

**SOUND TRANSIT
RESOLUTION NO. R2009-02 - Attachment A**

FARE ENFORCEMENT POLICY

1.0 PURPOSE

To facilitate the ease of boarding commuter rail and light rail facilities, Sound Transit will operate barrier free entry ways. This Fare Enforcement Policy therefore will:

- 1.1 Provide guidance and procedures to assure that all passengers riding the system pay the required fares established under the Fare Policy and as provided by state law.
- 1.2 Designate persons to monitor and enforce fare payment.
- 1.3 Establish a standard civil infraction form to be used by the designated enforcement officers.
- 1.4 Establish a schedule for fines and penalties for civil infractions.
- 1.5 Authorize the chief executive officer to establish, monitor and keep current such procedures as may be necessary to implement the Fare Policy and Fare Enforcement Policy.

2.0 POLICY

It is the policy of Sound Transit that all persons traveling on commuter rail and light rail facilities shall pay the established fare and that such persons shall produce proof of payment when requested by designated fare enforcement officers.

3.0 REFERENCES

Resolution Nos. R99-2-2 and R2009-01 establish Sound Transit's policy regarding fare payments for the commuter rail and Link light rail facilities of the regional high capacity transit system and are referred to herein as the "Fare Policy."

4.0 SCOPE

- 4.1 This Fare Enforcement Policy applies to all commuter rail and light rail facilities, which may include trains, stations, station platforms, and designated passenger waiting areas.

5.0 FARE ENFORCEMENT OFFICER

- 5.1 For the purposes identified in and consistent with RCW 7.80 and 81.112, Sound Transit may designate persons as Sound Transit Enforcement Officers to monitor and enforce its Fare Policy on commuter rail or light rail facilities. Under state law, Sound Transit may employ personnel for this purpose or contract for such services, or both. Persons designated as Fare Enforcement Officers are

authorized to exercise all the powers of an enforcement officer as provided in state law and under this Fare Enforcement Policy.

5.2 The following persons are hereby designated Enforcement Officers:

- a) Commissioned Sound Transit police officers,
- b) Other commissioned law enforcement officers within their jurisdictions, and
- c) Those persons so designated by the chief executive officer after successful completion of the comprehensive training program referenced in Section 11 of this Policy.

6.0 PROOF OF PAYMENT

6.1 Sound Transit shall use a proof-of-payment system on commuter rail and light rail facilities. Valid fare media may for example, include a properly validated ticket, a valid transit pass or ORCA card, or special event trip tickets. The chief executive officer is authorized to establish appropriate methods for demonstrating proof of payment and shall on a regular basis publish a listing of valid fare media in the agency's schedules and fares publications, the Sound Transit website or other similar publications.

7.0 FARE ENFORCEMENT

7.1 All persons traveling on Sound Transit commuter rail or light -rail facilities shall pay the fare established in the Fare Policy. All such persons shall produce a valid proof of payment when requested to do so by an Enforcement Officer.

7.2 Enforcement Officers are authorized to monitor and enforce this Fare Enforcement Policy consistent with federal, state and local law and the enforcement procedures adopted by the chief executive officer consistent with this Fare Enforcement Policy, including but not limited to, the following actions:

- a) Request proof of payment from any person on the facility;
- b) Request personal identification from any person who does not produce proof of payment when requested;
- c) Request that a person leave a facility when the person has not produced proof of payment after being asked to do so; and
- d) Issue verbal warnings or a notice of civil infraction.

7.3 The following shall constitute civil infractions punishable according to the fines and penalties established under this Fare Enforcement Policy and state law:

- a) Failure to pay the required fare;
- b) Failure to display proof of payment when requested to do so by an Enforcement Officer;

- c) Failure to depart a facility when requested to do so by a fare Enforcement Officer.

8.0 NOTICE OF CIVIL INFRACTION

- 8.1 Consistent with state law, Enforcement Officers may issue a notice of civil infraction when the civil infraction occurs in the officer's presence or the Enforcement Officer has reasonable cause to believe that a civil infraction has been committed.
- 8.2 Notices of civil infraction shall be issued on forms approved by the appropriate court.
- 8.3 Enforcement Officers shall monitor fare evasion and issue notices of civil infraction at all times consistent with this Fare Enforcement Policy, the procedures adopted pursuant to this Fare Enforcement Policy, and in strict accordance with state law.
- 8.4 All notices of infraction shall be filed with the shift supervisor at the end of the Enforcement Officer's shift.
- 8.5 Notices of infraction shall be logged daily in accordance with established record keeping procedures adopted pursuant to this Policy and filed with the appropriate court within forty-eight (48) hours of issuance, excluding Saturdays, Sundays, and holidays.

