

MINUTES

MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM PUBLIC SECURITY COMMITTEE (PSC)

June 23, 2022

1. Roll Call

Chair Montgomery Steppe called the Public Security Committee meeting to order at 2:02 p.m. A roll call sheet listing Public Security Committee member attendance is attached.

2. Approval of Minutes

Mr. Whitburn moved to approve the minutes of the February 17, 2022, MTS Public Security Committee meeting. Chair Montgomery Steppe seconded the motion, and the vote was 7 to 0 in favor.

Chair Montgomery Steppe stated for the record that her last name is not hyphenated.

3. Public Comments

Jack Shu, La Mesa City Councilmember and MTS Board Member – Mr. Shu observed a couple situations on the Orange Line on June 16th during the afternoon and evening hours. The first one he was heading to downtown San Diego, he noticed enforcement officers contacting a patron that was possibly asleep next to him on the trolley that apparently did not pay a fare. Mr. Shu stated two to three officers escorted the person off of the trolley presumably to pay for a fare. On the way home that evening, around 9:00 pm, he was at the Fifth Avenue trolley station when he noticed a person being escorted off a Blue Line trolley by three transit officers for not having a fare. Mr. Shu stated another six to seven officers showed up to the scene. He stated the officers were trying to get the person to pay a fare and there was a lot of yelling and screaming. The person seemed very intimidated and he felt she was being harassed by the three officers surrounding her. He stated the other six to seven officers were surrounding the entire transit station closing off all means for the person to walk off. Mr. Shu stated the confrontation went on for quite some time. Mr. Shu felt the person wanted to pay and was trying to explain to the transit officers that she felt intimidated by all of them and stated she has issues with males surrounding her particularly men in uniforms. He stated that did not deter the officers from continuing their aggressive stance. Mr. Shu commented that he has law enforcement background and he felt the officers in this incident did not follow any de-escalation process and just wanted to describe what he saw happening on the transit system.

Sharon Cooney, Chief Executive Officer, asked Mr. Shu for the date and time of the incident in order to investigate further. Mr. Shu stated this incident happened June 16th on the Blue Line around 9:00 pm.

COMMITTEE DISCUSSION ITEMS

4. Fare Enforcement Diversion Program (Karen Landers)

Karen Landers, General Counsel gave a presentation on the Fare Evasion Diversion Program and MTS's proposal to make it permanent. Ms. Landers gave an overview on fare enforcement, MTS Policy goals, the Diversion Program Pilot, eligibility, current options to resolve a citation, MTS's civil justice goal, financial impacts of fare evasion, ridership

recovery, transit funding and the implementation of the PRONTO fare system. Sharon Cooney, Chief Executive Officer, pointed out that paying for a transfer was discontinued the same time PRONTO was launched and MTS now incentivizes patrons to only purchase one-way fares, which in the end will cost less than buying a day pass. Ms. Landers shared Fare Evasion and Diversion Program data including Diversion Program participation. Ms. Landers reviewed MTS's permanent Diversion Program proposal and recommendation changes. She concluded her presentation stating that if the Public Security Committee was in favor of a permanent program, then a recommendation would be sent to the MTS Board for approval as consent or as a discussion item.

Mr. Stiehler, Director of Transit Security and Passenger Safety, stated that MTS is trying to be effective in collecting fares and mentioned that the officers are receiving complaints from paying customers in regards to giving non-paying customers the option to deboard the vehicle and buy a pass or let the individual walk away. Mr. Stiehler stated that instead of de-escalating a situation, it escalates it for the code compliance inspectors. He commented that having one more tool to use to provide a fair and equitable environment for riders and increase presence and safety on the transit system is helpful.

Ms. Cooney mentioned that this information was shared with the Security and Passenger Safety Community Advisory Group (CAG). Ms. Landers stated that the CAG did not make a formal recommendation but was supportive of the proposed permanent program.

