



PUBLIC COMMENT

BART Board Meeting

September 14, 2023

Item 2-D

From: aleta dupree <tsjoan@icloud.com>
Sent: Monday, September 11, 2023 6:08 AM
To: Board Meeting <board.meeting@bart.gov>
Subject: Closed session item, Interim General Counsel

Secretary April Quintanilla, please forward this message to the full BART Board for the next Regular Meeting.

Greetings President Janice Li and Members.

Aleta Dupree for the record, she, her.

I share with you my thoughts on this closed session matter that you will consider at this Meeting. Such concerns the matter of an interim General Counsel for BART.

I request you afford me standing to comment on this item, even with it being a closed session item. I feel standing to comment on this is warranted, even with me not being a resident of the BART district, and also being very different from you, and most likely very different from a candidate for Interim General Counsel. I ask that you be willing to receive and consider my written testimony of this matter. I feel my forthcoming comments are relevant to the daily work and mission of BART. I request that even with these comments being on a closed session item, that they be placed into the Meeting Details and entered into the permanent public record.

I am surprised to see this item come up. I guess Matt Burrows is moving on to other things. I never got to know Matt very well. I admit that I do not know much about what a General Counsel does at BART. I think the only thing I can say about Matt, is that Matt has always respected me as the person that I am, even with me being very different. If it is true that Matt is moving on, I wish Matt well in future plans and endeavors.

I am aware of the General Counsel being a very powerful position. I request of you to ask the hard questions of such candidate in order to evaluate such candidate's fitness to serve in this position. For me, such goes beyond expertise in prosecution of the matters of law. It is my hope that such legal counsel will allow me the standing to continue to speak respectfully at your Meetings, and on any subjects that may come up on your prepared Agendas. I also seek to maintain standing to use the System in its intended manner, through the payment of appropriate Fare and observance of the Rules of Conduct.

It is my hope that your future Interim General Counsel will be comfortable with people such as myself who are very different in using the System and commenting at your Meetings. You see, I should not have to worry about being turned away from the System or Meetings because I am different and wear a skirt. Such things I would ask of a candidate for such an important position. I would say, can you accept those who are different from you on BART, and ensure legal standing affirming such? It is my hope that such candidate would answer in the affirmative.

I would like to see a BART Legal Department that is approachable and public facing. I would like to be able to have my questions answered as I would ask of any other department at BART. You see, I feel it is important to get answers to appropriate questions on the matters of BART, including legal, especially in knowing where my standing is before you. It is my hope that you will ask the hard questions and think of those different from you who just want to use the System as anyone else would. I have never been turned away from a token booth in the New York City Subway. And I have never been kept from asking appropriate and relevant questions at the information booth in Grand Central Terminal, which is a legendary and historic railroad station located in New York City. I ask your Interim General Counsel ensure that a legal welcome exists for all who choose to use this System in its intended manner. I ask that BART Legal not be hidebound by old and outdated ideas. Instead I ask for a BART Legal that will always think of being enlightened in relevance to the present and the future. I request no less, and ask that all at BART see me as no less a person than anyone else. It is my hope you and all at BART, including the Legal Department uphold and practice this ideal. BART is the Peoples System.

This is what enlightenment looks like.



Thank you.



PUBLIC COMMENT

BART Board Meeting

September 14, 2023

Item 8

From: Robin Levitt <robin.levitt@gmail.com>
Sent: Monday, September 11, 2023 7:41 PM
To: Board Meeting <board.meeting@bart.gov>
Subject: Public Comment

Dear BART Director,

I have been a dedicated, passionate BART rider, advocate for and defender of the system since moving to the Bay Area in 1987. For many years after moving here, despite some shortcomings, I was so proud of BART that whenever I had visitors one of the first things I would do is take them for a ride on the system.

However, touting BART has become more difficult for me as deteriorating cleanliness, personal safety and behavioral issues involving ever more system users has increased. In that regard I recall being frustrated years ago during my daily commute between Berkeley and SF when my requests to remove shoes from seats was often met with scowls by fellow riders, possibly because neither BART rules nor employees would call them out on it. Then there was the instance when I asked a fellow passenger to turn down their boombox, who responded with a threat to throw me through the train car window. Though I slugged that off as an isolated incident, fearing for my safety, I never did that again. It wasn't the case then but at least now BART rules do prohibit loud music, etc. and thankfully the "performances" that used to perpetually occur on the trains seem to have ended.

But today these relatively minor annoyances pale in comparison with the degradation of trains and stations. Wanton food spills--because BART no longer enforces that rule--the ramp up of other vandalism, coupled with urinating and open drug use—including smoking—on platforms and in the trains, increased violence and diminished personal safety that have left little to be proud of in a system that was once the jewel of the Bay Area.

