

Motion No. M2020-74

A motion of the Board of the Central Puget Sound Regional Transit Authority (1) directing the chief executive officer to provide the Board with (a) a fare enforcement and engagement report (b) a recommendation for a new fare enforcement/engagement program and an accompanying implementation plan, and (c) draft language updating the Board's Fare Enforcement Policy, all for consideration by January 2022, and (2) suspending issuance of civil infractions for fare evasion for the entire length of the Fare Engagement Ambassador Pilot Program and until the Board can vote on an updated fare enforcement policy.

Background

As part of Sound Transit's continuous improvement process and based on Board member and community concerns, the agency set up an internal interdisciplinary workgroup to evaluate current fare enforcement policies, procedures, protocols, and gather community feedback to identify where improvements should be made.

As a result of this work, the agency developed the Fare Enforcement Action Plan to achieve the following vision: A system where everyone taps—where everyone who has fare media can get to where they want to go, and everyone who needs fare media can get access to it.

The action plan outlines multiple steps the agency will take, including:

- Increase the number of warnings from 1 to 2 in a 12-month period
- Suspend the practice of calling law enforcement for fare evasion-only situations (for both youth and adults)
- Participate in an income-based fare pilot
- Expand communications and public education on how to access and use an ORCA card
- Develop a youth-focused fare engagement program
- Allow riders to complete their trip even if they received a warning or citation
- Define parameters to suspend citations and warnings during extreme weather
- Add new signage clearly marking paid areas, and
- Evaluate and clarify the process for addressing complaints regarding fare enforcement

The agency is also developing a Fare Engagement Ambassador Pilot Program. In 2021, the pilot program will replace fare enforcement officers with ambassadors who will conduct fare inspections, provide education, and focus on warnings as a fare evasion deterrent. Fare engagement ambassadors will be Sound Transit staff, have new uniforms, and receive enhanced training on anti-bias and de-escalation.

These actions are important steps toward creating a more equitable fare enforcement program, but do not address concerns with the high cost of a citation or how citations are resolved. Riders with no- or low-income are at greater risk of not being able to pay their citation, ending up in court and possibly becoming involved with a collection's agency. The impact of criminal penalties or financial hardship caused by collections and credit damage has inequitable and lasting adverse consequences and should be discontinued as a response to fare evasion.

The Board intends to update the Board's Fare Enforcement Policy to reflect the changes already underway and consider recommendations for a new citation resolution process without court adjudication and a lower fine amount that is no more than \$50. More work is required before these changes can be made, including updates to state statute and implementation of the Fare Engagement Ambassador Pilot Program. In order to keep this urgent work moving forward, the Board directs the chief

executive officer to provide a fare enforcement and engagement report, a recommendation for a new fare enforcement/engagement program and an accompanying implementation plan, and draft language updating the Board's Fare Enforcement Policy. The report, program recommendation, accompanying implementation plan, and draft policy should be brought to the Board for consideration by January 2022. Sound Transit must suspend issuance of civil infractions for fare evasion for the entire length of the Fare Engagement Ambassador Pilot Program and until the Board can vote on an updated fare enforcement policy.

Motion

WHEREAS, public transportation plays a critical role in increasing mobility, especially for individuals and families who lack a private means of transportation, who have no- or low-income, who live in communities without essential goods and services, and who must travel for school, work, and other opportunities; and

WHEREAS, the vision of Sound Transit's Fare Enforcement Policy, like the vision of the agency, is to provide high-quality public transportation that is accessible to all; and

WHEREAS, Sound Transit's Equity and Inclusion Policy (Agency Policy 606) states that the agency is committed to "applying a racial equity lens to decision-making" and must "seek to discover and eliminate agency policies, structures and practices that perpetuate inequities" and "identify, develop and apply best practices, processes, and tools that demonstrably make a positive difference for employees, stakeholders, riders and the community to reduce prevalent and persistent systemic inequity and outcome gaps"; and

WHEREAS, Sound Transit is dedicated to ensuring the agency's fare enforcement policies and procedures do not adversely affect historically disadvantaged and marginalized communities, including indigenous peoples, people of color, people with limited-English proficiency, immigrants and refugees, people experiencing homelessness or housing instability, people with little or no income, and people with disabilities; and

WHEREAS, riders with no- or low-income are at greater risk of not being able to pay their citation, ending up in court and possibly becoming involved with a collection's agency; and

WHEREAS, the impact of criminal penalties or financial hardship caused by collections and credit damage has inequitable and lasting adverse consequences and should be discontinued as a response to fare evasion; and

WHEREAS, Sound Transit understands communities of color have recent and long-standing histories with racially biased policing, and the agency's fare enforcement work is grounded in that reality; and

WHEREAS, any fare enforcement policies impacting children and youth must be age appropriate with procedures, services, consequences, and resolution pathways accounting for developmental differences; and

WHEREAS, as part of Sound Transit's continuous improvement process and based on community and board member concerns, the agency formed an internal interdisciplinary workgroup to evaluate current fare enforcement policies, procedures and protocols and gather community feedback to identify improvements; and

WHEREAS, Sound Transit led a community engagement process that resulted in 1,100 completed onboard surveys, 8,000 completed online surveys, and six listening sessions with residents from underrepresented communities in Pierce, King, and Snohomish Counties; and

