

MINUTES
MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM
PUBLIC SECURITY COMMITTEE (PSC)
September 20, 2024

[Clerk's note: Except where noted, public, staff and Committee Member comments are paraphrased. The full comment can be heard by reviewing the recording at the [MTS website](#).]

1. Roll Call

Chair Montgomery Steppe called the Public Security Committee meeting to order at 1:31 p.m. A roll call sheet listing Public Security Committee Member attendance is attached as Attachment A.

2. Public Comments

Alex Wong – Provided a written statement to the Committee prior to the meeting. Alex expressed support for increasing trolley frequency, particularly the decision to increase late night trolley frequencies to 15 minutes systemwide. The written comment is provided in the September 20, 2024 Final Meeting Packet.

Guthrie Leonard – Provided a written statement to the Committee prior to the meeting. Guthrie expressed support for increasing trolley frequency, particularly the decision to increase late night trolley frequencies to 15 minutes systemwide. The written comment is provided in the September 20, 2024 Final Meeting Packet.

Sam Borinsky – Provided a written statement to the Committee prior to the meeting. Sam expressed support for increasing trolley frequency, particularly the decision to increase late night trolley frequencies to 15 minutes systemwide. The written comment is provided in the September 20, 2024 Final Meeting Packet.

Alex Hernandez – Provided a written statement to the Committee prior to the meeting. Alex expressed support for increasing trolley frequency, particularly the decision to increase late night trolley frequencies to 15 minutes systemwide. The written comment is provided in the September 20, 2024 Final Meeting Packet.

Lawrence Vulis – Provided a written statement to the Committee prior to the meeting. Guthrie expressed support for increasing trolley frequency, particularly the decision to increase late night trolley frequencies to 15 minutes systemwide. The written comment is provided in the September 20, 2024 Final Meeting Packet.

3. Approval of Minutes

Committee Member Hall moved to approve the minutes of the June 7, 2024, MTS Public Security Committee meeting. Committee Member Dillard seconded the motion, and the vote was 5 to 0 in favor with Committee Member Donovan absent.

DISCUSSION ITEMS

4. Transit Agency Fare Enforcement Model Review (Karen Landers and Dan Brislin)

Karen Landers, MTS General Counsel, and Daniel Brislin, MTS Deputy Director of Transit Security and Passenger Safety, presented on Transit Agency Fare Enforcement

Model Review. They presented on: the Fare Enforcement Model types, criminal and administrative penalties, hearing rules, enforcement models, surveys throughout California Transit Agencies, Criminal, Administrative, and Hybrid Enforcement Agencies, additional recommended research if there are changes to the Fare Enforcement Model, proposed concept of MTS Administrative Penalty Program, identified resources and its costs to implement, possible impacts to operations, and staff recommendation.

Public Comment

There were no Public Comments.

Committee Comment

Chair Montgomery Steppe shared her philosophy of decriminalizing fare evasion while prioritizing the safety of the transit system. She emphasized the importance of informing the PSC committee about various enforcement models adopted by other agencies, highlighting that the Civil Enforcement Model is lawful and widely used across the state. Although a full legal analysis was not yet available, Chair Montgomery Steppe referenced that the case law indicated that an officer may detain an individual suspected of violating civil laws, parallel to traffic stops, that can lead to detention for potential criminal violations. Chair Montgomery Steppe noted that while the transit system involves a different demographic, she does not see why the principle would differ in this context. Chair Montgomery Steppe provided historical context, noting that the current law allows for detention under a civil enforcement model, citing cases such as *Smith vs. Kelly* and the *Choudhry* case among others. She stressed the importance of careful collaboration with law enforcement, emphasizing that any analysis presented should be well-supported. Chair Montgomery Steppe expressed concern about the potential for adversarial dynamics, cautioning against an approach where law enforcement might withdraw from a joint task force if their preferred enforcement model is not adopted, she stated that regardless of the chosen enforcement model whether it remains the same or becomes more punitive, transparent partnerships are essential. Chair Montgomery Steppe underscored the need for law enforcement to provide thorough and substantiated analysis when engaging with the agency to ensure productive collaboration.

