



## EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Robert M. Pommer</i> 14 Aug 2019		GENERAL MANAGER ACTION REQ'D:		
DATE: 8/6/2019		BOARD INITIATED ITEM: No		
Originator/Prepared by: Gregg Marrama Dept: Performance & Budget	General Counsel <i>[Signature]</i>	Controller/Treasurer <i>[Signature]</i>	District Secretary <i>[Signature]</i>	BARC <i>[Signature]</i>
Signature/Date: <i>Gregg Marrama</i> 8/12/19	<i>[Signature]</i> 8/14/19 [ ]	<i>[Signature]</i> 8/14/19 [ ]	<i>[Signature]</i> 8-14-19 [ ]	<i>[Signature]</i> 8/12/19 [ ]

### Responses to the 2018-2019 Alameda County Grand Jury Final Report, "Crime and Quality of Life: Impact on BART Ridership"

#### PURPOSE:

To obtain Board approval of Responses to findings and recommendations contained in the 2018-2019 Alameda County Grand Jury Final Report, "Crime and Quality of Life: Impact on BART Ridership"

#### DISCUSSION:

On June 11, 2019, the 2018-2019 Alameda County Grand Jury issued a Final Report entitled "Crime and Quality of Life: Impact on BART Ridership" ('Report'), which contained five findings and seven recommendations relating to the BART system, including crime, safety and homelessness, fare evasion, system cleanliness, and transparency. Although the Report stands as a thoughtful illustration of these issues, a fuller understanding requires that they be considered within the context of BART's current and planned future efforts in each area. As such, BART welcomes the opportunity to respond in detail to each of the findings and recommendations to describe our position, provide explanatory information, and add clarifying detail.

In conformance with the statutory response requirements, we have indicated agreement or disagreement with the Report findings (supplemented by a narrative response), and provided brief but comprehensive responses to the Report recommendations. These proposed responses are provided as Attachment A and are accompanied by the Report for reference.



**FISCAL IMPACT:**

Board approval of the responses has no fiscal impact. BART is already advancing several major initiatives as described in Attachment A, and any new initiatives that may be recommended would be determined as part of future budgets.

**ALTERNATIVES:**

Direct staff to amend responses based on Board input.

**RECOMMENDATION:**

Approve Attachment A, Responses from the BART Board of Directors to the 2018-2019 Alameda County Grand Jury Final Report, "Crime and Quality of Life: Impact on BART Ridership"

**MOTION:**

The Board approves the attached Responses from the BART Board of Directors to the 2018-2019 Alameda County Grand Jury Final Report, "Crime and Quality of Life: Impact on BART Ridership" and directs staff that those responses be transmitted to the 2018-2019 Alameda County Grand Jury.

**Attachment A – Responses to the 2018-2019 Alameda County Grand Jury Final Report, “Crime and Quality of Life: Impact on BART Ridership”**

**FINDINGS**

**Finding 19-30:**

**BART's police department staffing has been insufficient to meet crime levels, as reported by an outside expert, who recommended substantially more patrol officers and revamped patrol assignments.**

RESPONSE: *Agree*

We agree that we need to increase our police staffing to address the challenges impacting BART riders. The adopted FY20 budget continues BART's efforts to increase police staffing, by adding 19 new police officer positions and four new Fare Inspector positions. BART's future staffing model includes adding more police officers to increase presence at stations, on trains and having overlap/cover officers. This model will provide a more saturated police presence to increase safety on BART.

**Finding 19-31:**

**Although overall crime on BART is up only slightly from 2014 to 2018, the incidence of violent crime more than doubled during that time. All crime is serious, but the potential for violent crime is particularly frightening to riders. The high volume of lesser offenses, especially thefts of items like phones, computers, wallets, etc., dramatically affects riders' perceptions of safety and well-being on the BART system.**

RESPONSE: *Disagree partially*

The significant driving factor in the increase of violent crime is the robbery of cell phones and other electronic devices, which is defined by the FBI's Uniform Crime Reporting (UCR) Program as a violent crime. Unfortunately, electronic device robbery is a growing trend in modern society, and public transit is a target rich environment for cell phone thieves. In the BART system, this is evidenced by the concentration of cellphone thefts which have occurred in our high-density, commuter rich downtown San Francisco stations. As is true on most transit systems, a significant number of riders can be seen using smart phones while commuting on BART. Since the perception of safety is high priority for BART, we continue to educate our riders on how they can reduce the risk of having their cell phone stolen.

It is important, however, to view crime statistics in comparison to the number of riders. When considering the 485 violent crimes reported in 2018, it is important to note that BART carried nearly 120 million passengers during the same year, resulting in a per passenger rate of 0.0004%. We absolutely agree that all crime is serious, particularly violent crime, but the likelihood of becoming the victim of a crime on BART is relatively low.

We also acknowledge that quality of life issues affects the perception of safety on the system. BART expends significant resources to address quality of life issues, including the presence of police personnel to offer resources to homeless persons. When criminal conduct is witnessed, our police officers may take enforcement action as appropriate under the circumstances.



### **Finding 19-32:**

**Public concern about fare evasion has been one of the top issues on every customer satisfaction study since 2014. The lack of enforcement erodes confidence in BART and costs upwards of \$25 million, or 5% of passenger revenue.**

RESPONSE: *Disagree partially*

While it's correct that the largest declines for this attribute have occurred in the last three surveys (refer to the table below), it was first identified as an issue for customers in the 2016 survey and became a much greater concern in 2018. It was not a top issue for customers in the 2014 survey, as measured by relative percent change.

Enforcement against fare evasion	1998	2000	2002	2004	2006	2008	2010	2012	2014	2016	2018
% change in mean vs. prior survey	1.1%	-0.4%	1.7%	5.9%	-1.2%	-1.2%	-3.3%	-1.3%	-3.9%	-6.3%	-19.8%

- In 2014, this attribute was not one of the top declines. (Out of the 48 attributes rated, it was number 21 when sorted by % decline. The largest declines were around seat availability, station cleanliness, and onboard temperature.)
- In 2016, it was the 4th largest decline among all attributes.
- In 2018, it was the largest decline among all attributes.
- Note that despite the relatively large declines in 2016 and 2018, the attribute did not appear as a "Target Issue" in the quadrant chart. ("Target Issues" are determined by relatively low attribute ratings combined with relatively high derived importance scores.)

