

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT  
2150 Webster Street, Oakland, CA 94612, P.O. Box 12688, Oakland, CA 94604-2688  
510-464-6000

NOTICE OF MEETING AND AGENDA  
BART ACCESSIBILITY TASK FORCE (BATF)

December 18, 2025

2:00 p.m.

A regular meeting of the BART Accessibility Task Force (BATF) will be held on Thursday, December 18, 2025, starting at 2:00 p.m. to 4:30 p.m. The meeting will be held at East Bay Paratransit's location at 1750 Broadway, Oakland, California 94612, 1<sup>st</sup> Floor conference room. The facility is served by public transportation. The nearest BART Station is the 19th Street BART Station and there are multiple AC Transit routes to the meeting site.

Please note that this meeting will be held in person in the East Bay Paratransit, 1<sup>st</sup> Floor conference room, Oakland, CA 94612 with an option for public participation via teleconference.

Presentation materials will be available via Legistar at <https://bart.legistar.com>

You may attend the Committee Meeting in person or join the Committee Meeting via Zoom by calling 1-833-548-0282 and entering access code **882 2552 6194** logging in to Zoom.com and entering access code **882 2552 6194**; or typing the following Zoom link into your web browser:  
<https://us06web.zoom.us/j/88225526194>

If you wish to make a public comment:

- 1) Submit written comments via email to [evanloo@bart.gov](mailto:evanloo@bart.gov), using "public comment" as the subject line. Your comment will be provided to the Committee and will become a permanent part of the file. Please submit your comments as far in advance as possible. Emailed comments must be received before 12:00 p.m. on **December 16, 2025**, in order to be included in the record.
- 2) Appear in person and request to make a public comment.
- 3) Call 1-833-548-0282, enter access code **882 2552 6194**, dial \*9 to raise your hand when you wish to speak, and dial \*6 to unmute when you are requested

to speak; log in to Zoom.com, enter access code **882 2552 6194**, and use the raise hand feature; or join the Committee Meeting via the Zoom link, <https://us06web.zoom.us/j/88225526194>, and use the raise hand feature.

Public comment is limited to two (2) minutes per person.

Please refrain from wearing scented products (perfume, cologne, after-shave, etc.) to these meetings, as there may be people in attendance susceptible to environmental illnesses.

BART provides services/accommodations upon request to persons with disabilities and individuals who are limited English proficient who wish to address Committee matters. A request must be made within one and five days in advance of Board/Committee meetings, depending on the service requested. Please contact the Office of the District Secretary at (510) 464-6083 for information.

**Meeting Location**

East Bay Paratransit, 1750 Broadway, Oakland, CA 94612  
1<sup>st</sup> Floor Conference Room

1. Roll Call of BATF Members. (For information) 5 minutes  
Self-Introductions: Staff and Guests.
2. Public Comment. (For information)  
An opportunity for members of the public to comment on items not on the agenda.  
**Public comment is limited to two (2) minutes per person**
3. Approval of the November 20, 2025 Meeting Minutes. 5 minutes  
(For information/action)
4. Title VI – Triennial Program Review. (For information) 20 minutes
5. Next Generation Faregate Reliability and Access. 15 minutes  
(For information)
6. Implementation of New Brown Act Rules Requirements for 30 minutes  
Advisory Bodies Under SB 707 (Effective January 01, 2026).  
(For information)
7. Member Announcements. (For information) 5 minutes
8. Staff Announcements. (For information) 5 minutes
9. Chairperson Announcements. (For information) 5 minutes
10. Future Agenda Topics – Members Suggest Topics. 5 minutes  
**Next Meeting Scheduled:** January 22, 2022 – Thursday  
**Location:**  
BART Headquarters  
2150 Webster Street, Oakland, CA 94612  
1<sup>st</sup> Floor Multi-Purpose Room
11. Adjournment.



# **Public Comment**

**BATF**

**December 18, 2025**

**Agenda 2**

## **Agenda item #2**-Public Comments

*Aleta Dupree's original email message dated November 15, 2025, 9:19 PM for the BATF November 20, 2025, agenda. Added to the December 18, 2028, BATF meeting under agenda item "public comments."*

**Subject:** BATF Meeting 20 November, 2025

Elena Van Loo, with thanks, please forward this message to the full BART Accessibility Task Force for the General Meeting of 20 November, 2025.

Greetings Chair Herb Hastings and Members.

Aleta Dupree for the record, she, her, with Team Folds.

I bring you my comments pertaining to the work and mission of the BART Accessibility Task Force.

I first share on matters of Clipper. This material before you is being presented in a number of places, and I am attending as many of these presentations as I can. Even though the presentation is basically the same each time, because there are different people in the room, and different questions asked, I learn new things each time. I know Clipper to be an inclusive program, which allows me to effectively navigate fare payment on different systems, even with me having profound disabilities. I mention to you that am able to access basic financial tools, even in my disability and fixed income, such as payment cards and direct deposit. I have also found that every branch of my credit union that I have visited, is also fully accessible. It is rare that I go to the credit union, but sometimes I do, such as to get a roll of quarters for the Pinball Hall of Fame (4925 Las Vegas Blvd South, Las Vegas, NV, 89119).

