

STAFF REPORT
SOUND TRANSIT
RESOLUTION NO. R99-2-1

Proof of Payment System

Meeting:	Date:	Type of Action:	Staff Contact:	Phone:
Executive Committee	7/21/00	Discussion/Possible Action to Recommend Board Approval	Betty Laurs, Communications, Marketing, and Human Resources Director	206-398-5120
Board	7/27/00	Action	Patrice Hardy, Government Relations Specialist	206-689-4928

PROPOSED ACTION

The proposed action is the adoption of a Sound Transit policy for fare inspection, fare evasion and a schedule of fines. This action would amend and supersede Sound Transit's adopted fare policy (Resolution No. R99-2). Adoption of this resolution would authorize the Executive Director to establish procedures for fare payment personnel to enforce the fares and issue citations for non-payment consistent with the adopted policy and the fine schedule.

KEY FEATURES

Highlights of Policy:

- ◆ Requires proof of payment on Sound Transit rail vehicles.
- ◆ Establishes a schedule of fines for non-payment of fares on Sound Transit rail vehicles.
- ◆ Authorizes the Executive Director to develop and implement procedures for fare payment personnel to enforce the fares and issue citations for non-payment.
- ◆ Amends and supersedes Resolution No. R99-2.

Discussion of Proposed Action:

In September 2000, Sound Transit will introduce Sounder Commuter Rail service to the Puget Sound Region. This is a different transit service than is currently available in the region, including the way fares are collected and enforced. By Resolution No. R99-2, the Sound Transit Board adopted the fare policy for Sound Transit services. At the time of adoption of the fare policy, the legislature had not yet approved the use of a "proof of payment" system of fare collection. The fare policy includes "placeholder" language intended to be updated –pending action by the legislature on proof of payment authorization. This action would amend the adopted fare policy to provide for a proof of payment system consistent with the authorizing legislation.

In 1999, Sound Transit asked the state legislature for the authority to operate a “barrier free” rail system and to provide for proof of fare payment. A “barrier free” system is a system without turnstiles or operators who collect fares on the vehicles. This type of system simplifies boarding the train, and saves money on both capital and maintenance costs. In a barrier free system, passengers are expected to purchase their pass or ticket prior to entering the vehicles. The legislature granted Sound Transit authority to implement a barrier free rail system in RCW 81.112.210-.230. The statute specifically authorizes the Board to establish, by resolution, a schedule of fines and penalties for non-payment of fare, and to establish a proof of payment system providing for monitoring fare payment.

Nationally, proof-of-payment fare collection is used on a number of rail systems serving major cities. To ensure enforcement of the proof of payment fare collection process, Sound Transit fare inspectors will regularly board the vehicles and ask passengers to display their ticket or pass. Passengers who do not have proof of payment in the form of a ticket or pass will be subject to issuance of a citation for a civil infraction, which carries a monetary fine.

Prior to the beginning of service and during initial implementation, Sound Transit will provide opportunities for new riders to learn how to pay their fares on rail vehicles. The agency will implement a public awareness and education plan with the objective of informing bus and rail passengers about the regional transit options available to them. In addition to reducing problems with riders not paying their fares, the education program is an opportunity for the agency to promote ridership and to foster good community relations.

In addition to providing education for the riders, Sound Transit will provide training to the BNSF conductors on fare collection consistent with Sound Transit fare policy and procedures. The emphasis is on providing good customer relations, while at the same time checking for proof of payment.

As service is implemented, Sound Transit will gain valuable experience with fare collection. The agency will use that experience to identify the need for revisions to the Sound Transit fare policy as new services are introduced.

Fine Schedule

To discourage fare evasion, Sound Transit needs to adopt a schedule of fines as authorized by RCW 81.112.210(1). Passengers not showing proof of payment may be issued a citation for a class 1 civil infraction. In accordance with the applicable statute, fines for class 1 civil infractions may not be greater than \$250. Fines will be paid to the district court having jurisdiction to hear and determine civil infractions as provided by law. The proposed schedule of fines is as follows:

NUMBER OF CITATIONS WITHIN A TWELVE MONTH PERIOD	FINE
1 st Citation	\$ 50.00
2 nd Citation	\$ 100.00
3 rd Citation	\$ 250.00

The proposed fine schedule attempts to balance the need to discourage non-payment of fares with the desire to provide customer friendly service. Attachment “A” shows examples of fines imposed by other rail properties (commuter rail and light rail) from around the nation.