Several months ago, returning from a trip to Buenos Aires, where despite Argentina's economic challenges, the city operates a spotless, efficient subway system, I boarded a train at SFO where countless seats were dismantled and the cushions strewn throughout. It was a pathetic example of the disregard for a system that neither the public nor BART employees seem to care much about anymore. My sense of pride has been replaced with a sense of embarrassment such that today I would be reluctant to take out-of-town visitors on nor recommend they use the system.

In light of these and so many other challenges I understand how frustrating it must be trying to maintain and run the BART system---particularly post-covid. And still despite the above, I have naively turned a blind eye to its many problems, excused the system's shortcomings and remained adamant about using BART—until yesterday.

At 5:30 in the afternoon, at Civic Center Station, heading for dinner with friends in Berkeley, I exited the platform elevator with my bicycle to catch a Richmond bound train. Adjacent to the elevator exit turnstile was a young man acting out, clearly on drugs. After moving past him and inquiring if he was OK, completely unprovoked he suddenly lunged at me on the platform and punched me hard in the ribs. Though not acute, over 24 hours later, the chest pain is still severe and breathing still uncomfortable. Fortunately I was not adjacent to the tracks when the assault occurred because his punch may have thrown me onto them just before my train arrived and instead of this you would have been reading a real horror story.

After the attack, I immediately called 911 and was transferred to BART police. I described in detail my assailant, his clothing, his age, his color, his build and explained as I boarded the train 5 minutes later that he was still lingering, along with about a dozen other zombie-like, drugged up people adjacent to the platform elevator. Had BART police been on-site, they could have easily apprehended or at least questioned him. In his condition he wasn't going anywhere. Certainly without a ticket they would have had plenty of reason to confront him—including the horde of other drug induced cohorts with him on the platform that made it feel like a scene straight out of "The Night of the Living Dead".

About a half-hour later just when I off-boarded at downtown Berkeley I got a call from a BART police officer who told me, despite having a thorough description of him and his location, he couldn't find my assailant. Well maybe after 30 or so minutes he was gone. But even with that, I question how diligently he searched. Knowing the precise time and

location where the incident occurred he assured me he would review video footage and get back to me. But hours later when I happened to run into him on my return to Civic Center he still had not looked at the footage and as of this writing I have not heard back from anyone. I doubt I will.

With the troubles and safety issues at Civic Center so acute and well documented, my first question is why isn't there at least one BART officer posted, if not on the platform, somewhere in the station at all times? Had there been, I'm sure my assailant would have been easily found. As I write this, I cringe imagining how long it would have taken BART police to show up had I actually been thrown onto the tracks.

Meanwhile, it's incomprehensible BART won't put police on the station platform in Civic Center station, yet compromises public safety by allowing non-paying drug addicts free rein there without any enforcement in a supposedly required proof of purchase area. It's grossly negligent. Yes, I understand BART can't be held responsible for nor monitor everyone's behavior in the system. But as far as I'm concerned, this negligence resulted in my attack yesterday.

By the way, though I wasn't assaulted on my way back from Berkley, the sketchiness of the train that evening actually surpassed what I had experienced earlier in the Civic Center station. You must know that drug use, including smoking and cooking is not uncommon at certain times on BART trains. But what I observed yesterday evening was well beyond anything I had ever seen in the BART system. Yet again BART police and staff were AWOL there too.

It's common knowledge and clearly observable that gate jumping is routine without any repercussions—even while station agents watch. I see it nearly every time I ride BART anymore. My guess is that agents are probably instructed not to confront the gate jumpers—probably for their own safety. But safety for BART employees means that passenger safety is compromised instead. Allowing continued and increasing access for lawless thugs and psychopaths into the system will just drive away law abiding, paying patrons such as myself. Then what will become of BART?

As I said, I have always been an advocate and a dedicated patron of BART. But after my experience on Saturday, I'm done. NO MORE! As far as my personal safety goes, shameful negligence and complacency has made riding BART too risky anymore.

Sincerely,

Robin F. Levitt
225 Lily Street
San Francisco 94102
415.722-3038

From: [Benjamin Larsen](#)
To: [Board Meeting](#)
Subject: Public Comment
Date: Tuesday, September 12, 2023 8:41:55 AM

Hello Bart Board Members,

I live in North Oakland and since April I have taken the Red Line from Ashby station to Powell every weekday for work. I used to love my commute before the policy change. I always felt safe, and became a BART evangelist, telling everyone I could how much I enjoyed taking BART to work.