Chair Montgomery Steppe noted that the Committee has been evaluating various enforcement models for the past four years and expressed interest in further researching the hybrid model, stating that the inconsistent reports from other transit agencies regarding enforcement on the line are not acceptable for her. As she understands the current process, enforcement begins with the criminal system, but patrons can exit that process through the Diversion Program and in her view, the civil model is essentially a reversal of this approach, starting with a civil process that could escalate to a criminal process if the patron does not comply. Chair Montgomery Steppe emphasized that the hybrid model would require more technological presence to function effectively. She explained that patrons do not need to opt into the enforcement model; rather, they would follow the process as outlined, with repeat offenders transitioning to the criminal model. Chair Montgomery Steppe shared her interest in this issue stemmed from early committee discussions on maintaining safety while reducing punitive measures for fare evasion. She referenced a study done prior to these discussions had revealed that individuals who were formerly homeless faced significant barriers to securing housing

and reintegrating into society due to numerous transit infractions and that this research highlighted how such infractions created obstacles for those genuinely working to rebuild their lives, prompting the committee to explore alternative enforcement approaches.

Chair Montgomery Steppe expressed interest in hearing the opinions of Committee Members on the research and emphasized her desire for more information on the hybrid model. She reiterated her belief that the hybrid model is reversal of the current system, incorporating elements already present in the Diversion Program. Under this approach, patrons would follow a civil process initially, rather than entering the criminal system directly, unless they were repeat offenders.

Committee Member Gonzalez thanked Chair Montgomery Steppe and expressed appreciation for her comments in framing the discussion. He requested a deeper discussion on one specific point, focusing on concerns related to implementing a purely administrative model and how those concerns might be addressed under the hybrid model: while acknowledging that MTS staff intended to seek an additional legal opinion, he asked whether the concerns raised by law enforcement partners had been addressed within the hybrid model framework. Ms. Landers explained that the current model addressed these concerns because fare evasion falls under a criminal violation, as Chair Montgomery Steppe had mentioned. She reiterated that the agency provides an off-ramp through the Diversion Program, allowing patrons to avoid the criminal process. Under this approach, the original citation initially classified as criminal is placed on hold and not sent to court until the patron opts into the Diversion Program and is given time to comply. Ms. Landers noted that the information received from other programs seemed inconsistent, as enforcement appeared to vary depending on the individual issuing the citation and how it was unclear whether other agencies followed a structured approach, given that a criminal violation remained on record, providing reasonable suspicion and the authority to detain individuals to verify fare payment and if a patron was found without fare, they would receive a citation and be released.

Ms. Landers acknowledged that administrative programs were lawful but raised questions regarding enforcement protocols. She questioned what guidelines Transit Enforcement would follow under an administrative model, such as whether officers could prevent a patron from leaving until a citation was issued, block their movements if they attempted to walk away, or remove non-compliant patrons from the train. She emphasized that these issues would need to be addressed if transitioning to an administrative model. Ms. Landers concluded by stating that the current program already provides legal protection for these concerns. However, if an administrative model were to eliminate the criminal citation entirely, it would be necessary to determine what procedural changes and enforcement rules would need to be implemented. Ms. Cooney noted that perspectives on the hybrid model vary depending on whom one speaks to within different agencies. She provided context, explaining that some agencies have multiple levels of security, including both sworn officers and non-sworn officers, and that interpretations of whether enforcement is classified as criminal or administrative can differ.