Public Comments

Jack Shu – Mr. Shu commented on the diversion program and the proposed changes. He felt the primary reason patrons are not paying for a fare is that the majority of the population using transit does not have a lot of money. Mr. Shu understands the need to get farebox recovery, but does not want to make it more difficult for those who cannot afford to participate in the diversion program. Mr. Shu would like to keep the option to allow patrons the opportunity to get off and pay for a fare. Mr. Shu would like to convey the image that riding the trolley and bus is safe.

John Brady, Vice Chair of the Security & Passenger Safety Community Advisory Group (CAG) – Mr. Brady asked for confirmation regarding location of incidents and if they are mostly happening on the trolley. He inquired about ways to remind patrons to tap their PRONTO card to pay fare. Mr. Brady encouraged the service system to consider providing discounted passes to homeless service agencies and organizations so they can provide passes to the clients that are engaged with services.

Ms. Cooney confirmed that the incidents are trolley related and explained that on the bus patrons have to tap the fare box. She stated it is important to note that when MTS offers patrons to pay with the PRONTO card/app means the person already has money on the card or they are loading it to the card in front of the officer or going to the ticket vending machine with cash to purchase it. Ms. Cooney wanted to convey the difference between what MTS is experiencing now with the PRONTO card and the old Compass system. Ms. Cooney stated that with the PRONTO card, patrons decide if they want to pay or not pay. There will always be those who respect the honor system and will pay, those who do not have any money and need options, and those who will game the system. Ms. Cooney stated that MTS is trying to balance those three types of situations. Ms. Cooney stated that by lowering the diversion citation fee, the hope is that those with money on the PRONTO card/app will think twice before deciding to risk it. Ms. Cooney stated another

option could be for MTS to eliminate fare capping and go back to the way it was before PRONTO and offer monthly passes for purchase. Ms. Cooney stated the challenge MTS has now is getting patrons to work with the PRONTO system as a debit card or gift card.

Committee Comments

Chair Montgomery Steppe stated she is pleased with where MTS is now, starting out with the pilot program then coming back to the committee offering a permanent program. Chair Montgomery Steppe asked if a patron has a PRONTO card good for the year, money paid up front, but does not tap to ride, how that shows in the system and what are the possible consequences of not tapping. Mr. Stiehler stated that on the scanning devices carried by the officers it shows as a pass that has paid value but that the patron did not use any of the paid value to ride. Chair Montgomery Steppe asked if it is being tracked what kind of passes are being used (monthly, yearly, institutional). Ms. Landers stated that some data is being tracked manually by the officers, but MTS is working on an application to automate tracking information pertaining to contacts without a fare and what the results were. Ms. Landers stated what is being tracked now by the officers is when they contact a person without a fare what was the result, did they refuse to cooperate, did they buy a fare or did the officer issue a citation. Ms. Landers stated the only category of people that MTS has more information on are those that receive a citation. Ms. Landers explained that when the officers come in contact with a person who has a PRONTO card with money on it but did not tap, that the officer can tap or validate the fare for the patron and that contact would then not count in the statistics as someone found without a fare.

Chair Montgomery Steppe stated she would like the agency to do what they can to reduce the burden on the code compliance inspectors and the enforcement team. Chair Montgomery Steppe would not like to remove the option to purchase a fare in lieu of a citation and wanted to know how it is a financial risk to MTS and the budget. Ms. Landers stated that PRONTO patrons are not always tapping until they are contacted. If patrons are only tapping when they are contacted once in a while, that is where finance is finding the impact. Mr. Stiehler added that it is not mandatory for the officers to write a citation and stated the officers are trained in empathy and de-escalation and can validate a patrons PRONTO card/app if they feel it was a valid mistake. Mr. Stiehler mentioned MTS is hoping to obtain better software that will be able to show when a person has been previously contacted and how many times. Chair Montgomery Steppe asked if the people in question were people who pay as needed vs people who can afford to pay for the month. Ms. Lander stated it is both a combination of people who add a little money at a time and those who put the full monthly pass amount on as stored value, but are choosing to use the fare tapping instead of the monthly pass. Chair Montgomery Steppe asked to make the program permanent without removing the option to immediately purchase a fare at a ticket vending machine or on phone, but would like to revisit this option in another six months to a year. Ms. Cooney asked to leave the fine at \$25 if it is recommended to leave the option to immediately purchase a fare at ticket vending machine or on cell phone. Chair Montgomery Steppe would like to leave the rest of the proposal amendments as they are.