I have practiced the open payment protocols on BART, and this works quite well. I did have to pay the full adult fares, and I did so of my own choosing, so I could gain experience and relate that to others. This is not new to me as I have used open payments on New York City Transit, which operates North America's largest bus network, and the famous rail transportation system that is the Subway. I have also used open payments on Capitol Corridor, which is a commuter rail system that is administratively managed by BART. And more systems are adopting open payment protocols for the payment of appropriate fares.

I am one of a few who is advocating for Reduced Fares being available for open payments. MTC is supportive of enabling open payment protocols for Reduced

Fares, but that might come a little bit later. In order for Reduced Fares to work with open payments, the card used for payment has to be linked with a piece of data that verifies that the cardholder is indeed eligible for Reduced Fares. This is challenging to implement, yet in New York, open payments for Reduced Fares are in effect, and I have used that often.

I can only share things as I know them. I do not know if any of you have used Capitol Corridor, and enrolled in the open payment pilot program. I do not know if any of you have been to New York City, and used the Subway. Yet I have experience on the Subway going back to 1970. And some of my forebears surely used the Subway in its opening year of 1904. These things of open payment I have done myself, in order that I can share my testimony thereof. I do know that the Clipper team has always been responsive to my needs, especially when it comes to accessibility. I ask of you to inquire respectfully in your Meeting, in order to help inform the Clipper program going forward.

I share on matters of Meetings. I would like to see Meetings proceed more smoothly. I recall some times when my name would be called, yet there would be a long delay in being unmuted. I wondered at times if I would be allowed to speak. I was able to speak but there should never be an undue delay in my doing so. Yet how do I signal my intent to speak if I am not unmuted, even if I raise my hand? And how do we ensure that Public Comment is called for given that we do not have a representative of the District Secretary or General Counsel to ensure that the Brown Act rules are being adhered to? Such requires focus and attention to detail. I ask that you not see Public Comment as an intrusion or interruption of your space. I ask instead that you welcome the Public to share, with the goal that we can all learn from each other.

I share with you that it is not easy being in a disability space, even with me being disabled myself. I once went to a Public Transportation Meeting in another city, and I conversed with people who are part of disability advocacy groups. I asked questions pertaining to inclusion and welcoming. I showed one of the people a picture of me in a skirt and I asked, "is this welcome in your group?" I also asked if veterans and out of town visitors would be welcome. To all of these questions this person responded with a yes. I would like to see this same level of welcome in your group. Yet how do I know unless it is first of all said, and more so a matter of policy? I ask that you not treat BATF as a private club, where only people who meet certain disability criteria are welcome. I think people who do not identify as disabled should also be welcome, as I believe in the importance of allies, and with

equal standing. I do not live in the BART district so I am not qualified to serve on your panel. If I did live in the BART district I would probably be running for the Board anyway, given the many different things of BART that I engage with.

I ask that none of you be angry, whether in your Meetings or out on the System. Anger has no place in BART, and absolutely no place in the conversations we have to help build a better BART. I ask that you work together, hold each other accountable, and not sow division. I ask of you to treat our visitors, whether they be BART Directors, BART staff, visiting presenters, and the Public with respect. I expect our BATF Meetings to be respectful forums, and for you to never forget that you are accountable to the BART Board of Directors. More so I ask this of you, to first and foremost remember and practice the ideal that BART is The Peoples System.

Thank you.



**Approval of the**  
**November 20, 2025**  
**Meeting Minutes**

**BATF**

**December 18, 2025**  
**Agenda 3**



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

**BART ACCESSIBILITY TASK FORCE**

**DRAFT** Committee Meeting Minutes

November 20, 2025

**1. Roll Call of Members:**

1. Herb Hastings, **Chair**
2. Joshua Saunders, **Vice Chair**
3. Hillary Brown, **2<sup>nd</sup> Vice Chair**
4. Anita Ortega
5. Bruce Yow
6. Catherine Callahan
7. Clarence R. Fischer
8. Danny Kodmur
9. Daveed Mandell - ABSENT
10. Janice Armigo Brown
11. Roland Wong
12. Sam Buman
13. Shana Ray
14. VACANT
15. VACANT
16. VACANT
17. VACANT
18. VACANT

Quorum of seven (7) in-person appointed BATF members. No “Just Caused,” used.

**BART Customer Access and Accessibility Department Staff:**

Elena Van Loo – ABSENT  
Ryan Greene-Roesel  
Kevin McDonald

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

Tim Chan (BART staff)  
David Coggsall (BART staff)  
Garrett Stanton (BART staff)  
Lydia Elias (Guest-MTC)

Esther Waltz (Guest)  
Ryan Manriquez (Guest)  
Mussie Gebre (Guest)  
Aleta Dupree (Guest)  
Sara Desumala (Guest)  
Jerry Grace (Guest)  
Vinith Llavaransan (Guest)

## **2. Public Comments**

Ryan Manriquez shared that, as a disabled rider, using BART requires careful planning. He explained that he checks the elevator outages website before every trip, as unexpected outages can result in missed appointments, getting stuck, or needing to reroute. He noted a recent instance where the website's outage information did not match what a station agent told him and requested that staff investigate the discrepancy.

