



# TRANSPORTATION COMMISSION REGULAR MEETING AGENDA

February 20, 2020

*Mission: Advise Council on transportation policies, facilities, and services*

City Corporation Yard, Building A  
Willow Room  
1326 Allston Way  
Berkeley, CA 94702

Thursday  
February 20, 2020  
7:00 PM

## A. PRELIMINARY BUSINESS

1. Call to Order
2. Roll Call
3. Public Comment on items not on the Agenda
4. Approval of Draft Action Minutes of **January 16, 2020\***
5. Approval and Order of Agenda
6. Update on Administration/Staff
7. Announcements

## B. DISCUSSION/ACTION ITEMS

\* Written material included in packet

\*\* Written material to be delivered at meeting

\*\*\* Written material previously mailed

The public may speak at the beginning of any item.

### 1. Transportation Commission Chair and Vice-Chair Elections

Action required

### 2. Proposed Transportation Demand Management Program\*\*

Presentation by Justin Horner, Associate Planner for the City of Berkeley Land Use Planning Division

### 3. Transportation Commission Appointments to the BART Community Advisory Group

Council report that provides background:

[https://www.cityofberkeley.info/Clerk/City\\_Council/2019/12\\_Dec/Documents/2019-12-10\\_Item\\_31\\_Approval\\_of\\_a\\_Memorandum.aspx](https://www.cityofberkeley.info/Clerk/City_Council/2019/12_Dec/Documents/2019-12-10_Item_31_Approval_of_a_Memorandum.aspx)

Annotated Agenda with a few additions to the above item:

[https://www.cityofberkeley.info/Clerk/City\\_Council/2019/12\\_Dec/Documents/12-10\\_Annotated\\_Agenda\\_pdf.aspx](https://www.cityofberkeley.info/Clerk/City_Council/2019/12_Dec/Documents/12-10_Annotated_Agenda_pdf.aspx)

Action required

## C. INFORMATION ITEMS AND SUBCOMMITTEE REPORTS

*Information items can be moved to Discussion or Action by majority vote of the TC.*

1. Subcommittee Reports: Verbal reports from subcommittees, liaisons to the Public Works Commission, Commission on Disability, and goBerkeley Advisory Group

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2. Council Summary Actions 2020\*
3. Link to Council and Agenda Committee Agendas and Minutes  
<https://www.cityofberkeley.info/citycouncil/>
4. TC Mission Statement\*
5. TC Work Plan\*

**D. COMMUNICATIONS**

*(Received at 1/16/2020 meeting, included in 2/20/2020 online packet)*

1. Email from Liza Lutzker on behalf of Walk Bike Berkeley – “communication regarding the development of an evaluation for the Idaho Stop”\*
2. Email from Transportation Commissioner Beverly Greene, including news articles entitled “Black riders disproportionately cited by BART police for eating and drinking” (SF Examiner) and “Nearly half of BART fare citations go to black riders, but police say system prevents profiling” (SF Chronicle)\*


**E. FUTURE AGENDA ITEMS**

**F. ADJOURNMENT 9:30 p.m.**

Agenda Posted: February 13, 2020

**A complete agenda packet is available for public review at the Main Branch Library and at the Transportation Division front desk.**

**ADA Disclaimer**

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**SB 343 Disclaimer**

Any writings or documents provided to a majority of the commission regarding any item on this agenda will be made available for public inspection at the Public Works Transportation Division offices located at 1947 Center Street, 4<sup>th</sup> Floor.

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Commission Secretary: Farid Javandel, Transportation Division Manager, 1947 Center St., 4th Floor, Berkeley, CA, 94704, Telephone (510) 981-7061 / Fax: (510) 981-7060 / TDD: (510) 981-6903 email: [Fjavandel@cityofberkeley.info](mailto:Fjavandel@cityofberkeley.info)



**DRAFT ACTION MINUTES**  
**TRANSPORTATION COMMISSION**  
**Regular Meeting**  
 January 16, 2020

**HR Multi-Purpose Room**  
 1947 Center Street  
 Basement  
 Berkeley, CA 94704

**Thursday**  
**January 16, 2020**  
**8:00 PM**

**A. PRELIMINARY BUSINESS**

1. Call to Order  
 Meeting called to order by Chair Lathbury at 8:04 pm
  
2. Roll Call  
 Commissioners present: Barnali Ghosh, Beverly Greene, Vivek Hutheesing, Donald Lathbury, Karen Parolek, Terry Taplin, Sofia Zander  
 Commissioners absent: Anthony Bruzzone, Andy Garcia  
 Staff present: Farid Javandel, Alisha Gard
  
3. Public Comment on items not on the Agenda
  
4. Approval of Draft Action Minutes of **November 21, 2019**  
**Action:** It was Moved/Seconded (Parolek/Zander) to approve the Minutes of November 21, 2019 as written.  
 Ayes: Ghosh, Greene, Hutheesing, Lathbury, Parolek, Taplin, Zander  
 Noes: None  
 Abstain: None  
 Absent: Bruzzone, Garcia  
**Motion carried 7-0-0-2**
  