Vice Chair Aguirre stated she likes the options to resolve the way they are now and is appreciative for making this a permanent program, but agrees it is too early to remove the option to immediately purchase a fare. She agrees that PRONTO is a learning curve to tap at each segment and stated that there should be more efforts made towards education

and infrastructure to find ways to remind patrons to tap. Vice Chair Aguirre is hesitant on making patrons get off the trolley when it might be unsafe. Vice Chair Aguirre would like to collect more data before a decision is made.

Mr. Goble commented that it is too early to remove the option to immediately purchase a fare and said he himself did not know that you had to tap at every segment and thought it was like the Compass card process. Mr. Goble stated that even with all the flags marking the kiosks to tap here, it is still not clear that you have to tap at every segment and felt that could be the reason why the fare box recovery is down and feels that keeping option one to immediately purchase a fare is good for those who are still confused. Mr. Goble asked if the data collected on individuals cited once versus those who were cited four or more times and the percentages were in any relation to the persons housing status. Mr. Goble feels the issue may be less about fare evasion and more about app confusion and supports not taking out the option to immediately purchase a fare.

Mr. Whitburn asked for clarification regarding entry on a bus and if you have to pay first or if you can get on without paying. Ms. Cooney stated patrons are officially supposed to tap on the device every time or put money in the fare box so that once you board you will have already paid your fare. Ms. Cooney commented that there are some patrons who still refuse to pay and because the bus operators are trained to not escalate a situation, there are some occasions when a person will board without paying. Mr. Whitburn inquired about other trolley agencies where it is set up that you have to pay before you board via turnstile and if MTS has looked into or thought about doing that. Ms. Cooney stated the subways in New York have turnstiles and Los Angeles also has them, but you will still get a lot of nonpayers who crawl under and over turnstiles. Ms. Cooney stated that MTS has looked at what it would take, but that MTS is such an open-air system that it would be impossible to put gates everywhere. Mr. Whitburn supports removing the option to immediately purchase a fare and stated ideally, he would like having a system that would be free for everyone, but in the meantime we need to have in place something to treat patrons equitably and consistently. Mr. Whitburn felt that to do so there would have to be some kind of consequence for not paying and finds it problematic to give the patrons the option to buy a ticket or wait until you get caught to buy a ticket. Mr. Whitburn asked if the officers have the capability to know how many times a person has been warned and given the opportunity to purchase a fare. Mr. Stiehler stated that at the moment it is only via officer recollection but hopes with software improvements that MTS can get to the point of recognizing how many times an officer validates a patron's pass and on what dates. Mr. Whitburn asked if MTS has the capability to allow a person to pay on the spot if caught without a fare but to charge the person double what the fare would have initially been in order to give them some incentive to pay in advance. Ms. Cooney mentioned that MTS may be able to set a special fare for this type of circumstance, but stated that would be considered a penalty and she doesn't know if MTS could legally do that. Ms. Landers stated that in the context of the diversion program and the technology available today, what could be done is to have the person purchase a day pass instead of a one-way fare if they were caught without a fare. Ms. Landers stated that there would not be a legal restriction on this nor a technology impact since a day pass is already available to purchase on the app or at the vending machines. Mr. Whitburn asked the Chair if she would be willing to entertain the idea for an option such as the one just mentioned. Chair Montgomery Steppe stated different options could be brought to the Board, but she would like to keep the motion as is.

Mr. Elo- Rivera thanked the Chair for her leadership on this topic and his colleagues for the conversation. He stated that Ms. Cooney and the MTS team has flagged a concern around MTS's long-term structural budget that is important to address and is pleased that the committee is moving towards a policy recommendation that acknowledges those needs, but is also providing clear direction towards creating a quality and just riding experience for all members of the public. Mr. Elo-Rivera feels as Board members, there are a lot of ideas and feedback offered but not a lot of policy direction making the MTS staff's job more difficult and is pleased with the previous workshop conversation that took in multiple angles on this topic.

