

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

BART ACCESSIBILITY TASK FORCE
Committee Meeting Minutes
January 26, 2023

1. Roll Call of Members:

1. Anita Ortega
2. Catherine Callahan
3. Clarence Fischer
4. David Fritz
5. Don Queen – ABSENT
6. Emily Witkin
7. Gerry Newell (Vice-Chair)
8. Herb Hastings (2nd Vice-Chair)
9. Janice Armigo Brown
10. Larry Bunn
11. Marjorie McWee
12. Randall Glock (Chair)
13. Roland Wong
14. Shay Roberson – ABSENT
15. Valerie Buell
16. VACANT
17. VACANT
18. VACANT

BART Customer Access and Accessibility Department Staff:

Elena Van Loo
Bob Franklin

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

Robert Raburn (BART Board of Directors)
Ahmad Rassai (BART Staff)
David Coggshall (BART Staff)
Byron Toma (BART Staff)

Mayra Perez (Captioner)
Sara Hill (Captioner)
Daveed Mandell (Guest)
Elizabeth Zambelli (Guest)
Natalie Maxwell (Guest)
Ariel Espiritu Santo (Guest)

2. Public Comments

Elizabeth Zambelli introduced herself and she is a member of the Senior and Disability Action. She stressed to bring back the mask requirement on BART and addressed this is an accessibility issue.

Natalie Maxell introduced themselves who works as a transportation coordinator at Center for Independent Living (CIL) in Berkeley. They would encourage BART to reinstate the mask mandate for the safety for seniors and disabled riders.

Randall Glock read two different public comments shared through emails:

1. Hello. Please bring back the mask requirement on BART. I live with people who can't risk getting COVID, and without a mask requirement, it is less safe to use BART. Masking is an accessibility issue and studies show one-way masking is far less effective than universal masking. Thank you. Laura Danila, Milpitas Resident
2. I'm writing to request that BART reinstate the mask requirement immediately. COVID-19 poses a serious risk to the immunocompromised and disabled members of our community, and we must support them by making public transit a safe place. Many reliable studies have also shown that COVID-19 can have devastating long-term effects on people's health, and that one-way masking is insufficient to prevent spread. Thank you-Dr. Ramesh Sridharan, Lecturer, UC Berkeley

3. Approval of November 09, 2022 Meeting Minutes

Gerry Newell moved approval of the November 09, 2022 meeting minutes. Clarence Fischer seconded the motion.

- Motion passes with eleven (11) in favor, zero (0) against, one (1) abstention

4. Accessible Improvement Program (AIP) within the BART System Update

Ahmad Rassai (AR) presented, “Accessible Improvement Program (AIP) within the BART System Update.”

AR informed members and the members of the public that he continues to bid for a few different projects to improve, update, or add accessibility for all abilities under the AIP within the BART System.

AR highlighted the main scope of work under the Accessible Improvement Program (AIP):

- Demo and reconstruct existing sidewalks and curb ramps to meet the Americans with Disabilities Act (ADA)
- Remove existing and install new cane detection devices (tactiles)
- Remove existing handrails and install new handrails on stairs
- Provide and install new stainless steel panel sheets and trim
- Remove existing courtesy phones and install new District Furnished courtesy phones to improve accessibility
- Remove existing phones and TTY devices and install new public phones and TTY devices to improve accessibility.
- Courtesy phones and public phones will be replaced to provide adequate height and access for ADA
- Lighting fixtures where required will be replaced with new fixtures
- Move existing and re-install new signs and illuminated phone cube signs

Clarence Fischer thanked AR for a very good presentation. He was wondering if there are concerns around the safety area where people can fall off and asked how to contact BART staff for investigation. AR stated during construction, we must follow safety protocols by adding barriers and public notifications.

Randall Glock mentioned testing courtesy phones would be a good idea. He stated some of them work really well and some of them are in loud area where it is hard to hear. He wanted to get members involved in testing the courtesy phones. AR will work with staff in the future to possibly test the courtesy phone as new ones are being installed under the AIP.

Randall Glock mentioned that this was a great presentation with a lot of information and thanked AR for presenting.

5. How to Run an Effective Meeting Refresher

Elena Van Loo went over, “How to Run an Effective Meeting Refresher.”