5. Approval and Order of Agenda  
**Action:** It was Moved/Seconded (Zander/Taplin) to make D.1. the first item under Discussion/Action Items for the purpose of appointing a Transportation Commission representative to speak at City Council regarding Vision Zero.  
 Ayes: Ghosh, Greene, Hutheesing, Lathbury, Parolek, Taplin, Zander  
 Noes: None  
 Abstain: None  
 Absent: Bruzzone, Garcia  
**Motion carried 7-0-0-2**
  
6. Update on Administration/Staff  
 The Transportation Division has made offers and will soon add to its staff an Associate Traffic Engineer and an Administrative Assistant. Associate Civil Engineer interviews and Assistant Management Analyst interviews are ongoing.

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The Public Works directorship will open this Spring following the retirement of Director Phil Harrington.

7. Announcements

**B. DISCUSSION/ACTION ITEMS**

**Item D.1. (reordered) Final Draft of the Berkeley Vision Zero Action Plan**

**Action:** It was Moved/Seconded (Zander/Hutheesing) to nominate Commissioner Barnali Ghosh to speak for the Commission at City Council when Vision Zero is on the Agenda.

Ayes: Ghosh, Greene, Hutheesing, Lathbury, Parolek, Taplin, Zander

Noes: None

Abstain: None

Absent: Bruzzone, Garcia

**Motion carried 7-0-0-2**

**Action:** It was Moved/Seconded (Taplin/Zander) to nominate Commissioner Terry Taplin as backup to Commissioner Ghosh.

**Motion carried 7-0-0-2**

**1. Undergrounding Utilities Subcommittee Report**

Former Public Works Commissioner Raymond Yep gave a presentation on the "Progress Report for Phase 3 Study to Underground Utility Wires in Berkeley" as well as the "Projected Costs of Undergrounding Utilities along City of Berkeley's Evacuation Routes".

Speakers: 1

**Action:** It was Moved/Seconded (Parolek/Zander) to approve forwarding the Undergrounding Utilities Subcommittee Report to City Council.

**Motion carried 7-0-0-2**

**2. Transportation Commission Chair and Vice-Chair Nominations**

**Action:** It was Moved/Seconded (Parolek/Lathbury) to nominate Commissioner Barnali Ghosh for the role of Transportation Commission Chair.

**Action:** It was Moved/Seconded (Zander/Parolek) to nominate Commissioner Terry Taplin for the role of Transportation Commission Vice-Chair.

**3. Discussion of the Strategic Plan information session on January 16, 2020**

Discussion only.

**Action:** It was Moved/Seconded (Parolek/Zander) to extend the meeting by 10 minutes.

**Motion carried 7-0-0-2**

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### C. INFORMATION ITEMS AND SUBCOMMITTEE REPORTS

1. Subcommittee Reports: Verbal Reports from Subcommittees, Liaisons to PWC, COD, and goBerkeley Advisory Group
2. Council Summary Actions 2019
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4. TC Mission Statement
5. TC Work Plan

### D. COMMUNICATIONS

1. Eric Anderson – Final draft of the Berkeley Vision Zero Action Plan

### E. FUTURE AGENDA ITEMS

February 2020 – Transportation Commission Chair and Vice-Chair Elections

### F. ADJOURNMENT


It was Moved/Seconded (Parolek/Greene) to adjourn the meeting at 10:05 pm.

**Motion carried 7-0-0-2**

Public Present: 1

Speakers: 1

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**January 28 – Regular**

- 11. Letter in Support of a Dedicated Bus Lane on the Bay Bridge**  
**From: Councilmember Robinson and Mayor Arreguin**  
**Recommendation:** Send a letter to the California Department of Transportation (Caltrans), the Metropolitan Transportation Commission (MTC), Assemblymember Buffy Wicks, Assemblymember Rob Bonta, Assemblymember Jim Frazier, State Senator Nancy Skinner, and Senator Jim Beall in support of the reinstatement of a dedicated bus lane on the San Francisco-Oakland Bay Bridge.  
**Financial Implications:** See report  
Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170  
**Action:** Councilmembers Kesarwani and Droste added as co-sponsors. Approved recommendation as revised in Supplemental Communications Packet #2.
- 14. goBerkeley Residential Shared Parking Pilot Project Update and General Program Update** *(Continued from December 3, 2019 and January 14, 2020.)*  
**From: City Manager**  
**Recommendation:** Receive a presentation providing an update on the Residential Shared Parking Pilot project and the goBerkeley program, and offer any comments to staff on the implementation of the project.  
**Financial Implications:** None  
Contact: Phillip Harrington, Public Works, (510) 981-6300  
**Action:** Item 14 removed from the agenda by the City Manager.
- 15. Resolution for Safe Recreational Vehicle (RV) Parking at Designated City-Owned Parking Lots During Overnight Non-Business Hours**  
**From: Councilmember Kesarwani, Mayor Arreguin, and Councilmember Harrison**  
**Recommendation:** Adopt a resolution to allow recipients of a three-month “Grace Period” permit for safe RV parking to park overnight during non-business hours in designated City-owned parking lots pursuant to California Vehicle Code Section 21107.8(a)(1). The resolution authorizes the City Manager to determine appropriate City-owned parking lots, with consideration for safe ingress and egress, accessibility of restroom facilities, and other health and safety considerations.  
**Financial Implications:** See report  
Contact: Rashi Kesarwani, Councilmember, District 1, (510) 981-7110  
**Action:** Councilmember Hahn added as a co-sponsor. Item 15, including supplemental material from Councilmember Kesarwani, held over to February 11, 2020.

