

**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  
February 23, 2023

**1. Roll Call of Members:**

1. Anita Ortega
2. Catherine Callahan
3. Clarence Fischer
4. David Fritz – ABSENT
5. Don Queen
6. Emily Witkin – ABSENT
7. Gerry Newell (Vice-Chair)
8. Herb Hastings (2<sup>nd</sup> Vice-Chair)
9. Janice Armigo Brown – ABSENT
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:**

Byron Toma (BART Staff)  
Tim Lohrentz (BART Staff)  
David Coggshall (BART Staff)  
Ahmad Rassai (BART Staff)  
Kim Ridgeway (AC Transit-Guest)

Katie Arioli (Captioner)  
Alicia Garispe (Captioner)  
Helen Walsh (Guest)  
Natalie Maxwell (Guest)  
Ahn Nguyen (Guest)  
Roger (Guest)

## **2. Public Comments**

No public comments

## **3. Approval of January 26, 2023 Meeting Minutes**

Herb Hastings moved approval of the January 26, 2023 meeting minutes. Gerry Newell seconded the motion.

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

## **4. In-Person Meeting Update**

- **Teleconferencing option under the Brown Act Law**
- **New BATF in-person and remote meeting requirements**

Byron Toma and Elena Van Loo presented, “In-person meeting update.”

Byron Toma, BART Legal Department, mentioned the new bill AB 2449 will be in effect on March 01, 2023 and stated the state of emergency under the bill AB 361 expires on February 28, 2023. He mentioned under AB 361, committee members could attend meetings remotely without having to publish the location from where they participated in the meeting. Under the new bill, AB 2449, members are now required to attend meetings in-person, with the address and teleconferencing information posted on the agenda. For those seeking to attend a committee meeting remotely, a specific location address must also be posted on the agenda seventy-two hours in advance of the meeting.

Byron Toma went over what BART advisory committees subject to the Brown Act:

- Members appointed by the BART Board of Directors
- A committee that was created by action of the BART Board of Directors

Byron Toma went over the keyed dates on the bill AB 2449:

- January 01, 2023, AB 2449 went into effect
- February 28, 2023, California state of emergency ends
- March 09, 2023, 1<sup>st</sup> BART Board of Directors meeting under AB 2449

Byron Toma went over AB2 449 Teleconferencing Requirements:

1. In-person quorum  
For any BATF member to participate remotely, a quorum of the Board must be present in person at a single physical location that is within the BART District and open to the public.
2. “Just cause” or “emergency circumstances”  
Remote participation is only allowed for “just cause” or “emergency circumstances”
3. Disclosure of others present  
BATF member participating remotely must publicly disclose the presence of any other person aged 18 or older in the room with the BATF member and the general nature of their relationship
4. Both video and audio participation  
BATF member participating remotely must participate by both video and audio

Byron Toma defined what, AB 2449, Just Cause means:

- The member must notify the legislative body at the earliest opportunity possible, including at the start of the meeting, of their need to participate remotely for just cause, including a general description of the circumstances relating to their need to appear remotely at the given meeting. This provision cannot be used by any member for more than two meetings per calendar year.
  - “Just Cause” is defined as:
    - Childcare or caregiving needs that require them to participate remotely
    - A contagious illness that prevents a member from attending in person
    - A need related to a physical or mental disability not otherwise accommodated by the ADA
    - Travel while on official business of the legislative body or another state or local agency

Byron Toma defined what, AB 2449, Emergency Circumstances:

- “Emergency Circumstances”: A physical or family emergency that prevents a member from attending in person. The following requirements apply:
  - A member must make the request as soon as possible. If the request does not allow sufficient time to place proposed action on the request on the posted agenda for the meeting, the legislative body may take action at the beginning of the meeting.
  - Must make a separate request for each meeting.

- The legislative body must take action to approve the request. The legislative body shall request a general description of the circumstances relating to the need to appear remotely at the given meeting.
- Members do not need to disclose any medical diagnosis or disability, or any personal medical information that is already exempt under existing law.

Elena Van Loo shared who does not need to be present for in-person meetings (until further notice):

- Members of the public
- Presenter (s), (BART staff or any 3<sup>rd</sup> party presenting)
- Closed Captioners

Elena Van Loo mentioned staff will continue to provide meeting notices and agenda items within the 72-hour window, including webinar information. She also shared the members of the public will continue to have access to public comment (s) by staff by providing webinar information.

Elena Van Loo shared the one change will be the location where the scheduled BATF meetings will be held. She mentioned the in-person meetings for appointed members will be held at the East Bay Paratransit in Oakland. She mentioned the meeting place is right next to the south side of the 19<sup>th</sup> Street BART Station adjacent to the street elevator.

Elena Van Loo mentioned traveling to the scheduled BATF meeting location will be honored the \$15 per meeting. Travel reimbursement will not be honored for teleconferencing.

Herb Hastings mentioned the last time in-person BATF meeting was in March 2020 and asked if staff will need updated RTC card numbers for travel reimbursements. Elena Van Loo confirmed that she will reach out to members to update RTC card numbers.