It should be noted that Sound Transit's implementation of a proof-of-payment and establishment of a schedule of fines will not preclude other lawful charges for non-payment of fares. As provided in RCW 81.112.230, nothing in the proof-of-payment statute will prevent law enforcement authorities from prosecuting for theft, trespass, or other charges by a passenger who fails to pay the required fare more than once within a twelve-month period.

BUDGET

There is no additional budget cost associated with fare enforcement. The cost of Sounder fare collection enforcement is included in the payment to BNSF for operating crew services. The adopted 2000 Budget includes \$1,632,000 for BNSF (year 2000 only) but that figure also includes commuter rail operations, dispatch and trackage fees, as well as fare enforcement by BNSF conductors.

There is no potential revenue associated with fines for non-payment of fares. Any fines collected will be paid to the district court in whose jurisdiction the citation is issued to cover administrative costs associated with processing the citations. This arrangement is consistent with the agency's presentation to the state legislature when requesting proof of payment legislation.

ALTERNATIVES

The Board may establish a fine schedule different from the proposed schedule consistent with the \$250 maximum penalty for a class 1 civil infraction.

CONSEQUENCES OF DELAY

The 1999 legislation authorizing proof of payment operations requires that the Board adopt a fine schedule to implement a proof of payment system. If the Board does not adopt a fine schedule, Sound Transit will be unable to legally exercise its statutory authority to issue citations for non-payment of fares. Starting in August, staff will be working with BNSF railroad to develop training for the Sounder Commuter Rail conductors. The availability of an adopted proof of payment policy and schedule of fines is essential for effective training in monitoring fare payment.

REGIONAL PARTNERSHIP AND COOPERATION

Proof of payment is a part of Sound Transit's overall regional fare policy. The regional fare policy was developed as a joint effort between Sound Transit and the other local transit operating agencies.

PUBLIC INVOLVEMENT

Prior to bringing this issue before the legislature, staff met with representatives from the Washington Prosecuting Attorneys Association, Washington Trial Lawyers Association, Washington Council of Police and Sheriffs, the Association of Washington Cities and the Washington State Association of Counties. Each of these groups supported Sound Transit seeking the authority to implement a proof of payment system.

Sound Transit is also implementing a rider information plan with the objective of educating and informing bus and rail passengers about the regional transit options available to them. This

strategic plan incorporates enhanced customer information/response activities (in concert with our transit partners) through toll-free telephone, trip-planning assistance, walk-in service, web-site information and e-mail inquiries. A rider information book, entitled "Get Ready to Ride" is in production to provide Sounder and ST Express riders a comprehensive and handy reference guide for fares, transfers, station and transit center locations, as well as route maps and timetables. This new publication will be available in time for our transit partners' September 2000 service change and fall service.

In addition, a new "How to Ride" video has been prepared for Sounder Commuter Rail passengers. This instructional video provides a six-minute overview of practical tips for riding Sounder commuter trains including tickets, fares, and safety information. The video will be used as part of youth and community outreach program. It will also be distributed to public libraries and cablecast on government access cable channels within the region.

LEGAL REVIEW

MBL 7/10/00

SOUND TRANSIT

RESOLUTION NO. R99-2-1

A RESOLUTION of the Board of the Central Puget Sound Regional Transit Authority establishing fare policy, pricing for fares related to Sound Transit public transportation services, a proof of payment system and a schedule of fines and penalties for civil infractions for non-payment of fares on Sound Transit rail services, and amending and superseding Resolution No. R99-2.

WHEREAS, a Regional Transit Authority ("Sound Transit") has been created for the Pierce, King, and Snohomish Counties region by action of their respective county councils pursuant to RCW 81.112.030; and

WHEREAS, on November 5, 1996, Central Puget Sound area voters approved local funding for Sound Move, the ten-year plan for regional high-capacity transit in the Central Puget Sound region; and

WHEREAS, Sound Move calls for "seamless system" through development of a uniform single ticket fare system among local and regional transit providers and development of an integrated fare policy for the entire public transit network; and

WHEREAS, Sound Move further identifies revenue forecasts and operating costs to determine farebox recovery ratio; and

WHEREAS, the Board has identified the components of a "seamless system" as comprised of integrated fare policy; service integration, and common fare media; and

WHEREAS, Community Transit, Everett Transit, King County Metro, Pierce Transit and Sound Transit have adopted a Fare Integration Framework establishing a series of regional passes for use on all transit services within the Sound Transit district; and

