness, any known adverse information about the technology such as unanticipated costs, failures, civil rights or civil liberties issues.**

No known study is available at this time.



# Surveillance Use Policy

## BART Public Emergency Phone Towers

BART Maintenance & Engineering

**ME-BPEPT-SUP-01**

21 Day BART Board Notice – October 04, 2018

15 Day Public Notice – October 10, 2018

BART Board Meeting – October 25, 2018



## Proposed Surveillance Use Policy – BART Public Emergency Phone Towers

### A. Purpose

*This section should include: The purpose(s) that the surveillance technology is intended to advance.*

The primary use for the Public Emergency Phone Towers is for when police assistance is needed by a member of the public or BART employee. The Public Emergency Phone Towers will be deployed at every BART station throughout the District totaling 204 on 69 Platforms. There will be three units per platform evenly distributed for maximum effectiveness. These towers are equipped with emergency phones, blue strobes and Closed-Circuit Television. The use of the Public Emergency Phone Towers shall be 24 hours a day, 7 days per week, and 365 days per year within all San Francisco Bay Area Rapid Transit District properties.

### B. Authorized Use

*This section should include: The uses that are authorized, the rules and processes required prior to such use, and the uses that are prohibited.*

- To alert BART Police assistance is needed
- Platform CCTV Surveillance
- PSIM Interface for Station metrics (if adopted by the Board of Directors)

### C. Data Collection

*This section should include: The information that can be collected by the surveillance technology.*

- Location of caller
- Audio of caller
- Video of caller
- Environmental Information
- Station metrics of conditions

### D. Data Access

*This section should include: The individuals (as a category) who can access or use the collected information, and the rules and processes required prior to access or use of the information.*

- Callers location, audio and video will be available to the BART Police Department 911 dispatch system.
- The audio and video of the caller will be recorded, and access will be through proper information access requests per BART Policy 707.

### E. Data Protection

*This section should include: The safeguards that protect information from unauthorized access, including encryption and access control mechanisms.*

BART shall maintain data collected by Public Emergency Phone Towers in a secure location where physical access is limited to authorized individuals and includes physical access protections and/or firewall protections from external intrusion.

## Proposed Surveillance Use Policy – BART Public Emergency Phone Towers

### F. Data Retention

*This section should include: The time period, if any, for which information collected by the surveillance technology will be routinely retained, the reason such retention is regularly deleted after that period lapses, and the specific conditions that must be met to retain information beyond that period.*

BART shall retain/stored Video data collected from the Public Emergency Phone Towers per BART Policy 707.

#### 707.1.5 VIDEO STORAGE CAPABILITY

Structure and facility images captured from the video surveillance system will automatically be downloaded onto a secure data storage system where they will be stored based on the systems' design and recording capabilities before being overwritten by new data; which varies from seven (7) to thirty (30) days. The design of some legacy camera systems in District facilities will only record video when the camera is being actively monitored by an authorized user.

BART shall retain/stored Audio collected from the Public Emergency Phone Towers per BART Policy 802.

#### 802.7 AUDIO RECORDING OF RADIO AND TELEPHONE

The Communications Division will maintain a system for recording and immediate playback of all telephone and radio transmissions within the Integrated Security Response Center (ISRC). The records shall be maintained in accordance with the SF Bay Area Rapid Transit District Retention Policy unless the communication is identified as being needed as evidence. Those recordings identified will be copied and placed into evidence. All non-evidence audio recordings will be maintained for a minimum of 90 days. The Support Services Division Lieutenant shall assure that security measures are in place and maintained for the digital recordings referred in this section. Review of the recordings are available for immediate review by Department personnel for business purposes. Supervisors and managers may review audio recording for purposes of quality control, evaluation and training. External requests for copies of audio recordings from the Integrated Security Response Center shall be routed through the Communications Supervisor or his/her designee.

### G. Public Access

*This section should include: How collected information can be requested by members of the public, including criminal defendants.*

BART shall grant Public access to Video data collected from the Public Emergency Phone Towers per BART Policy 707.