9.0 FINES AND PENALTIES

- 9.1 Any person who is guilty of committing a civil infraction under this Fare Enforcement Policy shall be subject to a monetary fine of not more than \$124.00. This amount includes a base amount plus 105% of the base amount for court assessments as required by state law.
- 9.2 In addition to other remedies and sanctions available under applicable federal, state and local law, a person who engages in any of the following may be suspended from the privilege of using the trains:
 - a) Receives three or more notices of infraction within a twelve month period;
 - b) Fails to pay the required monetary fine on more than one occasion within a twelve-month period;
 - c) Fails to timely select one of the options identified on the infraction for responding to the notice of civil infraction;
 - d) Fails to depart a facility when requested to do so by an Enforcement Officer.
- 9.3 Suspensions from the privilege to use the facilities may be ordered by an Enforcement Officer or other personnel authorized by the chief executive officer for a period of up to ninety (90) days. Notice of such suspension shall be in writing and shall inform the person suspended of the cause, the period of the

suspension, and that failure to comply shall be grounds for criminal prosecution. Service of the suspension notice may be accomplished by personal delivery or by mailing a copy, addressed to the person's last known address, by certified U.S. mail. Unless otherwise specified on the notice, the suspension shall take effect immediately upon actual or constructive receipt of the notice. A person may not defeat the effectiveness of a suspension by refusing to accept the notice. Receipt of the notice is construed to have been accomplished if the person knew or reasonably should have known from the circumstances that his/her privileges to enter upon the train had been suspended. Receipt of the notice is also construed to have been accomplished two (2) days after a suspension notice is placed in the U.S. mail.

- 9.4 A person whose use privileges have been suspended may submit a written request for a review of the suspension. The request for review must be received by the chief executive officer within ten (10) calendar days after the effective date of the suspension. Upon receiving a timely request, the chief executive officer shall designate a person(s) to review the suspension. The suspended person may orally present his/her reasons why the suspension should not be served, by phone or in person at a time and location mutually agreed upon with the reviewer. Within ten (10) calendar days after the suspended person presents his/her reasons, the reviewer shall make a decision affirming, modifying or terminating the suspension. The reviewer's decision shall be final.
- 9.4.1 Any person who fails to comply with a request to leave a facility or a suspension ordered issued under this Fare Enforcement Policy may be subject to prosecution for criminal trespass or other criminal charges.

10.0 ENFORCEMENT PROCEDURES

- 10.1 The chief executive officer is directed and authorized to develop procedures to implement this Fare Enforcement Policy and to take all other action as may be necessary to provide for enforcement and issuance of notices of civil infractions consistent with this Fare Enforcement Policy and applicable state, federal and local law. These procedures shall be developed to reduce fare evasion to the maximum extent possible, while at the same time, respecting the rights and dignity of all persons who travel on Sound Transit facilities. Procedures authorized by this Fare Enforcement Policy include, but are not limited to: those necessary to identify and detain suspected fare evaders, maintain records of infractions issued, and suspend persons from the privilege of using the trains.

11.0 TRAINING OF FARE ENFORCEMENT OFFICERS

- 11.1 The chief executive officer is directed and authorized to develop and implement a comprehensive training program which provides, at a minimum, that all Enforcement Officers be certified as having demonstrated knowledge and understanding of Sound Transit's Fare Policy and Fare Enforcement Policy and procedures and provides minimum qualifications for civilian non-commissioned Enforcement Officers.

- 11.2 The training program shall provide for continuing training to assure that Enforcement Officers maintain current knowledge and understanding as policies and state law are revised from time to time.
- 11.3 The training program may provide that Enforcement Officers who are employees of Sound Transit may be certified in a different manner and under different criteria than non-employees.

12.0 ADMINISTRATIVE REVIEW

- 12.1 The chief executive officer is directed to conduct regular reviews of the fare enforcement policies and procedures and effectiveness in ensuring that the agency is responsibly enforcing this policy and report the findings to the Board.