



Resolution No. R2020-05

Fare Enforcement Policy Update

Meeting:	Date:	Type of action:	Staff contact:
Board of Directors	03/26/2020	Final Action	Rhonda Carter, Chief of Staff

Proposed action

Adopting an updated fare enforcement policy for Sound Transit commuter rail, light rail and bus rapid transit facilities and superseding Resolution No. R2009-02.

Key features summary

Replacing the existing Fare Enforcement Policy (Resolution No. R2009-02) is consistent with the Fare Enforcement Action Plan, and continuous improvement efforts.

The updated policy does the following:

- Reduces the monetary fine to \$50 to be more consistent with other transit agencies and citation amounts for comparable infractions.
- Revises language to allow for two warnings (as opposed to one currently) in a 12-month period.
- Adds Bus Rapid Transit since that system will be operated with a proof-of-payment system.
- Revises the suspension section allowing for updated procedures for suspension.
- Updates the policy to reflect future enhancements to the fare paid zone.
- Adds language to allow Fare Enforcement Officers to provide oral and written education about Sound Transit service, operations, and fare programs.

Key policy points in the existing policy have been retained, such as the use of fare enforcement officers, contractors, and proof of payment system, civil infractions per RCW.

Background

As part of Sound Transit's continuous improvement process, and based on community concerns, in February 2019 the organization formed an internal interdisciplinary workgroup to evaluate current fare enforcement policies, procedures, protocols, and gather public feedback to identify improvements. During more than a year of intensive work with internal and external partners, and data collection and analysis, the agency developed an action plan to achieve the following vision, mission and objectives:

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.

Mission: To understand the impacts of our current program and develop recommendations that provide an equitable and customer-focused experience, including safety for all riders and integrity of decision-making, while ensuring strong financial stewardship of taxpayer dollars.

Objectives

- Sound financial stewardship, as indicated by high fare payment rates, low evasion, and achieving or exceeding farebox recovery minimums.
- Equity and fairness to our riders, stakeholders, community members and taxpayers.
- Continuous improvement that is measurable and accountable.
- Uphold Sound Transit's values of Customer Focus, Integrity, Inclusion and Respect, and Safety.

The action plan includes multiple actions that will be implemented within six to twelve months starting March 2020. The action plan can be implemented through administrative actions.

The action plan currently requires continued work with King County District Court and transit partners on further details of implementation. The action plan states Sound Transit will keep the resolution of citations in the courts and will explore moving the process to a community court program. This does not achieve the goal of removing the risk that riders, especially riders with little or no income, will end up in a cycle of debt and court interactions over fare violations. The impact of criminal penalties or financial hardship from collections and credit damage is not a right-sized response to fare evasion.

Therefore, the Board directs Sound Transit to develop a recommendation for completely removing the resolution of fare violations from the courts. The new process should consider adding resolution pathways such as early pay incentives, non-monetary resolution options, crediting the citation dollar amount to the rider's ORCA card, and allowing qualified riders to enroll in ORCA LIFT. The Board recognizes there are concerns about statutory restrictions. Sound Transit should identify any potential risks and necessary legislative changes and present them to the Board for further discussion. The recommended plan shall be brought to the Board for consideration along with a comparison between the current resolution process in the courts, bringing the resolution process in-house, and contracting with a third-party other than the courts. A cost-benefit analysis should be done, considering not only the costs and benefits to Sound Transit but also to riders from historically disadvantaged and marginalized communities, including people of color, people with limited-English proficiency, people experiencing homelessness, people with little or no income, and people with disabilities.

~~Since citations are civil infractions we will continue to work with the District court on resolution pathways that the Court will administer including; early pay incentives, and resolution of citations through the community court program.~~

Fiscal information

The action plan associated with this policy update is anticipated to require an additional 3 full-time positions and funding of approximately \$800,000 over the next 12 months. Funding for 2020 is expected to be \$400,000 and will be provided from various operating budgets. Funding for future years will be included in future annual budget requests.

