

I MADE THIS STATEMENT TO THE BART BOARD MEETING ON 1/22/09

To the BART Board, BART Staff and General Manager Dorothy Dugger

My name is Gene Pepi. I am a retired BART Station Agent, former member, shop steward and executive officer of Amalgamated Transit Union Local 1555. I am speaking as an individual today, but my experience as an employee and a union member informs what I am going to say.

The shooting and death of Oscar Grant the 3rd was horrible and inexcusable. I extend my condolences to Grant's family and the community at large. However what makes this a truly terrible situation is that it is BART's defacto practice of racial profiling and the evidence of racial profiling at BART, which made this shooting a predictable event.

After the 1992 shooting of Gerald Hall by BPD Officer Crabtree, the other shooting that took place and other incidents that occurred make it clear what the results of BART's practice of racial profiling and the evidence of racial profiling at BART are.

At the very least, the BART Board should do away with any racial profiling policy, practice or account for the evidence of racial profiling and should make public the costs of the court actions against BART because of its racial profiling practices, as in the case of Randell Allen versus BART, BART Police officers and others.

The shooting of Hall cost BART millions of dollars, as will this case. The cost of these cases should be made public and all such similar cases and their costs should be made public. This is a minimal initial step toward bringing a resolution to the challenge this represents for BART and the community, but not limited thereto. More can and should be done.

The public should know that BART has settled several cases of racial discrimination brought by employees against their supervisors, in "out of court" settlements. The costs and terms of these settlements should be made public. There is a deafening silence and environment of denial at BART in regards to these issues.

I encourage BART unions - Local 1555, SEIU Local 1021, and AFSCME, in particular, and all BART workers to use the joint union management safety committees and the contractual grievance and arbitration procedures to overturn BART's racial profiling practices, problems and/or policy, as they very clearly create unsafe working conditions for BART employees, particularly front line employees and station based employees like Station Agents. Consider this as a grievance filed with a desired resolution to be the abolition of racial profiling, but not limited thereto.

There have been calls from the community and BART BOARD for a panel to investigate this incident and create corrections to BART's policies. I agree with these calls, but add that any such type of panel be elected by and from the community affected and include elected representatives from BART unions and employees.

I know that no one at BART, including GM Dorothy Dugger, executive Paul Oversier, Police Chief Gary Gee and the elected BART Board want blood on their hands from shooting-death incidents or operations accidents.

Our hands are now dripping with it.

BART executives and the BART Board must act now to get rid of racial profiling practices or its existence in any form, guarantee safety for riders, employees and all and compensate for the damages done.

BART may try to discredit me and the statement I made today. Discredit away. It will not undo the community's justifiable anger, the shooting death of Oscar Grant and the 2 others, not undo the safety consequences for BART workers, nor cleanse the blood BART has on its hands. I encourage all BART employees to speak out.

"An Injury to one is an injury to all."

Gene Pepi, BART Retiree