Ms. Cooney mentioned that Mr. Brislin had discussions with Los Angeles staff on this topic. Mr. Brislin thanked the Committee Members for addressing these concerns and provided historical context on law enforcement procedures. He explained that detaining an individual typically involves constitutional considerations, as detentions are generally

tied to crimes such as infractions, misdemeanors, or felonies under a supporting ordinance. An example, he referenced traffic stops, which are justified under the California Vehicle code. In such cases, individuals are briefly detained while being questioned and then sign a written promise to appear in court, with the length of detention depending on the type of offense. Mr. Brislin further explained that law enforcement agencies tend to avoid involvement in civil regulatory matters or cases that would be handled in Civil Superior Court or small claims court. Due to the risk of unlawful detention or arrest in civil cases, officers generally refrain from engaging in these models. Mr. Brislin stated that if there were any legal provisions allowing detention for an administrative issue, they would need to be carefully examined. However, based on his experience with the San Diego Police Department (SDPD), such a practice could present legal challenges, as officers would not want to risk violating individuals Fourth Amendment rights for an administrative penalty. Ms. Cooney shared insights from her discussions with various individuals at LA Metro, highlighting discrepancies in their interpretations of enforcement. She noted that the person overseeing the administrative process stated that “everything is administrative, there are no criminal citations,” whereas individuals responsible for issuing citations reported that “there are criminal citations for fare evasion.”

Mr. Brislin reiterated that detention cannot occur without being linked to a crime. He explained that CCI Inspectors or Officers, who have the authority to detain individuals and use reasonable force, if necessary, may create the perception that a patron is not free to leave simply through their presence or by requesting identification. Mr. Brislin further stated that if the administrative model were implemented, it would likely require patrons to be explicitly informed that they are not being detained and are free to leave at any time during the interaction, this distinction defines a consensual contact rather than a detention or arrest. Ms. Landers stated that if the Committee wished to explore this further, they could commission a legal opinion to analyze the relevant statutes and confirm whether they are purely administrative, and this analysis could help establish clear rules that the Board is comfortable with or lead to a request for legislative authority to confirm whether the administrative penalty program still permits the right to detain. She added that while she was unsure if such confirmation would be possible, the process would help clarify the necessary rules and enable a more informed discussion with law enforcement partners. Currently, she noted, there is no formal legal opinion to serve as a foundation for these discussions, making it difficult to engage in meaningful dialogue with law enforcement agencies.

Committee Member Gonzalez agreed with Chair Montgomery Steppe’s perspective on minimizing criminalization in the enforcement process but acknowledged the need for a component within the hybrid model to address legal concerns, particularly for law enforcement partners. He expressed a preference for the BART model if the Committee decided to transition away from the current Diversion Program and implement a hybrid approach. Committee Member Gonzalez stated regarding penalties, that he was not in favor of increasing fines for repeat violators, instead, he believed that at a certain point, non-compliance should lead to a transition into the criminal process rather than imposing escalating penalties. He noted that this approach would be less punitive and simpler for enforcement agencies. Additionally, he emphasized that individuals who pay their fines promptly should benefit from avoiding the late penalties. Committee Member Gonzalez reiterated that his support for changes to the enforcement model was not based on

generating revenue but rather on creating an effective diversion process, with agency tolls serving as the primary revenue source. He suggested, given these considerations, that the BART model could serve as a strong reference for a potential hybrid model.

Chair Montgomery Steppe thanked Committee Member Gonzalez for his comments and referenced *United States v. Choudhry*, which establishes that law enforcement officers may briefly detain individuals suspected of violating civil laws that permit citation issuance. She noted that if, during such detention, officers lawfully uncover evidence of criminal activity, they may take appropriate action.

Committee Member Dillard thanked Chair Montgomery Steppe and Ms. Landers for their extensive research. She shared observations from her experiences riding the trolley, particularly on trips to MTS and SANDAG, noting that security presence was often minimal. She inquired whether MTS had considered installing clear and visible warning signage on trolleys or station platforms to inform patrons of the consequences of fare evasion. Committee Member Dillard expressed that there is currently no strong culture discouraging fare evasion and suggested that MTS take steps to establish one while acknowledging that she does not have a legal background, she viewed fare evasion from a straightforward perspective – if a person boards the trolley knowing they are required to pay but chooses not to, it constitutes theft. Committee Member Dillard then asked MTS staff at what point it would be considered inappropriate to detain an individual for fare evasion and inquired about how the process would work if a patron were unable to provide proof of payment and is riding without a valid fare. Ms. Landers explained that detention is a brief part of the interaction between security personnel and the patron. She provided an example, stating that if an inspector asks a patron for proof of fare and they are unable to provide it, this would currently be considered a violation of the criminal statute as an infraction. During this interaction, the patron would be required to stay and provide information so that a citation could be issued. The patron would then have the opportunity to appear in court and contest the citation if they believe it was issued unfairly. Ms. Landers clarified that the detention is limited to ensuring compliance with the citation process, meaning the patron is not free to leave until they provide their information. However, she emphasized that detention does not primarily involve physically blocking a person's path but rather requiring their cooperation to issue the citation.