**January 21 – Regular**

- 41. Implement Residential Preferential Parking (RPP) Program on the 1500 Block of Lincoln Street** *(Continued from December 10, 2019)*  
**From: City Manager**  
**Recommendation:** Conduct a public hearing and upon its conclusion, adopt a Resolution amending Resolution No. 56,508-N.S. Section 25N by adding a subsection to implement Residential Preferential Parking (RPP) on the 1500 block of Lincoln Street in RPP Area N.  
**Financial Implications:** General Fund - \$2,000  
Contact: Phillip Harrington, Public Works, (510) 981-6300

**Public Testimony:** The Mayor opened the public hearing. 3 speakers.  
M/S/C (Davila/Kesarwani) to close the public hearing.

**Vote:** Ayes – Kesarwani, Davila, Bartlett, Harrison, Hahn, Robinson, Droste, Arreguin;  
Noes – None; Abstain – None; Absent – Wengraf.

Councilmember Wengraf absent 7:15 p.m. – 7:17 p.m.

**Action:** M/S/C (Harrison/Kesarwani) to adopt Resolution No. 69,270–N.S.

**Vote:** All Ayes.

**46. Purchase Order: National Auto Fleet Group for Nine Ford F-Series Pickup Trucks with Various Service Body Configurations** *(Continued from December 10, 2019)*

**From:** City Manager

**Recommendation:** Adopt a Resolution satisfying requirements of City Charter Article XI Sections 67.2 allowing the City to participate in Sourcewell contract bid procedures, and authorizing the City Manager to execute a purchase order for nine (9) Ford Super Duty F-Series Pickup Trucks with varying service body configurations with National Auto Fleet Group in an amount not to exceed \$492,284, and a subsequent purchase order for the conversion of the nine (9) Ford Super Duty F-Series Pickup Trucks to plug in hybrid vehicles in an amount not to exceed \$245,000 using XL Fleet technology when it becomes commercially available.

**Financial Implications:** See report

Contact: Phillip Harrington, Public Works, (510) 981-6300

**Action:** Moved to Consent Calendar. Adopt Resolution No. 69,272–N.S.

**Vote:** Ayes – Kesarwani, Bartlett, Harrison, Hahn, Wengraf, Robinson, Droste, Arreguin;  
Noes – None; Abstain – Davila.



City of Berkeley  
Transportation Commission

## **Statement of Mission of Transportation Commission:**

To be published with each agenda packet per TC action on 2/21/2019

The Berkeley City Council established this Transportation Commission to advise the City Council on matters related to transportation policies, facilities, and services in the City. We are empowered to hold hearings, gather information, and provide recommendations to the City Council in order to help them make informed transportation decisions. The Transportation Commission's work is guided by several transportation-related documents and policies implemented by the City Council, including the Transportation Element of the General Plan, Bike Plan, Pedestrian Plan, Climate Action Plan, West Berkeley Circulation Master Plan, Complete Streets Policy, and BeST Plan.

### **Related Plans and Policies:**

- A. [Transportation Element](#) (2001) of the [General Plan](#) (2003)
  - a. Transit-First Policy (General Plan Policy T-4 "Transit-First Policy")
- B. [Bike Plan](#) (2017)
- C. [Pedestrian Plan](#) (2010, update in process)
- D. Vision Zero
- E. [Climate Action Plan](#) (2009, 2018 update)
- F. [West Berkeley Circulation Master Plan](#) (2009)
- G. [Complete Streets Policy](#) (2012 Council Resolution)
- H. [BeST Plan](#)(2016)
- I. [Berkeley Bike Boulevard Design Guidelines](#) (2000)

Mission: Advises the Council on transportation policies, facilities, and services.