WHEREAS, the Finance Committee reviewed financial effects of the alternative Sound Transit fare proposals on Appendix C of the Sound Move plan and financial plan targets; and

WHEREAS, the Public and Government Affairs Committee reviewed the public outreach plans for fare policy public review; and

WHEREAS, the Executive Committee reviewed the alternative proposals for public review; and

WHEREAS, the Board identified fare policy options and initiated discussion of such options with the public; and

WHEREAS, an extensive public review process was conducted throughout the Sound Transit district including outreach to subarea groups and individuals at park and ride lots, transit centers, and malls; displays at employer locations and malls; and three public hearings; and

WHEREAS, Sound Transit desires to establish a fare policy and pricing of fares for regional express bus services and commuter rail services which will begin operations in 1999; and

WHEREAS, pursuant to RCW 81.112.210 -.230 Sound Transit is authorized to implement a proof of payment system for persons traveling on Sound Transit trains and to establish, by resolution, a schedule of fines and penalties for civil infractions for non-payment of fares and to establish a proof of payment system providing for monitoring fare payment; and

WHEREAS, the fare policy builds from, and is consistent with, the fare integration framework adopted by all of the transit agencies.

NOW, THEREFORE, BE IT RESOLVED that the Board of the Central Puget Sound Regional Transit Authority hereby amends and supersedes Resolution No. R99-2, establishes a fare policy and system of basic rates for fares for Sound Transit public transportation services, and a proof of payment system for monitoring fare payment schedule of fines and penalties for civil infractions for non-payment of fares on Sound Transit rail services effective with the commencement of Regional Express bus service and Sounder Commuter Rail service in 1999 as follows:

A. Zone Boundaries – Exhibit A

B. Adult cash and pass fares – Exhibit B

C. Reduced fares

- a) Children age 4 and under: Up to four children free with an accompanying fare paying adult.
- b) Senior/Disabled – age 65 or older, or qualifying disability with appropriate identification – Exhibit B.

D. Transfers

- a) Transfers between Sound Transit and other agencies will be governed by separate regional fare integration agreements to be established between transit agencies connecting with Sound Transit.
- b) The Executive Director is authorized to establish a transfer system for Sound Transit routes. Such a system shall allow passengers to continue a trip by transferring to a Sound Transit bus or train and receive credit for the first fare paid. The fare system will specify a time limit for such transfers.

E. Ride Free Zones

- a) The Executive Director is authorized to establish ride-free zones ensuring a safe, secure, and convenient trip for customers given one or all of the following conditions:
 - Cost of fare collection is greater than the revenue to be collected, or
 - Sound Transit will provide a minimal amount of total service through an existing ride free zone, or
 - Local jurisdictions and Sound Transit work out an agreement to cover lost revenue.

F. Employer/Institutional Programs

- a) The Executive Director is authorized to establish discounts for individual corporations, institutions, or mass purchases of passes when deemed to be in the interest of Sound Transit, subject to the following criteria:
 - Up to a 20% discount could be offered to employers/institutions who provide a 50% or greater subsidy of pass purchases.
 - Employers/Institutions could provide passes to all their employees or students at a price no lower than the fare revenue that would be expected from their transit users if the employer did not subsidize pass purchases.

G. Special Fares

- a) The Executive Director is authorized to establish special rates and procedures for promotional and marketing campaigns that occur from time to time.

H. Proof of Payment System

- a) Sound Transit shall use a proof-of-payment system for Sound Transit rail services. The legislature granted Sound Transit the authority to implement this barrier free rail system in RCW 81.112.210 - .230. The statute specifically authorizes the Board to establish, by resolution, a schedule of fines and penalties for non-payment of fare, and to establish a proof of payment system providing for monitoring fare payment.
- b) Pursuant to applicable law, a schedule of fines and penalties for civil infractions is established as set forth in Exhibit C.
- c) The Executive Director is authorized establish procedures for implementation of a proof-of-payment system for Sound Transit rail services and take other action as necessary to provide for enforcement of fare payment and issuance of citations consistent with this policy and applicable law.

ADOPTED by the Board of the Central Puget Sound Regional Transit Authority at a regular meeting thereof held on the 27th day of July, 2000.

