



**SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT**  
 300 Lakeside Drive, P.O. Box 12688  
 Oakland, CA 94604-2688  
 (510) 464-6000

2020

August 27, 2020

Lateefah Simon  
 PRESIDENT

Mark Foley  
 VICE PRESIDENT

Robert Powers  
 GENERAL MANAGER

Ann N. Granlund, Foreperson  
 2019-2020 Contra Costa County Civil Grand Jury  
 725 Court Street  
 P.O. Box 431  
 Martinez, CA 94553-0091

Re: Contra Costa County Civil Grand Jury Report No. 2003,  
 "Contra Costa BART Rider Concerns"

DIRECTORS

Debora Allen  
 1ST DISTRICT

Mark Foley  
 2ND DISTRICT

Rebecca Saltzman  
 3RD DISTRICT

Robert Raburn, Ph.D.  
 4TH DISTRICT

John McPartland  
 5TH DISTRICT

Elizabeth Ames  
 6TH DISTRICT

Lateefah Simon  
 7TH DISTRICT

Janice Li  
 8TH DISTRICT

Bevan Duffy  
 9TH DISTRICT

Dear Ms. Granlund,

In accordance with California Penal Code Sections 933.05(a) and 933.05(b), I am forwarding the BART Board of Directors' responses to the findings and recommendations contained in the 2019-2020 Contra Costa County Civil Grand Jury Report No. 2003, "Contra Costa BART Rider Concerns."

On behalf of the BART Board of Directors, I want to express my appreciation of the Grand Jury's interest in BART rider concerns as identified in the findings and recommendations of the report. As acknowledged in the report, in recent years BART has implemented a variety of strategies and programs to address these important quality of life issues. In addition to direct responses, the attached reply offers clarifications, additional relevant information, and summaries of the progress we've made in addressing many of these issues, and the remaining steps we intend to take to ensure that BART remains a safe, clean and reliable system.

Although the COVID-19 pandemic has had devastating impacts on our ridership and revenue, please rest assured that BART will continue to pursue these important initiatives to the extent that our financial condition permits. If you have any questions, please don't hesitate to call me at (510) 464-6168.

Sincerely,

Pamela Herhold  
 Assistant General Manager, Performance and Budget

cc: Board of Directors  
 General Manager  
 Deputy General Manager  
 Board Appointed Officers  
 Executive Staff

**Attachment A – Responses to 2019-2020 Contra Costa County Grand Jury Report No 2003, “Contra Costa BART Rider Concerns”**

**FINDINGS**

**Finding 1:**

**Customer Satisfaction Surveys reveal that Contra Costa County riders are increasingly dissatisfied with safety, cleanliness, and fare evasion on the BART system.**

RESPONSE: *Agree with clarification*

*NOTE: Our assumption is that “safety” as referenced in this Report refers to personal security in the BART system and not the safety of the trains themselves.*

BART’s Customer Satisfaction Surveys are noted as the source document for several conclusions and findings contained in the Report. For this reason, we offer the following comments on the data and /or its interpretation:

1. On page 5, the report states that satisfaction decreased to a low of 54% in 2018. This figure is 56%.
2. For the attributes rated on the questionnaire, a 1 – 7 scale is used, and only numbers 1 and 7 are anchored, with “Poor” and “Excellent,” respectively. The references to 4 = Neutral, 2 = Very Dissatisfied, and 3 = Somewhat Dissatisfied are not in the BART Customer Satisfaction Survey.
3. The average ratings used in Table 2 on page 6 are not consistent with BART data. It appears that they are based on unweighted data, and missing responses were not excluded, resulting in the average scores being lower than they are. However, these attributes did experience declines between 2016 and 2018, so that is not disputed.
4. Page 7, figure 2. “Cleanliness” in chart should read “Train Interior Cleanliness.”
5. Page 9, Cleanliness, last sentence should read: County scores were lower than non-county scores for cleanliness attributes related to train, but not for all cleanliness attributes.
6. On page 10, the score for Addressing Homelessness among County riders was 2.74, not 2.57. It is correct that it was the lowest rated attribute among County riders.