Introduction

- Let's start 2023 running effective meetings
- “How to Run an Effective Meeting,” as a reminder and helpful steps as quick reference
 - Byron Toma from legal department presented the full presentation in September 2022
 - May be useful for other advisory committees you may be involved with
 - That follows The Ralph M. Brown Act (The Brown Act)

The Purpose

- Maintaining order in business meeting
- Provides an approved and uniform method of conducting meetings in a fair, orderly, and expeditious manner

Remember

No business without a quorum

Key Principles

- All appointed members have equal rights, privileges, and obligations; rules must be administered impartially
- Minority has rights which must be protected
- Full and free discussion of all motions, reports, and other items of business is a right of all members
- Only one question can be considered at a time; take care of only one thing at a time
- Members must be recognized by the chair and have obtained the floor
- Cannot speak more than twice on the same subject without permission of the assembly. No member may speak a second time on the same subject if anyone who has not spoken on that subject wishes to do so
- In voting, members have the right to know what motion is before the assembly and what affirmative and negative votes mean

Steps to Making a Motion

1. A member **MAKES** a motion; one motion at a time
2. Another member **SECONDS** the motion
3. The chair **STATES** the motion
4. Members may **DISCUSS** the motion – **DISCUSSION** must stay on topic of motion
 - a. Listen
 - b. Focus on the topic of motion
 - c. Be polite

5. The chair **PUTS** the motion to a vote
6. Roll call is made of members outcome
 - a. Aye (yes)
 - b. Nay (no)
 - c. Abstain (not for all motions)
7. The Chair (or supporting staff) **ANNOUNCES** the result

Five (5) Types of Motion

1. **Main** – Introduction of an item of business, propose a new action be taken
2. **Subsidiary Motions** – Are motions to modify a motion that is being considered by the members so that it will express more satisfactorily
 - a. Example:
 - ✓ “I move to amend the motion by inserting the word, “three,” before the word “representatives.”
3. **Privileged Motions** – Are motions to enable a member to secure an immediate decision that concerns the comfort, convenience, rights etc. of a member even though other business is pending
 - a. Example:
 - ✓ “I move to adjourn meeting” or “I move to a 15-minute recess”
4. **Incidental Motion** – Motions arise incidentally out of the immediate pending business at any time and must be decided as soon as they arise
 - a. Example:
 - ✓ “I move to withdraw my motion”
 - ✓ “I motion to appeal”
 - ✓ “I move to amend the motion by inserting the word, “three,” before the word “representatives.”
5. **Restorative Motion** – A motion to amend a main motion that was previously approved by members

Words of Wisdom

- BATF members should be careful not to be engage in serial meetings: discussion matters outside regularly scheduled meetings
- The public must be allowed to participate in the discussion of agenda items
- The public must be allowed to comment on matters outside the agenda
- Only disruptive behavior is subject to taking appropriate and measured sanctions

BART Advisory Committee Member Code of Conduct – II. Professional Conduct

- **II. Professional Conduct** - Members of District Advisory Committees shall conduct themselves in a manner consistent with the law, this Code of Conduct, District policies, and good judgment. Members shall not commit any act which may bring reproach or discredit upon the District. Speech or behavior that is

likely to create an appearance of impropriety is to be avoided. Members shall not involve themselves in altercations or any other act of hostility with District employees, other Committee members, or the public. Neither shall they engage in acts which will subject the District to criticism or adversely affect the interests of the District. It is up to each member to maintain a professional, safe, and productive environment – Link to the complete BART’s Advisory Committee Member Code of Conduct, bart.gov/sites/default/files/docs/08-08-13%20Advisory%20Committee%20Member%20CofC.pdf

Randall Glock asked Byron Toma, BART Legal Department, if he had any additional information to share. Byron Toma stated the presentation was good and had no other comments.

Valerie Buell and Gerry Newell agreed the presentation was great and found this to be valuable and useful.

Larry Bunn, Roland Wong, Herb Hastings, David Fritz, Randall Glock, and Gerry Newell asked if the presentation could be emailed to members.

6. Discussion of BATF Term Limits for Chair, Vice Chair, and 2nd Vice Chair

Randall Glock led the agenda item “Discussion of BATF term limits for Chair, Vice Chair, and 2nd Vice Chair.”

Gerry Newell stated he strongly would like to have chair terms as part of the BATF By-Laws. He mentioned having new Chairs, or Vice-Chairs, or 2nd Vice Chairs would be good to get new insight and good to have other members run for an Officer position.

Gerry Newell motioned to have chair term limits, such as a two-year limit, to be part of the BATF By-Laws. David Fritz seconded the motion.

Members asked staff for clarification how to move forward when possibly changing the by-laws. Elena Van Loo clarified that a motion was needed first and then a second to the motion is needed for discussion. Once the discussion has been held, member vote on the motion.