WHEREAS, Sound Transit found that in 2019, only 2.22% of inspected riders did not have valid pay when checked and during the community engagement process the top reasons given for not having proof of payment were related to customer confusion about how and where to pay; and

WHEREAS, the Seattle Times reported that “While 9% of people who ride light rail and Sounder commuter trains are black, 22% of riders caught up in the fare-enforcement system over the last four years [2015-2019] were black, according to rider surveys and enforcement data collected by Sound Transit”; and

WHEREAS, reporting by the Seattle Times found that “A small share of Sound Transit riders encounter fare enforcement each year and fewer still are warned, cited or charged. But disparities worsen with each step, with black riders receiving 19% of warnings, 43% of tickets and 57% of theft cases over four years”; and

WHEREAS, the six listening sessions with residents from underrepresented communities in Pierce, King, and Snohomish Counties found that riders of color have felt racially profiled on Sound Transit, have experienced negative behaviors and actions from fare enforcement officers, have found fare enforcement officer uniforms triggering because they too closely resemble police and suggest Sound Transit eliminate their policy to call law enforcement to fare evasion-only situations; and

WHEREAS, Sound Transit understands that to address prevalent and persistent systemic inequity, the voices of historically disadvantaged and marginalized communities most at risk of adverse impacts from policy decisions must be centered; and

WHEREAS, Sound Transit values community feedback and used community input to develop and begin implementation of the Fare Enforcement Action Plan; and

WHEREAS, the agency has suspended the practice of calling law enforcement for fare evasion-only situations for both youth and adults and is decoupling security from fare engagement; and

WHEREAS, in response to COVID-19, the agency suspended issuance of infractions; and

WHEREAS, in 2021, Sound Transit will implement a Fare Engagement Ambassador Pilot Program that replaces fare enforcement officers with ambassadors who will conduct inspections, provide education, and focus on warnings as a fare evasion deterrent; and

WHEREAS, fare engagement ambassadors will be Sound Transit staff, have new uniforms, and receive enhanced training for anti-bias and de-escalation; and

WHEREAS, the Sound Transit Board approved Motion No. M2020-22 authorizing participation in an income-based pilot program; and

WHEREAS, these actions are important steps toward creating a more equitable fare enforcement program, but do not address concerns with the high cost of citations or court adjudication.

NOW THEREFORE, it is hereby moved by the Board of the Central Puget Sound Regional Transit Authority as follows:

Section 1: The chief executive officer is directed to provide the Board with a fare enforcement and engagement report detailing:

- a. Implementation of the Fare Enforcement Action Plan
- b. Findings from the Fare Engagement Ambassador Pilot Program
- c. Any other fare enforcement and engagement related activities
- d. Cost-benefit and cost-effectiveness analysis of the fare enforcement program, and
- e. A recommendation for a new fare enforcement/engagement program

The report shall also include an equity analysis and a summary of community engagement efforts related to reforming fare enforcement and how community feedback, especially from historically disadvantaged and marginalized communities, was used to inform revisions and proposed changes.

Section 2: The chief executive officer is directed to provide the Board with a recommendation for a new fare enforcement/engagement program and an accompanying implementation plan.

The recommendation must include an equity analysis and proposed:

- a. Warning methods, including consideration of written rather than verbal warnings
- b. Citation fine amount
- c. Method(s) for resolving fare evasion violations without court adjudication
- d. Alternative citation resolution options such as an early pay incentive, non-monetary resolution options, crediting the citation dollar amount to the rider's ORCA card, and allowing qualified riders to enroll in ORCA LIFT or the income-based pilot program
- e. Process for appealing a citation
- f. Alternatives to suspension of riders for fare evasion, and
- g. Metrics and reporting requirements for ongoing evaluation and Board involvement, including measurements that will help determine disparate impacts

The implementation plan must outline the necessary steps and proposed timeline as well as describe of any required legislation, budget, or Board policy changes.

Section 3: The chief executive officer is directed to provide the Board with draft language updating the Board's Fare Enforcement Policy. The draft policy must include the policy approaches listed below, and may also offer alternate approaches resulting from community engagement and pilot program findings:

- a. Lower the citation fine amount to no more than \$50
- b. Remove court adjudication for fare evasion-only cases
- c. Increase warnings from one to at least two in a 12-month period
- d. Make a recommendation to update, remove, or replace the suspension policy
- e. Remove law enforcement officers as fare enforcement officers and clearly state that law enforcement officers cannot be called to fare-evasion only situations, and
- f. Add reference to bus rapid transit

Section 4: The report, recommendation for new fare enforcement/engagement program, accompanying implementation plan, and draft policy should be brought to the Board for consideration by January 2022. The Board should receive, at minimum, quarterly status updates until presented with a proposal. Sound Transit must suspend issuance of civil infractions for fare evasion for the entire length of the Fare Engagement Ambassador Pilot Program and until the Board can vote on an updated fare enforcement policy.

APPROVED by the Board of the Central Puget Sound Regional Transit Authority at a regular meeting thereof held on December 17, 2020.

Kent Keel
Board Chair

Attest:

Kathryn Flores
Board Administrator