



Massachusetts Bay Transportation Authority

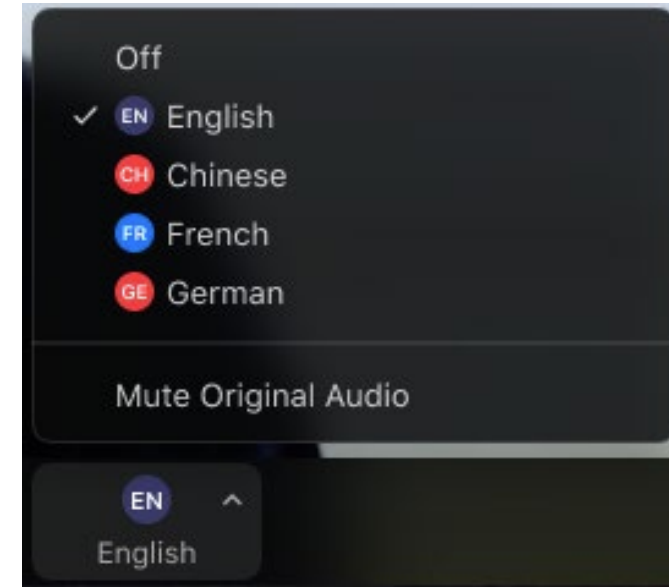
Fare Evasion Regulations

Public Hearing

April 15, 2021

Language Interpretation

- In your meeting/webinar controls (at the bottom of your screen), click “Interpretation”
- Click the language that you would like to hear
- En los controles de reunión/ seminario web (en la parte inferior de su pantalla) seleccione “Interpretation” (Interpretación)
- Elija el idioma que quiere escuchar



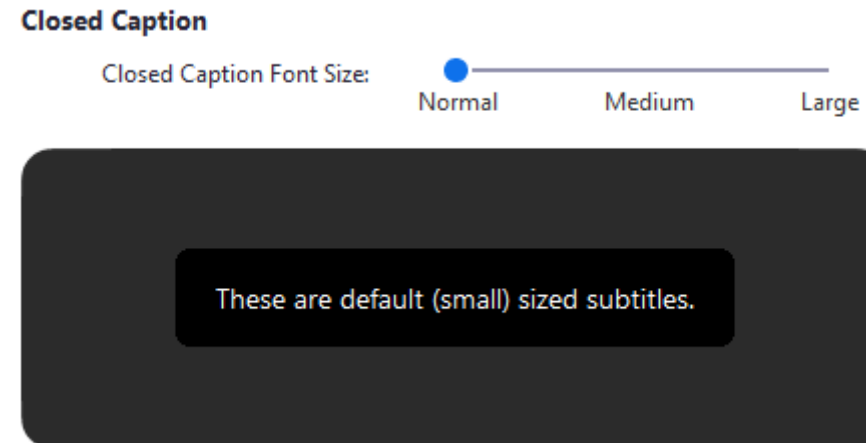
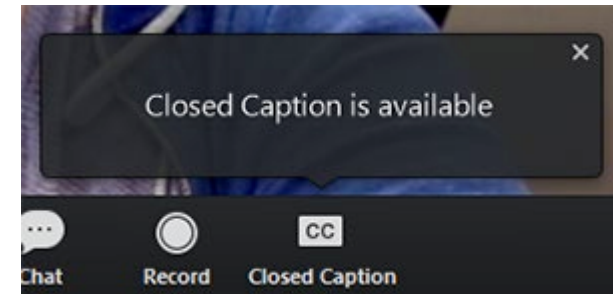
ASL Interpreters

- Our ASL interpreters are: **Sharon Mendes** and **Linda Gregorio**. To view their videos:
 - Find the interpreter's video in the gallery.
 - In the top right corner of the interpreter's video, click the ellipses.
 - Then, click the “Pin Video” option. This will keep the interpreter's video on your screen.
 - When the interpreters switch, please pin the other's video.



