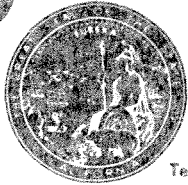


State of California



Fair Political Practices Commission

P.O. BOX 807 • SACRAMENTO, 95804 ••• 1100 K STREET BUILDING, SACRAMENTO, 95814

Technical Assistance •• Administration •• Executive/Legal •• Enforcement •• Statements of Economic Interest
(916) 322-5662 322-5660 322-5901 322-6441 322-6444

March 18, 1982

Robert S. Allen, Director
Bay Area Rapid Transit District
800 Madison Street
Oakland, CA 94607

Re: Advice Request
No. 82-1-004

Dear Mr. Allen:

Thank you for your letter requesting advice from this office. The following advice is provided pursuant to Government Code Section 83114(b).^{1/}

From your letter and our phone conversation, my understanding of the situation is as follows. You are the elected Director for Election District 5 of the Bay Area Rapid Transit District ("BART").

You are also employed by Southern Pacific Transportation Company ("SPT") as a clerk in Oakland and own 50 shares of SPT stock worth approximately \$1,500. SPT operates a commuter service between San Francisco and San Jose.

Next year you ^(may) will be President of the BART Board of Directors. You asked whether you would have a conflict of interest by calling hearings, initiating studies and correspondence and otherwise beginning the process toward a unified Bay Area transit system. What is contemplated is an "Around the Bay" loop. To complete the loop, you envision adding San Mateo and Santa Clara counties to the BART operation and, ^{possibly} purchasing the SPT commuter facilities and operation.

You also explained to me that BART will not be able to consider spending for extensions outside the present district until all extensions are completed within the district. It is estimated that these extensions will not be

^{1/}All statutory references are to the Government Code.

* Changes made pursuant to phone conversation w/ Allen
3/25/82 *(signature)*

Robert S. Allen, Director
March 18, 1982
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completed for at least 10 to 15 years. You estimate that the overall plan, which you intend to advocate, could not be realized for 20 to 40 years.

Section 87100 of the Political Reform Act contains the basic prohibition against conflicts of interest:

No public official at any level of state or local government shall make, participate in making or in any way attempt to use his official position to influence a governmental decision in which he knows or has reason to know he has a financial interest.

An official has a financial interest in a decision if it is reasonably foreseeable that the decision will have a material financial effect, distinguishable from its effect on the public generally, on:

(a) Any business entity in which the public official has a direct or indirect investment worth more than one thousand dollars (\$1,000).

. . .

(c) Any source of income, other than loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating two hundred fifty dollars (\$250) or more in value provided to, received by or promised to the public official within 12 months prior to the time when the decision is made.

Section 87103.

Under the facts presented, the governmental decisions which you are now asking about -- decisions to undertake studies or hold hearings -- will not foreseeably have a financial effect on SPT. The governmental decisions which could materially affect SPT, such as the decision to purchase the commuter line, will be made, if ever, in the distant future. In addition, a decision to purchase the commuter line is contingent on many other governmental decisions and events. Accordingly, there is not a substantial likelihood or probability that SPT will be affected by the decisions to call for hearings, request studies and otherwise work toward a unified transit system

Robert S. Allen, Director
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in the Bay Area. See Opinion requested by Tom Thorner,
1 FPPC Opinions 198 (NO. 75-089, December 4, 1975).
Therefore, you are not required to disqualify yourself from
any of these activities.

If I can be of further assistance, please feel free to
contact me.

Very truly yours,



Diane Maura Fishburn
Counsel
Legal Division

DMF:plh



BAY AREA RAPID TRANSIT DISTRICT
 800 Madison Street
 Oakland, California 94607
 Telephone (415) 465-4100 ext 521

02-21

JAN 6 9 05 AM '82
 January 4, 1982

Legal Division, FPPC
 PO Box 807
 Sacramento, CA 95804

EUGENE GARFINKLE
 PRESIDENT

ARTHUR J. SHARTSIS
 VICE-PRESIDENT

KEITH BERNARD
 GENERAL MANAGER

DIRECTORS

BARCLAY SIMPSON
 1ST DISTRICT

NELLO BIANCO
 2ND DISTRICT

ARTHUR J. SHARTSIS
 3RD DISTRICT

MARGARET K. PRYOR
 4TH DISTRICT

ROBERT S. ALLEN
 5TH DISTRICT

JOHN GLENN
 6TH DISTRICT

WILFRED T. USSERY
 7TH DISTRICT

EUGENE GARFINKLE
 8TH DISTRICT

JOHN H. KIRKWOOD
 9TH DISTRICT

Friends:

I seek your advice on a potential conflict of interest problem I face as a public official.