BART's estimated fare revenue value of a fare evasion rate of 3% to 6% is approximately \$15M to \$25M. It is important to note, however, that not all of this value is potentially recoverable, for two reasons: First, some fare evaders would not ride BART if they were prevented from fare evading; Second, based on the experience of New York City Transit, which has far more physically hardened stations than BART, it is likely not feasible to prevent 100% of all fare evasion.

Although the finding asserts a "lack of enforcement", it does not accurately reflect BART's actions in responding to this issue. Over the last several fiscal years, we've added funding for community service officers, dedicated fare inspectors, and 19 additional police officers. BART has also committed substantial capital funds directly to station hardening, as well as incorporating hardening design and equipment into our ongoing station modification program. Modifications and additions include raised railings, alarmed swing gates, fare gate pressure increase ("cinch" modification), enclosure of platform elevators to paid areas, additional security cameras, and electronic service gates. BART is also exploring long term solutions for new fare gates, which will include fare evasion mitigation in design and deployment strategy.



**Finding 19-33:**

Cleanliness of BART trains and stations was the concern most cited in the Customer Satisfaction Study from 2012 through 2018. BART introduced several initiatives to target cleaning resources where most needed and to prevent messes in the first place (e.g., elevator attendants, Pit Stop program). However, continuing dissatisfaction with cleanliness was repeatedly cited in the most recent survey, in large part due to an increase in the homeless population using BART facilities.

RESPONSE: *Disagree partially*

The top 3 attribute declines in the 2018 survey revolved around enforcement and personal security. While issues with cleanliness appeared within four of the 10 attributes with the largest declines, describing them as the most cited concern isn't accurate.

While some customers did comment on cleanliness issues in relation to homelessness, we do not have quantitative data to draw the conclusion that dissatisfaction with cleanliness is due in large part to an increased homeless population on BART. We can conclude that it is a factor, but it would be very difficult to determine how large of a factor with existing Customer Satisfaction Survey data.

Train interior cleanliness and station cleanliness were reviewed for the last few surveys. Here are results after sorting in ascending order on % change:

- 2018: Train interior cleanliness: -14.1%; station cleanliness: -9.2% (#4 and #12 of 45 attributes with prior year ratings)
- 2016: Train interior cleanliness: -0.7%; station cleanliness: -4.4% (#38 and #10 of 47 attributes with prior survey comparisons)
- 2014: Train interior cleanliness: -4.7%; station cleanliness: -7.8% (#13 and #3 of 48 attributes with prior survey comparisons)
- 2012: Train interior cleanliness improved vs. prior year (+1.8%), while station cleanliness was -2.6% (#3 of 46 attributes with prior survey comparisons)
- 2010: Train interior cleanliness: -3.7%; station cleanliness: -4.0% (#5 and #4 of 47 attributes with prior survey comparisons)

**Finding 19-34:**

Board-related documents are difficult to find on the BART website because some, especially those related to the board, are not searchable.

RESPONSE: *Disagree partially*

All Board related documents are posted in the Board of Directors section of bart.gov. Prior to July of 2011, Board Meeting agenda pdfs were searchable. Unfortunately, the software used to create the agenda pdfs was changed in mid-2011 and agendas were uploaded to the website in a way that terms within the agenda were not searchable, although many of the attachments, which contained written reports and presentations, remained key-word searchable. In May 2018, the District began to use industry-standard Legistar electronic agenda creation software, with all agendas accessed through Legistar searchable.

## RECOMMENDATIONS

### **Recommendation 19-30:**

**BART must increase police patrol officer staffing over the next five years to make the entire BART system safer, in accordance with the expert study it commissioned and received in 2018.**

#### RESPONSE:

The BART District is committed to increasing police officer staffing. As recommended in the staffing study, the BART Board of Directors recently approved 19 additional police officer positions in the FY20 budget. The BART Police Department and BART Human Resources are working together to aggressively recruit and hire police officers. During the recent labor negotiations, the District negotiated with our BART Police Officer Association to allow the outsourcing of background investigations for police officer applicants. This allowance has significantly increased our ability to hire officers at a much faster pace. In addition, the new labor agreement provides for an improved compensation package that will make BART more salary competitive and support increased recruitment. BART has also instituted, and recently increased, a hiring bonus for lateral applicants with prior law enforcement experience. Lateral officers are trained and become solo officers more quickly than entry level applicants.

The hiring of additional police officers is a very high priority for BART, and we are making significant progress.

### **Recommendation 19-31:**

**BART must better educate the public on crime prevention to reduce opportunities for robberies and thefts on the transit system.**

#### RESPONSE:

In keeping with our longstanding practice, BART remains committed to using a variety of channels to educate the public on crime prevention and reducing opportunities for robberies and thefts. This includes frequent overhead Public Address announcements, safety tips that scroll on our platform digital signs, [posters](#) on board train cars, [social media messages](#), passenger bulletins inside stations, [website postings](#), a dedicated [Safety and Security webpage](#), in-station outreach and community outreach with [safety tip flyers](#) in [multiple languages](#), and frequent interviews with the media to spread the message beyond our riders. BART also has the following message in bold at the bottom of BART Service Advisories that are emailed out: Ride Safe: Download the BART Watch App, save 510-464-7000 for BART Police in your phone, and secure electronic devices when the train door is opening. More tips and info about what we are doing to help keep BART safe can be found at [www.bart.gov/ridesafe](http://www.bart.gov/ridesafe).

In May 2019 BART Communications and BART Police teamed up to renew the call for riders to protect their phone. A [public information campaign](#) was deployed, electronic theft data was shared, and we released [surveillance footage](#) showing how quickly the thefts can occur. BART Police Detectives walked trains handing out [cards advising riders](#) to be aware of their surroundings, so they can avoid falling victim to thieves who are after their cellphones. The index-card sized handout includes tips in multiple languages for keeping cellphones safe with an emphasis on the importance of looking up from your device near train doors and while waiting on station platforms.



BART Police and BART staff also participate in several community outreach events each year including [National Night Out](#), [Coffee with a Cop](#), [Trunk or Treat](#), having booths at local fairs and festivals handing out flyers with safety tips and special events during the busy holiday shopping season to remind riders to be aware of their surroundings. These education and outreach efforts work in tandem with BART's efforts to increase police staffing and visibility, as well as improvement and enhancement of security surveillance systems (cameras in all cars and comprehensive digital coverage in stations) to reduce crime in the system.