ATTEST:

Marcia Walker
Marcia Walker
Board Administrator

David Earling
David Earling
Board Chair

**SCHEDULE OF FINES
EXHIBIT A (staff report)**

TABLE 1.1

TRANSIT PROPERTY	FINES	ACTION TAKEN
Altamont Commuter Express Stockton, CA.	162.50 Each occurrence	Turn citation over to local court for processing.
Bay Area Rapid Transit (BART) San Francisco, CA.	200.00 Each occurrence	Turn over to local court in each county.
Caltrain – (operated by Amtrak) Northern & Southern California	NONE	Removed from service at the next stop.
Connecticut Department of Transportation New Haven, CT	150.00	Violator cited to local court. Judge has fine discretion.
Mass Transit Administration, Maryland DOT Baltimore, MD	75.00	Violator given grace period by Transit Agency of three days to pay Super fare. If not paid it is given to local courts for fine assessments.
Metropolitan Transp. Auth. Long Island Rail Road New York, NY.	250.00	Violator cited to local court.
North San Diego County Transit District San Diego, CA	100.00- 250.00	Turn citation over to local court for processing.
Northern Illinois Regional Commuter Rail Corp. Chicago, IL.	NONE	Arrested for theft of service.
Northern Indiana Commuter Transp. District Chicago, IL.	NONE	Arrested for theft of service.
Southeastern Pennsylvania Transportation Auth. Philadelphia, PA.	Cited	Determined by local court Judge.
Tri-County Commuter Rail Authority Miami, FL.	275.00	Violator cited to court for fine assessment.
Virginia Railway Express Washington, DC	285.00	Local court Judge has fine discretion.
MTA Santa Clara, CA.	250.00	Fine can be adjusted by local court Judge.

*** Most fines are set high and reduced by the local court Judge. Judges generally determine fine on number of violations.**

Schedule of fines table 1.1 is designed to give the reader an understanding of the current fines used nationally and the actions taken by the Transit Agency when non-payment of fares occurs.

Monetarily, fines are not created to retrieve lost fare collection. However, they serve as one of several types of tools that educate the public on the importance of paying fares when using the transit system.

Fines are designed to serve five purposes:

- ☐ Increase difficulty of theft of service;
- ☐ Increase perceived risk to violator;
- ☐ Detour repeat violators;
- ☐ Reduce rewards associated with theft; and
- ☐ Reduce rationalization that facilitates theft of fare.

Nationally, crime statistics demonstrates the largest loss of tax dollars is greatly increased by theft of service. Theft of service can be reduced without adding more security personal but creating a sub-conscious mindset within the transit commuters.

EXHIBIT B
Fare Schedule

Zones	Cash Price (Adult/Youth/Senior Disabled)	Monthly Pass (Adult/Youth/Senior Disabled)	Three-Month Passes (Adult)	Annual Pass (Adult)
Regional Express ¹				
Travel within 1-Zone	\$1.25/\$.75/\$.50	\$45/\$27/\$18	\$135	\$495
Travel within 2-Zones	\$2.00/\$1.50/\$1.00	\$72/\$54/\$36		\$792
Travel within 3-Zones	\$2.50/\$2.00/1.25	\$82.50/\$72/\$45 (9/1/1999) \$90/\$72/\$45 (9/1/2000)		\$908
Sounder				
Travel within 1-Zone	\$2.00/\$1.50/\$1.00	\$72/\$54/\$36		\$792
Travel within 2-Zones	\$3.00/\$2.25/\$1.50	\$108/\$81/\$54		
Travel within 3-Zones	\$4.00/\$3.00/\$2.00	\$144/\$108/\$72		

One-week and Two-week Regional Passes will be available from Sounder Ticket Vending
Machines in the following denominations with the following prices:

Sounder	Cash Price (Adult/Youth/Senior Disabled)	One-Week Pass (Adult)	Two-Week Pass (Adult)
Travel within 2-Zones	\$3.00/\$2.25/\$1.50	\$30	\$60
Travel within 3-Zones	\$4.00/\$3.00/\$2.00	\$40	\$80

¹Fares on Route G1, which will operate in substantially the same form as King County Metro's current Route 226, will remain at applicable King County fare levels, until such time as significant improvements in service levels are made or significant speed and reliability enhancements are made along the route. At such time, the Executive Director shall recommend for board approval an increase in fares for this route.

Exhibit C
Schedule of Fines for non-payment of fares on Sound Transit vehicles

NUMBER OF CITATIONS WITHIN A TWELVE MONTH PERIOD	FINE
1 st Citation	\$ 50.00
2 nd Citation	\$ 100.00
3 rd Citation	\$ 250.00