That all changed with the new BART schedule. Last week, I was greeted with a 6 car train on the Ashby platform at 7:15 and 7:30. The train was so packed with riders that I could barely squeeze in. We were all shoulder to shoulder, faces inches from each other the entire ride. I saw riders who were left on the platform at stations down the line, unable to fit into the 6 car red line train. The experience was miserable, it ruined my day. My once relaxing safe commute had turned uncomfortable and dangerous. COVID is on the rise again, yet here we were crammed together maskless. Further, people are still having mental health crises on BART and now, with the 6 car trains, we are so packed that no one can get away from someone who may be dangerous.

This week, I was dismayed to find that the redline train now comes every 20 min instead of 15: 3 trains an hour instead of 4. This will further exacerbate crowding in the red.

Please address the impact the new bart policy has on redline riders. It is unconscionable that BART has thrown redline riders under the bus for the supposed benefit of yellow line riders, who live in the suburbs and are wealthier and whiter than redliners. Please explain how exactly hurting red line commuters allows BART to fix the very real problems on the yellow. The yellow line should run efficiently and serve its riders well, but why does that need to happen at the expense of red line riders?

Respectfully,

Ben Larsen

From: [Priscilla Jin](#)
To: [Board Meeting](#)
Subject: Public Comment
Date: Tuesday, September 12, 2023 3:31:56 PM

Hello Bart Board,

My name is Priscilla Jin. I live in the Mission District of San Francisco. I commute every day to my office in Palo Alto using the redline BART and the Millbrae Caltrain connection. The new BART schedule that has gone into effect this week, and has eliminated the W line, the line connecting San Bruno to Millbrae. This has seriously inconvenienced not only my life, but the lives of the many commuters that take my same route from farther north in the peninsula to the South Bay every day.

In his podcast, Fitzgibbon says "Yeah, it basically adds about 6 minutes to their total journey" about the SFO stop between San Bruno and Millbrae on the redline. This is simply untrue for daily commuters like myself. Because of the elimination of the W line, I am forced to miss my daily Caltrain connection, the bullet train to Palo Alto. This adds nearly 30 minutes to my total commute. If BART is even 2 minutes delayed and I miss my now later connection, I'll be forced to wait another 20 minutes for the next connection. With life and all its uncertainties, especially BART's well known delays, I know that this is bound to happen. That means that on some days, I'll have a total 2 hour commute, versus my previous 50-minute commute.

If this continues, I will most likely start driving to work every day. Even though the drive takes about an hour, it is much more preferable to the now 1hr 30 min commute due to the schedule change. I'm sure many commuters will do the same. This entire week, I've seen countless confused and panicked faces on my BART train when we unexpectedly stop at SFO. Is this not antithetical to the objective of the schedule change in the first place? To increase ridership? Please do not forget about the commuters who have ridden BART, and those who will continue to do so as WFH policies start to wane. Please, please, please reinstall the W line on the BART redline.

From: aleta dupree <tsjoan@icloud.com>
Sent: Tuesday, September 12, 2023 4:01 PM
To: Board Meeting <board.meeting@bart.gov>
Subject: Comments from the northeast

Secretary April Quintanilla, please forward this message to the full BART Board for the next Regular Meeting.

Greetings President Janice Li and Members.

Aleta Dupree for the record, she, her.

I bring you my thoughts concerning BART, some of which is being prepared from an area in New Jersey known as the Meadowlands. Such are low lying wetlands bisected by the Hackensack River, and in sight of New York City. Some of this message is also being prepared from a neighborhood called Flushing, in the New York City borough of Queens.

“You’ve Gone Too Far.”

I relate the story of Mr Lucas Jackson, often known as Luke, played by Paul Newman, whose story was told in the 1967 film Cool Hand Luke. The film depicts life in a prison camp in rural Central Florida around 1950. Luke found himself sentenced to a term of two years of hard labor for vandalism of public property while inebriated and disorderly.

Luke acclimated himself to life in the camp, and gained the respect of his comrades, most notably the de facto leader of the group, Dragline, played by George Kennedy. Luke in his own way pushed the envelope, at first not breaking any rules, but still earning the consternation and ire of The Captain, played by Strother Martin, and the various guards who were known and addressed as Bosses.

It was said that the most feared of the guards in the camp was Boss Godfrey, also known as the Walking Boss. Godfrey was played by the tall, thin, gray haired Morgan Woodward. Boss Godfrey always wore mirrored sunglasses and was a crack shot with his rifle. Godfrey never spoke, yet everyone knew what he meant when he dispatched some kind of animal prey with his rifle, or when he simply walked the line with his treasured walking stick.

Dragline was worried about his friend Luke, saying, Luke, you’ve gone too far when you’ve messed with the Man With No Eyes. Dragline referred to an encounter Luke had with Godfrey, and that the delicate balance between inmates and bosses was at risk of being upset. I don’t know if any of you have seen Cool Hand Luke, I think I’ve seen it about twenty times. The story certainly has its layers of meanings, subject to interpretation.