There was a long discussion whether to have term limits as part of the BATF By-Laws:

- Valerie Buell is not comfortable with term limits. Having term limits and elections every year can hamper things even further. Valerie Buell asked members these questions to answer themselves regards to term limits and discuss: What are some ideas of term limits, why do you think we need term limits in place, what changes would you like to see, and how would this change help? Valerie Buell shared she does not see how term limits will help to achieve the goal in getting new members.
- Clarence Fischer asked what happens if a member does not want to be in an Officer position, how does that work with the current Officers, and does this work with term limits?
- Marjorie McWee gave more of a definition of what the chair does and thinks it would be good to have an ad hoc committee to discuss roles and responsibilities. She mentioned as part of the ad hoc committee would be to address what are the issues going on during meetings and what would be some strategies to fix them. She mentioned this agenda item has come up three or four times previously and she thinks there are some underline concerns.
- David Fritz sought clarification as to whether term limits mean a single term limit or multiple terms limits? Also, maybe the BATF should have training from staff for the role of Officers and how to facilitate meetings.
- Gerry Newell made it clear that term limits should be multiple years to get “new blood.” He thinks BATF has had the same Officers for many years. He mentioned he would be comfortable to have a three-year commitment, as well as help and training from staff about the roles and responsibilities of being an officer.
- Larry Bunn stated term limits should be multiple years instead of one year.
- Randall Glock mentioned this agenda item is tough and he mentioned he has been Chair over the years and the topic of agenda is indirectly about him. He shared there are challenges as Chair and stated that there are members that would be really good but have chosen not to be in an Officer position. Randall Glock mentioned that this meeting is going smoothly, but there were meetings where the chair has been blamed for the chaos. He stated that term limits would be a by-law change and expressed by-law change is a long, tedious process to the BATF By-Laws which he does not support.
- Herb Hastings wanted clarification on the process on how to change the by-laws. He is aware that legal department and staff is involved and having BATF members approve the changes and thinks this may be a long process.

Gerry Newell agreed with Marjorie McWee to have an ad hoc committee and wants to withdraw his motion to not to add term limits to the by-laws until further notice and turn it over to staff. David Fritz seconded the motion.

Marjorie McWee would like to make a new motion to form an ad hoc committee to address these issues and to come back to the BATF and staff with some recommendations. Randall Glock asked if members and/or staff should be part of the ad hoc committee and Marjorie McWee confirmed both. Gerry Newell second the motion if it is a combination of staff and members. Herb Hastings mentioned both staff and committee members are usually involved in the ad hoc committees.

The question was who votes for an ad hoc committee or this will be an agenda for future agenda. Staff will look into this.

Randall Glock, Chair, made the first motion to have an agenda item for February 2023 to have a discussion to add an ad hoc committee with up to five BATF members. Gerry Newell seconded the motion.

Roland Wong asked if the BATF By-Laws can be emailed. Elena Van Loo offered to email all members the BATF By-Laws, which are at the following link:https://www.bart.gov/sites/default/files/docs/BATF%20By-Laws%20Amended%20Sept%202017_0.pdf

7. Remembering Hale Zukas – Discussion

Before the presentation, “Remembering Hale Zukas” by Elena Van Loo, Randall Glock asked to have a moment of silent for Janet Abelson, who passed way earlier in the day and for Hale Zukas.

About Hale J. Zukas

- An American disability rights activist
- One of the co-founders of the Center for Independence Living (CIL)
- Active in working for accessible streets and public transit
- Founding member of BART Accessibility Task Force (BATF) –created in 1975
- Played a major role in the creation of the Americans with Disabilities Act (ADA) that passed in 1990
- BART recognized Hale Zukas for his remarkable, life-long commitment to accessibility within the BART system with a plaque that hangs proudly placed in the passageway between Ashby BART Station and Ed Roberts Campus
 - On December 1, 2022, at the request of Director Robert Raburn, the Board of Directors adjourned its regular meeting in memory of Hale Zukas.

Elena Van Loo read Hale J. Zukas's plaque that is hung between Ashby BART Station and Ed Robert's Campus which BART Board of Directors honored in 2011:

“In Appreciation for outstanding leadership and service to the Bay Area Transit District and the Disability Rights movement. As one of the founding members of the BART Accessibility Task force and in recognition of the decades of service that Mr. Zukas has been one of the principal liaisons between BART and the Disability Right Movement. Hale J. Zukas has cerebral palsy and uses a wheelchair. He was a co-founder of the Center for Independent Living in 1971 and has worked at the World Institute on Disability since 1983. For almost 40 years, he has worked tirelessly at the local, regional and national level to make public transportation and the built environment more accessible to persons with all types of disabilities. This is in recognition for his work in the area of architectural and transportation barriers which is exemplified in this passageway between the Ashby BART Station and the Ed Robert Campus. San Francisco Bay Area Rapid Transit District Ashby BART Station – Ed Roberts Campus, Berkeley, CA.