Goals – Ongoing projects/UPDATES	Resources	Program activities	Outputs	Outcomes	
1.	goBerkeley Program	Staff updates	Public meetings	Policy guidance FY 2019	Next Update April
2.	I-80 Gilman Interchange & Pedestrian Overcrossing Project Northwest Berkeley	Staff updates	Public meetings	Policy guidance on technical decisions	Successful project delivery (Ongoing)
3.	Safe Routes to Schools Projects (John Muir redesign)	Staff updates	Public meetings	Pedestrian Subcommittee	Successful project delivery (Ongoing)
4.	Bike Share – Phase 2 Expansion beyond Berkeley/Oakland/Emeryville	MTC project funding	Policy Guidance	Recommendations for Council approval	Expanded Bike Share resource
5.	Adeline Corridor Specific Plan (grant planning) Est. 1 year to complete process	Staff updates	Coordination between Berkeley BEST Plan & Adeline Specific Plan	Guidance on funding opportunities	Ensure successful grant funding \$ and encourage equitable stakeholder involvement
6.	Grants – Annual Updates; Comprehensive discussion of all grant applications (includes: Measure BB Grants); RR Safety/Quiet Zone funding in FY 19 for scoping	Staff updates	Commission will review language to improve outcomes	Policy guidance on technical decisions	Ensure successful grant funding \$500k for RR Safety
7.	Traffic Calming – Update with annual table of projects	Staff Updates	Policy guidance on technical decisions	Recommendations to Council if needed	Successful delivery of calm streets projects
8.	ACTC annual report showing Measure BB fund distribution (May 2017 and every January)	Staff updates	Policy guidance on technical decisions	Funding transparency	Successful project funding

Goals – TC Work Items		Resources	Program Activities	Outputs	Outcomes
9.	Vision Zero + Complete Streets Policy Development- Transit/Bike/ Pedestrians First, Parking Removal	Subcommittee	Public meetings Review Crash Data (SWITRS report) & annual safety goals; Coordinate w/PWC on Paving Plan & Opportunities for Complete Streets; Prioritize Citywide access to Schools policy via all modes; Simplify parking removal	Make recommendations to Council	Adoption of Vision Zero policy Action Plan; augment Pedestrian Plan & Complete Streets Policy
10.	Two-way Telegraph Avenue & Southside (Complete Streets) 2018: Telegraph Yellow zones Ph. 2: Design Telegraph/Dana Couplet; Ph. 3: Upper Bancroft	Staff Updates Monthly	Policy guidance on language	Make recommendations to Council	Consensus on Telegraph by TBID/AC Transit/COB
11.	Bike Plan Implementation (Using Complete Streets Filter)	Assigned to Bike subcommittee	Review of bike grant funding; Track Projects e.g. monitor Milvia	Consultation with staff	Successful completion of goals; Bike project funding \$
12.	Pedestrian Plan Update	Pedestrian subcommittee	Public meetings	Recommendations to Council	Comprehensive Pedestrian Plan
13.	Prepare for new/emerging mobility technologies & services, incl. <i>Equitable TNCs</i>	Subcommittee	Research data and policy	Recommendations to Council	<i>Respond to Council referral</i>
14.	Council Referral: Stop Sign Criteria (1/18/18)	Subcommittee	Research to data and policy	Recommendation to Council	Successful completion of Council assignment
15.	ACTC/MTC Review Grant Proposals	Subcommittee	Review ACTC/MTC grant-proposals	Provide comments to staff	Ensure successful grant funding
16.	Climate Action Plan and <i>Fossil Fuel Free Berkeley</i> ; Collaborate with other relevant commissions e.g. Energy, Housing, PWC)	Subcommittee	Clarify CAP goals and timelines. Conduct transportation emissions and analysis reviews.	Recommendation to Council	<i>Respond to Council referral; Achieve timely Climate Action Plan goals</i>
17.	Transit First Policy – Review and report (Transportation Element of General Plan and Transit First Policy)	Subcommittee Staff provided links	Review current policy and language	Recommend updates if needed	Reaffirm Transit 1 <sup>st</sup> Policy priorities to Council

18.	Traffic Calming – Reassessing Traffic Calming Policy	Subcommittee	Policy guidance on technical decisions	Recommendation to Council	Successful delivery of revised calm streets policy
19.	Scooter Share Program - 90-day Council Referral to CM	Council Report 7/10/18; Consider staff input	Develop TC Recommend ordinance/permit process for Scooter Sharing in PROW	Recommendation to Council	<i>Completed</i>
20	<i>On street parking: Appropriate regulation of parking in residential areas to restrict # of cars parked on the street</i>	Subcommittee	Review current policy; provide guidance	Recommendation to Council	<i>Respond to Council Referral</i>

**Gard, Alisha**

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**From:** Liza Lutzker <liza.lutzker@gmail.com>  
**Sent:** Monday, January 13, 2020 8:42 AM  
**To:** Gard, Alisha  
**Cc:** Chen, Angie; Offer Grembek; Barnali Ghosh; Karen Parolek; Ben Gerhardstein; Anderson, Eric; Javandel, Farid; Thomas, Beth A.  
**Subject:** communication regarding the development of an evaluation framework for the Idaho Stop

Hi Alisha,

On November 12th, City Council unanimously adopted Councilmember Robinson's referral ([Item 29](#)) to "Refer to the Transportation Commission to consider a Resolution deprioritizing enforcement against the Idaho Stop convention for persons operating a bicycle, in an empty intersection after the operator has yielded to any other road users with the right of way, by limiting the use of any City funds or resources in assisting in the enforcement or issuance of citations for bicyclist violations of California Vehicle Code Section 22450(a), and to develop a process for evaluating the before and after effects on safety."