**Recommendation 19-32:**

**BART should continue the enforcement crackdown on fare evaders and improve its overall process for handling the collection of fare evasion fines.**

**RESPONSE:**

BART's primary fare payment enforcement tools involve Proof of Payment verification and Fare Evasion observation and detention, and there are important distinctions between the two.

Proof of Payment violations result in a civil citation, predominantly issued by our non-sworn Fare Inspectors. This occurs when our Fare Inspectors asks persons to present a ticket or Clipper card inside the paid area of BART or on BART trains. Our Fare Inspectors are limited in their ability to verify a person's identity, which results in civil citations issued to fictitious names. Our Fare Inspectors are trained on how to ask for valid identification and how to detect if someone is likely giving false information. If a Fare Inspector has reason to believe that a person is giving false information, the Fare Inspector can request an officer to respond and run an identification check. Civil citations for Proof of Payment are processed through an outside service contractor. Late payments are assessed an additional fee, and unpaid fines are referred to the Franchise Tax Board. The service contractor has a process to refer unpaid fines to collections agencies, and BART is considering that as an option.

Fare Evasion citations issued by our police officers are criminal infractions. This occurs when a police officer witnesses someone entering or exiting the paid area of BART without processing fare media. When police officers detain someone for fare evasion, the officer runs an ID check to confirm identity and to check for warrants. Consequently, fare evasion citations are most often issued to accurate names. Fare Evasion citations are processed through court, since they are a criminal infraction. Unpaid criminal citations have the potential of being sent to collections and/or becoming a warrant, at the discretion of the court. BART is not involved in the collection of fare evasion fines for criminal infractions.

As we continue to enhance enforcement efforts, in FY20 BART is expanding the number of Fare Inspectors by four and adding 19 more Police Officers. This will allow for more focused enforcement. BART also deploys managers, staff and additional police officers to select downtown San Francisco stations starting with the opening of revenue service to provide an active presence to deter early morning fare evasion. While resource intensive, this effort has resulted in measurable improvements to the passenger experience.

**Recommendation 19-33:**

**BART must continue and expand its initiatives to keep trains and stations clean and to respond more quickly to bio-hazard complaints.**

**RESPONSE:**

BART continues to focus on station and train cleanliness. Within the last two fiscal years, BART has restructured its system service department to achieve greater efficiencies in deploying train and station cleaning resources, committed additional resources for station brightening, station refresh, and maintaining station entrances, increased frequency of “deep” cleaning of cars from 120 to 90 days, increased frequency of end-of-line car cleaning coverage, and added permanent mid-line cleaning staff. Stations receive full cleanings each day involving a sweeping of the platforms, concourse, escalator steps and stairs, damp mop of any spills, and cleaning of elevator floors and panels. Any mess encountered will be removed and surface sprayed with the appropriate cleaning agent. We are also establishing a robust training system for station cleaners, instituting audits to ensure better results, and taking steps to make sure our workers have access to the most effective cleaning tools available. These changes also include new staffing levels for each station designed to make sure our cleaning teams are making the greatest impact.

Additionally, in May 2018 BART added a feature to its website and mobile website (and made it available on the official BART app when it launched November 2018) that allows customers to [report biohazards](#) to BART. The feature alerts cleaning crews of the biohazard so they can be immediately cleaned up. BART continues to work with local outreach organizations to address the spillover of the regional opiate epidemic into the system.

**Recommendation 19-34:**

**BART should continue to partner with social service agencies that serve the homeless, while strongly advocating for a comprehensive regional, rather than county by county, program to aid the homeless, especially those with mental health conditions.**

**RESPONSE:**

While BART supports a regional approach/strategy for this regional problem, BART operates in four, soon to be five, counties, each with varying levels of challenges with homeless populations. As a transit agency, BART has limited resources and our system is not a suitable shelter for homeless people. BART is committed to providing our riders with a safe and clean environment and a key part of that is developing a comprehensive strategy that includes connecting homeless people with support services. We are strongly advocating for a regional approach and are working with county agencies to develop a strategy and plan

BART is partnering with SFMTA and the City of San Francisco’s Department of Homelessness to provide two full-time Homelessness Outreach Teams (HOT) in the Downtown San Francisco and Mission St. stations. BART is also partnering with Contra Costa Health Services to provide one full-time HOT team in Contra Costa County. In FY20, BART will partner with Alameda County Healthcare Services Agency to provide one full-time team in Alameda County and with San Mateo County Human Services Agency and SFO for another full-time team in San Mateo County/SFO.



The comprehensive plan also brings a renewed focus on improving the station environment. That includes hiring new station cleaners to focus on our busiest stations and increasing the visible employee presence. BART is adding more community service officers to disrupt drug injection sites as well as recruiting additional police officers. BART is also positioning fully attended Pit Stop bathrooms above ground at major station entrances and exits in downtown San Francisco to provide safe and clean access to restrooms for the public.

**Recommendation 19-35:**

**BART must establish a method to track and report on emerging concerns within the *Customer Satisfaction Study report*, initially drawing on passenger comments that document new and persistent concerns of riders.**

**RESPONSE:**

This recommendation will be implemented as part of BART's next Customer Satisfaction Study, tentatively scheduled for fall of 2020, with the final report expected by June of 2021. The final report will include a section covering emerging concerns among BART customers. Emerging concerns will be determined by evaluating the following items in unison:

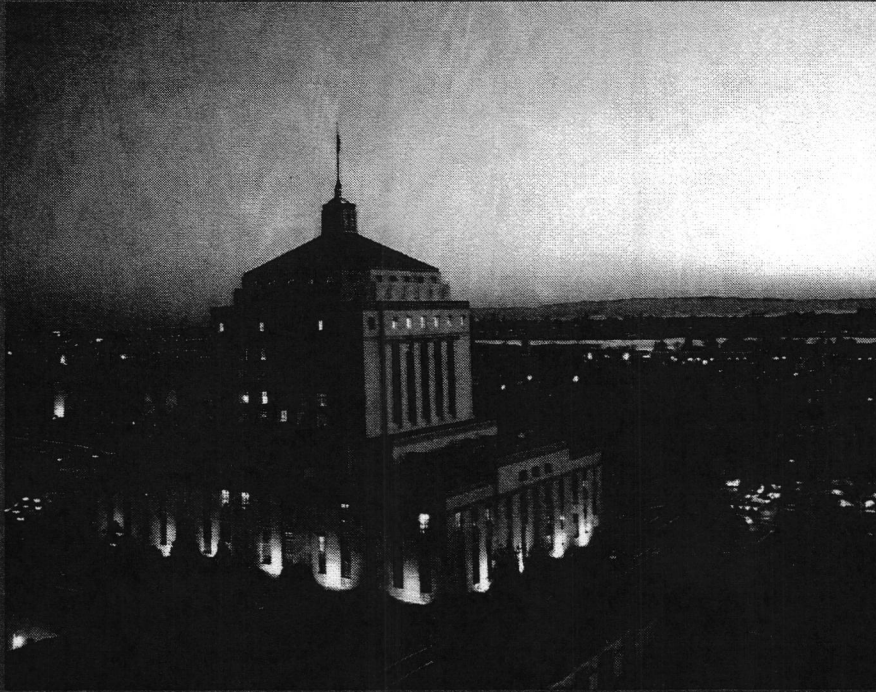
- Attribute rating trends;
- Verbatim comment category counts, including any new categories if applicable;
- Qualitative review of verbatim comments.