Public involvement

This action is part of the Sound Transit action plan on fare enforcement. The action plan was informed by an extensive public engagement process that included seven listening sessions with people of color and those experiencing poverty, an on-board rider survey with 1,100 respondents, and an online survey of over 8,000 respondents. The specific design of the income-based fare program is the result of an extensive engagement process led by King County Metro that included multiple meetings with people experiencing poverty or service providers who work with people experiencing poverty.

Prior Board/Committee actions

Resolution No. R2009-02: Adopted a Fare Enforcement Policy for Sound Transit commuter rail and light rail facilities (Attachment A of this Resolution) and superseded the proof-of-payment section of Sound Transit's Fare Policy as adopted in Resolution No. R99-2-2.

Environmental review – KH 3/19/2020

Legal review – RM 3/19/20

Resolution No. R2020-05
Staff Report

Page 2 of 2



Resolution No. R2020-05

Fare Enforcement Policy

A RESOLUTION of the Board of the Central Puget Sound Regional Transit Authority adopting a Fare Enforcement Policy and superseding Resolution No. R2009-02.

WHEREAS, the Central Puget Sound Regional Transit Authority, commonly known as Sound Transit, was formed under chapters 81.104 and 81.112 of the Revised Code of Washington (RCW) 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 permanently 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 Sound Transit district on November 5, 1996, November 4, 2008 and November 8, 2016, 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, light rail and bus rapid transit facilities; and

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

WHEREAS, Resolution No. R2009-02 adopted a Fare Enforcement Policy for Sound Transit commuter rail and light rail facilities that provided 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; and

WHEREAS, as part of Sound Transit's continuous improvement process and based on community 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, public transportation plays a critical role in increasing mobility, especially for individuals and families who lack a private means of transportation, who are low-income, who live in communities without essential goods and services, and who must travel for school, work, and other opportunities, and

WHEREAS, Sound Transit is committed to ensuring the agency's fare enforcement policies and procedures do not adversely affect historically disadvantaged and marginalized communities, including people of color, people with limited-English proficiency, people experiencing homelessness, people with little or no income, and people with disabilities, 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, the impact of criminal penalties or financial hardship caused by collections and credit damage has lasting adverse consequences and should be discontinued as a response to fare evasion, and

WHEREAS, this Fare Enforcement Policy seeks to create a welcoming and respectful customer-service approach to fare enforcement that prioritizes rider education and improved access to public transit, and

WHEREAS, this vision of this Fare Enforcement Policy, like the vision of the agency, is to provide high-quality public transportation that is accessible to all.

WHEREAS, this Fare Enforcement Policy provides for educating riders on income-based fare options and assisting with disseminating such fare media to eligible populations.

NOW, THEREFORE, BE IT RESOLVED by the Board of the Central Puget Sound Regional Transit Authority that Resolution No. R2009-02 is hereby superseded with a Fare Enforcement Policy, which is hereby adopted as follows:

1.0 Scope

1.1 This policy applies to commuter rail, light rail [and bus rapid transit](#) facilities, which may include trains, stations, station platforms and designated [fare paid zones and](#) passenger waiting areas.

2.0 Policy

2.1 All persons traveling on commuter rail, light rail [and bus rapid transit](#) facilities must pay the fare established in the Fare Policy. Such persons must produce proof of payment when requested by designated fare enforcement officers.