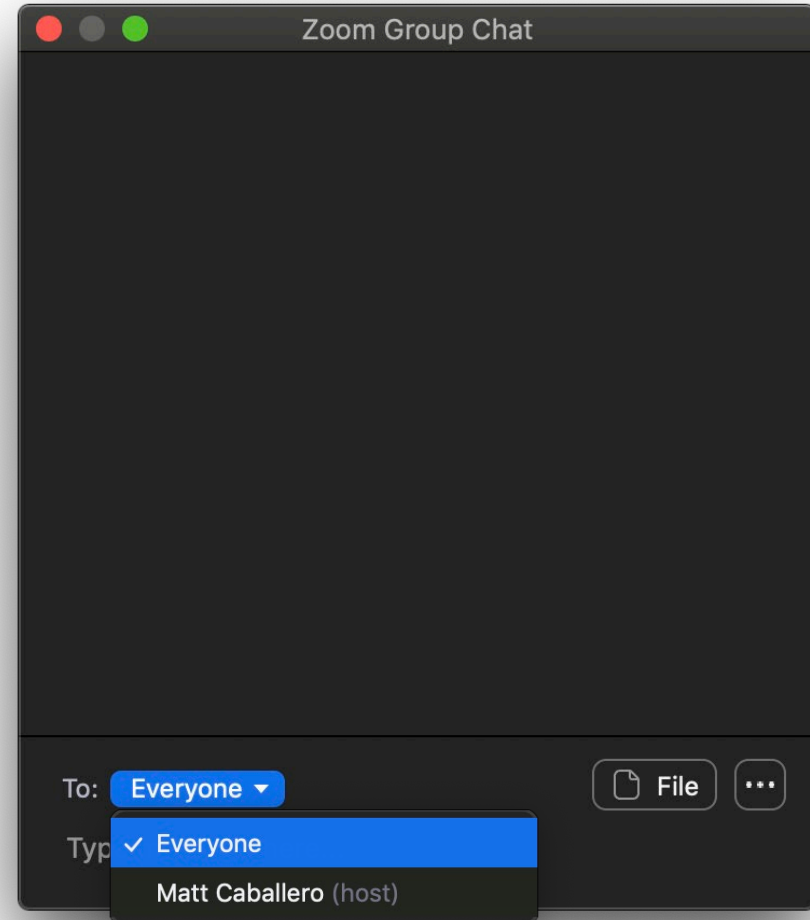
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- Click **Closed Caption** to start viewing closed captioning
 - **Tip:** Click and drag the closed captioning to move its position in the meeting window.
- To adjust the caption size:
 - Click the upward arrow next to **Start Video / Stop Video**.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



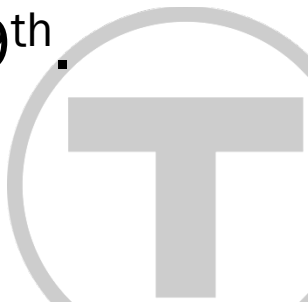
Use Chat for Technical Questions

- 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.



Public Hearing

- **April 15, 2021:** The MBTA is on the record to hold a public hearing pursuant to Massachusetts General Laws chapter 30A, section 2, on the MBTA's proposed regulations **703 CMR 5.00, Fare Evasion**.
 - This evening we will make a presentation on the proposed regulatory changes and then offer an opportunity for public comment on the record.
- The MBTA is also accepting written comments until 5pm on April 30. Written comments may be submitted by email to fareregulations@MBTA.com.
- *Proof of Payment Public Meetings* will be held on April 20th and 29th.