**Finding 2:**

**BART is actively addressing safety and cleanliness.**

RESPONSE: *Agree*

BART appreciates the Grand Jury’s recognition of our considerable efforts over the last several years in focusing on safety, cleanliness and other quality of life issues. Since Fiscal Year 2014, BART has invested an additional \$60+ million on ongoing and new programs to address safety and security, fare evasion, homelessness, and enhanced cleanliness. These efforts have occurred in tandem with an accelerated capital rehabilitation program and an unprecedented growth in ridership during the FY14-FY20 time period.

**Finding 3:**

**BART has no published strategic plan beyond 2020.**

RESPONSE: *Agree with clarification*

Prior to the COVID-19 pandemic, BART intended to update the Strategic Plan in FY21. However, prioritization of other immediate needs has moved to the forefront in the face of this unprecedented public health and financial challenge. BART continues to follow the 2015 Strategic Plan Framework vision, mission, goals and objectives. While the strategies are associated with FY16-FY20, they will remain in place for FY21 and/or until the time that BART updates the Strategic Plan.

**Finding 4:**

**Fare inspectors alone are not effective in deterring fare evasion.**

RESPONSE: *Agree*

As the finding suggests, fare evasion is a complex problem which does not lend itself to a one-dimensional enforcement solution. Due to a variety of factors affecting BART, including the size and scope of the system, relatively open design, changing social environment, and restrictions on enforcement, we have implemented a multifaceted strategy involving deployment of both human and physical capital to reduce fare evasion. Over the last several fiscal years, we've added funding for community service officers, dedicated fare inspectors, and additional police officers, as well as the commitment of substantial capital funds directly to station hardening and incorporation of hardening design and equipment into our ongoing station modification program. Modifications and additions include raised railings, alarmed swing gates, fare gate pressure increase, enclosure of platform elevators to paid areas, additional security cameras, and electronic service gates. As will be discussed in the related Recommendation, BART is also in the process of design and funding of new fare gates, which will have fare evasion mitigation features as a principal design and deployment objective.

Contact with fare evaders occurs in several different ways. Police Officers take enforcement action for fare evasion that occurs at the fare gates. Officer must witness a subject entering or exiting the paid area without paying, and then the officer can take enforcement action for the criminal infraction violation of fare evasion. On average we typically have about 26 police officers assigned to patrol stations during revenue hours. Each officer is responsible for 2 to 3 stations; we are unable to have an officer at every array of fare gates to prevent fare evasion. Officers do provide a vital role in deterrence and enforcement. Although our non-sworn Fare Inspectors lack the general authority of a Police Officer, they do have the ability to ask everyone within the paid area of the system to show proof of payment. Prior to the ordinance, fare evaders were only concerned with getting caught upon entry or exit, but now they may be stopped anywhere along their ride to show proof of payment. Reducing fare evasion will require Police Officers, Fare Inspectors, and station hardening. Even after station hardening, enforcement by Police Officers and Fare Inspectors will continue to be necessary.

**Finding 5:**

**BART has not allocated the funds to complete the fare gate modification program.**

RESPONSE: *Disagree partially*

As explained in BART's response to Recommendation No. 2, the faregate modification program was always envisioned as a regional responsibility mirroring the strategy used to fund the first generation faregate replacement program years ago. BART typically works with the county-level transportation authorities to partner in funding regional projects, but these funding packages rely on county-level funding opportunities. As one example, in March 2020, Contra Costa voters failed to pass a sales tax measure that included \$120M in funding for a "Cleaner, Safer BART" category that could have been used as the Contra Costa share to improve fare gate reliability and reduce fare evasion. Despite this setback, BART is fully engaged with Contra Costa and other regional partners and funding agencies to secure this funding to complete the plan and meet the expected implementation schedule.

BART has directed over \$35M of in-house funding in the program and has also worked diligently to bring program costs down from \$150M in September 2019 to a projected \$90M today. We are presently prototyping the new gates at the Richmond station, with positive results to date.