**Recommendation 19-36:**

**BART must increase the transparency of BART policies, decisions, and operations by making all Board-related documents and staff reports searchable, so information may be more easily found by the public using the BART website's search feature.**

**RESPONSE:**

BART has recently implemented an industry-standard product called "Legistar" that is a legislative document management system with robust search capabilities. This system is already linked to BART.gov in the area where agendas and Board packets are posted. This new solution, along with reposting all the previous PDFs as documents with Optical Character Recognition (OCR), will enable searchable PDFs, and a robust overall search tool. The District Secretary's Office has begun the process of re-creating and re-posting all agenda packets from mid-2011 to present, and all future agenda packets will continue to be created in a searchable format.



**ALAMEDA CITY COUNCIL  
INTERFERENCE**

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**OAKLAND UNIFIED  
SCHOOL DISTRICT'S  
BROKEN ADMINISTRATIVE  
CULTURE**

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**COUNTY MISMANAGEMENT  
LOSES MILLIONS FOR  
TERRORISM AND  
DISASTER TRAINING**

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**INDEPENDENT LIVING  
HOMES IN  
ALAMEDA COUNTY**

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**ALAMEDA COUNTY  
FOSTER CARE SYSTEM**

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## **2018-2019 Alameda County Grand Jury Final Report**

**COUNTY OVERSIGHT OF  
COMMUNITY-BASED  
ORGANIZATION  
CONTRACTS**

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**SANTA RITA JAIL**

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**CAMP SWEENEY**

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**CRIME AND QUALITY  
OF LIFE: IMPACT ON  
BART RIDERSHIP**

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## **CRIME AND QUALITY OF LIFE: IMPACT ON BART RIDERSHIP**

### **EXECUTIVE SUMMARY**

The last few years have been challenging for the Bay Area Rapid Transit (BART) system. The public was shocked by the news of a young woman's murder at the MacArthur BART station in July 2018, the same week that two men were killed by attackers in other BART stations. These tragedies drew attention to crime, safety and quality of life concerns by riders.

Violent crime on BART, including robberies and aggravated assaults, increased by 115% over the last five years. Perhaps not coincidentally, BART lost 8% of its ridership since its 2016 peak, even as the Bay Area population grew and several new stations were added to the system.

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*Violent crime on BART, including robberies and aggravated assaults, increased by 115% over the last five years.*

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The Grand Jury identified four interrelated quality of life issues that appear to discourage residents of Alameda County and the greater Bay Area from riding BART. These are not new issues, but have increasingly touched a nerve in current and former riders:

- (A) Homelessness
- (B) Cleanliness of the trains and stations
- (C) Fare evasion
- (D) Security and perception of safety.

The media is aware of these problems; local TV stations and newspapers routinely broadcast or publish reports on BART's problems.

BART's current riders are aware of these problems; public opinion as measured by customer satisfaction studies and letters to the editor consistently mention these quality of life issues and their negative impacts on rider satisfaction.

Most importantly, BART is aware of, and is trying to do something about these problems. Through its investigation, the Grand Jury sought to determine whether BART responded to these issues as quickly as it could, and whether there are other emerging customer satisfaction issues that BART should address. With the retirement of two top leaders – the general manager and the BART police chief – BART's Board of Directors (board) must ensure continuity of leadership on these issues, particularly crime and perception of safety.

## BACKGROUND

BART is a public agency that provides rapid transit rail service for the San Francisco Bay Area, with 48 stations and 121 miles of track. All five BART lines run in part through Alameda County, and serve county residents. BART is governed by a nine-member elected board of directors, with a general manager to oversee day-to-day operations. Funding for the transit system's \$768 million operating expense budget<sup>21</sup> in FY2019 comes from passenger fares (63%), parking (5%), other revenue (5%), and sales tax, property tax and other financial assistance (27%).

BART first opened nearly 50 years ago and the system now requires extensive and expensive infrastructure investments to maintain its services. At the same time, it is extending lines to new parts of the Bay Area (Warm Springs in 2017 and Antioch in 2018, with an extension to San Jose scheduled to open in late 2019 and a later extension to Santa Clara.)

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*Fewer passengers means less revenue for BART, which is counting on about 60% of its operating expenses to be covered by fares in FY 2020, compared to 74% five years ago.*

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BART's average weekday ridership has steadily declined from its Fiscal Year (FY) 2016 peak of 433,400 riders to 407,600 in FY 2019 (Table 1). This is a loss of 25,800 daily riders, or 6% fewer passengers each weekday than three years ago. Weekend ridership tells

a similar but more extreme story, with a peak in average weekend ridership in FY 2015, dropping by 23% since then, with 82,500 fewer passengers now riding BART on a typical weekend.

Forecasted ridership for FY 2020 is even lower, especially on weekends. This downward trend in ridership is occurring despite a 2% increase in the Bay Area's population from 2016 to 2018 and despite the new service line extensions.

Fewer passengers means less revenue for BART, which is counting on about 60% of its operating expenses to be covered by fares in FY 2020, compared to 74% five years ago. Between lower fare revenue and expected increases in operating expenses, BART anticipates facing an operating budget deficit this year and over the next few years.

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<sup>21</sup> Excluding bond debt service and allocations. The total budget including those costs is \$922 million.