Committee Member Dillard then expressed frustration to the Chair, referencing discussions from previous Public Safety meetings in which she sought to understand the interactions between inspectors and individuals being detained. Committee Member Dillard cited a Public Safety report indicating that some individuals refuse to engage with inspectors, use profanity, or ignore enforcement efforts altogether. She raised concerns about the lack of an effective fare evasion deterrence and suggested that stronger enforcement measures might be necessary initially to establish a culture of compliance. Once that culture is in place, Committee Member Dillard proposed that the agency could consider scaling back enforcement over time and reiterated her support for the hybrid model, stating that if stricter measures were implemented at the outset, it could serve as a warning to the public. Currently, she noted, the prevailing perception is that fare evasion is common and that the likelihood of being caught is relatively low. Committee Member Dillard expressed concern that the agency might fall into the same patterns as before, where enforcement disproportionately impacts certain groups, she suggested

exploring a system where patrons and the agency could reach an agreement that allows individuals to volunteer time in exchange for a reduction in their penalties, additionally, she proposed that the agency consider taking a patron's behavior into account and provide an option for them to report their financial situation to prevent further hardship.

Committee Member Dillard provided an example, noting that many patrons traveling south on the Blue Line or the Orange Line are working-class individuals, including hourly employees or those earning around \$50,000 per year. She raised concerns that if someone in that financial situation fails to pay their fare and then cannot afford the citation, it could create significant financial strain. Committee Member Dillard emphasized that unlike in some other counties, many riders particularly those traveling from the south rely on transit as their primary means of transportation. She acknowledged the extensive data presented but stressed the need to explore additional ways to address fare evasion and recognized the seriousness of the issue while also considering the financial impact on the agency. From a business perspective, she pointed out that fare evasion results in a loss of over a million dollars per month, reinforcing the necessity for patrons to pay their fares. Committee Member Dillard requested recommendations on how to address these concerns equitably across all areas of the city rather than disproportionately impacting certain regions, she finally expressed her desire to find a fair and balanced solution that ensures enforcement is both effective and just.

Chair Montgomery Steppe thanked Committee Member Dillard and acknowledged the complexity of the issue. She referenced the previous enforcement process before the implementation of current programs and highlighted what the data had shown, she clarified that, contrary to concerns, the agency was not losing as much money as perceived but was, in fact, issuing a significantly higher number of citations. Chair Montgomery Steppe noted that while citations did not necessarily translate into revenue, they followed individuals throughout their lives, which was a key challenge. When addressing Committee Member Dillard's point, Chair Montgomery Steppe found the suggestion of warning signage on platforms insightful and noted that it had been mentioned in the peer review as a recommendation for improvement. She emphasized the difficulty of balancing different perspectives, particularly with the transition to PRONTO and stored value. Chair Montgomery Steppe acknowledged the complexity of the data reviewed on this topic, stating that multiple factors contributed to the current situation. She highlighted the numerous changes that had occurred over the past three years, making it difficult to categorize the issue under a single cause.

Chair Montgomery Steppe provided an analogy, she compared fare evasion to speeding violations, explaining that while speeding can be dangerous and potentially fatal, individuals do not face murder charges unless harm occurs, they simply receive a ticket. She urged the Committee to carefully consider how they view both riders and drivers, emphasizing that the system has historically had inherent biases. Chair Montgomery Steppe concluded by questioning the appropriate response to a person failing to pay a \$5 fare, noting that the issue was philosophical. She stated that this perspective had unfortunately contributed to a culture of non-payment, which was the challenge the PSC Committee was working to address.