Ryan Manriquez noted that the elevator control buttons are positioned too high or on the wrong side of the elevator panel at some BART stations, posing accessibility challenges.

Aleta Dupree emphasized the importance of public input and feedback. She also stated that she should be able to use BART and its elevators without barriers.

## **3. Approval of the October 23, 2025 meeting minutes**

Clarence R. Fischer moved approval of the October 23, 2025, meeting minutes. Bruce Yow seconded the motion.

- Motion passes with eight (8) in favor, zero (0) against, and three (3) abstentions

## **4. North Berkeley BART Station Access Improvement Project**

Tim Chan presented on the agenda item, with the full presentation included in the BATF November 2025 agenda packet

Ryan Greene-Roesel noted that there has been improved wayfinding to the elevator. She mentioned the elevator is in an odd place and is difficult to locate and there have been complaints over the years in regard to the location of the elevator.

The BATF committee discussed the item. A few comments, concerns and suggestions were provided:

- Hillary Brown commented that she appreciated the presentation.
- Clarence Fischer expressed concern about the lack of benches near the accessible parking area while waiting for a ride and added that this issue extends beyond just the North Berkeley BART Station.
- Danny Kodmur stated that the elevator is located on a bizarre corner of the parking lot and the sidewalk to the elevator was not easily accessible, although it had been a while since his last visit to North Berkeley BART Station.
- Danny Kodmur asked if the accessible faregate is located at the platform level and asked if he could go to the main building to speak to a station agent.
- Sam Buman shared that he appreciated the agenda and praised the Ohlone Greenway.
- Bruce Yow stated that he was impressed with the improvements made.
- Roland Wong said he plans to visit the newly improved North Berkeley BART Station.

Jerry Grace mentioned he liked the improvements at the station.

Esther Waltz shared that she also plans to visit the North Berkeley BART Station.

## **5. Next Generation Clipper Program Update**

Lydia Elias presented on the agenda item, with the full presentation included in the BATF November 2025 agenda packet.

The BATF committee discussed the item. A few comments, concerns, and suggestions were provided:

- Sam Buman mentioned that in recent years, the Clipper Card used to say “San Francisco Bay Area” on the back of the card and asked if this will come back.
- Joshua Saunders asked if holders of permanent disability discount cards are required to renew them periodically.
- Shana Ray asked whether discount Clipper Cards can be purchased and renewed online.
- Roland Wong inquired about Clipper 2.0 (the Next Generation Clipper Program), specifically whether users will be able to view their transactions online. He also requested a clearer list of locations where discount Clipper Cards can be obtained.

- Bruce Yow asked:
  - If card balances are visible when entering or exiting BART faregates.
  - Whether the discount Clipper Card is accepted across all Bay Area transit agencies, and whether the inter-agency transfer discounts would apply.
  - If funds from a discount Clipper Card can be transferred to another Clipper Card.
- Danny Kodmur expressed surprise that only about one-third of the 150,000 RTC/Clipper Access Card holders used their cards in the past year. He also asked:
  - Whether real-time usage of discount cards can be tracked at fare machines.
  - If the most accurate way to check a Clipper Card balance is by calling customer service or logging into the website.
- Catherine Callahan asked if permanent RTC Clipper Card holders are required to update their photo every six years.
- Clarence R. Fischer shared that:
  - His discount Clipper Card was blocked due to 60 days of inactivity, and he would prefer a notice rather than the card being deactivated and requiring him to contact Clipper to reactivate it.
  - He would like to use his discount Clipper Card for East Bay Paratransit, which currently does not accept it.
  - Not all Bay Area transit agencies honor the discount when transferring between systems.
- Hillary Brown liked the presentation.
- Anita Ortega asked whether she needs to apply for a Senior Discount Clipper Card upon turning 65 or if she can retain her current discount card. She also noticed that her card was blocked after six months. She also asked what the maximum value that can be added to her discount Clipper Card.
- Sam Buman asked whether senior and disabled discounts can be applied when using debit or credit cards, or if that functionality is not feasible.
- Herb Hastings expressed interest in seeing the fare amounts displayed when entering or exiting BART.
- Roland Wong would like to see a clearer list of locations where you can apply for the discount Clipper Card.

Sara Desumala would like the option to use her discount Clipper Card on both her smartphone and as a physical card. She finds it confusing that using the mobile version disables the plastic card.

Jerry Grace noted that not all Clipper Card fare machines operate the same way and requested more assistance with machines outside of BART's system.

Aleta Dupree shared that she currently uses open payments via credit card to ride BART. However, open payments via credit card will not support reduced fares to seniors and people with disabilities, even after the Next Generation Fare Gate update on December 10, 2025. She emphasized the urgency of enabling discounted open payment options for these groups.

## **6. New BATF Committee Member Nomination – Esther Waltz**

Esther Waltz introduced herself and expressed why she is interested in joining the BATF.

Clarence Fischer moved to recommend Esther Waltz as a BATF member. Hillary Brown seconded the motion.

- Motion passes with eleven (11) in favor, zero (0) against, and zero (0) abstentions

## **7. Member announcements**

Joshua Saunders inquired whether diagrams are available showing the locations of escalators within the BART system.