As an elected BART director, I represent over 1/4 million people in BART Election District 5. BART serves three counties: San Francisco, Alameda, and Contra Costa.

I am employed by Southern Pacific Transportation Company (SPT) and own under 100 shares of SP stock bought through payroll deduction. Furloughed October 1 in an SPT Engineering Department RIF, I now work as an SPT clerk in Oakland. I have no effective say in any of SP's corporate decisions.

SPT operates commute service between San Francisco and San Jose under contract with Caltrans and local agencies. This commute service is a minuscule part of the total SP operation.

Adding San Mateo and Santa Clara counties to the BART operation could greatly benefit public transportation in the Bay Area, enabling a regionally rational "San Jose - Around the Bay" loop. Presumably such a loop would use all or part of the SPT commute facilities and operation, which SPT offered a few years back to sell to any qualified transit agency.

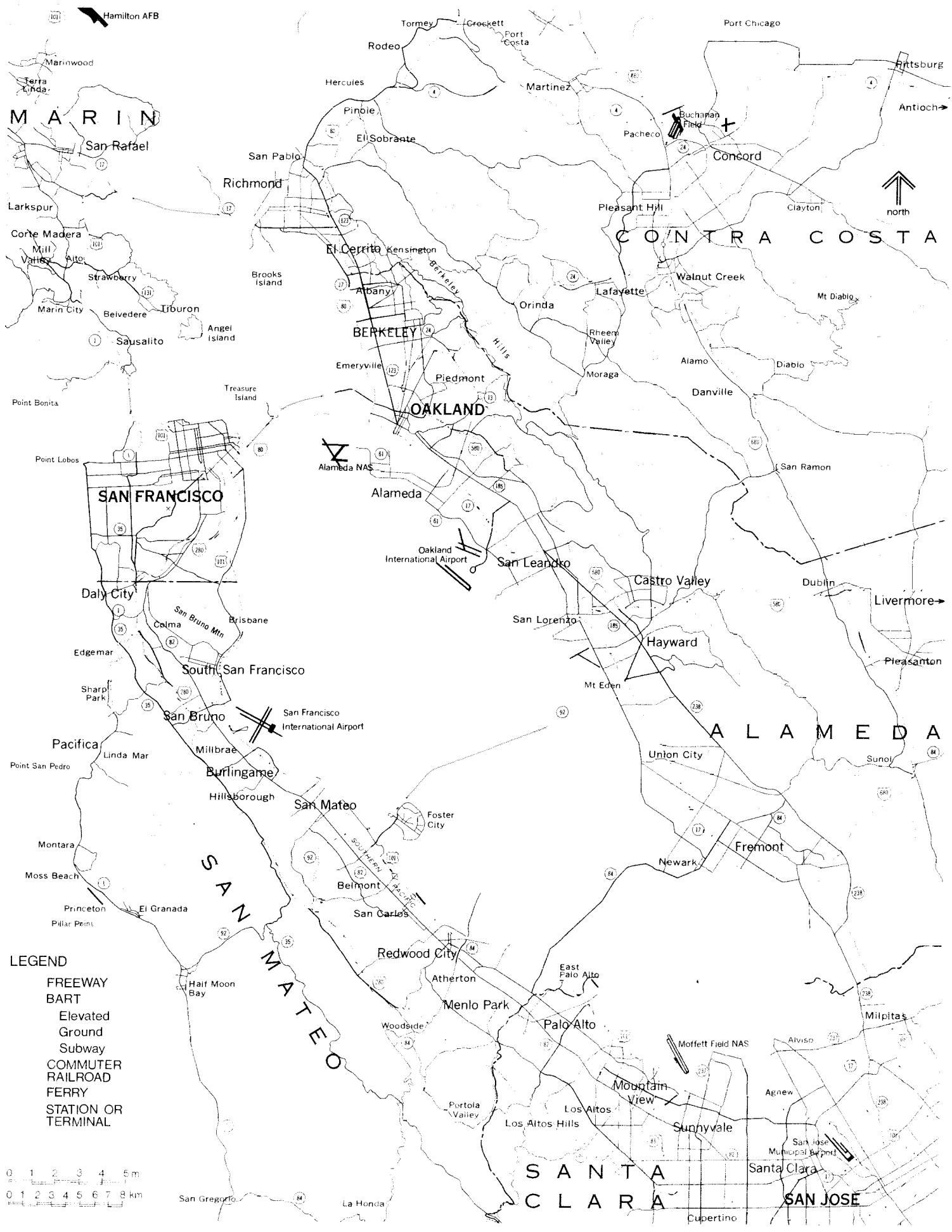
Do you see any conflict of interest problem if I:

- 1) Aggressively seek to add the two counties to BART operations? This might be by annexation or other service arrangement. By implication SPT's commute line would be involved.
- 2) Seek to influence specific BART routings which might include all or part of the present SPT commute line.

In good conscience I could do both, but I do not wish to violate the law even in so good a cause. Hence my request that you advise me, based on the facts as stated above.

Very truly yours,

Robert S. Allen
 Robert S. Allen



Hamilton AFB

MARIN

CONTRA COSTA

SAN FRANCISCO

OAKLAND

ALAMEDA

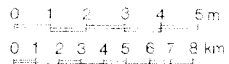
SAN MATEO

SANTA CLARA

SAN JOSE

LEGEND

- FREEWAY
- BART
- Elevated
- Ground
- Subway
- COMMUTER RAILROAD
- FERRY
- STATION OR TERMINAL



LOST & FOUND

Lost and Found is located at the 12th Street-City Center Station. It is open Monday through Friday from 12 noon to 6 p.m. Call 465-4100 for information on lost articles.

PARKING

There are parking lots at stations marked with a "P" on the map. Parking is free at all stations except Lake Merritt Station where it is 25¢. Special parking spaces are reserved for mid-day passengers and the handicapped. Parking lot restrictions are strictly enforced so please read all signs and obey curb markings.

IN CASE OF EMERGENCY

- An "Attendant Call" intercom is located at the end of each car to talk to train operator.
- Emergency door releases are located above seats next to door. Pull cover panel away and move lever in the direction of the arrow.
- If evacuation is necessary, please assist handicapped persons. Persons in wheelchairs should be carried. Do not evacuate wheelchairs.
- If it becomes necessary to leave the train, do not touch the electric third rail.
- Read "Emergency Procedure" poster in each car and follow instructions outlined.
- Each car has two fire extinguishers. Signs on doors at each end of the cars mark the location. Break plastic to remove extinguishers. Lead cars have an extinguisher in the cab.
- Please listen for announcements and if required, evacuation instructions.

Emergency Phones

Located in the Transbay Tube, Berkeley Hills Tunnel and subway areas are marked by a blue light. Lift receiver for direct line to BART Central.

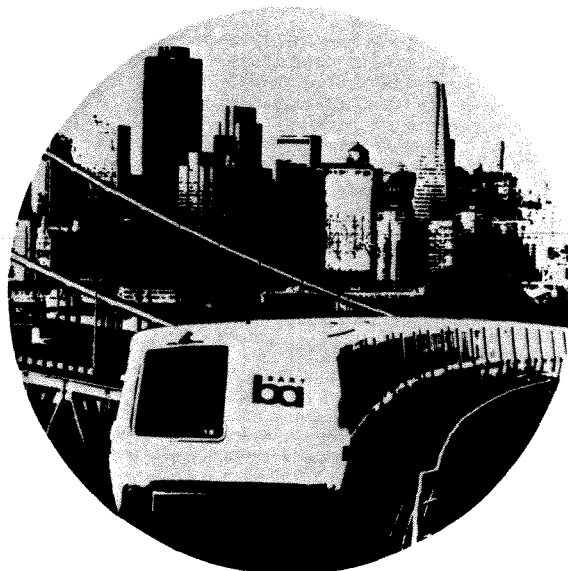
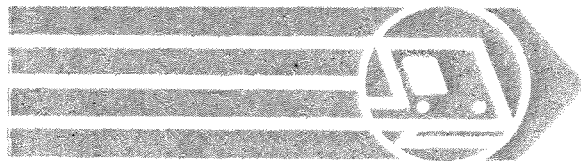
RIDING TIPS

1. Each rider must have a separate ticket.
2. You can not combine tickets.
3. Use the same ticket to exit as used to enter.
4. Discount does not apply when adding fare to red or green tickets.
5. One dollar will be automatically charged if you enter and exit the same station, whether or not you ride BART. If you decide to leave the station after entering without taking a ride, see the station agent or call us on the white courtesy telephone before exiting through the fare gates.
6. Ticket machines will accept nickels, dimes, quarters, \$1 & \$5 bills only.