I have been in conversations with [Dr. Offer Grembek](#) (cc'ed here), who is a researcher and lecturer at Cal and serves as the Co-Director at the university's Safe Transportation Research and Education Center (SafeTREC), about working with SafeTREC folks and others at the university on assistance regarding the development of the evaluation process described within the referral. Dr. Grembek teaches a graduate-level Spring course on [Traffic Safety and Injury Control](#) in which students are required to undertake a large final project. Dr. Grembek has generously offered to advertise the development of an evaluation framework as a potential class project for his students this semester.

Specifically, a student-led project would entail working with City staff and safe transportation advocates to gather and analyze some baseline (pre-implementation) data and lay out a plan for what post-implementation data need to be gathered and how the data should be analyzed to properly evaluate the safety and efficacy of the de-prioritized Idaho Stop resolution.

Please pass this communication on to the Transportation Commissioners for consideration as they take on the Council referral on this item.

Thank you,  
Liza (on behalf of Walk Bike Berkeley)

**Gard, Alisha**

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**From:** Beverly Greene <bgreene@actransit.org>  
**Sent:** Thursday, January 16, 2020 8:30 PM  
**To:** Gard, Alisha; Javandel, Farid  
**Cc:** Donald Lathbury; 'barnalighosh@gmail.com'  
**Subject:** Articles on disproportionate enforcement that put African Americans at risk

Hello,

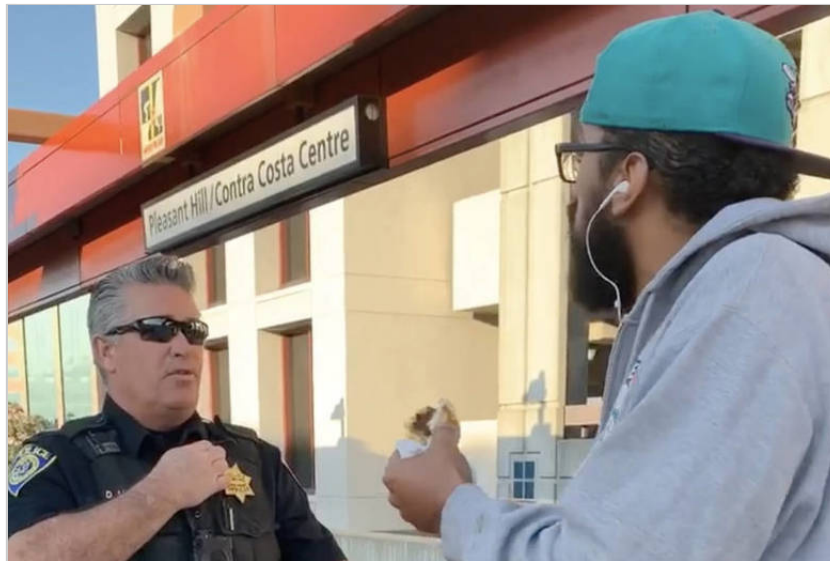
Please forward these articles to the Transportation Commissioners regarding how increased enforcement affects African Americans disproportionately negatively due to profiling.

Thank you, Beverly

<https://www.sfchronicle.com/bayarea/article/Nearly-half-of-BART-fare-citations-go-to-black-14920414.php#>

<https://www.sfexaminer.com/news/bart-data-shows-police-overwhelmingly-cite-black-latino-riders-for-eating-and-drinking/>

Beverly Greene  
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A confrontation between a white officer and a black man eating at the Pleasant Hill BART station has caused controversy about police targeting people of color. (Courtesy photo)

# Black riders disproportionately cited by BART police for eating and drinking

LAURA WAXMANN / JOE FITZGERALD RODRIGUEZ / Nov. 26, 2019 11:29 a.m. / [NEWS](#) / [THE CITY](#)

People of color have been disproportionately targeted by BART police officers for eating or drinking on trains and on BART platforms, the San Francisco Examiner has learned.

Data on citations for police code violations pertaining to eating and drinking on BART obtained by the Examiner after a public records request reveal that out of the 55 people cited since Oct. 1, 2014, more than 80 percent were people of color.