MBTA Participation

• **Lynsey Heffernan**
Acting Assistant General Manager for Policy

• **Rachel Morse**
Assistant General Counsel

• **Andy Stuntz**
Senior Manager of Fare Policy Analysis

• **Anthony Thomas**
Manager of Policy Development and Outreach



Agenda

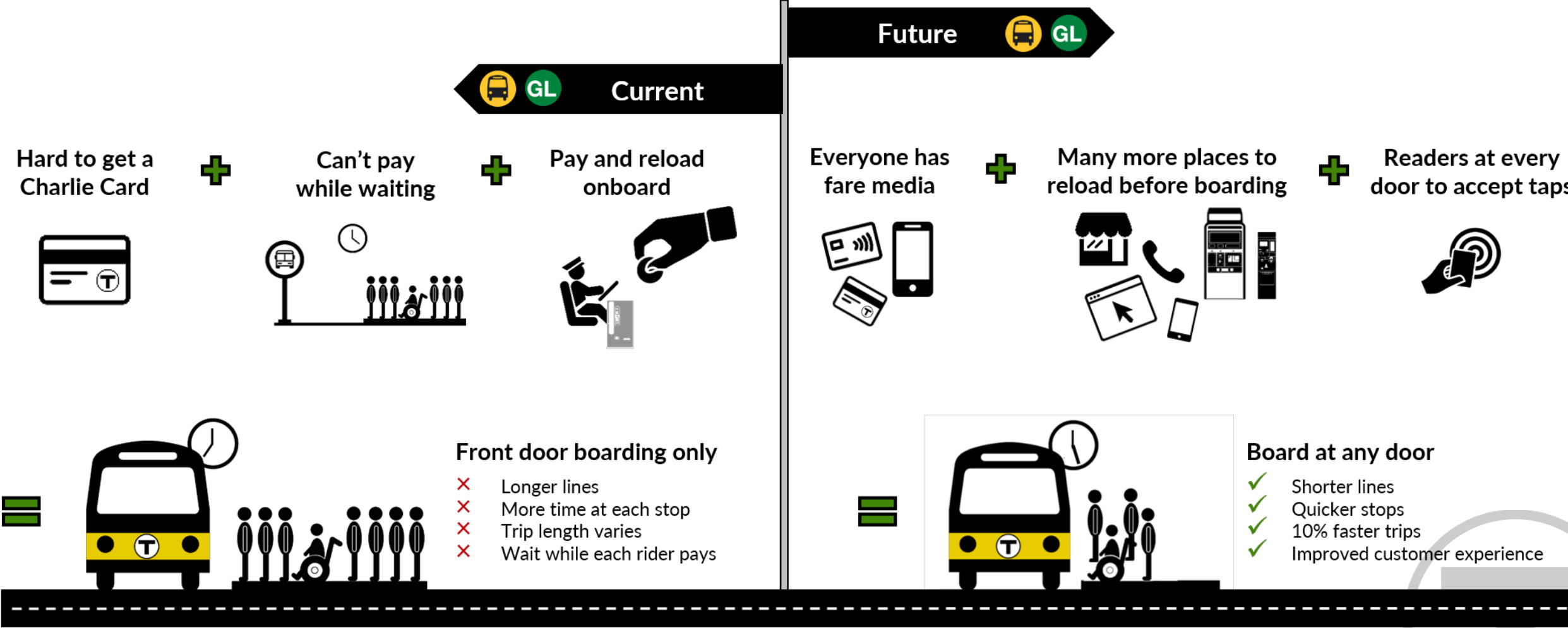
- Background: What are we trying to achieve?
- Our Proposed Regulations
- Rider Feedback