BATF members and members of the public stated attending in-person meetings could put immune-compromised at risk and expressed California legislative should have looked into this more closely.

Elena Van Loo shared that safety is a priority when in-person meetings start. She mentioned staff will provide face masks and hand sanitizers. She mentioned face masks will not be enforced but are strongly recommended. She mentioned staff will not be taking temperatures or ask for proof vaccination, which is not required.

BATF members expressed concerns publishing home address to the public and expressed members would feel unsafe.

Byron Toma shared at BART, there are two kinds of meetings:

1. The first kind is the Brown Act meetings, which is formed by the legislative bodies and are advisory to the governing body, like BATF. BATF members are appointed by the BART Board of Directors. With the new guidelines, a quorum of appointed members must meet in-person starting on March 01, 2023.
2. The second kind are meetings which are not official Brown Act Bodies. Byron Toma mentioned Brown Act Light is typically not advisory to the Board of Directors. BATF members would not be appointed by BART Board of Directors and added meetings can be done through teleconferencing and not in-person.

Byron Toma and Bob Franklin stated the BATF By-Laws would have to be changed to accomplish the second type of meeting.

Randall Glock stated that an agenda item would be scheduled for March to further discuss the two different options with appointed committee members vs. non-appointed advisory committee as Byron Toma explained.

Randall Glock mentioned the possibility of writing a letter to California's Governor expressing concerns about the new bill, AB 2449.

Randall Glock requested to add travel reimbursement as an agenda item to get some clarity as to how reimbursement is done.

## **5. Link21 Program-Introduction to the Newest Advisory Committee at BART**

Tim Lohrentz introduced himself from the Office of Civil Rights and then presented "Link21 Equity Advisory Council (EAC)".

He mentioned Link21 is working with 21 counties and 4 regions (Sacramento, San Francisco Bay Area, Northern San Joaquin Valley, and Monterey) to bring all public transportation together and to make it easier for commuting.

He shared information about a future new transbay rail crossing:

- Transportation across the San Francisco Bay is a major impediment to regional transportation

- A new transbay rail crossing will provide another link between San Francisco and the East Bay (Oakland) and the entire megaregion
- Could be standard-gauge (e.g., Capitol Corridor, Caltrain) or BART-gauge
- It is a joint program between BART and Capitol Corridor

He also discussed the “Link21” equitable program:

- Prioritize engaging communities who have been systemically marginalized
- Benefit those who need it most:
  - Transit-dependent riders
  - Those harmed by past transportation projects
  - Those with limited access to important resources like housing or job opportunities
- Partner with these groups every step of the way to avoid harms and create needed benefits

He shared what the Equity Advisory Council (EAC) is about:

- It is a body of community members with expertise that will provide continual guidance on key Link21 work through bimonthly meetings
- The EAC members loosely represent communities that have been marginalized in the 21-county Megaregion
- Another opportunity for the Link21 team to co-create with community members
- There are 18 members of the EAC, with the potential for 20 members
- First EAC meeting was February 14, 2023, with the second one February 28, 2023

Tim Lohrentz explained Equity Advisory Council (EAC) is an advisory council and provides input on the Link21 Program, but is not a decision-making body.

Clarence Fisher appreciated Tim Lohrentz’s presentation and mentioned he was at the very first Link21 meeting in February. He also mentioned that he is a member of EAC.

Roland Wong asked if there is a zoom link to the next Link21 meeting and Tim Lohrentz mentioned to go to [bart.gov](http://bart.gov) and look under the BART Board of Directors meeting dates along with other BART’s advisory committee dates.

Randall Glock thanked Tim Lohrentz for his presentation.

## **6. Establishment of an AD-Hoc Committee to Review BART Accessibility Task Force (BATF) By-Laws with a Call for Committee Member Volunteers**

Randall Glock introduced the agenda item. He mentioned this agenda item was to discuss whether or not to create an ad hoc committee to look and/or change the BATF By-Laws.

Gerry Newell stated that other advisory committees have term limits and wanted to explore this idea to see what would be best for the BATF advisory committee members. He mentioned this topic to change the term limits has been discussed numerous times in the past.

Herb Hastings mentioned he is on a few advisory committees and term limits are not part of the by-laws. He added nominations and elections are done just as we have done in the past. He mentioned if adding ad hoc is worth the time.

Marjorie McWee shared that this agenda item should be very clear what our objectives are, whether or not we are creating an ad hoc or discussing. She also voiced that this agenda item be placed on hold, as there may be active members resigning.

Randall Glock asked who would like to make a motion to postpone this agenda item. Larry Bunn motioned to postpone the agenda item and Gerry Newell seconded the motion.