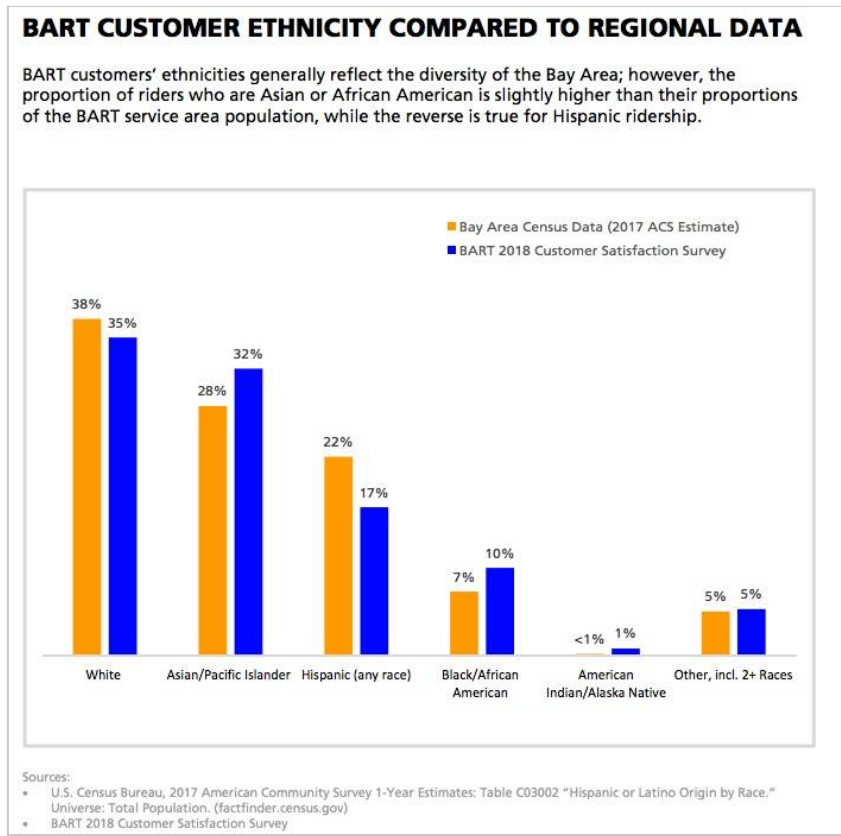
African Americans were cited most frequently for consuming food or drinks on BART, with a total of 33 citations given to black passengers. Latino and “other” ethnic groups comprised the second largest group cited since Oct. 1, 2014, with 13 citations.

White passengers comprised just nine of the citations, and the ethnicity of one person cited in the time period for which data was requested was marked as “unknown.”

The records request was filed after a man was detained earlier this month for eating a sandwich at the Pleasant Hill BART Station. A viral video of the interaction between passenger Steve Foster and BART police Officer D. McCormick showed the officer handcuffing Foster and walking him off the platform.

The detainment was protested by BART riders — including BART board Director Janice Li — who days after the incident gathered at the Embarcadero Station platform to eat sandwiches.





BART issued information about the identities of riders. (Courtesy photo)

Foster has since hired notable civil rights attorney John Burris and plans to sue BART, claiming that he was improperly detained “without reasonable suspicion” and that the incident caused him to miss work as well as emotional distress, the Examiner reported previously.

While police cite black BART riders more often, most BART riders are white and Asian.

According to 2018 BART ridership data, only 10 percent of BART riders are black.

Comparatively, white riders made up 35 percent of BART's total ridership last year, while Latino and Asian/Pacific Islander riders made up 17 percent and 32 percent respectively. Native American and "other" ethnicities made up 6 percent of BART's ridership.

*To see the full citation data for 2015-2015, click here.* To see the full citation data for 2016-2019, click here.

Anand Subramanian, managing director of PolicyLink, a research institute focused on racial and economic equity, said the citation data "certainly seems indicative of bias and who is stopped for an infraction and who is not."

"I'm not surprised the enforcement over food has been largely black and brown. A black man in a hoodie eating a sandwich is perceived differently than a white man in a suit drinking a coffee, though both are breaking the law," said Darrell Owens, an

East Bay housing and transportation advocate who spoke previously at a BART board meeting on the incident.

Owens said that BART police app reports show that “riders were more likely to report black and brown people doing non-criminal behavior,” citing a 2015 investigation by the East Bay Express.

In response to the data, Burris, the civil rights attorney, told the Examiner that he is “not surprised at all” that a majority of citations for such a low-level offense as eating and drinking on BART were given to people of color.

“I would say I’ve always been concerned by selective law enforcement, and that’s the basis of my lawsuit, my claim — selective enforcement of [a] law that’s violated all the time,” said Burris. “It’s racial profiling at its fundamental essence.”

BART spokesperson Alicia Trost said that the data shows that citations are “very rare” but are “handed out at stations across the system, both urban and suburban.”



