

San Francisco Bay Area Rapid Transit District
BART Accessibility Task Force By-Laws
May 2009

ARTICLE I - NAME OF TASK FORCE

The name of this task force shall be the BART Accessibility Task Force and may be referred to as "BATF."

ARTICLE II - MISSION STATEMENT

The mission of the BATF is to advise the BART Board of Directors and staff on ways to maintain and improve the accessibility of the BART system for people with disabilities and for seniors. This mission is consistent with the District's Strategic Plan goal to encourage public input.

ARTICLE III - RESPONSIBILITIES

A. Work with staff to:

1. Review, analyze and prepare recommendations on issues and policies, capital projects, compliance with local, state and federal legislation relating to the provision of accessible services at BART and other issues that might be brought to the BATF by the public, staff or the Board.
2. Develop recommendations which take into consideration the needs of people with different disabilities and seniors.-
3. Participate in the development of proposed new policies and the planning and implementation of new services that affect people with disabilities and seniors who use BART.
4. Provide a public forum for discussion of all BART related issues concerning people with disabilities and seniors.
5. Act as a resource group to BART staff who interact with people with disabilities and seniors to answer complaints, to develop new

programs, to solve architectural problems in the system, to conduct staff disability trainings, and other areas as needed.

B. In order to accomplish these responsibilities BATF shall:

1. Educate themselves about the BART system, the budget process, the administrative process, the ADA as it relates to transportation accessibility issues, the project cost-analysis process, and the Brown Act.
2. Establish annual goals for BATF.
3. Make reports or recommendations to appropriate BART staff through the staff member designated to support the BATF as needed.
4. Report to the BART Board of Directors and send additional reports or recommendations as needed, which reports may be accompanied by a staff report as appropriate
5. Recuse themselves from any matter before the Task Force in which they have a financial interest.
6. Complete ethics training required by the State of California.

ARTICLE IV – MEMBERSHIP

A. COMPOSITION

Members should be active BART users, who are people with disabilities or seniors over the age of 65. Except as stated above, BATF does not discriminate based on race, color, origin, sex, religion, sexual orientation, disability, or age in its membership.

The BATF shall be composed up to 18 member. The number of active members and the actual vote on actions shall be included on all communications to the Board and staff. If there are more than 18 applicants for the BATF, BART staff shall recommend 18 from among all those endorsed by the BATF, taking into consideration the goal of including people from all the parts of the BART system representing a

diversity of disabilities and ages. There shall be no minimum number of members.

Some exceptions may be made to these eligibility criteria. The membership may include up to two non-disabled persons with special knowledge or technical training regarding the transportation needs for a particular disability.

B. TERM OF OFFICE

The term for each member of the BATF shall end on June 30 of odd-numbered years or when the BART Board announces appointments and reappointments for a new term, whichever occurs later.

C. NOMINATION AND SELECTION PROCESS

During the 2nd quarter of each odd-numbered calendar year, the staff liaison will contact each member to determine if they are interested in continuing to serve.

In addition, staff shall seek members through notices, in stations, on the BART website, contact with underrepresented disabled groups and seniors, and other means as appropriate. Out of four consecutive meetings, an interested applicant must attend three and then apply for membership. Applicants must be endorsed by the members of the BATF through a majority vote. Their names are submitted by the BATF staff liaison to the BART Board of Directors for final approval. The BATF staff liaison will notify the applicant of the Board's decision regarding their application.

D. VOTING RIGHTS

Each member shall be entitled to one vote and may cast that vote on each matter submitted to a vote at a meeting of the BATF. Proxy, telephonic, electronic, or absentee ballots shall not be permitted.

E. RESIGNATION

Members may resign by notifying the BATF Chair or staff liaison, who then will inform the staff and BART Board of Directors.

ARTICLE V – TERMINATION OF MEMBERSHIP

A. A member’s appointment to the BATF shall be terminated upon a determination by the BATF that:

1. A member has missed four regular meetings in a calendar year. Because it is important that all views be represented at meetings, there is no provision for excused absences.
2. At the time of appointment, a member materially misrepresented information on their application.
3. A member has engaged in a consistent pattern of disruptive behavior in BATF or other BART related meetings which includes use of slurs, derogatory comments, or any other conduct, whether physical, verbal or written directed at another person or based upon another person’s race, color, origin, sex, religion, sexual orientation, disability, or age.
4. A member has ceased to reside in the BART District.
5. Notification has been received that a person is not available to serve as a member.
6. A member has failed to complete the required ethics training.

B. Staff liaison will notify the terminated individual about the termination, first by e-mail. If there is no response, then by phone. If there no response, then the individual will be notified about the end of their membership during the next two regularly scheduled meetings.

ARTICLE VI – OFFICERS

A. CHAIR

The BATF shall elect from its membership a Chair. The Chair will work with BART staff to develop an agenda, lead meetings and keep

order, appoint members to subcommittees, present reports to the BART Board of Directors, and prepare and sign all letters, reports and other communications of the BATF. The Chair shall perform such other duties as may be requested from time to time by the BATF or BART staff.

B. VICE-CHAIR

The BATF shall elect from its membership a Vice-Chair who, in the absence or inability of the Chair to serve, shall have all of the powers and shall perform all of the duties of the Chair. The Vice-Chair shall perform such other duties from time to time as may be requested by the Chair.

C. ELECTION OF CHAIR AND VICE-CHAIR

1. Term of Office

The officers of the BATF shall serve for one year or until the next election is held.