## **8. Staff announcements**

Kevin McDonald announced that the Customer Access and Accessibility Department will host a site visit at the Concord BART Station to test faregate sensors. He explained that a pilot program is underway to evaluate sensor modifications for faregate entry and exit. Kevin also reminded members that, because a quorum of members is not permitted, no more than six BATF members may attend the visit on December 3, 2025. Attending members will be eligible for travel reimbursement.

Kevin McDonald announced that Bob Franklin has been appointed BART District Secretary. Prior to the appointment, Bob Franklin had been serving in that role on an interim basis.

## **9. Chairperson announcements**

Herb Hastings shared that he spoke with Director Hernandez of the BART Board of Directors to learn more about the BATF.

Herb Hasting mentioned the fire alarm went off at the 12<sup>th</sup> St. BART Station and was concerned that there was no announcement about what was going on.

#### **10. Future agenda items – members suggest topics**

- Next Generation Faregates
  - Sensors
- Station Agents assigned to which station agent booth, especially at stations with multiple station agent booths
- What is the policy for when the emergency gates should be open or closed
  - When station agents are authorized to open

#### **11. Adjournment**

Clarence R. Fischer moved to adjourn the November 20, 2025, meeting. Hillary Brown seconded the motion. The meeting adjourned at 4:10 pm until the next regularly scheduled meeting, Thursday, December 18, 2025.



**Title VI-Triennial**  
**Program Review**

**BATF**

**December 18, 2025**

**Agenda 4**



# Title VI – Triennial Program Review

December 2025

Presentation to the BART Accessibility Task Force





# Outline

1. Title VI Triennial
2. Civil Rights Act of 1964 – Title VI
3. Title VI Standards and Policies
4. Title VI Compliant Form & Process
5. Title VI FTA General Program Requirements
6. Minority Representation on BART Non-Elected Advisory Committees

# Title VI Triennial



# Title VI Triennial

FTA funded institution required to prepare and submit a Title VI program to Department of Transportation and the FTA as part of our ongoing workplace compliance activities.

- Title VI Program covers riders
- Title VII Program covers employees and contractors

# Civil Rights Act of 1964 – Title VI



## Office of Civil Rights- Title VI

BART's Office of Civil Rights leads and oversees the agency's Title VI program by monitoring services and decisions for equity, investigating and resolving discrimination concerns, and ensuring that policies, planning, community engagement, and federal reporting all comply with civil rights requirements.

# Title VI General Program Requirements



# Title VI FTA General Program Requirements

- Notice to Beneficiaries
- Title VI Complaint Process
- Promotion of Inclusive Public Participation
- Provide Meaningful Access to Limited English Proficient (LEP)
- Minority Representation on Planning and Advisory Boards
- Assisting and Monitoring of Subrecipients
- Determination of Site or Location Facilities
- BART Board Approval of 2025 Title VI Program Update

# General Requirements:

## Meaningful Access to LEP Persons

- BART's five-county service area Limited English Proficiency ("LEP") population is 1,049,150 individuals, or 17.57%.
- Top languages spoken in the service area:
  - Spanish
  - Chinese
- On-going Language Assistance Measures
- Translation and Interpretation Services Vendors
- Translation of Ticket Vending Machines at new stations
- Updated Language Assistance Plan



# Title VI Standards and Policies



# Title VI Standards & Policies

Title VI team reviews and provides the BART board of directors the FTA mandated equity impact report for any Title VI activity.

A Title VI analysis is triggered if there is:

- A fare change
- A service change
- Or a new site is purchased

The Title VI program outlines the policy and methodology for assessing impact quantitative and qualitative.

# Example of recent Title VI analysis

## Clipper BayPass & Free/Discounted Transfers (Fare Equity Analysis)

- Assessed fare program impacts on protected riders in BART's service area and those eligible for BayPass and transfers.

## Parking Policy Changes (Title VI Analysis & Public Participation Report)

- Reviewed equity impacts of expanding price ranges for Daily Fee, Single/Multi-Day Reserved, and Monthly Reserved parking.

## 2024 & 2025 Fare Increases and Clipper START Discount (Fare Equity Analysis)

- Analyzed productivity-adjusted, inflation-based fare increases of up to 5.5% in January 2024 and January 2025.

# Title VI Compliant Form & Process




# How does Title VI impact you:

- **Prohibits discrimination based on race, color, or national origin** in any program or activity receiving **federal financial assistance**.
- **Covers intentional discrimination**, including decisions, actions, or policies that treat individuals or groups differently because of age, sex, disability, race, color, or national origin.
- **Protects individuals from discriminatory treatment** in the delivery of services, benefits, or opportunities by federally funded agencies (e.g., transit access, program eligibility, service quality).
- **Prohibits discriminatory exclusion or segregation**, such as denying participation or providing benefits in a separate or inferior manner due to race, color, or national origin.
- **Requires meaningful access for individuals with limited English proficiency (LEP)** by mandating reasonable steps to provide language assistance under Title VI's implementing regulations and Executive Order 13166.
- **Covers discriminatory decisions in planning or operations**, including policies affecting service levels, fares, amenities, or capital investments that adversely impact protected groups.