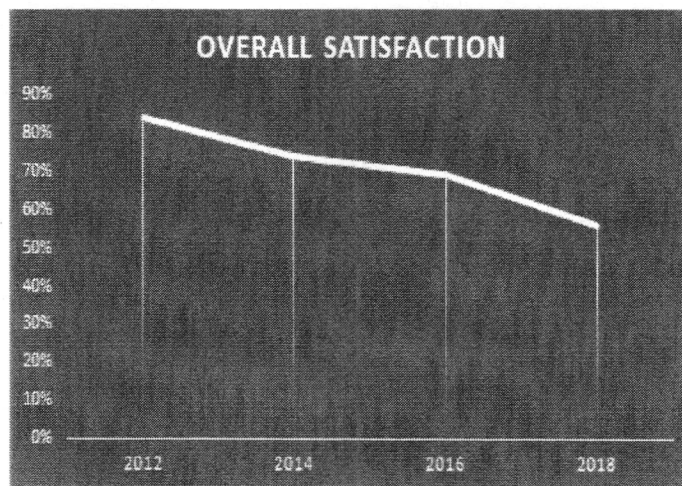
**Table 1. BART Ridership, FY 2014 to FY 2020**

Fiscal Year	Total Annual Ridership (millions)	% Change	Average Weekly Ridership	% Change	Average Weekend Ridership	% Change
2014	117	--	410,000	--	353,900	--
2015	126	7.6	423,100	3.2	359,100	1.5
2016	129	2.0	433,400	2.4	345,200	-3.9
2017	124	-3.4	423,400	-2.3	321,700	-6.8
2018	121	-2.9	414,200	-2.2	303,200	-5.8
2019 (projected)	118	-1.8	407,600	-1.6	276,600	-8.8
2020 (forecast)	116	-2.0	404,900	-0.7	256,500	-7.3

*Note: Average weekend ridership is the sum of Saturday and Sunday riders.*

BART management knows the major reasons for the recent decline in ridership:

- Rider satisfaction with BART fell from a high of 84% in 2012 to a low of 56% in 2018, as measured by the 2018 Customer Satisfaction Study (2018 Study), presented to the BART board on January 24, 2019. Respondents clearly identified homelessness, cleanliness, fare evasion, and security and perception of safety as the critical areas that needed improvement. Interestingly, BART's core function as a transportation system received generally high ratings, with the Clipper Card especially appreciated.
- Ride sharing services like Uber and Lyft cut sharply into ridership, especially on weekends and off-peak hours when traffic congestion is less of an issue so automobile travel is faster. Ride sharing services also capture many short trips during peak hours. BART still remains the quickest way to travel long distances during peak commute hours.



The Grand Jury was particularly interested in investigating the reasons for the public's dissatisfaction with BART that are within BART's ability to control, and how quickly BART responded to those problems, recognizing that some causes are beyond BART's control.

## INVESTIGATION

The Grand Jury examined BART public documents, including consultant reports, attended or viewed BART Board meetings and agendas, toured the BART Operations Center in Oakland and interviewed BART senior executives. The difficulty of finding relevant documents on the BART website hampered our investigation. Many board-related documents are saved as images, so the public cannot search for terms within written reports such as agendas, attachments, presentations, and minutes.

As part of its investigation, the Grand Jury looked at how BART's board and management addressed quality of life issues with budget initiatives from FY 2014 to the present. Generally, the budget initiatives proposed in each annual Fiscal Year Preliminary Budget Memo reveal the board's and management's priority projects for each year, with a description and roadmap for funding in the upcoming budget cycle. Once an initiative is approved, funding is usually renewed in subsequent years. Although not all new initiatives are ultimately implemented, these proposals are windows into BART's priorities.

A Customer Satisfaction Study that BART conducts every two years informs many of these priorities. Trends in responses are important indicators for management of which areas need improvement, and help set priorities to improve customer satisfaction. Proposed initiatives should align with customer concerns, especially regarding quality of life issues.

The Grand Jury reviewed customer responses to BART's Customer Satisfaction Study for 2012, 2014, 2016 and 2018 to see which aspects of the BART ridership experience were rated lowest. Each survey uses the same questions and methodology to ensure that results from different years are comparable. BART identifies targeted areas for improvement based on low customer rating of performance and high "derived" importance<sup>22</sup> to customers. Table 2 presents the lowest-ranked performance issues from surveys between 2012 and 2018, along with a summary of riders' most frequent written comments on quality of life issues.

Some issues of lesser concern to customers in the earlier years, as measured by low ratings, grew in importance. For example, on a scale where 1 is poor performance by BART and 7 is excellent, the public's rating of fare evasion enforcement steadily declined from 4.65 in 2012 to 4.47 (2014), 4.19 (2016), and 3.36 (2018).

Following are discussions of the major quality of life issues reported in the customer satisfaction studies, along with actions BART took in response to these problems in recent years.

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<sup>22</sup> The importance measure is statistically derived from a correlation of an issue with overall satisfaction with BART's performance.



<b>Table 2. BART Customer Satisfaction Study – Selected Responses, 2012-2018</b>			
Year	Overall satisfaction	Areas needing improvement (by importance)	Written comments (by frequency)
2012	84%	<ul style="list-style-type: none"> <li>• Cleanliness of facilities (train seats/floor/ interior, stations, restrooms, elevators)</li> <li>• Availability of space (luggage, bikes, etc.)</li> <li>• Police presence (train/station/parking lot)</li> </ul>	<ul style="list-style-type: none"> <li>• Police/security</li> <li>• Carpets/musty/doors</li> <li>• Seats on trains/crowding</li> <li>• Parking</li> </ul>
2014	74%	<ul style="list-style-type: none"> <li>• Cleanliness of facilities</li> <li>• Availability of seats/space</li> <li>• Police presence</li> <li>• Parking</li> <li>• Fare evasion enforcement</li> </ul>	<ul style="list-style-type: none"> <li>• Seats on trains/crowding</li> <li>• Police/security</li> <li>• Parking</li> <li>• Homeless/panhandling</li> </ul>
2016	69%	<ul style="list-style-type: none"> <li>• Police presence, personal security</li> <li>• Cleanliness of facilities</li> <li>• Availability of seats/space</li> <li>• Fare evasion enforcement</li> <li>• Parking</li> </ul>	<ul style="list-style-type: none"> <li>• Seats on trains/crowding</li> <li>• Police/security</li> <li>• Homeless/panhandling</li> <li>• Parking</li> </ul>
2018	56%	<ul style="list-style-type: none"> <li>• Addressing homelessness</li> <li>• Cleanliness of facilities</li> <li>• Police presence and personal security</li> <li>• Availability of seats/standing room/space</li> <li>• Fare evasion enforcement</li> <li>• Parking</li> </ul>	Comments not yet available (4/12/2019)

### Homelessness

The growing problem of homelessness is not unique to the Bay Area. Poverty, untreated mental health conditions and substance abuse are complex public issues, and have contributed to a nationwide increase in homelessness. Some people ride BART to stay warm and safe and to sleep on trains. However, passengers often do not feel safe sitting next to someone who is unkempt, using drugs or alcohol, or behaving erratically. Of the three homicides on the BART system in 2018, all three perpetrators were homeless, as was one of the victims.