2. Nomination

At the September meeting, nominations and election of officers will be held. People may self-nominate or be nominated by other members. Nominations will be accepted from the floor prior to the close of nominations on the day of elections. The election of officers shall be by simple majority vote.

3. Vacancy

A vacancy in any office shall be filled by election for the unexpired term.

4. Temporary or Permanent Vacancies

If the Chair and Vice-Chair are both absent from any meeting and/or are unable to act, the meeting shall be called to order by staff. The staff shall immediately call for the selection of a Temporary Presiding Officer.

5. Failure to Elect

If the BATF fails to elect a Chair or Vice-Chair, the existing Chair or Vice-Chair shall continue to serve until the BATF elects a successor.

E. STAFF SUPPORT

The BART General Manager or her designee shall designate a person to serve as BATF staff to prepare meeting notices, agendas, and minutes as required and to serve as liaison between BATF and other BART staff and the Board of Directors.

ARTICLE VII - MEETINGS

A. REGULAR MEETINGS

All regular and special meetings of the BATF shall be conducted in accordance with the Ralph M. Brown Act. Meeting agendas shall be posted in a public place in the same manner as agendas posted for meetings of the BART Board of Directors. Meetings will be open to the public, held in a location accessible to people with disabilities, and within the geographical boundaries of the BART District.

At least 72 hours prior to a regular meeting, an agenda must be posted which contains a brief general description of each item to be transacted or discussed at the meeting. Members of the public have the right to directly address BATF during public comment for issues which are not on the agenda, or for any item on the agenda, before or during the consideration of the item. Agendas will be mailed or e-mailed (based on preference) to members of the BATF and to persons requesting them according to the requirements of the Brown Act.

B. SPECIAL MEETINGS

Special meetings may be called by the Chair when in the opinion of the Chair the business of the BATF requires it or by the request of a majority of the BATF membership. Notice for special meetings will

conform to the requirements of the Brown Act. No other business shall be considered at such meeting.

C. QUORUM

A majority of the appointed members of the must be present in order to constitute a quorum necessary for the transaction of the business of the BATF.

D. ADVICE AND DECISIONS OF THE BATF

All decisions of the BATF which require a formal vote shall be made only after an affirmative vote of a majority of its members present and voting. Minutes of meetings, as well as any special reports or communications desired by the BATF, shall be forwarded by staff to the BART Board of Directors. In addition, the Chair or a designee may present reports to the BART Board of Directors or an appropriate committee in person.

E. BATF MEETING EXPENSES FOR MEMBERS

BART will cover travel costs on public transit for BATF members to attend regular or special BATF meetings.

ARTICLE VIII - AGENDAS, MINUTES, RULES OF CONDUCT, AND ACCOMODATIONS

A. AGENDAS

Members may contact the chair to have items put on the agenda. Also, each meeting agenda shall have an item when members may ask to put items on future agendas.

The Chair shall schedule items on the agenda in consultation with the staff liaison. Staff shall be responsible for distributing the final agenda and preparing or compiling the associated agenda materials for each meeting. Agenda materials shall normally be mailed to members one week prior to each meeting, but agenda distribution shall always conform to the requirements of the Brown Act.

B. MINUTES

Draft minutes of each BATF meeting shall be prepared by staff and distributed to BATF members and others together with the agenda for the next meeting. Minutes shall be made final after a majority vote of those BATF members who were present at the meeting.

C. RULES OF CONDUCT

All regular and special meetings of the BATF shall be conducted in accordance with these bylaws and with the Rules of Order used by the BART Board. In case of conflict, these bylaws shall take precedence.

The Chair, or a member appointed by the Chair, may represent the BATF to the BART Board of Directors with prior notice to the BATF and staff if possible. No member shall represent the BATF or BART to the general public unless authorized by the Board of Directors or its designee.

D. ACCOMMODATIONS FOR MEMBERS AND THE PUBLIC

On-going arrangements will be made with individual BATF members to accommodate their disability-related need for alternative formats for minutes, correspondence, exhibits and other graphic information, sign language interpreters, and captioning. Non-routine requests for accommodation must be made in a timely fashion.

The general public can also request routine or one-time provision of materials in alternative formats by making a request to the BART staff liaison in a timely fashion in advance of scheduled meeting times.

ARTICLE IX - SUBCOMMITTEES

The Chair has authority with concurrence by the BATF to appoint subcommittees and/or ad-hoc committees to address issues as needed.

ARTICLE X - BYLAWS AMENDMENTS

The bylaws may be proposed for amendment or repeal by a motion that is made and seconded and passed by a three-fourths (3/4) vote of members present at any regular or special meeting. In addition, written notice of the proposed amendment must be agendized and distributed given at the meeting prior to that at which action will be taken. The notice must contain both the original language and the proposed amending language to the bylaws. The proposed bylaws change must be reviewed by the BART legal staff and will be made final upon approval by the BART Board of Directors or their designee.

In addition to the procedure above, any bylaw may be altered, amended or annulled at any time by a majority vote of the BART Board of Directors after consultation with or by recommendation of the BATF and approval of BART legal staff.

ARTICLE XI - TERM OF BATF

BATF Term: The BATF shall remain in existence until discharged by action of the BART Board of Directors. The Board may periodically review the need for the BATF and may modify its composition, structure or bylaws after consultation with the BATF.

Dorothy W. Dugger
General Manager