Kelly Groth and District 8 BART Director Janice Li protest at Embarcadero Station. on Nov. 9. (Caroline Ghisolfi/Special to S.F. Examiner)

In the photo above, BART board director Janice Li attends an “eat-in” protest at Embarcadero BART station against police citations of people eating in and on BART stations and trains.

*In the photo above, BART board director Janice Li attends an “eat-in” protest at Embarcadero BART station against police citations of people eating in and on BART stations and trains.*

“When an officer witnesses someone eating, they remind the rider that eating is not allowed and if the rider puts the food away no citation is necessary. It is a rare occurrence to need to issue a citation after reminding the rider not to eat,” said Trost.

All officers train annually for a minimum of 24 hours, in “fair and impartial policing, bias-based policing, crisis intervention, cultural competency training and de-escalation” tactics, Trost said.

lwaxmann@s Examiner.com

joe@sfxaminer.com

**Citations for eating and drinking issued by  
BART:**

**From 10/1/14 to 11/25/15:**

Total citations: 17

EthnicityBlack: 11

White : 4

Other: 2

GenderMale: 12

Female: 4

Unknown gender: 1

**From 5/10/16 to 11/04/19:**

Total Citations: 38

Ethnicity:Black: 22

White:5

Other: 3

Hispanic: 7

Unknown: 1

GenderMale: 35

Female: 3

Unknown Gender: 0

Total citations from 10/1/14 to 11/04/19: 55Total

black: 33

White: 9

Hispanic: 7

Other: 5 (could include Hispanic)

Unknown: 1

*Source: BART*

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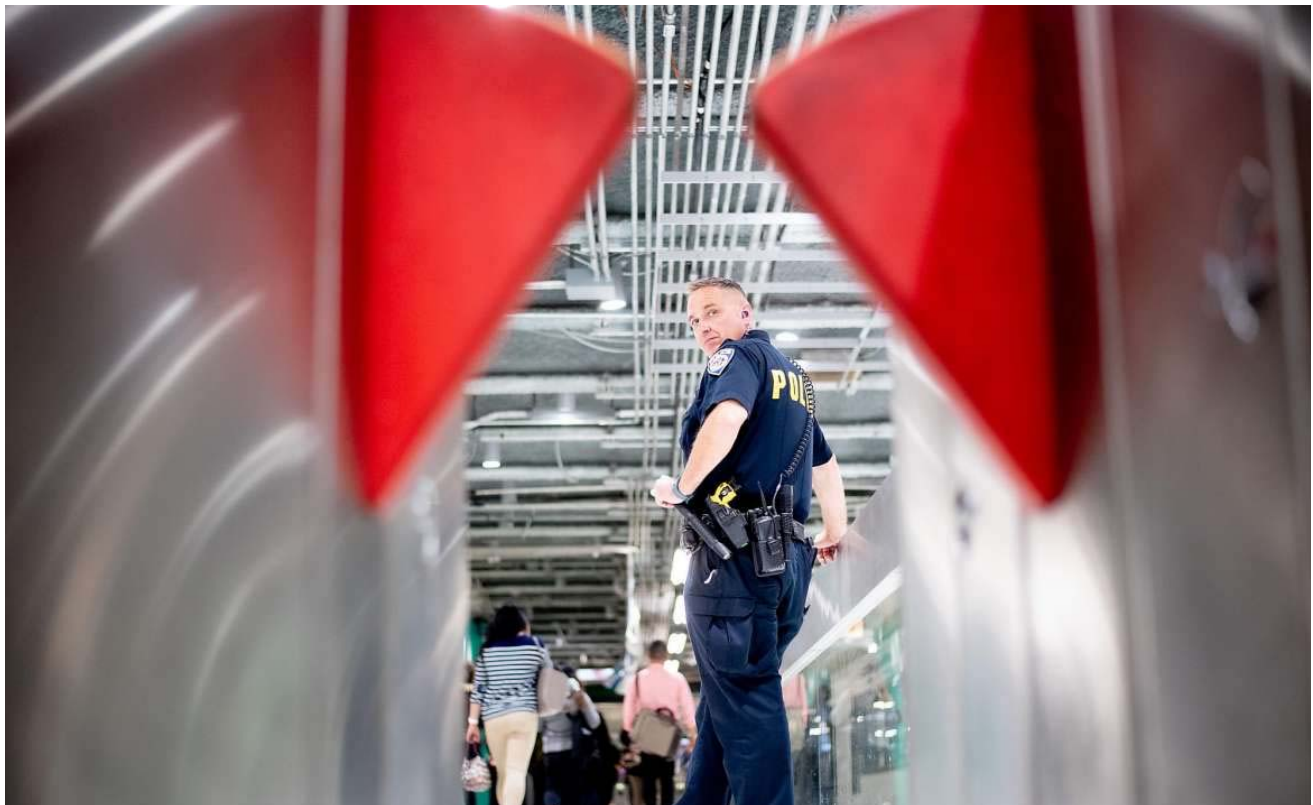
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# Nearly half of BART fare citations go to black riders, but police say system prevents profiling

Rachel Swan

Dec. 19, 2019 | Updated: Dec. 19, 2019 9:06 p.m.