Background

All-Door Boarding for Faster and More Reliable Service

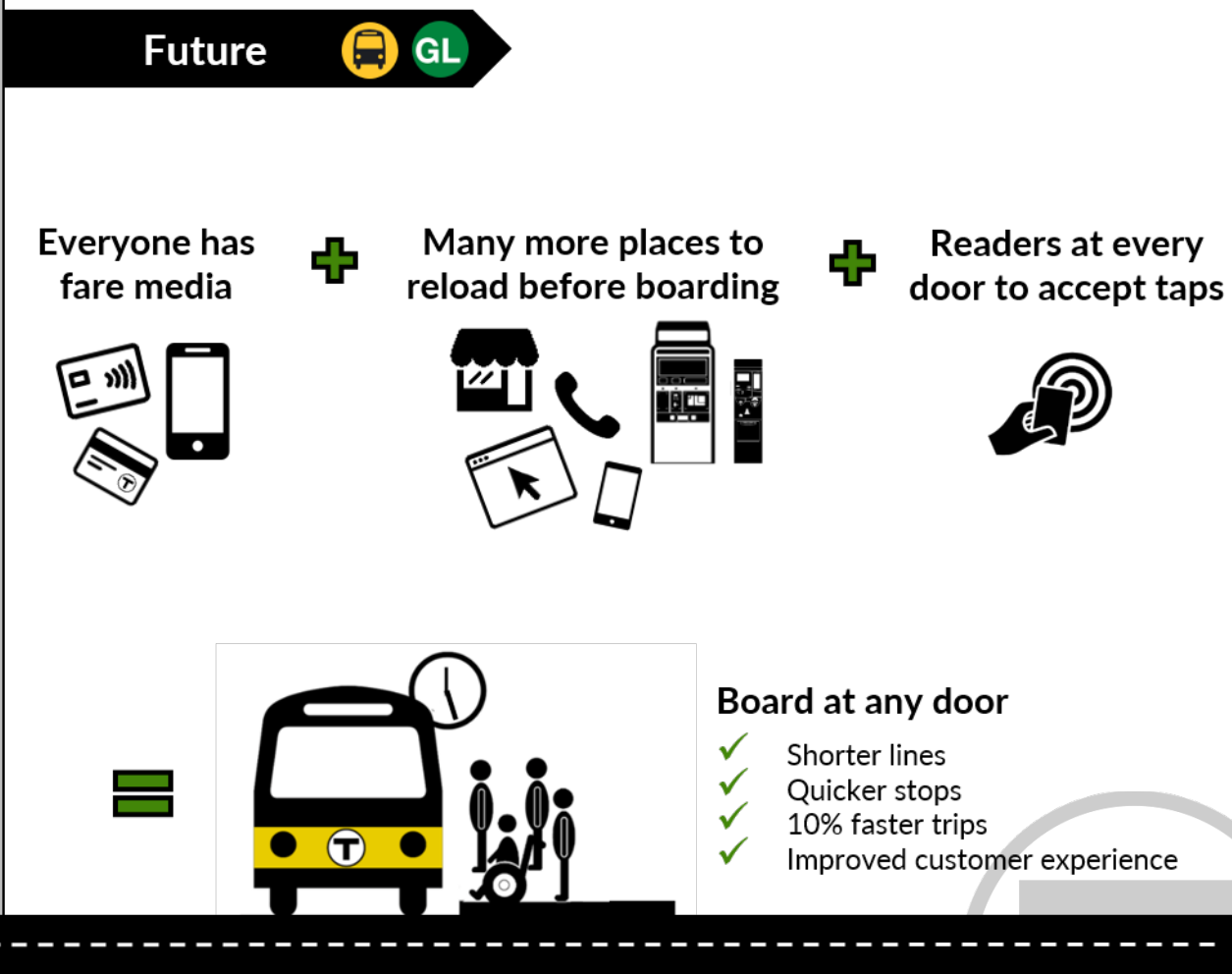


All-Door Boarding for Faster and More Reliable Service

Workstreams to support all-door boarding

To get to this future state, the MBTA will:

- Install **readers at all doors** on buses and Green Line
- Develop **fare rules** around fare media to allow for **expanded access** across the transit network
- Implement **proof of payment** program to encourage and ensure fare compliance
- Make it **more convenient for riders to reload their CharlieCards** before boarding
 - Gather public input on the design of an **extensive cash sales network**
 - Support **additional sales channels** for customers with credit or debit cards, including online, by phone, via mobile app, and autoload



Estimated Revenue Losses due to Fare Evasion

Today (Status-Quo)

- Rough estimates:
 - In 2016, CTPS estimated current fare evasion rates of roughly 5-10% on surface Green Line, 1% on other Rapid Transit, and 1% on bus – a loss of about \$5-6 million per year on those modes
 - \$10-20 Million on Commuter Rail (2019)
- Estimates are based on analyses by CTPS and OPMI; all have been shared with the FMCB in past years.

