

DRAFT-FOR DISCUSSION PURPOSES

Proposed Cell Service Interruption Policy

The San Francisco Bay Area Rapid Transit District (the "District") recognizes that the availability of equipment inside the District's system facilitating cellular communications in its stations and trains (the "System Cellular Equipment") is a valuable and important service to District passengers, especially persons with disabilities, that should be interrupted only in the most extraordinary circumstances that threaten the safety of District passengers, employees and other members of the public, the destruction of District property, or the substantial disruption of public transit service. The District is also fully committed to its long-standing policy of allowing the exercise of First Amendment rights of expression in the areas of its stations where it can be done safely and without interference with the District's primary mission of providing safe, efficient and reliable public transportation services.

In accordance with these principles, it shall be the policy of the District that the District may implement a temporary interruption of operation of the System Cellular Equipment only when it determines that there is strong evidence of imminent unlawful activity that threatens the safety of District passengers, employees and other members of the public, the destruction of District property, or the substantial disruption of public transit services; that the interruption will reduce the likelihood of such unlawful activity; that such interruption is essential to protect the safety of District passengers, employees and other members of the public, to protect District property or to avoid substantial disruption of public transit services; and that such interruption is narrowly tailored to those areas and time periods necessary to protect against the unlawful activity. Any such interruption shall include measures to ensure the rights of the disabled to information and assistance.¹

Illustrative examples of such circumstances include, but are not limited to, strong evidence of use of cell phones (i) as instrumentalities in explosives; (ii) to facilitate violent criminal activity or endanger District passengers, employees or other members of the public, such as hostage situations; and (iii) to facilitate specific plans or attempts to destroy District property or substantially disrupt public transit services.

¹ Nothing herein is intended to restrict the District's ability to implement a temporary interruption of the operation of the System Cellular Equipment for maintenance or other operational reasons.