#### 707.1.8 RELEASE OF VIDEO IMAGES TO THE GENERAL PUBLIC

All video images/data shall be used for District operations, law enforcement or public safety purposes only; except as required by law, subpoenas or other court process, such data will not otherwise be disclosed/released by the BART Police Department without the consent of the Chief of Police.

Department employees shall not release any information, including capabilities regarding the Districts CCTV systems to the public without prior authorization from the Chief of Police, or the appropriate designee. Personnel shall not release the Video Recovery Personnel telephone number or email address to members of the public.

#### 707.1.9 REQUESTS FOR VIDEO IMAGES FROM THE MEMBERS OF THE PUBLIC

## Proposed Surveillance Use Policy – BART Public Emergency Phone Towers

Persons that have a subpoena or preservation letter, and are interested in requesting video footage, shall be directed to the Department's Records Division during normal business hours, or via fax at 510-464-7089.

Persons that do not have a subpoena or preservation letter and are interested in requesting video footage are to be directed to the District Secretary's Office at 510-464-6000 or via fax at 510-464-6011.

### H. Third Party Data Sharing

*This section should include: If and how other BART District or non-BART District entities can access or use the information, including any required justification or legal standard necessary to do so and any obligations imposed on the recipient of the information.*

Audio recordings and Video footage or photographs may potentially be shared with the following:

- In response to subpoenas issued by the defendant
- Pursuant to a Court Order
- Criminal Investigations by Law Enforcement Agencies
- Staff will adhere to the District's Safe Transit Policy

### I. Training

*This section should include: A summary of the training required for any individual authorized to use the surveillance technology or to access information collected by the surveillance technology.*

Training for access and administration of the Public Emergency Phone Towers will be provided by BART internal staff and where necessary related service providers. Training will be limited to staff assigned to the operation, installation, maintenance and administration of the BART Public Emergency Phone Tower System.

### J. Auditing and Oversight

*This section should include: The mechanisms to ensure that the Surveillance Use Policy is followed, including internal personnel assigned to ensure compliance with the policy, internal recordkeeping of the use of the technology or access to information collected by the technology, technical measures to monitor for misuse, any independent person or entity with oversight authority.*

The BART Police Department shall oversee the Public Emergency Phone Towers to ensure compliance with the Policy, designate personnel who shall have access to the camera system and ensure that access to the data complies with this Policy.

A log shall be maintained that records when access to image/video data is requested. This shall include the date, time, data record accessed, and staff member involved.

# Surveillance Impact Report

## BART Public Emergency Phone Towers

BART Maintenance & Engineering

**ME-BPEPT-SIR-01**

21 Day BART Board Notice – October 04, 2018

15 Day Public Notice – October 10, 2018

BART Board Meeting – October 25, 2018





# Anticipated Surveillance Impact Report – BART Public Emergency Phone Towers

## A. Information describing the proposed surveillance technology and how it generally works.

The Public Emergency Phone Towers are intended to act as an additional security precaution in public areas. By having these highly visible, and easily accessible blue light phones, the community is continually reassured that they can summon police assistance immediately. The BART Police Department 911 dispatch center will automatically know where the call is coming from and quickly dispatch an officer to the exact location. At night a blue light atop the phone is automatically lit making them easily visible from long distances.

Sample Image of Public Emergency Phone Tower



## B. Information on the proposed purpose(s) for the surveillance technology.

The primary use for the Public Emergency Phone Towers is for when police assistance is needed by a member of the public or BART employee. The Public Emergency Phone Towers will be deployed at every BART station throughout the District totaling 204 on 69 Platforms. There will be three units per platform evenly distributed for maximum effectiveness. These towers are equipped with emergency phones, blue strobes and Closed-Circuit Television.