Future (w/All-Door Boarding)

- *Without fare verification*, fare evasion on services with all-door boarding would increase dramatically
 - Without fare verification, evasion rates expected to be at least 13% and could be much higher
 - Would increase fare loss by at least \$25-30 million over today's evasion rates
 - With a breakdown in norms of fare payment, fare evasion rates in Santiago de Chile have been as high as 28%



Why are we moving to a **Verification** system?

- The biggest “return” on fare verification is deterrence -- the goal is NOT 1:1 recovery of lost fares through fine revenue
- Seeing other individuals be inspected, and being inspected periodically on the system, increases other’s willingness to voluntarily pay the fare.
- “[Fare Evasion] siphons revenue, engenders a sense of unfairness amongst passengers, and leads to questions of accountability when agencies express their need for more funding to maintain or expand services.”
 - CTPS, *MBTA Passenger Noninteraction with Automated Fare Collection Equipment*, 2016



Prior to the 2021 Transportation Bond Bill

- Transit Police, prior to the 2021 Transportation Bond Bill, were the only classification of employees issuing fare evasion citations.
- In 2017, there were 2,488 fare evasion citations issues, down from 3,222 in 2016.
- To understand more about the citations that were issued, MBTA did a hand review of the all citations issued in January 2019 (N=150)

Perceived Race/Ethnicity	Number of Citations (%)
White	68 (45.3%)
Black	51 (34%)
Hispanic	28 (18.7%)
Other	3 (2%)

Perceived Gender	Number of Citations (%)
Male	132 (88%)
Female	18 (12%)



More Flexibility for How We Address Fare Evasion

The following are legislative changes related to fare evasion in the **Transportation Bond Bill** adopted in January 2021.

Change in Bond Bill	What does this mean for the MBTA and riders?
Decriminalizing fare evasion	Riders can no longer be subject to arrest for evading paying their MBTA fare.
The ability for the MBTA to designate who can issue fare citations	The MBTA can now designate employees to issue fare citations, allowing the Authority to hire a civilian fare verification team which will be needed to implement Proof of Payment.
Provided MBTA with regulatory authority to set fine levels and appeals process	The MBTA can now issue regulations to set lower fines.
Established an annual report on warning and citation data published by OPMI.	The MBTA will now issue an Annual Report on fare citations and fare evasion.



Prior Status of Fare Evasion Citations on the T

- Previously, citations for fare evasion on the MBTA were:
 - \$100 for the 1st offense
 - \$200 for the 2nd offense
 - \$600 for the 3rd and subsequent offenses
- One unpaid citation is reportable to the RMV, marking the offender's license for non-renewal



Lower Fines Now & Launch Fare Payment Verification Later

- The MBTA is still building Fare Transformation which will deliver the benefits of all-door boarding and faster and more reliable service.
- In the meantime, **we are proposing to decrease fine levels now** before launching Fare Payment Verification in 2023.
- When the major components of Fare Transformation are implemented, likely in calendar year 2023, the MBTA anticipates it will update its regulations accordingly.





Proposed Regulations

Regulatory Process

- MBTA has filed draft regulations with the Secretary of State's office
- MBTA is currently accepting public comment on draft regulations
- MBTA is required to hold a public hearing to receive feedback on the draft regulations
- MBTA staff will be, after the closing of public comment on April 30, presenting draft regulations to the FMCB board on May 10th for their consideration and approval.
- Once approved by the board, the final regulations will be filed with the Secretary of State and will take effect after publication in the Massachusetts Register



Definitions

- Authority or MBTA refers to the Massachusetts Bay Transportation Authority created by M.G.L. c. 161A.
- 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).
- 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.
- Registry means the Massachusetts Registry of Motor Vehicles.



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.