**Finding 6:**

**County riders want more police officers throughout the system- inside and outside the stations, and on trains.**

RESPONSE: *Agree with clarification*

BART recently commissioned a study by the University of North Texas to analyze and assess BART police staffing levels. The study recommendations included staffing increases and a layered deployment in order to increase officer presence inside and outside the stations and on trains. In response to the study (and with the support of our Board of Directors), additional officers will be deployed on trains and on cover beats. With the first increase of 19 additional officer positions, in January 2020 we created a Train Team of 10 officers, who are dedicated to riding trains throughout the system. As predicted, this first step has been very successful. Our next step is to add a second Train Team, so that we can expand program hours and increase coverage. In addition to Police Officer presence on trains, our uniformed Community Service Officers, Fare Inspectors, and Ambassadors provide visible presence and a deterrence to crime on our trains. The most recent BART customer survey showed an increase in officer presence, and the increase is attributed to all job classifications being highly visible in the stations and on trains.

**Finding 7:**

**Contra Costa County's revenue contribution to BART is increasing while overall fare collections are decreasing.**

RESPONSE: *Agree with clarification*

In the Report, **Table 1 – Fare Collections 2017 to 2019** depicts a methodology of tracking fare collections which differs from BART practice. Our data acquisition system accounts for each entry and exit as a completed trip and assigns revenue to the destination station. Doubling this revenue to determine any jurisdiction's revenue contribution is at best a rough approximation that assumes that all trips are round trips, which is not the case. When allocating trips and associated fare revenue to geographic segments of the system, the correct way to

allocate the trips is based on exit station location, the point at which the fare is determined. Each trip contains one entry station and exit station; allocating both entries and exits results in a double counting of trips associated with a geographic area.

Overall fare revenue from Contra Costa County did increase by 0.9% from FY17 through FY19. It was during this period in which BART opened the two-station eBART extension, which serves new and existing ridership originating from eastern Contra Costa County and beyond.

**Finding 8:**

**There is no evidence that BART has attempted to systematically survey non-riders.**

RESPONSE: *Disagree*

In 2019, BART conducted two online surveys which included non-riders. One of these used a purchased panel of four-county residents which included both riders and non-riders and focused on opinions and perceptions of BART, and reasons for not riding among non-riders. The base was adults age 18+ in BART's service area. Including both riders and non-riders is preferable to a survey focused on non-riders only, as the data can be weighted to the overall population.

The other survey was via a partnership with the Metropolitan Transportation Commission (MTC). This survey focused on work commuters in the four-county service area and asked about commute mode, reasons for choosing/not choosing BART, and overall satisfaction with BART (among those who ride BART at least once a year).

In addition to quantitative surveys, BART occasionally conducts small group discussions (focus groups) with frequent riders and infrequent riders. The infrequent riders sometimes include those who are riding BART less often than in the past. These discussions allow BART to gain insight into the factors that come into play when residents make transportation decisions.

The reason that these types of surveys haven't been done regularly or more frequently, is primarily due to cost and resources. Surveying existing and former customers is much more time and cost efficient. And while using a purchased online panel to reach non-riders can be done in a cost-effective manner, the quality of the data may be questionable in some instances. When low-cost opportunities arise to gain insight from non-riders, such as in the partnership with MTC described above, BART commits staff resources to this effort. This survey can't be scheduled regularly however, as the primary data collection effort by MTC is not expected to be repeated on a regular basis.

One key question asked of those who are riding less than before, or not at all, is reasons for change in frequency of riding BART. We do acknowledge though that those who have stopped riding altogether may be less likely to complete an online survey from BART.

## RECOMMENDATIONS

### **Recommendation 1:**

**The BART Board of Directors should consider publishing an updated strategic plan to address improvements to safety, cleanliness, and fare evasion over the term of the plan by December 31, 2020.**

RESPONSE:

Given the unprecedented financial uncertainty created as a result of the COVID-19 pandemic, BART is currently assessing whether adequate resources are available for this effort. If adequate resources are identified, BART may initiate an update in Calendar year 2021. BART's existing mission and goals do support focus in these areas which are ongoing priorities for the district. In the interim, the currently adopted Strategic Plan remains in place.

### **Recommendation 2:**

**The BART Board of Directors should consider continuing to modify or replace fare gates and establish a timeline and funding for implementation by December 31, 2020**

RESPONSE:

In the Fall of 2019, the BART Board designated as a priority the replacement of BART fare gates with Next Generation Fare Gates, which would deter fare evasion, improve maintainability and reliability of fare gates and improve passenger throughput. Following this direction, BART initiated a design effort.

