

**SOUND TRANSIT
STAFF REPORT**

RESOLUTION NO. R2009-02

Rail Fare Enforcement Policy

| Meeting: | Date: | Type of Action: | Staff Contact: | Phone: |
|---------------------|--------------|----------------------------|---|----------------|
| Executive Committee | 5/07/09 | Discussion/Possible Action | Ric Ilgenfritz, Executive Director | (206) 398-5239 |
| Finance Committee | 5/07/09 | Discussion/Possible Action | Greg Walker, Policy & Planning Officer | (206) 398-5070 |
| Board | 5/14/09 | Action | Ron Griffin, Chief of Police | (206) 398-5089 |

| Contract/Agreement Type: | Requested Action: |
|--------------------------------------|-----------------------------------|
| Competitive Procurement | Execute New Contract/Agreement |
| Sole Source | Amend Existing Contract/Agreement |
| Agreement with Other Jurisdiction(s) | Budget Amendment |
| Real Estate | Property Acquisition |
| | Establish or Revise Policy |

PROJECT NAME

Sound Transit Rail Fare Enforcement Policy

PROPOSED ACTION

Adoption of an updated Sound Transit rail fare enforcement policy that would provide for fare enforcement by Sound Transit police, Sound Transit fare enforcement officers, and commuter train conductors. Policies contained in this action supersede the proof-of-payment system in Sound Transit's Fare Policy as adopted in Resolution No. R99-2-2.

KEY FEATURES of PROPOSED ACTION

The fare enforcement policy:

- Provides guidance and authorizes procedures to assure that all passengers riding the rail system pay the required fares established under Sound Transit's Fare Policy and as provided by state law.
- Designates persons to monitor and enforce fare payment.
- Establishes a standard civil infraction form to be used by the designated enforcement officers.
- Replaces existing tiered fine and penalty structure with one consistent fine.
- Establishes guidance on addressing habitual fare evaders.
- Authorizes the chief executive officer to establish, monitor and keep current procedures as may be necessary to implement the Fare Policy and Fare Enforcement Policy, including rules on identification and detention, record keeping, etc.
- Directs the chief executive officer to conduct regular reviews of fare enforcement practices and effectiveness in ensuring the agency is responsibly enforcing this policy and to report the findings to the Board.

BUDGET IMPACT SUMMARY

There is no action outside of the Board-adopted budget; there are no contingency funds required, no subarea impacts, or funding required from other parties other than what is already assumed in the financial plan.

BUDGET and FINANCIAL PLAN DISCUSSION

Not applicable.

PROJECT DESCRIPTION and BACKGROUND for PROPOSED ACTION

Sound Transit established several fare-related policies in 2002 through the adoption of Resolution 99-2-2 which established provisions for barrier-free fare enforcement with a three-tiered graduated structure. Those policies included the establishment of zone boundaries, fares for Sounder commuter rail and Regional Express bus services, transfer policies, ride free zone authority and the designation of the proof-of-payment barrier free system in accordance with authority granted through RCW 81.112.210, 81.112.220, and 81.112.230. RCW 81.112.210 provides regional transit authorities with the power to require proof of payment.

The opening of Link light rail in July 2009 necessitates Board consideration of policies to comply with state statute and to direct the chief executive officer to implement procedures to enforce fare payment on Sound Transit's barrier free rail systems.

Designation of Fare Enforcement Officers

RCW 7.80 and 81.112 allow Sound Transit to designate persons as Sound Transit enforcement officers to monitor and enforce its fare policy on Sounder commuter rail or Link light rail trains. In the 2009 state legislative session, RCW 81.112 was amended to allow fare enforcement to occur on all Sound Transit facilities, including station platforms and designated passenger waiting areas. Sound Transit may employ personnel to provide fare enforcement or contract for such services, or both. These persons are authorized to exercise all the powers of an enforcement officer as provided in state law and this Fare Enforcement Policy. The proposed action designates the following persons as Sound Transit enforcement officers:

- Commissioned Sound Transit police officers;
- Other commissioned law enforcement officers within their jurisdiction;
- Those persons so designated by the chief executive officer after successful completion of the comprehensive training program.

Notice of Civil Infraction

Under the proposed policy and state law, the following constitute civil infractions:

- 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 the train when requested to do so by a fare Enforcement Officer.

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. The standard civil infraction form established by the Office of the Court Administrator will be used by Sound Transit enforcement officers with slight modification to add Sound Transit logo and identify the filing court. In King County, the Shoreline District Court is designated to process all civil infractions in the county. Juveniles are processed in the King County Juvenile Court.

Schedule of Fines and Penalties

The proposed action replaces the three tier structure established in Resolution No. R99-2-2 with a single fine of \$124. Resolution No. R99-2-2 established a three tier system of fines and penalties that escalated the fine for fare evasion for the second and third times a person was caught evading fare payment in any 12 month period. Staff reviewed procedures at other transit agencies with proof-of-payment systems and it became evident that maintaining the intended three tier fine structure would create a significant burden on resources to track habitual offenders. In addition, there was no guidance provided for what to do on the fourth or fifth time an individual was caught on the system without proof-of-payment.

The proposed action eliminates the current three tier structure and replaces it with a single fine of \$124 is consistent with most other minor traffic infractions in King County. For reference, Denver's maximum fine is \$100 per infraction and Portland's is \$250.

Rules of Identification and Detention

RCW 7.80.060 directs that each agency authorized to issue civil infractions adopt rules on identification and detention. The rules of identification and detention included in the proposed action are consistent with established law enforcement rules in effect in the state of Washington.

Enforcement Procedures and Training of Enforcement Officers

The proposed action directs the chief executive officer to establish procedures and training required to implement this policy.

Prior Board/Committee Actions

| Motion/Resolution Number and Date | Summary of Action |
|--|---|
| M2009-1 March 26, 2009 | Established Link light rail fares. |
| R99-2-2 June 13, 2002 | Established schedule of fines and penalties; zone boundaries; adult, reduced and special fares; transfer policy; ride free zone authority; and proof-of-payment system. |

CONSEQUENCES of DELAY

The existing policies, adopted in 2002, will remain in effect if the proposed action is not approved. Delaying adoption of the rail fare enforcement policies could impact the ability to realize revenue forecasts and decrease the effectiveness of the Sound Transit police.

PUBLIC INVOLVEMENT

No public outreach has taken place that is specific to this proposed policy. The policy impacts internal operations of the agency and offers formal compliance with state statute.

ENVIRONMENTAL COMPLIANCE

KK 5/30/09

LEGAL REVIEW

SS 5/1/09