Committee Member Dillard, in response to Chair Montgomery Steppe's comments, suggested maintaining equity by implementing a program for individuals experiencing

financial hardship. Chair Montgomery Steppe acknowledged MTS staff's efforts and assured that such a program was already in place within the agency. Committee Member Dillard pointed out that information about the program was not prominently displayed on platforms, buses, or trolleys. She suggested exploring additional ways to promote the program and encourage eligible patrons to apply, requiring proof of hardship to ensure equitable access.

Chair Montgomery Steppe reiterated that the hybrid model addresses this concern. She provided further insight into the current program, emphasizing that participation does not require opting in, patrons are automatically included rather than being placed into a criminal process unless they choose not to apply for the Diversion Program and highlighted this distinction as a key difference. Chair Montgomery Steppe further suggested that if the agency were to eliminate on-the-spot payments, the civil process would effectively reverse the current system and that instead of beginning with a criminal process, the initial interaction would be framed as civil matter-acknowledging the violation without imposing severe consequences while still allowing for escalation in cases of non-compliance. She also stated that the Committee would not be deciding on a model at this time but would request MTS staff to provide further responses to their questions.

Committee Member Hall asked Mr. Brislin if he believed the hybrid model retained enough of the criminal element to justify detaining offenders. Mr. Brislin responded that, in his opinion, if there was a criminal aspect to the detention, then yes, as reasonable suspicion to detain requires a belief that crime is occurring, has occurred, or is about to occur, and that the individual being detained is the one who committed the offense. Committee Member Hall then asked Ms. Landers if she agreed. Ms. Landers confirmed that the current hybrid model satisfied that requirement and stated that if the agency were to consider transitioning to a different hybrid model, the goal would be to address and resolve any legal concerns.

Committee Member Hall expressed concern that if the agency moved to a purely administrative mode, it could lead to legal challenges. He stated that he was not in favor of creating a situation where lawsuits were likely, as it could result in court proceedings and closed-session discussions for the agency and emphasized the importance of maintaining some criminal element to provide legal backing for enforcement. Committee Member Hall then asked MTS staff if there was any available data on the financial losses the agency has incurred. Ms. Landers stated that she had updated her statistics in the following agenda item and that, overall, fare evasion remained consistent with the agency's estimates from June. While there had been a slight increase, MTS staff estimated annual fare evasion losses to be between \$10 million and \$13 million, equating to just over \$1 million per month. She noted that this estimate was based on PRONTO data analysis and that the Finance department had conducted a separate calculation using a different formula, which resulted in a similar figure. Committee Member Hall asked for the current fare evasion percentage. Ms. Landers responded that, as of August 2024, the fare evasion rate stood at 32.48% for the calendar year. Committee Member Hall inquired about federal funding requirements, specifically asking if the agency would need to comply with State Transit Development Act (TDA) regulations. Ms. Landers confirmed that they would. Ms. Cooney added that discussions were ongoing regarding potential TDA reforms that the agency was pursuing. She

explained that when TDA was originally created, a specific formula was established to determine farebox recovery rates and the limits within which they could fluctuate. Ms. Landers further clarified that this calculation differed slightly from the agency's farebox recovery ratio, which measures how much fare revenue contributes to covering overall operating expenses.