- 2.2 To facilitate the ease of boarding commuter rail, light rail [and bus rapid transit](#) facilities, Sound Transit operates barrier free entryways.
- 2.3 **Fare enforcement officers.** For the purposes identified in and consistent with RCW 7.80 and 81.112, Sound Transit may designate employees and/or contractors to [educate riders on Fare Policy](#) and to monitor and enforce its Fare Policy on commuter rail, light rail or [bus rapid transit](#) facilities.
- 2.3.1 Persons designated to monitor and enforce fare payment are authorized to exercise all the powers of an enforcement officer as provided in state law and under this policy.
- 2.3.2 The following persons are hereby designated as enforcement officers:
- ~~2.3.2.a Commissioned Sound Transit police officers,~~
- ~~2.3.2.b Other commissioned law enforcement officers within their jurisdictions, and~~
- 2.3.2.c Those persons so designated by the chief executive officer (CEO) after successful completion of the comprehensive training program referenced in section 2.9.
- 2.4 **Proof of payment**
- 2.4.1 Sound Transit uses a proof-of-payment system on commuter rail, light rail [and bus rapid transit](#) facilities.
- 2.4.2 Valid fare media may, for example, include a properly validated [paper or digital](#) ticket, valid transit pass or ORCA card ~~or special event trip tickets.~~
- 2.4.3 The CEO is authorized to establish appropriate methods for demonstrating proof of payment and must, 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.
- 2.5 **Fare enforcement**
- 2.5.1 All persons traveling on commuter rail, light rail [or bus rapid transit](#) facilities must produce a valid proof of payment when requested to do so by an enforcement officer.
- 2.5.2 Enforcement officers are authorized to monitor and enforce this policy consistent with federal, state and local law and the enforcement procedures adopted by the CEO consistent with this policy, including, but not limited to, the following actions:
- 2.5.2.a Request proof of payment from any person on the facility,
- 2.5.2.b Request personal identification from any person who does not produce proof of payment when requested,
- 2.5.2.c Request that a person leave a facility when the person has not produced proof of payment after being asked to do so,
- 2.5.2.d [Inform a person who has not produced proof of payment as to the appropriate way to utilize the system,](#)
- 2.5.2.e [Inform a person who has not produced proof of payment as to the availability of income-based fare products, and](#)
- 2.5.2.f Issue verbal warnings or a notice of civil infraction.
- 2.5.3 The following constitutes civil infractions punishable according to the fines and penalties established under this policy and state law:
- 2.5.3.a Failure to pay the required fare,

2.5.3.b Failure to display proof of payment when requested to do so by an enforcement officer, and

2.5.3.c Failure to depart a facility when requested to do so by an enforcement officer.

2.6 Notice of civil infraction

2.6.1 Consistent with state law, enforcement officers may issue a notice of civil infraction after two warnings have been given in a 12-month period and 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.

2.6.2 Notices of civil infraction will be issued on forms approved by the legal counsel.
~~appropriate court.~~

2.6.3 Enforcement officers must monitor fare evasion and issue notices of civil infraction at all times consistent with this policy and the procedures adopted pursuant to this policy and in strict accordance with state law.

2.6.4 All notices of infraction must be filed with the shift supervisor at the end of the enforcement officer's shift.

2.6.5 Notices of infraction must be logged daily in accordance with established recordkeeping procedures adopted pursuant to this policy and filed with the appropriate court within 48 hours of issuance, excluding Saturdays, Sundays and holidays.

2.7 Fines and penalties

2.7.1 Any person who is guilty of committing a civil infraction under this policy will be subject to a monetary fine of not more than \$50. ~~not more than \$124. This amount includes a base amount plus 105% of the base amount for court assessments as required by state law.~~

~~2.7.2 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 commuter rail, light rail or bus rapid transit facilities:~~

~~2.7.2.a Is contacted without proof of payment four times. Receives three or more notices of infraction within a 12-month period;~~

~~2.7.2.b Fails to pay the required monetary fine on more than one occasion within a 12-month period;~~

~~2.7.2.c Fails to timely select one of the options identified on the infraction for responding to the notice of civil infraction, and/or~~

~~2.7.2.d Fails to depart a facility when requested to do so by an enforcement officer.~~

~~2.7.3 The CEO is authorized to:~~

~~2.7.3.a Develop procedures and take necessary action to implement any suspension from the facilities for failure to produce proof of payment;~~

~~2.7.3.b Establish a suspension panel with the authority to review and issue suspensions and appoint suspension panel members, and~~