Members of the BART Police Department are often called on to work with homeless and impaired people in the transit system. As with police departments elsewhere, this became increasingly difficult as the number of homeless with mental health and medical problems increased. BART's efforts have included:

- In 2014, BART Police hired a full-time Crisis Intervention Training Coordinator to coordinate homeless programs and partnerships with social service agencies throughout BART's service area, including Alameda County.
- In 2017 BART first partnered with the San Francisco Municipal Transportation Agency and Department of Homelessness and Supportive Services in creating a Homeless Outreach Team dedicated to the Powell and Civic Center BART stations. The team expanded to Montgomery and Embarcadero stations in 2018, and will add the 16th St. and 24th St. stations in 2019. Staff contact homeless people on BART property to offer housing, social, and health services that may benefit them. A similar outreach team began working overnight at Contra Costa County BART stations in January 2019 in partnership with the county's Coordinated Outreach, Referral, & Engagement program. BART is proposing to establish homeless outreach teams for Alameda and San Mateo Counties in FY 2020.

The Grand Jury is well aware that BART is not set up to provide social services, although BART perhaps could have introduced these measures sooner to help relieve the effect of this crisis on its patrons and on the homeless themselves. The outreach teams are a compassionate step in the right direction, but BART could and should advocate even more strongly for a regional solution.

#### Cleanliness of Trains and Stations

Riders are increasingly dissatisfied with the cleanliness of train interiors, stations, elevators, and restrooms. The 2018 Study included quotes from some riders who linked the dirty environment to the increase in homeless riders. However, since at least 2012, cleanliness has been a top concern for riders who responded to the survey. Eating and drinking on trains, while prohibited, nonetheless occur and contribute to the problems. As the system ages, cleanliness becomes more of a problem.

BART budget initiatives during the years we reviewed included measures to hire more cleaners and equipment as ridership grew. Over the last couple of years, as ridership declined and problems associated with the homeless increased, BART implemented several programs targeting cleaning and sanitation:

- Since FY 2017 BART has contributed to San Francisco Public Works' Pit Stop program, which provides attended restrooms for the homeless in San Francisco, including at the 16th St./Mission, Powell St., Civic Center and Embarcadero Stations.
- In April 2018 BART began funding elevator attendants at the Powell Street and Civic Center stations as part of a pilot program with the San Francisco Municipal Transportation Agency (Muni). As a result, the elevators are cleaner and passengers who ride them feel safer, according to a survey of riders at the Civic Center.
- In June 2018 BART created several rapid response cleaning teams to respond to biohazard and other complaints. Now, when customers report problems, a team is



dispatched to clean up the area as soon as possible, rather than leaving the problem for clean up at the end of the line, or possibly not until the end of the day.

- BART introduced a new staffing structure and an improved training program for car and station cleaners.

A bright spot for riders this year was the introduction into service of the first of 775 clean new cars to replace the existing ones, many of which have been in use since BART's 1972 opening. As many as 1,200 cars in total may be purchased, depending on demand and funding.

### Fare Evasion

Recent news reports about fare evasion at BART showed or described people pushing through emergency gates, jumping over fare gates and fences, or riding street level elevators directly into the station – all without paying their fares. Violators include people in a hurry to get to work, students who want to save money, and others who for personal or financial reasons decide not to pay their fare.

Some residents are of the opinion that fare evasion is not a priority, but customer survey data would say otherwise. Commuters and others who pay for their rides are frustrated by the unfairness of this behavior. Riders gave “enforcement against fare evasion” the largest service rating decline in the 2018 Study, compared to the earlier surveys. Furthermore, fare evasion contributes to a perception of lawlessness, and fear for personal safety. There are major financial consequences of lax enforcement as well; BART estimates that it loses \$25 million each year from fare evaders, representing 5% of passenger fare revenue<sup>23</sup>.

The Grand Jury learned from BART senior management that an estimated 15% of riders do not pay their fares, which means that approximately 17.7 million passengers annually are not paying, out of the 118 million total passengers. The comparable rate of fare evaders on similar transit systems is much lower (about 8%) according to the same source.

In response to this problem, BART adopted a two-pronged approach: cite fare evaders, and modify (“harden”) infrastructure to make fare evasion more difficult. Measures that BART recently initiated include:

- The Board adopted a proof of payment requirement, effective January 1, 2018. Not paying the proper BART fare now subjects the violator to a civil citation fine of \$75 for adults and \$55 for minors. Community service options are available instead of cash payments for those who cannot afford the fine or who prefer that option. An adult with a third violation in a 12-month period is issued a criminal citation, with a fine up to \$250 and/or community service. BART may pursue collection of unpaid fines from an individual's California personal income tax refund, through the CA Franchise Tax Board's Interagency Intercept Collection Program. However, that option does not yet appear to have been implemented.

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<sup>23</sup> Since fares are based on distance, the percentage loss of revenue is not necessarily equal to the percentage of riders not paying fares.

- Although BART police do issue fare evasion citations when they find a violator, BART hired six dedicated fare inspectors in 2018, and in September 2018 approved hiring ten more to conduct targeted night and weekend inspections. Four more inspectors are proposed for FY 2020. The cost of the fare inspectors is close to \$125,000 each, so the total complement of inspectors will cost approximately \$2.5 million annually.
- After two months of issuing warnings to persons who could not provide proof of fare payment, the fare inspectors began issuing citations to violators in March 2018. Results for the first six months were discouraging:
  - 3,813 citations were issued (90% to adults)
  - 89% of recipients ignored their citation
  - 9% of recipients paid the fine
  - 2% of recipients performed community service
  - Only \$29,000 was collected in fines.

These dismal results mean that only 0.04% of violators were caught during that first six months, according to BART's statistics; for every violator cited, 2,300 got away with not

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*Only 0.04% of violators were caught during the first six months ... for every violator cited, 2,300 got away with not paying.*

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paying<sup>24</sup>. BART recognizes that some passengers can't afford the full fare, so currently offers Clipper Cards with a 50% discount on fares for youths age 5 to 18 and a 62.5% discount for seniors 65 and over and persons who are disabled. The board is also looking into participating in a pilot program to

provide a 20% discount for low income persons.

