

**SOUND TRANSIT  
STAFF REPORT**

**RESOLUTION NO. R2009-02**

**Rail Fare Enforcement Policy**

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

<b>Contract/Agreement Type:</b>	<b>Requested Action:</b>
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**

<b>Motion/Resolution Number and Date</b>	<b>Summary of Action</b>
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

**SOUND TRANSIT**

**RESOLUTION NO. R2009-02**

A RESOLUTION of the Board of the Central Puget Sound Regional Transit Authority adopting a Fare Enforcement Policy for Sound Transit commuter rail and light rail facilities (Attachment A of this Resolution) and superseding the proof-of-payment section of Sound Transit's Fare Policy as adopted in Resolution No. R99-2-2.

WHEREAS, the Central Puget Sound Regional Transit Authority, hereinafter referred to as 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, Sound Transit is authorized to plan, construct, and operate a high-capacity system of transportation infrastructure and services to meet regional public transportation needs in the Central Puget Sound region; and

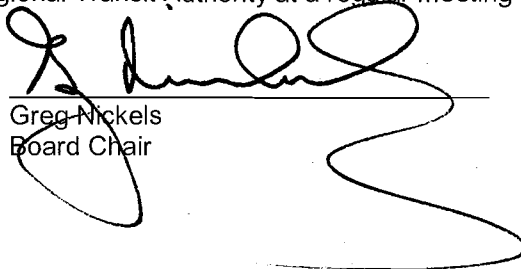
WHEREAS, in general elections held within the Central Puget Sound Regional Transit Authority district on November 5, 1996 and November 8, 2008, voters approved local funding to implement a regional high-capacity transportation system for the Central Puget Sound region; and

WHEREAS, RCW 81.112.080 grants a regional transit authority to establish fares for the use of commuter rail and light rail facilities; and


WHEREAS, RCW 81.112.210 provides regional transit authorities with the power to require proof of payment.

NOW, THEREFORE, BE IT RESOLVED by the Board of the Central Puget Sound Regional Transit Authority that Sound Transit's Fare Enforcement Policy for commuter rail and light rail facilities (Attachment A of this Resolution) is hereby adopted and the proof-of-payment section of Sound Transit's Fare Policy as adopted in Resolution No. R99-2-2 is hereby superseded.

ADOPTED by the Board of the Central Puget Sound Regional Transit Authority at a regular meeting thereof held on May 14, 2009.

  
Greg Nickels  
Board Chair

ATTEST:

  
Marcia Walker  
Board Administrator

**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.