

**Massachusetts Bay
Transportation Authority**

Fare Evasion Regulations

Public Hearing

June 21, 2022

Diversity and Civil Rights

English

- All MBTA activities, including public meetings, are free of discrimination. The MBTA complies with all federal and state civil rights requirements preventing discrimination on the basis of race, color, national origin, limited English proficiency, and additional protected characteristics. We welcome the diversity from across our entire service area. If you have any questions or concerns, please visit www.mbta.com/titlevi to reach the Office of Diversity and Civil Rights.

Chinese

- MBTA 的所有活动，包括公开会议，都没有歧视。MBTA 遵守所有联邦和州公民权利要求，防止基于种族、肤色、国籍、有限的英语能力和其他受保护特征的歧视。我们欢迎来自我们整个服务领域的多样性。如果您有任何问题或疑虑，请访问 www.mbta.com/titlevi 联系多元化和民权办公室。

Spanish

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Overview

English

- Thank you for joining the meeting! We appreciate your participation.
 - This meeting will be recorded so that it can be shared with the people that were unable to join.
 - All participants will be muted upon entry so that only the presenters can be heard.

Spanish

- ¡Gracias por atender esta junta! Agradecemos su participación.
 - Esta junta estaría grabada para poder compartir con los que no pudieron asistir.
 - Los participantes están silenciados al entrar la junta para que solo se pueda oír a los presentadores.

Chinese

- 感谢您参与此会议！
 - 本次会议将会被录像，以便我们把它分享给没能来参加的人。
 - 所有参与者在进来时都会被静音，以便于演讲者能被听到。



Language Accessibility

English

- We offer interpretation during this meeting. In your meeting/webinar controls, click Interpretation (the small globe icon) and click the language that you would like to hear.

Spanish

- Ofrecemos interpretación en español durante esta junta. Para escoger el audio en Inglés o en Español tendrá que picar el botón de interpretación, el cual tiene un imagen de un mundo. Cuando le pique la interpretación por favor de escoger el idioma cual le gustaria oír

Chinese

- 我们本次会议期间提供口译服务。在您的会议/网络研讨会的控件中，单击口译（小地球图标），并单击您想听到的语言



Use Chat for Technical Questions

English

- If you have a technical question about Zoom or the features of the meeting, please use the chat function. Our technical assistant will attempt to troubleshoot your problem and get back to you.

Spanish

- Si tiene una pregunta técnica de zoom o los enseres de zoom durante la junta. Favor de usar el chat. Nuestro asistente técnico bajo el nombre de “Zoom Tech” le ayudará con su problema.

Chinese

- 如果您有关于Zoom或者会议功能的技术问题，请使用对话框的聊天功能。我们的技术辅助员会回复您并尽力帮您解决问题。



Closed Captions

- Click **Closed Caption** to start viewing closed captioning
 - **Tip:** Click and drag the closed captioning to move its position in the meeting window.
- To adjust the caption size:
 - Click the upward arrow next to **Start Video / Stop Video**.
 - Click **Video Settings** then **Accessibility**.
 - Move the slider to adjust the caption size



Raising Your Hand

- Please use Zoom’s “Raise Hand” feature to indicate if you have a comment
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To speak,
click **“Participants”**
then
“Raise hand”



Send a chat
to the moderator



***9**
Raise Hand



MBTA Participation

• **Lynsey Heffernan**
Assistant General Manager for Policy & Transit Planning

• **Rachel Morse**
Director of Transit Policy

• **Sefira Bell-Masterson**
Deputy Director of All Door Boarding & Proof of Payment

• **Victoria Ireton**
Deputy Director of Public Outreach



Agenda

1. Background: What are we trying to achieve?
2. Proposed Regulations
3. Rider Feedback





Background

Why Do We Need New Regulations?

