



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

(2)

June 9, 2004

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Suzette S. Lin, Esq.
Legal Aid Society of
San Mateo County
521 East 5th Avenue
San Mateo, CA 94402

Re: Troy Wilkes

Dear Ms. Lin:

Thank you for your letter and enclosures to Mr. Mau of April 29, 2004 and enclosures regarding Mr. Wilkes' request for permission to use in-line skates in BART facilities. While we are sympathetic to Mr. Wilkes' need to use skates to limit pain and to increase his mobility, we must nonetheless deny his request.

As Mr. Goldstrom explained in his letter dated July 22, 2003, California Penal Code Section 640(b)(10) makes it illegal to roller blade on BART facilities and trains. Section 640(b)(10) excepts only bicyclists who are given permission by the District. As you know, the ADAAG, 49 CFR Section 37.5(h), provides: "It is not discrimination . . . for an entity to refuse to provide service to an individual with disabilities because that individual engages in . . . illegal conduct."

The District remains open to discussing with you and Mr. Wilkes alternative accommodations to allow him to utilize District facilities, but roller blading cannot be allowed.

Very truly yours,

OFFICE OF THE GENERAL COUNSEL

Thomas C. Lee, Attorney