Committee Member Hall asked whether the agency would encounter issues in the future if the current situation was not addressed. Ms. Cooney responded that, at the state level, farebox recovery ratio requirements were currently not being enforced due to the pandemic, however, if the legislation changed, these requirements could be reinstated. Committee Member Hall acknowledged that the agency was moving in that direction but cautioned against relying on assumptions about future legislative decisions. He compared it to previous funding situations where agencies were assured money was coming, only for it to be delayed or withdrawn. He emphasized the importance of planning for reality rather than relying on uncertain outcomes. Committee Member Hall stressed that the agency needed to address the issue immediately to avoid serious financial consequences in the future. If the agency continued losing \$1 million per month, it could quickly find itself in financial distress. He expressed concern about the potential funding losses and stated that MTS could not afford to take that risk. Committee Member Hall noted that the agency was working within a specific timeline and needed to stay on track. He emphasized that financial losses could quickly accumulate, putting the agency in a precarious position. He requested data on how other agencies were performing in comparison to MTS and asked for an update at the next meeting to assess the agency's standing and projected trajectory, particularly leading up to 2028.

Ms. Landers responded that she did not have verified statistics but noted that, based on MTS's farebox recovery survey, the agency had a 24% farebox recovery ratio. She mentioned that a few other agencies were in the low 20% range, while most others were significantly lower, around 5-9%, which factored into budget discussions. Chair Montgomery Steppe clarified that some agencies operating under a hybrid model had even lower farebox recovery ratios. She stated that additional details, including direct funding sources and how MTS reached its 32% figure, would be covered in the next agenda item. Ms. Landers agreed. Committee Member Hall commented that, ultimately, legal decisions would be made by the courts and that the agency needed to ensure it was not putting itself in a position that could lead to financial losses or legal challenges. He stated that, despite his generally more liberal stance, he supported imposing a \$25 fine unless proven otherwise. He referenced a case where a patron had accumulated 151 citations and suggested that repeat offenders should potentially be restricted from using transit, as they might be contributing to broader issues.

Committee Member Hall reiterated his longstanding concern about security enforcement and whether those committing crimes were also being checked for fare payment, expressing skepticism that they were. He stated that he was open to the hybrid model but preferred an approach that maintained the criminal component upfront; while he did not want to see individuals jailed over a \$5 fare, he emphasized the importance of ensuring the safety of other riders while balancing enforcement measures. Chair Montgomery Steppe thanked Member Hall for his participation.

Committee Member Rodriguez thanked MTS staff for their research and presentation and inquired whether fare evasion was more common on the trolley or bus system. Ms. Landers responded that fare evasion was significantly higher on the trolley. Committee Member Rodriguez asked for a percentage comparison. Ms. Landers stated that while they did not have exact data, the bus system had a fare evasion rate of approximately 3% because passengers must pay upon boarding. In contrast, the trolley had a fare evasion rate of 32%, roughly ten times higher, due to the absence of an upfront fare collection mechanism. She explained that when passengers bypass the farebox on bus without paying, there is an immediate social accountability factor, whereas on the trolley, people may take their chances if they believe no one is monitoring them.

Committee Member Rodriguez then asked how other agencies, such as BART, VTA, and CALTRAIN, handled administrative citations. Ms. Landers responded that she could investigate further but noted that both BART and CALTRAIN generally follow an administrative penalty process. Typically, after the first one or two citations, a hearing is scheduled, and upon receiving a third citation, the matter may escalate to a criminal offense. Committee Member Rodriguez asked who was responsible for issuing citations. Ms. Landers explained that some agencies employ hybrid officers who function as public officers rather than law enforcement officers. Additionally, other agencies contract with local police departments and sheriff's offices to patrol their transit systems exclusively. As a result, a passenger could be approached either by a fare enforcement officer similar to MTS Transit Security or a sworn law enforcement officer. Committee Member Rodriguez then inquired whether fare enforcement officers, under legal definitions, had the authority to stop individuals and issue citations. Ms. Landers confirmed that they did. Committee Member Rodriguez then inquired whether fare enforcement officers, under legal definitions, had the authority to stop individuals and issue citations. Ms. Landers confirmed that they did. Committee Member Rodriguez thanked Ms. Landers for clarifying and requested confirmation of the estimated revenue loss due to fare evasion. Ms. Landers stated that, based on PRONTO data, the estimated loss ranged from \$1 million to \$1.2 million per month, totaling approximately \$10 million to \$13 million per year. Committee Member Rodriguez asked if this figure accounted only for unpaid fares. Ms. Landers confirmed that it did.