On June 11, 2020, the BART team presented to the Board a pneumatic, swing-style fare gate design, which not only accomplished these goals, but also significantly reduced the cost estimate for replacing all fare gates throughout the system from \$150M to \$90M, saving 40%. The presentation also laid out a four-year implementation timeline, procurement/installation options and a preliminary plan for securing the needed funding. The preliminary funding plan proposes that, within the BART District, BART and the BART District counties to split the cost about 50%/50%. Non-BART District counties would be responsible for the full cost of new fare gates within their county. Implementation of the fare gates will be tied to the county funding availability and timing.

BART has identified and will allocate several funding sources to cover its \$35.2M share of the project, including Measure RR bond proceeds, Federal formula funds and BART allocations from operating to capital. BART has also initiated discussions with the three BART District County Congestion Management Agencies (CMAs) – the Contra Costa Transportation Authority (CCTA – \$7.4M share), the Alameda County Transportation Commission (ACTC – \$19.6M) and the San Francisco County Transportation Authority (SFCTA – \$12.5M) – to discuss potential approaches for funding the County shares.

The Santa Clara Valley Transportation Authority (VTA) will be responsible for the Santa Clara County share (\$5M) under the terms of the Operations and Maintenance Agreement between VTA and BART. BART plans to initiate funding discussions with the San Francisco International Airport (SFO) and the San Mateo County Transportation Authority (SMCTA) over the next few months to secure their proportional share of funding.

**Recommendation 3:**

**The BART Board of Directors should consider reconfirming its plan to add 19 police officers per year over the next five years, with 66 of them on the trains, by December 31, 2020**

RESPONSE:

BART remains committed to increasing police officer staffing but must do so within a financial environment of extreme uncertainty in the wake of COVID-19. In the period FY19-20 through FY20-21, BART has hired 95 police officers, which filled 67 routine vacancies and 28 new positions, and we are currently recruiting and hiring for 16 vacant positions. This rapid hiring pace was made possible by several significant steps undertaken to speed up police officer recruitment and onboarding. BART has successfully negotiated with our police labor association to allow the outsourcing of background investigations for police officer applicants, which has significantly compressed the time necessary to conduct these critical reviews. In addition, our most recent 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, who can be trained and deployed as solo officers more quickly than entry level applicants.

Due to remaining vacancies and our current financial situation, new FY21 additions beyond those described above are being delayed at this time but will be periodically reassessed with our FY21 budget as the full financial impacts of COVID-19 become known.

BART has also taken other measures to respond to passenger safety and security concerns. In FY20 BART also expanded the number of non-sworn Fare Inspectors by four. In addition, the FY21 budget includes 10 new ambassadors to increase presence on trains and promote measurable improvements to the passenger experience.

**Recommendation 4:**

**The BART Board of Directors should consider constructing station booths and staffing the booths with agents at the Pittsburg Center and Antioch eBART stations by December 31, 2021**

RESPONSE:

As part of the stations and operations planning and development process leading to the eBART extension, staffed station booths were considered. Ultimately, this option was not selected due to the increased capital cost of adding station booths, operating cost of staffing, and the limited return on what would require significant initial and recurring investments.

**Recommendation 5:**

**The BART Board of Directors should consider developing a plan to systematically survey non-riders by county by December 31, 2021, and implement that plan along with the 2022 Customer Satisfaction Survey.**

RESPONSE:

Recommendation 5 requires further analysis and consideration within the context of other budget priorities.

Results from a non-rider survey would not be directly comparable to the Customer Satisfaction Survey due to non-complementary methodologies and questionnaires. The reason for these differences is that the target respondents are not customers and the effort would require a different survey instrument, likely focusing on perceptions of BART and reasons for not choosing BART, rather than satisfaction with BART.

Implementing this recommendation will require additional research funding at a time when BART is dealing with greatly reduced revenue and unprecedented fiscal uncertainty. BART will consider implementing a complementary non-rider survey with the 2022 Customer Satisfaction Survey if our financial capacity permits at such time.