Action Taken

Chair Montgomery Steppe moved to forward this item to the MTS Board of Directors for further discussion, the vote was 7 to 0 in favor.

5. Director's Update (Al Stiehler)

Mr. Stiehler, Director of Transit Security & Passenger Safety, provided a presentation on crime comparison statistics for 2020 and 2021. Mr. Stiehler discussed the recent Transportation Security Administration (TSA) Peer Advisory Group roundtable and mentioned that Brian Jenkins, a researcher from Mineta Transportation Institute, gave a presentation showing that a level of violence has increased across the nation and stated that part of the problem is a rise in antisocial behavior and that people feel no consequences for their actions. Mr. Stiehler stated MTS encourages people to make reports, but a lot of victims just want to say what happened and keep moving with no report. Mr. Stiehler continued his presentation on the number of citations issued and assaults on employees. He mentioned the mission to create a safe and pleasant environment for the riders and explained the purpose for the rider experience details. Mr. Stiehler discussed the new bike patrol team and mentioned the transit worker assault prevention program. Mr. Stiehler gave an update on Inter-Con's transition, discussed the Naloxone (Narcan) Project, the Bus Enforcement Team (B.E.S.T.), Homeless Outreach efforts including the SDSU Unsheltered Resource Day and Operation Lifesaver. He recognized the newest Canine member added to MTS and discussed the new positions posted for a Professional Standards Unit and a Data Analysis Unit. Mr. Stiehler talked about National Public Safety Telecommunicators Week, the wellness council and concluded his presentation noting a few challenges moving forward.

Committee Comments

Mr. Whitburn thanked Mr. Stiehler for being part of the solution addressing homelessness.

Chair Montgomery Steppe appreciated the work being done, for working collaboratively with organizations to get to the root causes of the issues and for being committed and consistent from the beginning.

Action Taken

Informational item only. No action taken.

6. Report from Security & Passenger Safety Community Advisory Group (Al Stiehler, Megan Welsh and John Brady)

Mr. Stiehler mentioned that at the recommendation of the APTA Peer Review, the Security & Passenger Safety Community Advisory Group (CAG) was created. He stated Megan Welsh was elected as Chair and John Brady as Vice Chair at the first meeting. Mr. Stiehler commented that the CAG has been very supportive in listening to the challenges and coming up with solutions including new contact recommendations for MTS in regards to homeless outreach.

Megan Welsh, Chair of the CAG, stated there are 16 members in the CAG with expertise spanning many different fields. Chair Welsh mentioned that what the group has been seeking to accomplish in the past several meetings is to receive briefings and presentations from MTS staff on safety and security issues, then to have conversations asking questions and making recommendations to MTS using their own experiences and expertise. Chair Welsh mentioned in the first meeting there was not a lot of substantive work done, but instead elected the Chair and Vice Chair positions. She stated the group heard an overview of the work in progress and about the Fare Evasion Diversion Program.

Chair Welsh stated in the April meeting more time was spent discussing the Fare Evasion Diversion Program and specifically the proposed changes. Chair Welsh explained what the CAG hopes to contribute to the conversations around safety and security on transit moving forward. She stated during the Fare Evasion Diversion Program conversation, members of the CAG tried to identify ways in which they could tap into their expertise and experience to support the efforts of MTS recognizing that several CAG members have professional and personal experience with homelessness. Chair Welsh mentioned one of the issues surrounding the Fare Evasion Diversion Program is how can the CAG and MTS bolster their education on how patrons are supposed to be paying for a fare, but also recognizing when patrons are unable to pay for a fare and how can pathways be made for those patrons to have their needs met as well. Chair Welsh mentioned a youth CAG member raised the question around why people are not paying for their fares with the PRONTO card and would like to get more data and understanding on rider behavior. Chair Welsh stated the CAG welcomes additional data to help everyone make the most informed recommendations as possible. Chair Welsh mentioned that in the April meeting, the CAG gave feedback regarding the implementation of the youth passes and credited MTS for being proactive and thinking about issues that could arise that relate to enforcement, safety and security. Chair Welsh mentioned one of the ideas discussed was the possibility to expand the transit ambassador program to include youth ambassadors.