- Prior to January 2021, fine levels were set by statute:
 - **\$100 for a first offense, \$200 for a second offense, and \$600 dollars thereafter**
 - There were **no warnings**, or reset period
 - One unpaid citation was **reportable to the RMV**, marking the individual's license for non-renewal
- At the MBTA's request, the law was amended in 2020 (effective Jan. '21) to:
 - **Reduce the range of possible fines to \$10-\$250**
 - **Remove the possibility of arrest for fare evasion**
 - **Require the MBTA to enact regulations** setting fine levels, addressing penalties for failure to pay fines, alternative methods of resolution, and an appeal process
- Staff presented regulations to the FMCB for a vote in May 2021, but the FMCB did not vote on regulations during its term
- We will seek a board vote soon to adopt regulations, as required by law



Regulations & A New Approach to Fare Compliance

- Why is the MBTA pursuing these regulatory changes now?
 - The MBTA is adopting a new approach to encourage fare compliance that is designed to balance effectiveness and fairness to our riders
 - New regulations are a key component of our updated approach
 - The MBTA requested, and was given, legislative authority to set fine levels by regulation in early 2021. Without action, MBTA will remain in a legal vacuum without tools to enforce our current fare policies
 - The MBTA is prioritizing a Board vote on regulations to remedy this issue

Goal of Regulations: Encourage fare compliance in a cost-effective manner without being punitive. ***Not*** fine revenue from citations



Incorporating Prior Rider Feedback

- ***The provision of marking a driver's licenses for non-renewal should be removed***

Having heard the concerns of our riders, the MBTA is no longer proposing to mark licenses for non-renewal due to unpaid citations.

- ***A \$50 fare evasion fine is better than the previous \$100 fine but is still too high***

We maintain that a \$50 fine is the best balance between reducing fine levels and maintaining an effective incentive for fare compliance. However, we have added a formal warning prior to any citation/fine, as well as a 3-year reset period for warnings and citations.

- ***Interest in differentiated fines by mode***

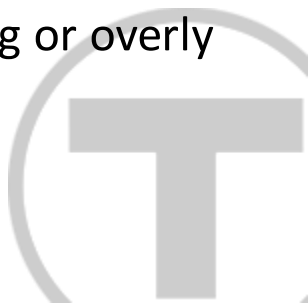
We are not recommending a higher fine for Commuter Rail fare evasion at this time but may reconsider in future.

- ***The MBTA should pursue low-income or free fares***

The MBTA has analyzed proposals for operationalizing a means-testing fare, should funding become available for a low-income fares program.

- ***The MBTA should aggressively control fare evasion***

We believe our planned strategy will appropriately manage fare evasion without creating an unwelcoming or overly punitive set of policies



Regulatory Process

- MBTA has filed draft regulations with the Secretary of State's office
- MBTA is currently accepting public comment on draft regulations
 - The public comment period opened on May 13th
 - Public comment period closes today, June 21st at 11:59pm
 - All comments made at this Public Hearing will be added to the record
- MBTA will review public comments and amend proposed regulations based on rider feedback
- MBTA will present updated draft regulations to the board for their consideration and approval
- Once approved by the MBTA board, the final regulations will be filed with the Secretary of State and will take effect after publication in the Massachusetts Register



A blue-tinted photograph of a Harvard bus on a street. The bus is white with a blue stripe and has "68 HARVARD" on its destination sign. The license plate is "T 1409". The bus is driving on a road with a crosswalk. There are trees and a building in the background.

Proposed Regulations

Definitions

Authority or MBTA refers to the Massachusetts Bay Transportation Authority

Fare Evasion means failure or refusal to pay or prepay the required fare, or improper use of any reduced fare card, on any vehicle or ferry owned by or operated for the MBTA.

Fare Inspector means any person designated by the MBTA to verify that a passenger has paid the required fare and to issue a noncriminal citation for failure to pay the required fare.

Fine means the amount between \$10 and \$250 assessed to a person for fare evasion.

Hearings Officer means the person or persons designated by the MBTA to hear appeals of noncriminal citations pursuant to 703 CMR 5.05(3).

Warning means a written warning issued for a first offense of fare evasion within a three-year period.

Noncriminal Citation means a citation issued to a person who evades payment of a fare on any vehicle or ferry owned by or operated for the MBTA.