Committee Members Rodriguez further asked what impact there would be if those who currently evade fares stopped riding transit altogether whether agency expenses would increase or decrease. Ms. Landers responded that if a portion of non-paying riders stopped using the system, there might be reduced demand for service, potentially leading to service adjustments. However, she noted that this specific analysis had not been conducted.

Ms. Landers added that through various budget processes, MTS has found that many passengers prefer paying a higher fare in exchange for more frequent service rather than a lower fare with fewer service options. While she is not directly involved in service planning, she stated that Denis Desmond, Director of Planning and Scheduling, would have more insight in this area. Ms. Landers emphasized that the agency's approach is to maximize funding to provide as much transit service as possible, with a portion of that funding coming from fares and subsidies. She concluded that if MTS could offset fare revenue losses with additional subsidies, it would enable the agency to expand services further. Ms. Cooney noted that a common argument against fare enforcement is that

trains will operate regardless of whether every passenger pays. However, she emphasized that the agency still incurs operational costs for running the trains. If only 10 passengers cover the cost instead of 11, the agency must either raise fares or reduce service to account for those who choose not to pay.

Committee Member Rodriguez acknowledged this perspective but suggested considering a broader ideological approach. He expressed concern that increasing fares could discourage ridership, which contradicts the agency's goal of expanding public transit access across the region. He noted the challenge of balancing fare enforcement with the reality that penalizing non-payment especially to the extent of legal consequences such as jail time or a permanent record could create long-term barriers to employment and housing. Committee Member Rodriguez agreed that individuals should pay their fair share and stated he advocated for a system that prioritizes reasonable fees and alternative revenue sources rather than punitive measures. Committee Member Rodriguez reiterated his support for the hybrid model and recognized the agency's financial challenges. He pointed out that all Committee Members represent cities facing similar budget concerns, where time and resources are allocated based on funding availability. He urged the Committee to take a big-picture approach, ensuring transit remains as accessible as possible while addressing fare evasion.

Committee Member Rodriguez concluded by stating that while fare evasion results in lost revenue, the transit system continues to function regardless rather than focusing solely on lost funds, he encouraged exploring ways to make fare payment easier and more effective, ensuring a more sustainable and equitable transit system for all. Chair Montgomery Steppe thanked Committee Member Rodriguez for his contributions. She noted that the Committee's legislative platform encourages the agency to explore eliminating the farebox recovery model requirement at the state or federal level while also considering ways to provide free transit services for those in need. She acknowledged that both the Committee and MTS staff were balancing multiple factors in these discussions.

Chair Montgomery Steppe highlighted the unused stored value on PRONTO cards, which had accumulated due to recent system changes. She estimated the amount to be around \$ 8 million but was uncertain. Ms. Landers confirmed the estimate but clarified that accounting principles prevent those funds from being used in the current budget. She also noted that further details might be addressed in the next presentation. Chair Montgomery Steppe emphasized that the stored value issue was tied to an older system model, and as the agency transitions to a new framework, it must reevaluate policies using a different analytical approach.

Action Taken

Chair Montgomery Steppe moved to 1) have the Public Security Committee receive a report concerning California Transit Agency Fare Enforcement Models 2) Provide direction to staff on additional research to be conducted; and/or provide a recommendation to the MTS Board of Directors regarding a potential change in fare enforcement models. Committee Member Dillard seconded the motion, and the vote was 5 to 0 in favor with Committee Member Donovan absent.

5. Fare Enforcement Diversion Program Modifications (Karen Landers)

Karen Landers, MTS General Counsel, presented on Fare Enforcement Diversion Program Modifications. She outlined: the Fare Enforcement Diversion Program Pilot, MTS's policy and civil justice goals, fare evasion data and financial impact analysis, prior meetings and staff recommendation.

Public Comment

There were no Public Comments.