# How does Title VI impact you: Compliant Form & Process

- File a written Title VI complaint with BART's Office of Civil Rights within 180 days of the last alleged incident.
- Get a complaint form online from BART or write your own statement including your contact info, basis of discrimination, dates, what happened, any witnesses, any other agencies you've filed with, and your signature.
- Submit the complaint by mail, fax, or email to the BART Office of Civil Rights; we will open a case and begin review within about 15 working days.
- During the investigation, we may ask you for more information within about 30 working days; we aim to finish the investigation and issue written findings and any corrective actions within about 90 days.
- Both you and the respondent receive a closing letter and have 5 working days to appeal; if needed, the findings can be shared with the appropriate federal agency.

 **SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT TITLE VI COMPLAINT FORM**

Name of Complainant			Home Telephone
Home Address Street City, State Zip			Work Telephone
Race/Ethnic Group		Sex	Email Address
Person discriminated against (if other than Complainant)			Home Telephone
Home Address Street City, State Zip			Work Telephone

1. SPECIFIC BASIS OF DISCRIMINATION (Check all that apply):  
☐ Race ☐ Color ☐ National Origin ☐ Sex ☐ Age ☐ Disability

2. Date of alleged discriminatory act(s): \_\_\_\_\_

3. RESPONDENT (individual complaint is filed against)

Name	
Position	Work Location

4. Describe how you were discriminated against. What happened and who was responsible? For additional space, attach additional sheets of paper.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

5. Did you file this complaint with another federal, state or local agency, or with a federal or state court?  
☐ Yes ☐ No  
If answer is yes, check each agency where complaint was filed:  
☐ Federal Agency ☐ Federal Court ☐ State Agency ☐ State Court ☐ Local Agency  
Date Filed: \_\_\_\_\_

6. Provide contact information for the additional agency or court:

Name		
Address Street City, State Zip		Telephone

Sign complaint in the space below. Attach any supporting documents.

Signature	Date
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Stations 2022

# Minority Representation on BART Non-Elected Advisory Committees



# Minority Representation on BART Non-Elected Advisory Committees

Non-Elected Advisory Committee	Asian/Pacific Islander	Black/African American	Hispanic /Latino	American Indian	White	Unknown	Total # of Members
Accessibility Task Force	9%	9%	0%	0%	63%	19%	16
Bicycle Advisory Task Force	11%	0%	11%	0%	44%	34%	14
Business Advisory Council	20%	40%	0%	0%	0%	40%	12
BART Police Citizen Review Board	0%	10%	0%	0%	0%	90%	10
LEP Advisory Committee	10%	0%	0%	0%	0%	90%	8
Title VI/ Environmental Justice Advisory Committee	33%	50%	0%	0%	0%	16%	11
Transit Security Advisory Committee	66%	0%	0%	0%	0%	33%	5 (1)
Bond Oversight Committee	0%	0%	0%	0%	10%	90%	4
<p>* Percentages may not add to 100% as several committee members identify as more than one race or ethnicity and numbers are rounded.  ** Numbers in parentheses indicate alternate committee members.</p>							



Thank you





# **Next Generation Faregate** **Reliability and Access**

**BATF**

**December 18, 2025**

**Agenda 5**



# Next Generation Fare Gate Refinements and Performance Data

## Fare Gate Refinement Initiatives

### Barrier Strengthening to Prevent Vandalism

1. Barrier design change to improve Locking Mechanism and Swing Module Connection part for better fare gate reliability and maintenance Part – in progress
2. Added gussets in the design to reinforce the welds on door – in progress

### Faregate Integration With TR4

Investigation on TR4 latency by third party is ongoing

### Station Hardening

1. Interim hardening after installation of Next Generation Fare Gates – in progress
2. Design for permanent hardening – in progress
  - Permanently close gaps between existing barriers and new fare gates gates
  - Raising of emergency swing gates

### Installation of Additional Fare Gates

Elevator accessible fare gate on concourse level at Civic Center BART Station – electrical and communications infrastructure work is ongoing; ETC is on 12/5/2025

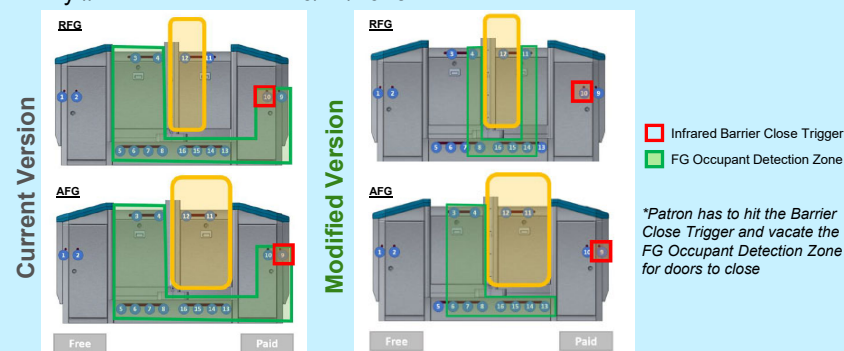
### Monitoring Use of Fare Gates

Use AI camera to capture incidents of fare evasion such as piggybacking and tailgating  
Track how patrons use fare gates to help determine improvements that will impact patron experience – in progress

## Prevent Fare Evasion

### Fare Gate Occupant Detection Zone Modification

Pilot at Concord Station on Gate Array #2 and Antioch Station on Gate Array #1 commenced on 10/24/2025.



