# King County

1200 King County
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## Legislation Text

**File #:** 2018-0377, **Version:** 3

AN ORDINANCE creating an alternative resolution process for transit fare enforcement; adopting a reporting requirement; adding a new section to K.C.C. chapter 28.96 and adding a new section to K.C.C. chapter 2.16.

PREAMBLE:

In order to maximize fare box collection consistent with state law, the county implemented code making failure to present a valid, unexpired pass, transfer or ticket or otherwise failing to pay the appropriate fare as required under county ordinance a civil infraction or a misdemeanor, depending on the offender's age. The county refers fare evasion citations to district court, resulting in additional and unrecoverable costs to the transit enterprise fund.

A 2018 audit conducted by the King County auditor's office found the transit division's fare enforcement model may be contributing to negative and inequitable outcomes, particularly for riders experiencing homelessness or housing insecurity.

The 2018 audit also found the division needs more data collection, rigorous evaluation, and performance management to evaluate and improve the fare enforcement program's effectiveness at deterring fare evasion.

The transit division agreed with the recommendations made in the 2018 audit, took several initial actions related to the findings, and is moving forward with conducting a fare enforcement program review and developing a performance management system.

The purpose of this ordinance is to create an opportunity for people who do not pay a fare to resolve their violations through an alternative resolution process removing the direct connection

between the courts and a fare evasion citation. The ordinance aims to advance equity and social

justice goals by minimizing the likelihood that the enforcement process leads to a criminal

record for those who cannot afford to pay the violation fee. This ordinance also aims to

minimize unnecessary costs. The new process is consistent with fare enforcement authorized by

RCW 7.80.040, 7.80.050, 7.80.060, 35.58.580, 35.58.585 and 35.58.590.

The division intends to continue working with stakeholders on an ongoing basis after the

implementation of this new alternative resolution process to evaluate and improve the fare

enforcement program.

The division is also considering other ways to increase valid fare payment and access to the

transit system through its fares work program.

The division is committed to advancing the goals and objectives of the county's Strategic Plan,

including providing service in an equitable and fair manner and providing for a safe and just

community through an accessible and fair justice system, while implementing alternatives to

divert people from the criminal justice system.

The division is committed to advancing the goals and objectives outlined in the division's

Strategic Plan for Public Transportation, particularly Goal 2, which speaks to human potential

and the provision of equitable opportunities for people from all areas of King County to access

the public transportation system, particularly for historically disadvantaged populations, such as

low-income people, students, youth, seniors, people of color, people with disabilities and others

with limited transportation options.

The division is committed to advancing equitable outcomes and the goals outlined in King

County's Equity and Social Justice Strategic Plan,

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

NEW SECTION. SECTION 1. There is hereby added to K.C.C. chapter 28.96, within V. Enforcement,

a new section to read as follows:

A.  As an alternative to citing individuals with a civil infraction or a misdemeanor, as described in

K.C.C. 28.96.010.A.19 and B.13, the transit division may utilize an internal process, as generally described in

this section, for managing fare evasion.  This process shall be in lieu of any court proceeding.

B.  The division may issue either a warning or a notice, or both, of violation, not subsequently filed with

a court, to anyone who has not properly paid a fare in violation of K.C.C 28.96.010.A.19. or B.13.

C.  A warning made under subsection B. of this section may be oral or written, and must provide an

opportunity to correct fare evasion behavior.

D.  Without a previous warning issued, a notice of violation may be issued to anyone found to be in

violation of K.C.C 28.96.010.A.1.9 or B.13, and that notice of violation must introduce potential financial

consequences.

E.  To resolve a notice of violation, the division shall provide options such that a person is incentivized

to make prompt payment of any violation fee, has options to resolve the violation that do not require paying a

fee and is provided opportunity to appeal the violation to the division.

F.  A notice of violation must be answered within ninety days or is considered unresolved.  Unless

cancelled by the division, a person is subject to suspension from service under K.C.C. 28.96.430 for each

unresolved notice of violation.  If a suspension is issued, the duration may be no more than thirty days for each

unresolved violation.  Multiple suspensions may be served concurrently unless otherwise directed by the

division.  Upon expiration of a suspension due to a notice of violation, the violation is considered resolved and

no further penalty shall be imposed.

NEW SECTION. SECTION 2.  There is hereby added to K.C.C. chapter 2.16 a new section to read as

follows:

The executive shall develop a reporting system for all Metro bus fare enforcement activities and the new

fare enforcement system. The executive shall use the data from the reporting system to develop a report by April 1, 2019, and annually thereafter, that contains the following information:

A. For each RapidRide bus route, all other regular bus routes, and for total bus service the executive shall provide data on the following:

1. The number of warnings issued for fare evasion and the number of people that have received warnings by bus route;

2. The number of fare evasion citations issued and the number of that people that have received these citations by bus route, this should include identifying the number of individuals that receive multiple citations during the reporting period and how many citations they received;

3. The number of citations resolved, showing the method used to resolve the citations;

4. The number of people suspended as a result of fare evasion;

5. The number of criminal trespass charges issued to individuals as a result of fare evasion violations;

6. The report should also include data showing the demographics of persons issued citations, including but not limited to race, age, gender, income and housing status as available; and,

7. The report should also include performance measures showing the activities and effectiveness of the program outreach manager.

B. The executive must file the report required by this section by April 1 of each year, starting in 2019, in the form of a paper original and an electronic copy with the clerk of the council, who shall retain the original and provide an electronic copy to all councilmembers, the council chief of staff, the policy staff director and the lead staff for the mobility committee, or its successor.

SECTION 3. The King County auditor's office shall conduct an audit of the new internal process for fare evasion enforcement as established in section 1 of this ordinance within eighteen months of the implementation of the new process, or when the council establishes in the auditor's office work program a date for the completion of the audit. The audit shall evaluate the effectiveness of the new internal process and

determine whether the new model reduces fare evasion while also reducing the impact of enforcement on

vulnerable communities.  The audit required by this section shall be transmitted in the form of a paper original

and an electronic copy with the clerk of the council, who shall retain the original and provide an electronic copy

to all

councilmembers, the council chief of staff, the policy staff director and the lead staff for the mobility

committee, or its successor.