- As a more permanent solution to fare evasion, BART undertook station hardening projects in FY 2018 and FY 2019 to make fare evasion more difficult, including raising railing heights in stations, installing alarms on swing gates and emergency doors, moving elevators into paid areas, upgrading the security camera network, and retrofitting fare gates by increasing air pressure to make them more difficult to force open. These and similar station hardening measures will continue in 2020 and beyond. BART is currently studying the costs and feasibility of replacing fare gates to prevent people from pushing through or jumping over them. In FY 2018, \$2 million was budgeted for these efforts, with an additional \$1.2 million in FY 2019.

While it is encouraging that BART is serious about responding to fare evasion, one step of enforcement – collecting fines from violators – is seriously lagging, as noted above. If violators face no real consequences for ignoring citations, then the estimated \$2.5 million annual investment in fare inspectors may not be a good use of the public's money, unless BART can demonstrate that the presence of inspectors deters fare evasion and other crimes. It appears that

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<sup>24</sup> For calendar year 2018, BART reported that 6,799 civil citations and 2,668 criminal citations (given to adult repeat offenders) were issued for fare evasion after 10 months, which is a slight improvement: 0.06% of violators were cited.



investment in station hardening and improved fare gates is a better permanent solution to the problem, perhaps in conjunction with fare inspectors.

### Security and Perception of Safety

While perception of security and actual passenger safety are different, riders closely link the two. Respondents to the 2018 Study cite “personal security in BART system” as the second largest service rating decline from the prior survey, just after fare evasion. Lack of visible police presence on trains and in stations has long been a concern of riders, according to the surveys. News reports of the three homicides in July 2018 and video in October 2018 of a man swinging two chainsaws while riding BART reinforced worries among Bay Area residents about their safety on BART.

BART police officers are the first responders to crime on BART property and trains. In 2018 BART police staffing was authorized for 228 sworn officer positions, of which 150 were patrol officers. The BART Police Department is still very much aware of its damaged relationship with residents throughout the Bay Area, particularly African-Americans, in the wake of the death of Oscar Grant, an unarmed man who was shot and killed by a BART police officer on January 1, 2009, at the Fruitvale BART station.

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*Violent crimes increased by 115% from 2014 to 2018, with robberies and aggravated assaults accounting for nearly all of those crimes.*

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Table 3 describes crime on BART from 2014 to 2018, derived from FBI Uniform Crime Reporting data. Violent crimes increased by 115% over that period, with robberies and aggravated assaults accounting for nearly all of those crimes. According to the BART website, “Much of the violent crime increase has been driven by snatch-and-run cellphone thefts that are considered robberies because they involve the use of force or fear.”

Non-violent property crime dropped slightly over the same period, with larcenies now accounting for 87% of this category. Larcenies include thefts without the use of force, of phones, computers, wallets, bicycles, etc. from distracted patrons on trains and in the stations.

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*In 2014, BART introduced its phone app “BART Watch” for riders to report and document crime as it happens so police are able to reach the scene faster.*

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**Table 3 – BART 5-Year Crime Data, Calendar Years 2014 to 2018**

<b>CRIMES</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>Change 2014-18</b>
Homicide	0	1	1	0	3	(a)
Rape	2	3	4	8	3	(a)
Robbery	153	161	232	290	349	+128%
Aggravated assault	71	73	93	121	130	+83%
<b>Subtotal – Violent Crimes</b>	<b>226</b>	<b>238</b>	<b>330</b>	<b>419</b>	<b>485</b>	<b>+115%</b>
Burglary	7	4	12	15	18	(a)
Larceny	2,597	2,325	2,217	2,593	2,590	+0%
Auto theft	522	480	480	420	354	-32%
Arson	0	0	1	4	4	(a)
<b>Subtotal – Property Crimes</b>	<b>3,126</b>	<b>2,809</b>	<b>2,710</b>	<b>3,032</b>	<b>2,966</b>	<b>-5%</b>

(a) Values are too small to compare over different years.

To address crime, BART has taken the following steps in recent years:

- In 2014, BART introduced its phone app “BART Watch” for riders to report and document crime as it happens so police are able to reach the scene faster.
- BART implemented a Safety and Security Action Plan in August 2018 partly in response to the three homicides. While it is not clear that BART could have prevented any of the deaths, BART police worked extensive mandatory overtime in the three weeks after the homicides to reassure riders with a greater police presence. The plan calls for improved surveillance cameras, police callboxes on station platforms, public safety awareness, and related measures, including fare evasion prevention.
- To determine whether there are enough police to patrol the system, BART commissioned a five-year strategic patrol staffing plan in 2017. The consultant<sup>25</sup> recommended adding 94 new patrol officers over the next 5 years – 18 or 19 each year – to reach the optimal patrol coverage for the BART system. BART management is requesting that the board authorize an additional 19 police officer positions in the FY 2020 budget to meet this recommendation.
- BART is taking steps to attract more police officer candidates, offering a hiring bonus (now \$15,000) for new officers and lateral transfers from other law enforcement agencies. The latest police union contract includes a 16% pay raise over the next four years, and a provision that allows BART to hire outside contractors to help with background checks

<sup>25</sup> Professor Eric Fritsch, Professor and former Chair of the Department of Criminal Justice at the University of North Texas presented the report to the BART Board on September 27, 2018.



for officer candidates, which should shorten the time to hire new officers after retirements and departures.

The Grand Jury believes that BART needs to accelerate its hiring of patrol officers to reduce crime, make riders feel safer, and restore their confidence in BART.

#### Budget Initiatives in Response to Rider Concerns

Generally, BART has paid attention to rider concerns expressed in the customer satisfaction studies. In the earlier years of the period we examined (FY 2014 to FY 2020), most quality of life budget initiatives supported more funding to clean BART stations and cars. This agreed with the survey responses from riders. Policing and security were important issues as well, both in survey responses and comments, but only recently did BART begin to fund additional officers and security infrastructure.

Although there were no questions on the customer satisfaction study about homeless issues until 2018, many patrons wrote in comments on the 2014 and 2016 surveys. BART prioritized some staffing to coordinate with other agencies on homeless issues. However, it wasn't until FY 2017 that funding to conduct homeless outreach was first requested (\$50,000). The following year, BART funded additional homeless outreach and staffing to report and control illicit activities at downtown SF stations (\$1.2 million).