Elena Van Loo shared a quote from Hale Zukas, “Disability is not a tragedy, it is a tremendous hassle.”

Elena Van Loo mentioned there was a letter from BART Board of Directors to Tim Zukas, Hale's brother, informing him that Director Robert Raburn adjourned its regular meeting on December 01, 2022, in memory of his loved brother. She shared the full letter is part of the PDF presentation.

Randall Glock would like to adjourn the meeting in Hale Zukas's honor and memory and Gerry Newell agrees.

Gerry Newell mentioned Hale Zukas made the members better because he was on this committee, he was so dedicated and it was an honor to serve with him.

Herb Hastings stated Hale Zukas was a wonderful example of what an advocate is and learned a lot from him over the years.

Clarence Fischer stated that we all are choked up listening to the presentation in remembering Hale Zukas. He mentioned Hale Zukas's tirelessly considered everyone to make accessibility a top priority with support from BATF members, BART Board of Directors, and BART Staff and stated Hale Zukas needs to be remembered.

8. Member Announcements

Roland Wong shared that he recently went to the newly modernized 19th St., Oakland BART Station. He thought BART did a great job as far as improvement of lighting. He mentioned the faregates were moved to a better location and they seems easier to access from the street to the platform elevator on the concourse level on the South end of the station. Roland Wong added the elevator exiting and entering from the platform is wider and is more welcoming on the South side of the station.

Roland Wong mentioned he did not go on the North end of the newly modernized 19th St., Oakland, BART, and was no sure if the brand-new elevator is in operation. Bob Franklin confirmed the North end elevator is in full operation. Herb Hasting also confirmed North end elevator is working and was impressed with the new look at the station.

Herb Hastings shared he is the newest representative for the Caltrans Inner Agency Equity Advisory Committee in the Bay Area.

Valerie Buell expressed concerns when planning a trip under “trip planner,” on the BART app, she finds this very difficult, unreliable, and frustrating.

Clarence Fischer announced he’s been fortunate enough to be nominated as one of the eighteen members to BART’s Link21 Access Advisory Committee, <https://www.bart.gov/news/articles/2023/news20230119>, and shared his “doors are open” if any questions arises about accessibility and seniors.

Clarence Fisher informed members that he participated in the recent BART Board of Directors meeting via telephone and mentioned there may be a shift in the start time of some of their meeting time from 9:00 am to an afternoon meeting. He asked the Chair and staff to keep an eye and ear of the BART Board of Directors change of meeting time to the afternoon meeting on Thursday, as the BATF meeting starts at 2:00 pm.

Marjorie McWee shared that she is a chair with another committee, Contra Costa County Transit Authority and updated organizational changes.

9. Staff Announcements

Elena Van Loo sadly announced Janet Abelson passed away today, as announced earlier.

Elena Van Loo informed members Ethics Training is scheduled for April or May 2023 and will share more detailed information in the near future. The due date to complete Ethics Training AB1234 is May 31, 2023. She reminded members Ethics Training is part of the BART By-Laws to be completed every two years.

Bob Franklin announced on January 31, 2023, BART will be hosting Fleet of the Future (FOF) Safety and Orientation Tour for the Blind and Low-Vision Riders from 10:30 am to 12:00 pm at the 19th St., Oakland BART Station.

10. Chairperson Announcements

Randall Glock, Chair, said, “Happy New Year,” and added he hoped everyone had a good holiday.

11. Future Agenda Topics – Member Suggest Topics

- Remembering Janet Abelson
- Elect ad hoc committee to provide guidance on BATF Term of Limits for Chair, Vice Chair, and 2nd Vice Chair for the BATF By-Laws.
- Update on the bicycle project at the Lafayette BART Station
- Invite other Accessibility Advisory Committees within BART and outside of BART
 - Education and awareness

12. Adjournment

Randall Glock asked BATF members in favor of adjourn the meeting in honoring Hale Zukas and a unanimous vote was done to adjourn meeting to honor Hale Zukas. The meeting adjourned at 3:50 pm until the next regularly scheduled meeting, February 23, 2023.