

# Proof of Payment Ordinance



**BOARD OF DIRECTORS MEETING  
OCTOBER 26, 2017**

# What is Proof of Payment?

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- **Proof of Payment means that passengers must present valid fare media, anywhere in the paid area of the system, upon request by authorized transit personnel.**

# Why Proof of Payment

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- **Estimated Revenue Annual Loss: \$15M - \$25M**
  - At least \$6M loss supported by data
  - Another \$9M - \$19M likely
- **Currently, enforcement can only occur at “barrier” locations**
  - BPD must directly observe OR
  - Employee or rider must:
    - Witness and be willing to place offender under Citizens Arrest and
    - BPD must be nearby and
    - Offender must be contacted
- **In short, without proof of payment, fare evaders are only concerned at the brief moments when they are sneaking in or out**

# Who Else Uses Proof of Payment?

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## California

- SMART
- San Francisco MTA
- Santa Clara VTA
- Sacramento RTA
- Los Angeles MTA
- ACE
- Caltrain
- San Diego Trolley

## Other States

- Dallas Area Rapid Transit
- Baltimore Light Rail
- Buffalo Metro Rail
- Charlotte LYNX
- Cleveland Red Line Heavy Rail
- St. Louis Metro Link
- Seattle Sounder Commuter Rail and Central Link Light Rail
- Portland Tri-Met
- NJ Transit Hudson Bergen & River Lines
- Houston Metro Rail
- Denver RTD Rail

# Who Uses BOTH Proof of Payment & Station Barriers?

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- SEPTA Philadelphia City Center stations
- Los Angeles MTA Purple and Red Lines
- Greater Cleveland RTA Red Line
- Montreal Metro
- BC Transit, Vancouver SkyTrain

# Proof of Payment Protocol

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- Inspections will be fair and non-biased.
- Police Officers and/or CSO's will perform inspections within the paid area of the stations and on board non-crowded trains.
- Inspections will progress from one person to the next closest person, not skipping any persons in between.
- Officers will activate mobile video recorders to record proof of payment inspections.

# Proof of Payment Citations

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## ● Citations:

- A civil administrative citation will be issued to adults for a first or second violation within any 12 month period.
- A criminal infraction citation will be issued to adults who have received two or more civil citations within the past 12 months.
- Juveniles will only receive civil administrative citations for a proof of payment violation.
- Any person who knowingly gives false information to a peace officer or District employee engaged in proof of payment inspections, and/or any person who otherwise obstructs the issuance of a proof of payment citation, shall be in violation of this ordinance and subject to a criminal citation.

# Fines and Penalties

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- Civil citations processed through existing civil parking citation process
  - Includes an appeals process.
- Civil citation fines structured to be affordable:
  - Adults = \$75 (ordinance maximum is \$120)
  - Minors = \$55 (ordinance maximum is \$60)
  - Community Service Option
    - All minors
    - Adults with household income at or below 250% of the Department of Health and Human Services Federal Poverty Guideline
- Criminal infraction citations are processed through traffic court, with the penalty limited to paying a fine or performing community service (no jail time).

# Civil Citation/Community Service Eligibility

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- Enrollment letter showing current eligibility for any federal, state, or local government assistance program:
  - CalFresh (Food Stamps)
  - CalWorks (Temporary Assistance for Needy Families)
  - Medi-Cal (State's Medicaid)
  - WIC (Special Supplemental Nutrition Program for Women, Infants, and Children)
  - SSI/SSP (Supplemental Security Income/State Supplementary Payment)
  - Head Start
  - Low-income housing assistance
- Most recent pay stubs covering one month period
- Most recent federal tax return
- Wages and tax statement (W-2 or 1099)
- Self-employment ledger documentation
- Most recent stubs from unemployment benefits, disability benefits, social security retirement benefits, etc.
- Letter from school financial aid office, displaying need-based aid

# Community Service Option Eligibility Guidelines

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	Annual Poverty Guidelines		Monthly Poverty Guidelines	
Household/ Family Size	100%	250%	100%	250%
<b>1</b>	\$12,060	\$30,150	\$1,005	\$2,513
<b>2</b>	\$16,240	\$40,600	\$1,353	\$3,383
<b>3</b>	\$20,420	\$51,050	\$1,702	\$4,254
<b>4</b>	\$24,600	\$61,500	\$2,050	\$5,125
<b>5</b>	\$28,780	\$71,950	\$2,398	\$5,996
<b>6</b>	\$32,960	\$82,400	\$2,747	\$6,867
<b>7</b>	\$37,140	\$92,850	\$3,095	\$7,738
<b>8</b>	\$41,320	\$103,300	\$3,443	\$8,608
<b>9</b>	\$45,500	\$113,750	\$3,792	\$9,479
<b>10</b>	\$49,680	\$124,200	\$4,140	\$10,350

# Enforcement Audits

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- **Quarterly audits of enforcement demographics**
  - Age
  - Gender
  - Race
  - Location
- **To ensure that enforcement activities are fair and unbiased, officer body camera videos will be randomly selected for analysis and reporting on a monthly basis.**
- **The Office of the Independent Police Auditor will have access to review and conduct spot checks.**

# Reporting to the Board of Directors

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- **Six months after implementation, BART Police will report numbers of the following:**
  - Proof of Payment contacts
  - Civil administrative citations
    - ✦ Requests for community service
    - ✦ Delinquent payments
  - Repeat offenders
  - Criminal citations

# Education & Outreach

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- **Media Events**
- **In Stations and On Train Signage**
- **Multi-lingual Station Announcements**
- **Decals and Tents on Faregates**
- **Floor Decals**
- **Platform Train Destination Sign Messaging**
- **Discuss During Rebuilding BART Presentations**

# Implementation

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- Ordinance becomes effective January 1, 2018
- One month grace period
  - Warnings in lieu of citations for first time violations.
- Initiate issuance of citations on February 1, 2018