~~2.7.3.c Establish review and appeal procedures for any suspension.~~

2.7.4 Suspensions from the privilege to use the facilities may be ordered by an enforcement officer or other personnel authorized by the CEO for a period of up to 90 days. Notice of such suspension will be in writing and will inform the person suspended of the cause and period of the suspension and that failure to comply will 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.~~

~~2.7.4.a— Unless otherwise specified on the notice, the suspension will 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.~~

~~2.7.4.b— 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 days after a suspension notice is placed in U.S. mail.~~

~~2.7.5— 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 CEO within 10 calendar days after the effective date of the suspension. Upon receiving a timely request, the CEO will 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 10 calendar days after the suspended person presents his/her reasons, the reviewer will make a decision affirming, modifying or terminating the suspension. The reviewer's decision will be final.~~

~~2.7.6— Any person who fails to comply with a request to leave a facility or a suspension ordered issued under this policy may be subject to prosecution for criminal trespass or other criminal charges.~~

2.8 **Enforcement procedures.** The CEO is directed and authorized to develop procedures to implement this policy and take all other actions as may be necessary to provide for enforcement and issuance of notices of civil infractions consistent with this policy and applicable state, federal and local law.

2.8.1 These procedures will be developed to reduce fare evasion to the maximum extent possible, while, at the same time, [apprising passengers as to how to appropriately ride the system and](#) respecting the rights and dignity of all persons who travel on Sound Transit facilities.

2.8.2 Procedures authorized by this policy include, but are not limited to, those necessary to [educate passengers as to how to appropriately ride the system](#), identify and ~~detain~~ [question suspected fare evaders/riders found without proof of payment](#) and maintain records of [warnings and](#) infractions issued.

~~2.8.3 The CEO is directed to develop a youth specific fare enforcement program that ensure procedures, services, consequences, and resolution pathways account for the developmental differences of children and adolescents.~~

2.9 **Training of fare enforcement officers**

2.9.1 The CEO is directed and authorized to develop and implement a comprehensive training program that provides, at a minimum, that enforcement officers be certified as having demonstrated knowledge and understanding of Sound Transit's Fare Policy, [income-based fare products](#) and Fare Enforcement Policy and procedures and provides minimum qualifications for civilian non-commissioned enforcement officers.

~~2.9.2 The training program must also provide that enforcement officers have demonstrated knowledge and understanding of implicit bias, antibias enforcement, and how to effectively engage with youth.~~

2.9.~~32~~ The training program must 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.

2.9.~~34~~ 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.

2.10 The CEO shall provide a recommendation to the Board for resolving fare evasion violations without court adjudication. The recommendation should consider alternatives such as early pay incentives, non-monetary resolution options, crediting the citation dollar amount to the rider's ORCA card, and allowing qualified riders to enroll in ORCA LIFT. The recommendation also should identify any potential risks associated with the propose actions and comparison between the current court process and a process that resolves violations through an internal or third-party administrative process. A cost-benefit analysis should be performed on our current system and proposed changes, which considers not only the costs and benefits to Sound Transit, but also to riders from historically disadvantaged and marginalized communities, including people of color, people with limited-English proficiency, people experiencing homelessness, people with little or no income, and people with disabilities. The recommendation should identify any required implementing legislation to resolve violations without court adjudication.

2.~~10~~-11 **Administrative review.** The CEO must conduct regular reviews of fare enforcement policies and procedures and their effectiveness in ensuring that the agency is responsibly enforcing this policy and report the findings to the Board.

3.0 References

- 3.1 Resolution No. R2018-29 Expulsion and Suspension Policy
- 3.2 Resolution No. R2010-10 and R2014-27 Fare Policy
- 3.3 Resolution No. R2017-13 Safety Policy
- 3.4 Resolution No. R2017-14 Security, Law Enforcement and Emergency Management Policy

ADOPTED by the Board of the Central Puget Sound Regional Transit Authority at a regular meeting thereof held on _____, [to be effective on October 1, 2020](#).

Kent Keel
Board Chair

Attest:

Kathryn Flores
Board Administrator