## Anticipated Surveillance Impact Report – BART Public Emergency Phone Towers

C. If applicable, the general location(s), it may be deployed.

<u>Station</u>	<u>Number of Platforms</u>	<u>Number of Towers</u>
A10 – Lake Merritt	1	3
A20 – Fruitvale	2	6
A30 – Coliseum	1	3
A40 - San Leandro	2	6
A50 - Bay Fair	1	3
A60 – Hayward	2	6
A70 – South Hayward	2	6
A80 – Union City	2	6
A90 – Fremont	1	3
L10 - Castro Valley	1	3
L20 - West Dublin	2	3
L30 - Dublin / Pleasanton	1	3
K10 – 12 <sup>th</sup> Street	2	6
K20 – 19 <sup>th</sup> Street	2	6
K30 – MacArthur	2	6
R10 – Ashby	1	3
R20 – Berkeley	1	3
R30 - North Berkeley	1	3
R40 - El Cerrito Plaza	2	6
R50 - El Cerrito Del Norte	2	6
R60 – Richmond	1	3
C10 – Rockridge	1	3
C20 – Orinda	1	3
C30 – Lafayette	1	3
C40 – Walnut Creek	2	6
C50 – Pleasant Hill	2	6
C60 – Concord	1	3
C70 - North Concord	1	3
C80 – Pittsburg	1	3
M10 – West Oakland	2	6
M16 – Embarcadero	1	3
M20 – Montgomery	1	3
M30 – Powell	1	3
M40 – Civic Center	1	3
M50 - 16th Street	1	3
M60 - 24th Street	1	3
M70 - Glen Park	1	3
M80 - Balboa Park	1	3
M90 - Daly City	2	6
W10 – Colma	2	6
W20 - South San Francisco	1	3
W30 - San Bruno	1	3
W40 – Millbrae	1	3
Y10 – SFO	2	6
S10 – Irvington (Future)	1	3

## Anticipated Surveillance Impact Report – BART Public Emergency Phone Towers

S20 - Warm Springs	2	6
S40 – Milpitas	2	6
S50 – Berryessa	2	6
E20 – Pittsburg City	1	3
E30 – Antioch	1	3

### D. Crime statistics for any location(s), if the equipment is used to deter or detect crime.

The Public Emergency Phone Towers are intended as an emergency communication system for when police assistance is needed by a member of the public or BART employee. The system will target PART 1 crimes as measured by the BART Police Performance Measurements monthly report and the reported data from the BART official monthly FBI Uniform Crime Reporting (UCR) program.

### E. An assessment identifying any potential impact on privacy rights and discussing any plans to safeguard the rights of the public.

BART recognizes that all people have an inalienable right to privacy and is committed to protecting and safeguarding this right. BART will not capture audio and still or video footage of persons in areas where there is an expectation of privacy without the individual's permission, unless responding to a natural disaster or District wide emergency.

### F. The fiscal costs for the surveillance technology, including initial purchase, personnel and other ongoing costs, and any current or potential sources of funding.

#### Initial Purchase Cost

Based on a budget generated by BART, the cost is approximately \$5.25 million.

#### Personnel Costs

BART personnel will provide installation for the Public Emergency Phone Towers, the cost is approximately \$3.2 million at normal BART labor rates.

#### Ongoing Costs

The ongoing costs associated with the deployment of Public Emergency Phone Towers are for normal preventative and corrective maintenance.

The anticipated lifespan of the system is about Ten (10) years. However, with proper maintenance and lack of vandalism staff anticipates the useful operational lifespan of the system could be extended.

#### Potential Sources of Funding

- FTA Security Grant
- Operating Funds

**G. Whether use or maintenance of the technology will require data gathered by the technology to be handled or stored by a third-party vendor on an ongoing basis.**

No Data is gathered or stored by third-party of this technology for use or maintenance.

**H. A summary of alternative methods (whether involving the use of a new technology or not) considered before deciding to use the proposed surveillance technology, including the costs and benefits associated with each alternative and an explanation of the reasons why each alternative is inadequate or undesirable.**

No alternative methods examined.

**I. A summary of the experience, if any is known, other law enforcement entities have had with the proposed technology, including information about the effectiveness, any known adverse information about the technology such as unanticipated costs, failures, civil rights or civil liberties issues.**

No study of unanticipated costs was available.