John Brady, Vice Chair of the CAG, stated that everyone on the committee is sympathetic to the need to drive revenue and is concerned as well about patrons being able to tap. Vice Chair Brady agreed with the committee members that more data is needed.

Chair Welsh stated that in the June meeting, the CAG received an update on the progress and implementation of the APTA Peer Review recommendations. Chair Welsh highlighted the strength of the CAG and how they can help MTS expand some of the goals around outreach. Chair Welsh stated there was a conversation surrounding the question on how MTS could start to implement case management involving data tracking and warm handoffs from an initial outreach contact to a service or shelter provider. Chair Welsh stated the CAG wondered if the Public Security Committee could play a role in seeking resources for MTS and asked could there be a homeless outreach team assigned to MTS. Chair Welsh mentioned the discussion surrounding MTS's policy and procedures for the camera system and body worn cameras and commended MTS for being transparent

regarding these procedures. Chair Welsh concluded her report stating that the CAG is working with Mr. Stiehler to schedule ride-a-longs with the security team for interested CAG members.

Vice Chair Brady added that in the June meeting there was a discussion regarding the rise in crime particularly violent crimes across the system and against MTS employees and security staff. Vice Chair Brady mentioned the CAG is very concerned about this issue and would like more data. Vice Chair Brady stated that from a passenger safety standpoint, the CAG would like to be able to support any actions that can help alleviate those situations on the part of the public safety organization within MTS. Vice Chair Brady conveyed how appreciative the CAG is to be able to provide their input to the MTS staff and thanked the MTS staff for their responsiveness.

Chair Montgomery Steppe thanked the CAG Chair and Vice Chair and the entire committee for all they are doing. Chair Montgomery Steppe thanked the MTS staff for taking the information and bringing it back to the Public Security Committee and for having healthy conversations on how MTS deals with all the challenges and issues around providing public security on the transit system.

Action Taken

Informational item only. No action taken.

7. Committee Member Communications and Other Business

There was no Committee Member Communications and Other Business discussion.

8. Next Meeting Date

The next Public Security Committee meeting is scheduled for September 22, 2022, at 2:00 p.m.

9. Adjournment

Chair Montgomery Steppe adjourned the meeting at 3:45 pm.

/S/ Monica Montgomery Steppe
Chairperson
San Diego Metropolitan Transit System

Attachment: Roll Call Sheet

SAN DIEGO METROPOLITAN TRANSIT SYSTEM
PUBLIC SECURITY COMMITTEE MEETING

ROLL CALL

MEETING OF (DATE): June 23, 2022 CALL TO ORDER (TIME): 2:02 pm

ADJOURN: 15:45 pm

COMMITTEE MEMBER	(Alternate)	PRESENT (TIME ARRIVED)	ABSENT (TIME LEFT)
AGUIRRE <input checked="" type="checkbox"/>	(no alternate)	2:02 pm	15:45 pm
ELO-RIVERA <input checked="" type="checkbox"/>	(no alternate)	2:02 pm	15:45 pm
GALVEZ <input checked="" type="checkbox"/>	(no alternate)	2:02 pm	15:45 pm
GLORIA <input type="checkbox"/>	(Whitburn) <input checked="" type="checkbox"/>	2:02 pm	15:45 pm
GOBLE <input checked="" type="checkbox"/>	(no alternate)	2:04 pm	15:45 pm
HALL <input checked="" type="checkbox"/>	(no alternate)	2:02 pm	15:45 pm
MONTGOMERY STEPPE <input checked="" type="checkbox"/>	(no alternate)	2:02 pm	15:45 pm

COMMITTEE CLERK:

Karen Wisniewski