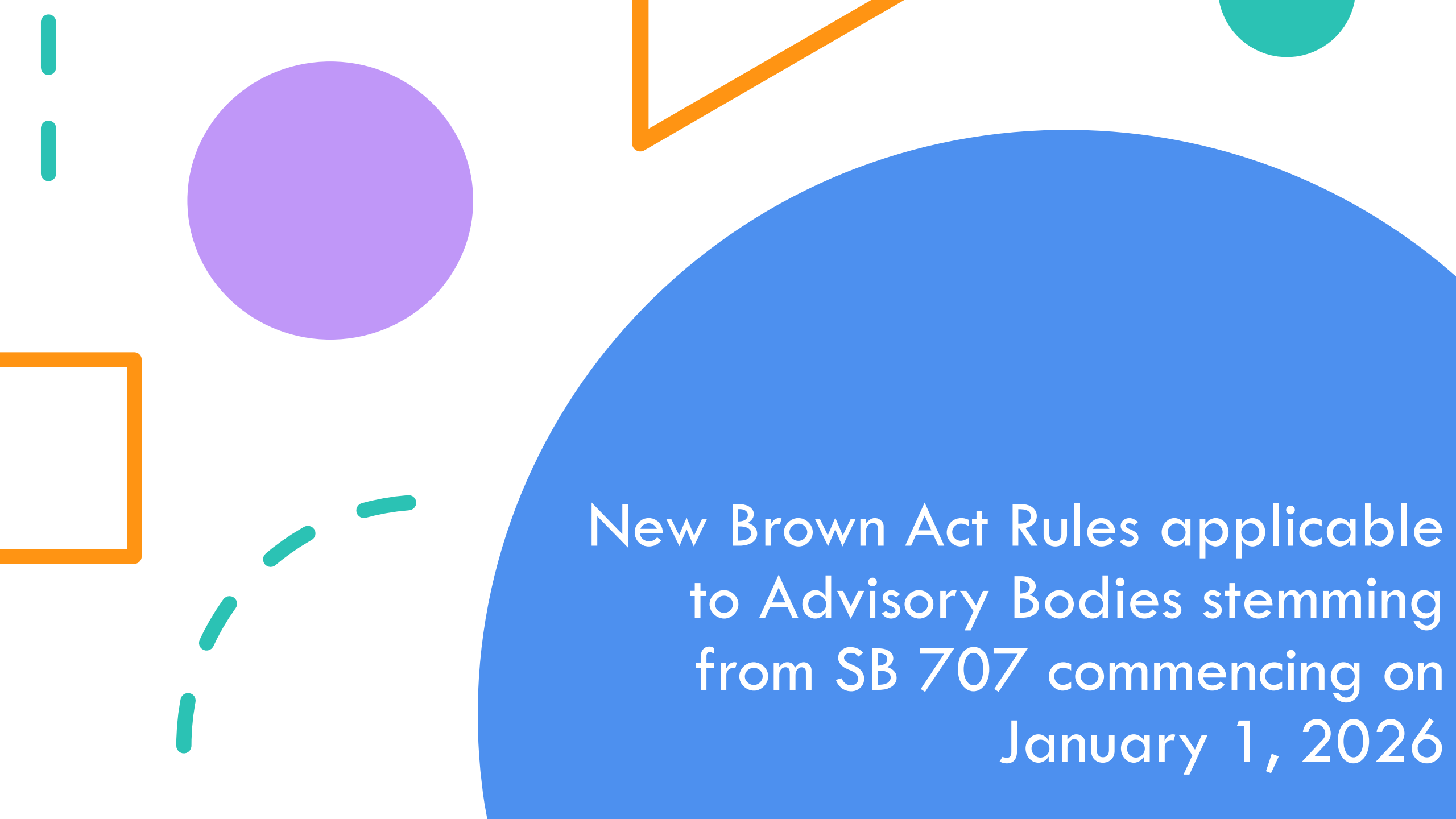
## Fare Gate Availability (%)

Period	RFG	AFG
10/20/2025-10/26/2025	97.97%	97.74%
10/27/2025-11/02/2025	97.18%	96.74%
11/03/2025-11/09/2025	98.00%	94.12%
11/10/2025-11/16/2025	97.78%	85.72%



**New Brown Act Rules**  
**Application to Advisory**  
**Bodies Stemming from SB**  
**707 Commencing 01-01-**  
**2026**  
**BATF**

**December 18, 2025**  
**Agenda 7**



New Brown Act Rules applicable  
to Advisory Bodies stemming  
from SB 707 commencing on  
January 1, 2026



# Agenda

Introduction

Current Law

Fully Remote Meetings for Advisory  
Committees

Changes to Just Cause Remote  
Attendance

Remote Attendance for Members with  
Disabilities

Other Changes



# Review of Current Law

# Teleconferencing options under current law

- The Brown Act currently permits committee members to attend committee meetings remotely using either traditional teleconferencing, just cause remote attendance, or emergency circumstances remote attendance.
- Traditional teleconferencing requires that the member's remote address be included in the meeting agenda, that the meeting agenda be posted at the remote location, and that the public have the ability to participate in the meeting from the member's remote location.
- Traditional teleconferencing also requires a quorum of members to participate in the meeting from locations within the BART District. Traditional teleconferencing is unchanged by SB 707 and will continue to be permitted under the Brown Act.