The times which are published in BART brochures do not anticipate service disruptions, but are approximations for a normal trip. BART cannot assume responsibility for inconvenience, expense or damage resulting from errors in time estimates, delayed trains, failure to make connection or for changes in or shortage of equipment. Time schedule, equipment and fares shown in this document are subject to change without notice.

All about BART 1981

Includes fares,
travel times,
and information



800 Madison Street, Oakland, CA 94607

JULY
 ersc

PHONE INFORMATION

If you need information concerning BART and connecting bus service, call us:

Fremont/Union City area	793-BART
Hayward/San Leandro area	783-BART
Livermore/Pleasanton area	462-BART
Oakland/Berkeley/Orinda area	465-BART
Richmond/El Cerrito area	236-BART
San Francisco/Daly City area	788-BART
South San Francisco/San Bruno area ..	873-BART
Lafayette/Walnut Creek/ Concord area	933-BART
Antioch/Pittsburg area	754-BART
TTY	839-2220

BART & BUSES AND AMTRAK

From Richmond Station, board Amtrak trains to points east. Call 800-648-3850 for information.

In San Francisco stations, white MUNI machines sell a two-part transfer (good on buses, trolleys, cable cars) for 50¢.

At the Daly City Station only pick up a free two-part transfer. Get the transfers before you exit the fare gates. Use one part for a MUNI ride away from BART and use the other part for the ride back to BART.

In East Bay stations served by AC Transit get a free transfer from the white AC Transit machine before you exit the fare gate. It's good for a free ride from BART. Pay the regular bus fare to return to BART.

This transfer is good for a one zone ride on BART Express buses.

BART Express Buses connect five BART stations (Walnut Creek, Hayward, Bay Fair, Concord and El Cerrito Del Norte) with outlying communities in the East Bay. BART Express Bus fares for adults are 50¢ or 75¢ depending on how far you ride. Senior Citizens 65 and older, Children 5-12 years old, and the handicapped with Bay Region Transit Discount Card ride for 10¢ and 20¢. Children 4 and under ride free. Transfers from one Express Bus to another are available from the bus driver. BART Express buses will honor transfers from local transit lines in Western Central and Eastern Contra Costa County.

SPECIAL SHUTTLE SERVICES

El BARTito --

Free van service, 7:30 a.m. to 6:30 p.m., Monday through Friday from Hayward Station to County Administration Center. 553-1144.

Humphrey Go-BART --

Free bus service, from Berkeley Station, Monday through Friday to U.C. Berkeley Campus. 642-5149.

Walnut Creek Bus Service --

Free transfer from BART's Walnut Creek Station to downtown Walnut Creek. Monday through Saturday. 935-3300.

The Loma Ranger--

Van service, 6:30 a.m. to 8:40 a.m., 4:15 p.m. to 6:45 p.m., Monday through Friday, from Glen Park Station to Miraloma Park. Fare is a 50¢ BART/Muni transfer purchased at station and paid only on evening trip.

SAFETY & COMFORT

For your safety and comfort, please follow the few simple rules that will help keep BART safe, comfortable and clean for everyone.

- Smoking, eating, drinking or playing radios and tape recorders are not permitted in stations or on trains. Violation of the no smoking ordinance can lead to a fine of up to \$50.
- Pets completely enclosed within acceptable carrying cases and guide or signal dogs are the only pets permitted on BART.
- Please keep clear of the platform edge and the exterior of the train until it comes to a complete stop in the station.
- Please do not lean against the doors inside the train.
- Please do not leave papers on trains.
- Make sure you have not left any valuables in stations or on trains.
- Flammable liquids are not allowed in stations or on trains.
- Roller skating and riding skateboards are not allowed in stations or on trains.