Fare Evasion Citation Amount

- MBTA is proposing to cut citation levels by more than half
 - First, second, and third offense would be \$50
 - Fourth and subsequent offense would be \$100
- Fraudulent misuse of a reduced fare credential is a separate citation set at \$70
 - This would be a new category of citation for when one person purposely uses a reduced fare card assigned to another individual in order to avoid paying the full fare. (e.g. using some else's Senior Card, or Student card)



Fare Evasion Citation Amounts at Peer Agencies

Agency	Citation Amounts
King County Metro	\$50
BART	\$75
LA Metro	\$75
MTA	\$100
SFMTA	\$120
TriMet	1 st offense = \$75; 2 nd offense = \$100; 3 rd offense = \$150; 4 th + offense = \$175



Parking Citation Amounts at Local Jurisdictions

Jurisdiction	Citation Amount Range
City of Boston	\$35-\$100
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
MBTA Parking	\$15-\$200



Citation Appeals

- Person has 30 days to:
 - Pay the fine as indicated
 - Appeal the fine by requesting a hearing or submitting a written appeal:
 - Request a hearing
 - Hearing may be in person or virtual
 - Hearing is informal
 - Decision of the Hearing Officer is final, but subject to judicial review
 - Failure to appear will result in denial.
 - Submit an appeal by mail or electronic means
 - Does not prohibit the right to still “request a hearing”
 - MBTA has 60 days to respond, and will notify in writing.
 - If an appeal is denied, a written explanation must be provided



Days to Appeal Citation at Peer Agencies

Agency	Days to Appeal
King County Metro	45
TriMet	45
SFMTA	21
MTA	30
BART	28
LA Metro	21



Failure to Pay or Appeal

- If someone fails to appeal or pay a citation by the 30th day, the MBTA will issue written notice to the person. Notice will include that a person's right to operate a motor vehicle may not be renewed.
- Upon two or more unpaid, unresolved citations, MBTA may notify the Registry, and the Registry will place a hold on the person's license renewal.
- To remove the hold, the person must pay the fine, or may request a waiver for financial hardship, in order for the hold to be lifted.



Annual Citation Report

- MBTA must issue an annual report on the number of warnings and citations issues in the prior 12 months.
- MBTA shall develop criteria for the content of that report.





Rider Feedback

Feedback Needed!

- Do our proposed regulations make sense?
- Are there alternatives that the MBTA should be considering?
- Is the appeal window long enough to accommodate riders?



Written feedback is also
welcome at
fareregulations@mbta.com

Raising Your Hand

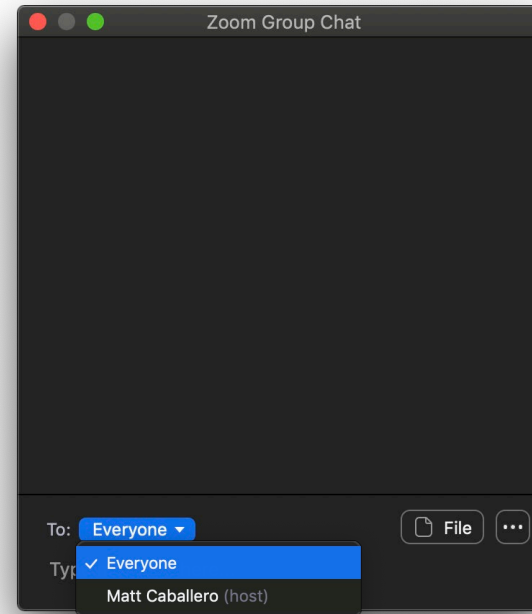
- Please use Zoom’s “Raise Hand” feature to indicate if you have a comment. **If you have a comment, please raise your hand and wait for the moderator to give you permission to speak.**
 - By default, all attendees are muted so that only the presenters can be heard. When you raise your hand, it alerts the moderator that you’d like to speak. The moderator will unmute attendees to ask questions in the order that they raised their hands.



To speak, click
“Reactions”
then
“Raise hand”



Send a chat
to the moderator



***9**
Raise Hand

Preview of future outreach topics

- **April 2021 Focus: Proof of Payment**

- Future of proof of payment and fare verification
- Meetings on April 20th and 29th – registration information can be found in the link below.

- **May 2021 Focus: Fare Rules**

- One-pager posted online: <https://www.mbta.com/fares/fare-transformation/get-involved>
- Outreach launching in May



Thank you!



Email the MBTA Community Engagement team at publicengagement@mbta.com.

Remember to Ride Safer.