# AB 2449 Remote Meeting Options


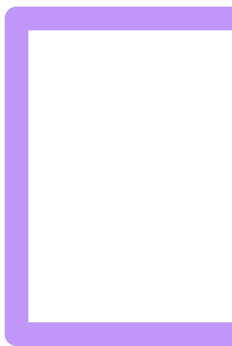
- In order to participate in meetings remotely *without* posting a remote address or making the remote location accessible to the public, a member must currently qualify for just cause or emergency circumstances remote attendance, which were added to the Brown Act three years ago by AB 2449.
- Just cause and emergency circumstances remote attendance require at least a quorum of members to participate from one publicly-accessible location within the BART District.
- SB 707 made changes to these types of remote attendance, discussed more fully later in this presentation.



# Fully Remote Meetings for Advisory Committees



# Fully Remote Meetings for Advisory Committees

- SB 707 authorizes fully remote meetings by subsidiary legislative bodies, such as advisory committees appointed by the Board, subject to certain requirements and exceptions.
  - Note that *elected officials* serving as committee members in their official capacities are not permitted to rely upon the following rules for remote attendance at committee meetings, but may still use traditional teleconferencing or just cause remote attendance at such meetings.
- 
- 

# Who is eligible for fully remote meetings ?


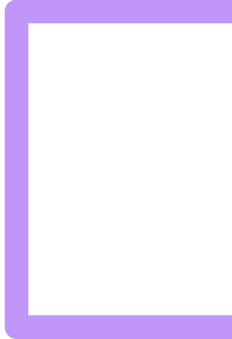
- A subsidiary body is eligible to hold fully remote meetings if the body satisfies all of the following conditions:
- The body is created by formal action of the Board;
- The body serves exclusively in an advisory capacity;
- The body is not authorized to take final action on legislation, regulations, contracts, licenses, permits, or any other entitlements, grants, or allocations of funds; and
- The body does not have primary subject matter jurisdiction, as defined by charter, ordinance, resolution, or other formal action of the Board, that focuses on elections, budgets, police oversight, privacy, removing from, or restricting access to, materials available in public libraries, or taxes or related spending proposals.

# Who is not eligible ?

- The following BART advisory committees are *not* eligible for fully remote meetings based on the committee's primary subject matter jurisdiction:
- Audit Committee (budget and general financial matters)
- Measure RR Bond Oversight Committee (taxes and related spending proposals)
- BART Police Civilian Review Board (police oversight)
- Transit Security Advisory Committee (police oversight)


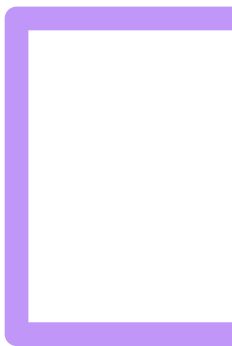


# General Rule for BART Advisory Committees

- All other BART advisory committees appointed by the Board satisfy the requirements for fully remote meetings. Note that individual members of the non-eligible committees may still be able to participate remotely under provisions permitting remote attendance as a disability accommodation, remote attendance for just cause, and traditional teleconferencing.
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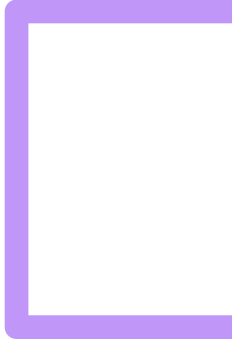


# Necessary Findings for BART Committees to hold fully remote meetings

- In order for eligible BART committees to hold fully remote meetings, the BART Board must first make the following findings by majority vote, and must thereafter adopt the findings every six months:
  - The Board has considered the circumstances of the subsidiary body;
  - Remote meetings of the subsidiary body would enhance public access to meetings of the subsidiary body, and the public has been made aware of the type of remote participation, including audio-visual or telephonic, that will be made available at a regularly scheduled meeting and has been provided the opportunity to comment at an in-person meeting of the legislative body authorizing the subsidiary body to meet entirely remotely; and
  - Remote meetings of the subsidiary body would promote the attraction, retention, and diversity of subsidiary body members.
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- Staff is working on bringing an agenda item to a Board meeting in early 2026 for the Board to consider making such findings. The Board will be required to adopt these findings every six months to enable committees to continue meeting remotely.




