

## **BART Community Service Program**

(For use in regard to adults)

The San Francisco Bay Area Rapid Transit District (BART), through its Community Service Program, allows adults to perform community service in lieu of paying a civil administrative citation of \$75. Adults who voluntarily elect to perform community service instead of paying the \$75 civil penalty, will be allowed to perform five (5) hours of community service at a placement of their choosing. Participants have eight (8) weeks from the date of the citation to complete community service and submit a verified time sheet to the BART Police Department.

### **Program Terms and Conditions**

Participant must be adults (18 years of age or older) at the time that the citation was issued.

Participants must complete a Community Service Work Waiver of Liability form prior to the performance of community service.

1. BART does not provide participants with a list of volunteer opportunities or agencies to oversee community service. It is the responsibility of the participant to appropriately vet, select and schedule their community service. Community Service may be performed for the following types of organizations:
  - Non-profit, eleemosynary, or social service organizations eligible for tax exempt status
  - Faith-based organizations eligible for tax exempt status
  - Educational institutions eligible for tax exempt status
  - City, county, or other local agencies registered with the California Secretary of State as a local government.

Participants may contact their local government agency for upcoming volunteer opportunities or call 211 to be connected with community programs in your area. 211 is confidential and available 24 hours a day in more than 150 languages.

2. Electing to voluntarily perform community service is an acknowledgement of the following:
  - Performing community service may involve some degree of risk, some of which cannot be eliminated due to the nature of the work.
  - The program participant does hereby forever release, discharge and acquit BART and its officers, agents and employees from any and all claims for death, personal injury or damage to property of any nature which may arise from or in connection with his or her participation in this program.
  - The participant recognizes that he or she is acting as a private and gratuitous volunteer to provide time, services and labor to their chosen community service organization/recipient qualified to participate in this program. The participant understands that they are engaged in activities in donative service to their chosen charity, and not as an employee, agent or contractor in service to BART.

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3. After participant vets the available volunteer placements, select the organization, and schedule the service, participants must submit original executed copies of the liability release and verification form to both the organization receiving the service and to the BART Police Department at 101 8th Street, Oakland, CA 94607. Failure to provide an original executed copy of the liability release to the BART Police Department prior to engaging in the volunteer activity will make such community service ineligible for this Program. **YOU MUST SUBMIT A FULLY EXECUTED WAIVER AND RELEASE FORM TO THE BART POLICE DEPARTMENT BEFORE UNDERTAKING YOUR COMMUNITY SERVICE. YOU MUST MAIL OR DELIVER THE WAIVER FORM TO THE BART POLICE DEPARTMENT WITHIN 4 WEEKS FROM THE DATE THAT YOU RECEIVED THE CITATION TO BE ELIGIBLE FOR THE COMMUNITY SERVICE PROGRAM.** The BART Police Department will send you a letter confirming receipt of your waiver form and giving approval for you to proceed.
4. After the participant performs the service, the participant must have the organization sign the verification form. The organization must also stamp the form or attach a business card or letterhead for verification.
5. Completed Community verification forms must be sent to the BART Police Department within eight (8) weeks from the date the citation was issued to be eligible to be credited with alternative satisfaction of the \$75 fine.
6. If a participant does not complete their community service hours and submit the completed form within eight weeks, the entire fine of seventy-five dollars (\$75) must be paid, with an added late fee of twenty dollars (\$20), for a total of ninety-five dollars (\$95).

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## COMMUNITY SERVICE WORK WAIVER AND GENERAL RELEASE OF LIABILITY

Citation Number: \_\_\_\_\_ Citation Date: \_\_\_\_\_

Name: \_\_\_\_\_  
(Last) (First) (Middle)

The person named above, hereinafter referred to as "volunteer", hereby acknowledges and declares that he or she is participating in a volunteer program in lieu of paying a fine resulting from a BART civil administrative citation. Volunteer is under no legal obligation to volunteer his or her services in lieu of paying the associated fine.

Volunteer hereby agrees to the following:

Performing community service may involve some degree of risk, some of which cannot be eliminated due to the nature of the work. Even reputable volunteer/charitable/religious organizations sometimes harbor individuals who may prey on the young. For that reason, emancipated minors should carefully evaluate the proposed worksites and placements before agreeing to be placed at such sites or placements. California's Civil Code, Section 1542, provides that:

A general release does not extend to claims which the creditor does not know or suspect to exist in his or her favor at the time of executing the release, which if known by him or her must have materially affected his or her settlement with the debtor.

Although Section 1542 offers automatic statutory preservation of "unknown" claims, California courts have interpreted the protections of Section 1542 to be waivable. In order to participate in this program, both the participant and his or her custodial parent/legal guardian acknowledge that they have knowingly, intelligently and voluntarily waived any and all recourse for injury or damages against the San Francisco Bay Area Rapid Transit District, its Directors, Officers, Agents, Employees, and Contractors, whether known or unknown when executing this waiver and general release. This waiver and general release is made with full knowledge that participant and his or her parents/guardians have surrendered potentially valuable rights and legal recourse against all those referenced above. This waiver and release was undertaken with the full knowledge that consultation with a lawyer is advisable but that the signatories hereunder confirm that they have carefully read and fully understood the consequences of their actions.

1. The program participant does hereby forever release, discharge and acquit BART and its officers, agents, employees and contractors from any and all claims for death, personal injury or damage to property of any nature which may arise from or in connection with his or her participation in this program.
2. The person named above recognizes that he or she is acting as a private and gratuitous volunteer to their chosen charity organization, and not as an employee, agent or contractor of BART.
3. Volunteer certifies that he or she has read this agreement and fully understands its contents and freely and voluntarily assumes the risks of participating in Community Service by signing below.
4. **Volunteer has signed this form and submitted the form to the organization receiving the service, prior to participant performing service.**

\_\_\_\_\_  
Participant's Signature

\_\_\_\_\_  
Date

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**COMMUNITY SERVICE VERIFICATION**

Citation Number: \_\_\_\_\_ Citation Date: \_\_\_\_\_

Name: \_\_\_\_\_  
(Last) (First) (Middle)

**I hereby certify that I completed four (5) hours of community service. When this work was performed, I was not employed or compensated.**

Participant's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Organization Name: \_\_\_\_\_

Organization Address: \_\_\_\_\_

Organization Phone: \_\_\_\_\_

Signature of Organization Representative: \_\_\_\_\_ Date: \_\_\_\_\_

**NOTICE TO ORGANIZATION: Please imprint organization stamp below OR attach business card of agency representative.**

**Participant: Submit completed verification form to the BART Police Department at 101 8<sup>th</sup> Street, Oakland, CA 94607. VERIFICATION FORMS MUST BE SENT TO THE BART POLICE DEPARTMENT WITHIN EIGHT (8) WEEKS FROM THE DATE THE CITATION WAS ISSUED TO BE ELLIGIBLE TO BE CREDITED WITH ALTERNATIVE SATISFACTION OF THE \$75 FINE.**