Grounds for a Noncriminal Citation

If a Fare Inspector or Transit Police Officer sees someone **evading payment of the required fare or fraudulently misusing a reduced fare card**, or if, upon request, **any person fails or refuses to provide proof of having paid or prepaid the required fare** for any vehicle or ferry owned by or operated for the MBTA, the Inspector or Officer may issue such person a Noncriminal Citation.



Citation Fine Levels

- We are proposing to cut fare evasion citation levels by more than half previous levels
 - ***Formal written warning prior to a citation****
 - First, second, and third citation would be \$50
 - Fourth and subsequent citation would be \$100
 - ***3 year reset period (rolling from date of warning/citation)****
- Fraudulent misuse of a reduced fare credential is a separate citation
 - ***Formal written warning prior to a citation****
 - First, second, and third citation would be ***\$75****
 - Fourth and subsequent citation would be ***\$150****
 - ***3 year reset period (rolling from date of warning/citation)****

****Updated from regulations proposed to FMCB in 2021***



Fare Evasion Citation Amounts at Peer Agencies

Agency	Citation Amounts
King County Metro	\$50
BART	\$75
LA Metro	\$75
MTA	\$100
SFMTA	\$125
TriMet	\$75 - \$250
CTA	\$300



Citation Appeals

- Person has **30 days** to:
 - **Pay the fine** as indicated
 - **Appeal the fine**
 - Riders may submit a **written appeal** or request a **hearing**
 - Requests may be made by mail or electronic means
 - MBTA has 60 days to respond to appeals, with explanations for denials
 - If a written appeal is denied, rider may then request a hearing
 - Hearings are informal & may be in person or virtual
 - Decision of the Hearing Officer is final, but subject to judicial review
- MBTA Dispositions
 - MBTA may **fully grant, deny, or partially grant** an appeal
 - MBTA will create adjudication procedures; options for partially granted appeals will include **lowering the fine** level and/or providing **additional time to pay**



Days to Appeal Citations at Peer Agencies

Agency	Days to Appeal
King County Metro	90
TriMet	90
MTA	30
BART	28
LA Metro	21
SFMTA	21



Annual Citation Report

- MBTA must issue an annual report on the number of warnings and citations issues in the prior 12 months.
- MBTA will work with the Office of Performance Management and Innovation (OPMI) to develop contents for the report.





Rider Feedback

Methods For Public Comment

- Comment at this public hearing (verbally or in chat)
- The MBTA is also accepting written comments until 11:59pm today, **June 21, 2022**.
Written comments may be submitted by email to:
publicengagement@MBTA.com



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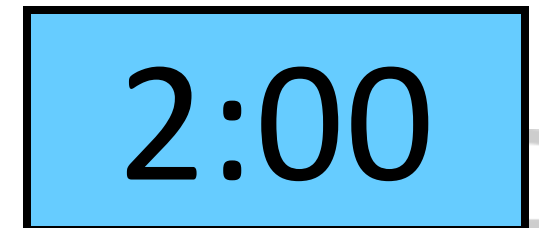
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Raise Hand



Thank you!

Email the MBTA Community Engagement team at:

publicengagement@mbta.com



Appendix



Parking Citation Amounts at Local Jurisdictions

Jurisdiction	Citation Amount Range
City of Boston	\$35-\$120
Town of Brookline	\$25-\$100
City of Cambridge	\$25-\$120
City of Chelsea	\$15-\$100
City of Quincy	\$25-\$150
City of Somerville	\$30-\$200



Fare Compliance Trends & Projections

- Prior estimates of MBTA fare evasion rates:
 - 1% at gated rapid transit (heavy rail & gated green line stations)
 - 1% on bus
 - Surface green line
 - Front door fare evasion rates were estimated at ~1-3%
 - Rear door fare evasion rates were estimated at 22%
- Fare Evasion and cash underpayment on buses and surface green line was estimated at about \$5 million in FY14
- Peer Agencies have recently reported significant increases in fare non-payment
- Without fare verification, the MBTA estimates fare evasion rates could plausibly increase to 25-30% on bus and surface green line when All Door Boarding is instituted
 - At current ridership rates this would be a loss of \$35M - \$42M in fare revenue