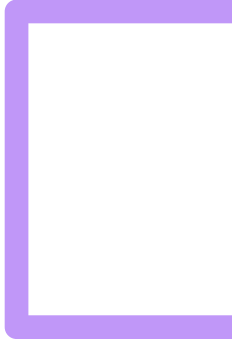
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- If the Board adopts the above findings, advisory committees may hold fully remote meetings subject to the following requirements:
  - The District must designate one physical meeting location within District boundaries where committee members participating in person are present and where members of the public may physically attend the meeting.
  - At least one District staff person must be present at the physical meeting location.
  - The meeting agenda must be posted at the physical meeting location.
  - Committee members participating remotely must visibly appear on camera during the open session portion of the meeting, unless the committee member has a physical or mental condition that is not a disability that results in a need to participate off camera.
  - A committee member's appearance on camera may cease only when their appearance would be technologically infeasible, including when the member experiences a lack of reliable broadband or internet connectivity that would be remedied by joining without video. If this happens, the member must announce the reason for their nonappearance prior to turning off their camera.

# WARNING!

- As noted above, elected officials serving as committee members in their official capacity are not permitted to participate remotely in committee meetings, except under the traditional teleconferencing rules or the just cause remote attendance rules.



# Recommendations to the BART Board


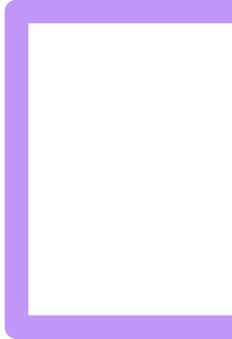
- Additionally, a committee that has been authorized by the BART Board to hold fully remote meetings may request to present its recommendations to the Board and upon receiving the request, the Board must hold a discussion regarding the recommendation at a regular meeting within 60 days of the request.
  - The Board's discussion may not be placed on the consent calendar, but it may be combined with the six-month re-authorization of remote committee meetings.
  - The Board is prohibited from taking action on the recommendation until the next regular meeting following the Board's initial discussion of the matter.
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# SB 7070 expands the circumstances for just cause remote attendance

- SB 707 expands the circumstances under which a committee member may use just cause remote attendance to include any of the following:
- A childcare or caregiving need of a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner
- A contagious illness that prevents the member from attending in person
- A need related to a physical or mental condition that does not qualify for disability accommodation
- Travel while on official business of the District or another state or local agency
- A physical or family medical emergency that prevents the member from attending in person (previously a basis for "emergency circumstances" remote participation) SB 707 eliminated "emergency circumstances" as a separate type of remote participation and folded this circumstance into "just cause" remote participation
- (NEW) An immunocompromised child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires the member to participate remotely
- (NEW) Military service obligations that result in a member being unable to attend in person because they are serving under official written orders for active duty, drill, annual training, or any other duty required as a member of the California National Guard or a United States Military Reserve organization that requires the member to be at least 50 miles outside the District's boundaries
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# Limitations on remote attendance

- Committee members are limited in the number of times per year they may use just cause remote attendance, depending on the number of regular meetings held by the committee per year. If the committee regularly meets once per month or less (which is the case for most BART advisory committees), members may use just cause remote attendance at up to two meetings per year. If the committee regularly meets twice per month, members may use just cause remote attendance at up to five meetings per year. If the committee regularly meets three or more times per month, members may use just cause remote attendance at up to seven meetings per year.
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# Some things stay the same, some things change (handling minutes)

- Note that SB 707 leaves unchanged the just cause requirement that at least a quorum of committee members participate in person from a singular physical location clearly identified on the agenda that is open to the public and within the BART District. Members are also still required to announce at the start of the meeting their need to participate remotely for just cause, including a general description of the circumstances relating to the need to participate remotely.
- SB 707 adds a requirement that the minutes of any meeting at which a member participates remotely for just cause identify the specific provision of the Brown Act that the member relied upon to participate remotely, i.e., for a caregiving need, for a contagious illness, etc.

# Remote Attendance for Members with Disabilities

- SB 707 adds provisions expressly permitting a committee member with a disability to attend committee meetings remotely as a reasonable accommodation pursuant to any applicable law.
- A member participating remotely as a disability accommodation must participate using both audio and camera, except that a member may participate solely with audio if their disability results in a need to participate off camera.
- The member must disclose at the beginning of the meeting whether any other individual age 18 years or older are present in the room with them, and the general nature of the member's relationship with the individual.
- Remote participation as a disability accommodation must be treated as in-person attendance at the physical meeting location for all purposes, including establishing a quorum.


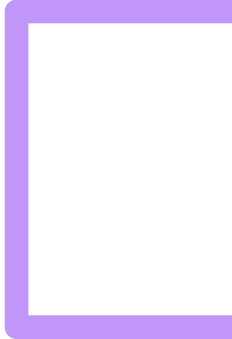
# SB 707 is additive to the existing framework of laws addressing meetings during emergencies

- SB 707 preserves the pandemic-era provisions permitting fully remote committee meetings during a state of emergency, and expands these provisions to include *local* states of emergency.





# Other Changes

- SB 707 includes the following additional amendments relevant to advisory committees:
  - A requirement that agency staff provide a list to advisory committees of meeting locations that may be available to the committees to conduct their meetings.
  - A clarification that legislative bodies, including advisory committees, may remove or limit participation from members of the public engaging in disruptive behavior, regardless of whether the individual is participating in person or remotely.
  - A requirement that agency staff provide a copy of the Brown Act to all committee members by January 1, 2026.
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Thank you

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