Commuters walk past a railing with enhancements recently installed to thwart fare cheats at Powell Street BART Station.

Photo: Paul Chinn / The Chronicle

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payment citations going to African American riders.

Agency officials, however, said the effort to dissuade fare cheats has built-in guards to ensure enforcement is fair and that groups of riders are targeted in a particular place at the same time, without regard to their appearance.

Of 12,207 citations doled out from July 18, 2018, to June 30, 2019, roughly 46% were given to people who identified themselves to BART proof-of-payment officers as African American, BART data show.

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Passengers who identified as white accounted for 18% of citations, while 15% went to Latinos and 4% went to Asians.

According to BART surveys, African Americans account for 12% of BART riders, while white people comprise 44%, Asians make up 23% and Latinos account for 18%.

A similar racial disparity was seen last year from March to the end of August, when BART staff released a report showing that African Americans accounted for 47% of people cited.

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The new figures were first revealed by transit activist Chris Arvin.

BART officials in charge of cracking down on fare evasion said the figures were not evidence of bias. All of these encounters, BART said, occurred during sweeps by the agency's fare inspector team. Civilian officers walk through train cars or stand at an entryway and ask every passenger to show a ticket or Clipper card.

Officers ask passengers to identify their race and make a determination based on their observation if passengers refuse.

The board's 2017 proof-of-payment plan, officials said, requires inspectors to systematically check everyone, and BART's independent police auditor reviews body-camera footage to ensure inspectors follow that rule.

"My staff, where we can, we spot-check the body-worn camera videos from those operations," said Russell Bloom, the police auditor. He and other officials monitor the footage to ensure a "systematic approach, that people aren't skipped, that discretion isn't applied, and that the enforcement is done as it was presented to the Board of Directors in 2017."

The racial breakdown laid bare divisions among board directors, who have sparred for months over how BART should deal with gate-hoppers.

"Disparities are unacceptable," said Lateefah Simon, who was elected president of the board Thursday. "It's not good enough to just say, 'Oh, well, black folks are more likely to fare-evade the system.' I don't believe that."

Director Robert Raburn, who has been bullish about stopping fare evasion, said the transit agency has tried to stave off bias.

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through. The No. 1 takeaway from that big thick manual is that there's absolutely no discretion. You don't get to say, 'Oh, I'm going to let you go this time, ma'am,' and then cite the next person."

BART is under intense pressure to stop people from breaching its gates. Not only does lost fare mean less revenue for the agency — officials estimate fare evasion siphons up to \$30 million annually — but because riders view the issue as a sign of larger social disorder.

Paying riders cover two-thirds of BART's operating costs, so officials felt the squeeze when riders began peeling off in the past two years, from a 2016 peak of 128.5 million passengers to 124.2 million in 2017 and 120.6 million last year.

Police view fare-beaters as a catalyst for other types of crime, including cell phone thefts and assaults. The man accused of fatally stabbing 18-year-old Nia Wilson last year had sneaked into the rail system without paying, and the man who allegedly stabbed and killed another passenger last month is believed to have skipped the fare.

"There have been cases where individuals come in and out of our system who haven't paid, and who have committed a robbery or some type of assault," said interim Police Chief Ed Alvarez. "That's no different than somebody who robs a bank and drives off. They're not going to stop at every stoplight. They're trying to get away."

So, BART is scrambling to stanch the problem, using a mix of law enforcement, civilian staff and "station hardening" — tall railings and other barriers that inhibit people from sneaking in. Transit agencies around the country, including in New York and Washington, D.C., are trying similar forms of triage.

But as agency leaders respond, they are acutely aware of criticism over racial inequality in policing the system.

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for eating and drinking, the majority of which go to black riders.

At some stations, African Americans comprised an overwhelming proportion of people cited for not being able to produce proof of payment, according to the new data.

Simon will press next year for an academic study of the proof-of-payment system at BART, she said, similar to one that Stanford researchers conducted on police stops in Oakland. It ultimately led the city to cut back on traffic stops.

Director Janice Li recently called for a detailed report on all “quality of life” contacts on BART — any instance in which a police officer or staff member approaches someone about jumping a gate, eating, sleeping on a train, or some other nuisance. She expects it to come in January or February.

“I want the police and the general manager to be on record about why they think these disparities exist,” she said. “Let’s be honest, something is happening here.”

Each citation results in a penalty of \$75 for adults, and \$55 for juveniles. People can also pay it off with community service.

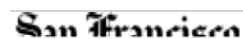
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