Riders flagged fare evasion enforcement as an issue starting in 2014, but it wasn't until FY 2018 that specific initiatives to combat fare evasion (enforcement teams, \$0.8 million; station "hardening"/barriers, \$1.9 million) were first introduced. Previously, only BART police were responsible for issuing citations, in addition to their other duties. BART continues to identify fare evasion as a priority initiative, in part because of the revenue lost from people who do not pay.

As noted above, policing and security continue to be priority issues of concern to riders. Without additional officers, BART Police were limited in what they could do, especially as the violent crime rate grew in recent years. Their 2018 strategic patrol staffing plan laid out a blueprint for additional officers and assignments to provide effective coverage for the transit system, and BART is proposing to hire 19 officers next year pursuant to the recommendations.

For FY 2019 BART chose "Quality of Life on BART" as the main strategic focus of its budget, with a suite of projects to combat fare evasion (new inspectors, \$0.2 million; station hardening and fare gates \$2.2 million), improve security (\$11 million), and assist homeless-related projects (attended elevators and restrooms in downtown SF, outreach teams, and increased security to reduce encampments on BART property, \$1.6 million). While removing homeless encampments is not likely to directly affect ridership unless the camps are around station entrances, camps located near tracks and electrical infrastructure can be dangerous for occupants. BART's FY 2020 Preliminary Budget Memo continues to prioritize selected quality of life issues,

proposing funds for more station hardening projects, fare inspectors, additional patrol officers, and security infrastructure.

The Grand Jury is concerned that BART, with its responsibilities as a transportation provider and its emphasis on specific quality of life issues, may not be looking forward to emerging quality of life issues on the horizon, or to longstanding irritations that could affect ridership. For example, parking and seat availability, even with declines in ridership, are consistent concerns of riders, based on ratings and comments. However, news reports state that BART is considering removing parking at certain stations to allow for transit-oriented development. Similarly, BART removed seats on cars in 2017 to allow more room for standing passengers and for bicycles. The new BART trains do not increase the number of seats per car. The Grand Jury recommends that BART add a section on emerging concerns to the customer satisfaction study report, drawing on passenger comments to document their concerns.

Ridership on BART may continue to decline for reasons outside BART's control. However, the agency should aggressively design and fund strategies to make sure that riders don't leave because of their negative experiences on BART that are indeed within BART's control.

## CONCLUSION

BART is at the center of the Bay Area's transportation upheaval. A growing and far-flung urban population in need of transport to work, home, shopping and socializing has many modes from which to choose. Rising dissatisfaction with crime on BART, fare evasion, and the perception of dirty train cars and stations threatens to marginalize the agency amid the other choices available to riders. The Grand Jury notes that BART's Board of Directors, senior management and police have undertaken measures to address these issues, but the board has been slow to react to many problems. To win riders back, the board must convince the public that BART is once again clean and safe to ride and that a rigorous effort to stop crime, including fare evasion, is in progress. Furthermore, BART must do this while facing serious competition from industry disrupters like Uber and Lyft.

The seriousness of the issues facing BART was recently enhanced with the announced retirements of two key leaders. Extra diligence and resolve will be necessary to complete plans underway in an increasingly complex and competitive environment.



## **FINDINGS**

### Finding 19-30:

BART's police department staffing has been insufficient to meet crime levels, as reported by an outside expert, who recommended substantially more patrol officers and revamped patrol assignments.

### Finding 19-31:

Although overall crime on BART is up only slightly from 2014 to 2018, the incidence of violent crime more than doubled during that time. All crime is serious, but the potential for violent crime is particularly frightening to riders. The high volume of lesser offenses, especially thefts of items like phones, computers, wallets, etc., dramatically affects riders' perceptions of safety and well-being on the BART system.

### Finding 19-32:

Public concern about fare evasion has been one of the top issues on every customer satisfaction study since 2014. The lack of enforcement erodes confidence in BART and costs upwards of \$25 million, or 5% of passenger revenue.

### Finding 19-33:

Cleanliness of BART trains and stations was the concern most cited in the Customer Satisfaction Study from 2012 through 2018. BART introduced several initiatives to target cleaning resources where most needed and to prevent messes in the first place (e.g., elevator attendants, Pit Stop program). However, continuing dissatisfaction with cleanliness was repeatedly cited in the most recent survey, in large part due to an increase in the homeless population using BART facilities.

### Finding 19-34:

Board-related documents are difficult to find on the BART website because some, especially those related to the board, are not searchable.

## **RECOMMENDATIONS**

### Recommendation 19-30:

BART must increase police patrol officer staffing over the next five years to make the entire BART system safer, in accordance with the expert study it commissioned and received in 2018.

### Recommendation 19-31:

BART must better educate the public on crime prevention to reduce opportunities for robberies and thefts on the transit system.

Recommendation 19-32:

BART should continue the enforcement crackdown on fare evaders and improve its overall process for handling the collection of fare evasion fines.

Recommendation 19-33:

BART must continue and expand its initiatives to keep trains and stations clean and to respond more quickly to bio-hazard complaints.

Recommendation 19-34:

BART should continue to partner with social service agencies that serve the homeless, while strongly advocating for a comprehensive regional, rather than county by county, program to aid the homeless, especially those with mental health conditions.

Recommendation 19-35:

BART must establish a method to track and report on emerging concerns within the *Customer Satisfaction Study* report, initially drawing on passenger comments that document new and persistent concerns of riders.

Recommendation 19-36:

BART must increase the transparency of BART policies, decisions, and operations by making all Board-related documents and staff reports searchable, so information may be more easily found by the public using the BART website's search feature.

## **RESPONSES REQUIRED**

BART Board of Directors

Findings 19-30 through 19-34  
Recommendations 19-30 through 19-36

## **REQUEST FOR RESPONSES**

Pursuant to California Penal Code sections 933 and 933.05, the Grand Jury requests each entity or individual named below to respond to the enumerated Findings and Recommendations within specific statutory guidelines:

Responses to Findings shall be either:

- Agree
- Disagree Wholly, with an explanation
- Disagree Partially, with an explanation

Responses to Recommendations shall be one the following:

- Has been implemented, with a brief summary of the implementation actions
- Will be implemented, with an implementation schedule
- Requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a completion date that is not more than 6 months after the issuance of this report
- Will not be implemented because it is not warranted or is not reasonable, with an explanation



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