I certainly do not condone Luke’s behavior, and I can’t say I’ve ever sympathized with Luke, and the story is certainly challenging to watch. It is my hope that I have not gone too far in my engagement with you on the matters of BART. Some might say, why do you go to the Meetings and wear a skirt, and talk about riding subway trains and visiting famous railroad stations. I assure you that I do not attend and speak at your meetings to taunt you much as Luke did with the various bosses, including Godfrey, and The Captain. I share my thoughts with you respectfully, not in any kind of adversarial mindset, but with the ideal of collaboration toward building a better BART.

Yet I feel I always have new things to share with you, and District Staff about BART, and I feel my experiences on other transportation systems are indeed relevant. I see my time with you as conversational, and relational, that advocacy is not a one off kind of endeavor. I wonder if I am understood, but you have your General Manager Bob Powers, and Deputy General Manager Michael Jones who do take care of the things of BART in ways that are easily understood. There are many things that I do not understand about BART, I ask that you respect your senior leadership so the daily work and mission of BART can be accomplished successfully.

I do not have specific technical experience in managing complex public transportation systems. But I can relate to you my experiences as I know them. I do not know the technical aspects of Clipper, but I share with you my experiences of using Clipper. Such can be said about other systems of fare payment I use such as Ventra in Chicago, and OMNY in New

York. I have my experiences of using residential electricity in my home environment. I am simply an ordinary user of BART, and think of this ideal wherever I am, that BART is The Peoples System.

On Matters of Pride and Welcome.

I mention to you that I made my first trip on a train to the new Grand Central Madison terminal, which is located under the historic Grand Central Terminal in New York City. Such was an important trip for me, in following the many who have discovered and use this new ecosystem of Public Transportation that plays a major part in the life of the New York mega region.

This picture I took myself.



I have seen this graphic a number of times before, on the Long Island Railroad, and I felt it appropriate to bring to you in this message. I think back to January 25 of this year. There were various press events commemorating the opening of Grand Central Madison for public revenue service. And a number of leaders spoke, including Kathy Hochul and Janno Lieber. I was not able to be there in person, but I did enjoy watching the videos, and I looked forward to the welcome that I would experience when I would eventually set foot in that famous transportation facility myself.

About a week before my trip by train, I entered upon Grand Central Madison to see it in person. I was in the concourse near a set of escalators. I heard my name being called out loudly, I thought, who is this, and what are the chances of me running into someone I know in this very large city that is New York.

Such has happened to me before. In 2019 I was in a food court in Chinatown, in Lower Manhattan, and I ran into a friend from Las Vegas. In 2021 I ran into a friend from San Francisco at the 30th Street Station in Philadelphia. And so I walked over to the voice and approached this person. I asked him, so where do you know me from?

And the man said, you don't know me, but I know you. He said, I work for the MTA and I've seen and heard you speak at the Board Meetings. We then shared some conversation for a short time. I walked away from that encounter knowing that I did indeed have a full welcome in Grand Central Madison, and the entire MTA system, including their Board and Committee Meetings.

I maintain to you that Pride is a work of continuous improvement that must not stop. Pride to me is not about recognizing specific groups in a particular month, often the month of June. Pride to me is year round and transcends definitions. I think back to meeting your previous General Manager Grace Crunican, and the positive work she oversaw concerning equity and inclusion. I did get to ride with Grace Crunican on the trains. We conversed about a number of things, and not just about BART. And I have met up with your current General Manager Bob Powers a number of times, including on the trains, most notably the Transit Leaders Ride Along in April of this year.

And so I ask of you as a Board to promote the ideals of equity and welcome on BART. You see, it is you as a Board that sets the tone for what BART should be all about. Such comes through the various Proceedings of your Meetings. And so I share with you various subjects as I know them.

On Matters of Broadly Serving.

I maintain to you that BART has a clear and concise mandate to serve the entire population of Bay Area Soil, whether residents or visitors. I ask that you always keep such in mind. You see, as a person who is very different from you, and many who work at BART, I feel I should be able to access the same level of service as anyone else. Yet it wouldn't surprise me if I am turned away at the fare gates simply for me being different, for speaking at Meetings, or wearing a Raiders t shirt, or a skirt, or me being vaccinated to protect myself against COVID-19. I feel that if I am pushed into the trackway, it is my hope that BART will ensure a quick and proper rescue and return me to the platform. I submit to you that all should be afforded equally a safe and equitable transportation system. I desire a BART where everyone is held accountable for the work they are responsible for. I submit to you that turning anyone away for being different must never be tolerated or condoned on BART. I hope that BART will have a strong and egalitarian non discrimination policy so all can use the System in its intended manner freely. And why do I say these things? It is because of this most important ideal, that I hold most dear, I hope I am not alone in such, that BART is The Peoples System.

It looks like BART.



Thank you.