Randall Glock called for a discussion to either postpone agenda item or establish an ad hoc committee:

- Valerie Buell mentioned she has heard this discussion multiple times in the past year and questioned the purpose of this ad hoc and asked members these questions, “why do we to even have this,” or “what do we think what the outcome will be.” She added that she thinks an ad hoc committee should be formed but we need to state a very clear definition of its goals.
- Herb Hastings agreed with Valerie Buell to look into what are the objectives
- Larry Bunn mentioned this should be postponed and agreed with Marjorie McWee that member (s) may resign.
- Marjorie McWee stated that we should really contemplate the change of the by-laws and get assistance from legal to either add term limits and/or look into strengthening other parts of the by-laws
- Randall Glock mentioned if we end up changing the by-laws, this can be tedious and time consuming and mentioned BATF members really should think about this.

Elena Van Loo did a roll call to postpone agenda item until the next scheduled meeting. She confirmed Larry Bunn motioned to, “establish of an ad hoc to review the task force by-laws.” Gerry Newell seconded the motion.

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

## **7. Remembering Janet Abelson**

Elena Van Loo presented, “Remembering Janet Abelson.”

Elena Van Loo read a tweet on Twitter dated January 26, 2023 from @SFBART: “Janet Abelson was a long time BART partner. She cared deeply about transit and we cared deeply about her. Our Board of Directors and staff worked closely with her over the years and she was a tireless advocate for a safe and accessible BART system.”

Elena Van Loo read a tweet from Director Rebecca Salzman: “Saddened by the passing of Janet Abelson today. She served on El Cerrito Council for 23 years, retiring last month. She did so much for the city and for transit, including improving accessibility of BART.”

Janet Abelson’s Accolades (some accolades-too many to list):

- Member and chair of the Metropolitan Transportation Commission (MTC) Advisory Council and past member and chair of the MTC Elderly and Disabled Advisory Committee
- Member and past Chair of the BART Accessibility Task Force, 2002 to 2023
- Chair of the BART Transit Security Advisory Committee
- Member and past Chair of the AC Transit Accessibility Advisory Committee
- Founding member in 1994 and past Chair with East Bay Paratransit’s -SRAC (Service Review Advisory Committee)
- Council Member in the city of El Cerrito, 1999 to 2022

Janet Abelson was a great advocate for people who use wheelchairs with respect to the following:

- Elevators
- Accessible paths of travel design –to narrow the width of the pathway, to better the design for both blind passengers and passengers with wheelchairs
- Elevator glass panels for passenger safety
- Elevator orientation: to exit parallel to the trackway, not exiting into the trackway



- Lighting in stations, especially throughout elevator hallways
- Bus connections layout, including during temporary construction periods, focusing on passenger safety
- Signage visibility and placement
- Accessible faregates design

Facebook friends say...:

- I am so sorry to hear of Janet's passing. It's a great loss to the community. My condolences to her family
- My deepest condolences to the family of Janet Abelson. She was a true public servant who will be missed dearly. Rest in Peace (RIP) my dear
- I'm sorry to hear this. Rest in Peace, Janet Abelson. Thank you for your many years of service to the city of El Cerrito

Elena Van Loo ended her presentation thanking Janet Abelson for her service to the community and being a dear friend.

Don Queen thanked Elena Van Loo for the presentation. He mentioned he met Janet Abelson at East Bay Paratransit Advisory Committee (SRAC) and she helped him a lot and said he was a good friend with Janet Abelson and she will be missed. He mentioned Janet Abelson did a lot of work in fighting for accessibility pathways at BART and was persistent on this issue.

Marjorie McWee shared that she met Janet Abelson at a transit meeting on behalf of wheelchair users and met Janet Abelson again at her first BATF meetings and became friends. She shared that Janet Abelson would call and report updates on accessibility within the BART system. Marjorie McWee said she will miss her mentoring and her friendship.

Valerie Buell mentioned she found Janet Abelson to be passionate and stated Janet Abelson asked a lot of great questions and gave a lot of great insight. She was impressed with Janet Abelson's knowledge.

Randall Glock shared Janet Abelson was a long-time member and former Chair. He shared how he worked with Janet Abelson for years and she definitely will be missed. Randall Glock added we should adjourn the meeting in Janet's honor.

## **8. Member Announcements**

No member announcements.

## **9. Staff Announcements**

Bob Franklin announced on February 28, 2023, there will be a virtual town hall meeting for blind and low vision BART passengers.

Elena Van Loo shared BART Board of Directors scheduled five 2:00 pm Thursday afternoon meetings in 2023: March 9<sup>th</sup>, May 11<sup>th</sup>, June 8<sup>th</sup>, September 14<sup>th</sup>, and November 16<sup>th</sup>. Some of these dates do overlap with scheduled BATF meetings.

## **10. Chairperson Announcements**

Randall Glock asked members to attend in-person meetings.

## **11. Future Agenda Topics – Member Suggest Topics**

- Update on proposed fare changes for 2024-2025
- BART Police Department update
  - Homelessness at BART station
- Third door marking updates
- Discussion promoting BATF meeting
  - What can be done to draw more members of the public to the meetings

## **12. Adjournment**

The meeting adjourned at 3:52 pm in memory of Janet Abelson until the next regularly scheduled meeting, March 23, 2023.