Committee Comment

Committee Member Hall asked Ms. Landers if the fees were imposed each time a patron was caught riding without a fare. Ms. Landers confirmed. Committee Member Hall then inquired whether the agency had the ability to implement a policy where, after a third offense, a stricter penalty-such as a \$25 fee- would be introduced if necessary. Ms. Landers explained that Transit Security officers currently do not have the ability to determine if a patron has been cited previously unless they personally recognize them as repeat offenders. She mentioned that the agency has considered the possibility of conducting this verification on the back end- where a patron would be informed, they are receiving a citation, and if records indicate multiple prior offenses, the case could be escalated to court. While this is a potential option, she emphasized that the agency also prioritizes utilizing de-escalation tactics for its officers, focusing on a more informative approach, such as advising the patron that if they do not take action on the citation, it will go to court, but they also have options like the diversion program to resolve the issue.

Committee Member Hall asked whether the \$25 fine paid by credit card includes credit card fees or if those fees are added separately. Mrs. Landers responded that the \$25 is the total amount, with no additional fees added. Committee Member Hall then asked if she believed they should consider adding those fees. Mrs. Landers explained that while the fine should be substantial enough to discourage fare evasion more than just the \$2.50 fare, the agency has chosen not to pass credit card processing fees onto passengers when they purchase MTS fares. She provided an example, noting that when patrons add stored value to their PRONTO cards, they are not charged extra for credit card transactions. Committee Member Hall remarked that credit card fees are becoming increasingly common and suggested the agency may want to consider this option in the future. Chair Montgomery Steppe thanked MTS staff for the presentation and reminded the public that she had requested this topic to return for discussion at the Public Security Committee. She also emphasized the need for an actual recommendation for the Board, requiring a motion.

Committee Member Dillard sought clarification on the deterrence aspect, asking whether staff believed an immediate fee would be more effective since officers currently have no way of verifying a patron's prior offenses. She inquired whether it would be more appropriate to impose an immediate penalty to remain on the trolley or if officers should simply request non-complaint patrons to step off. Additionally, she questioned whether the penalty amount should vary depending on the circumstances, such as potentially issuing a smaller fee for immediate payment rather than a full citation. Committee Member Dillard asked if MTS staff had any recommendations on the most effective approach.

Ms. Cooney noted that this issue had been discussed in depth at the previous Public Security Committee meeting. She identified two key challenges: First, some patrons may have only \$5 left on their PRONTO card and could be unable to complete their trip if required to pay a penalty immediately. Second, imposing an immediate fine could disproportionately impact individuals with limited financial means, penalizing them differently than those who can afford to pay upfront. Ms. Cooney also raised concerns about potential escalations if an MTS staff member were to demand an immediate \$15 to \$25 fine from a patron who is already struggling financially. Given these risks, she suggested that this approach might not be ideal. Ms. Landers added that, upon further reflection after the previous meeting, she realized the issue also raised equity concerns. She pointed out that allowing some patrons to pay an immediate \$25 fee and avoid receiving a citation could create an imbalance favoring those who can afford to “buy their way out” while others are left with a citation on record unless they complete the Diversion Program. She suggested that requiring all patrons without a valid fare to go through the same minor inconvenience of the Diversion Program would be a more equitable approach.

Ms. Landers stated that the agency aims to make the payment process more convenient for patrons by allowing them to pay online or by phone rather than requiring them to mail a check or visit the Transit Store. However, she emphasized that the fine and minor inconvenience should serve as a deterrent, encouraging individuals to pay their fare in the future. She also noted concerns about patrons with significant stored value on their PRONTO cards being able to immediately deduct fines, which could diminish the deterrent effect. Committee Member Dillard summarized Ms. Landers’ point, stating that an on-the-spot fine or a \$2.50 charge for failing to pay would not serve as a true deterrent. Instead, individuals might simply wait until they get caught again. She suggested that issuing a citation while allowing participation in the Diversion Program would be a fair compromise. Ms. Landers confirmed that under the current system, patrons cited for fare evasion have 120 days to resolve their citation. If the Board approves the recommendation, the option for immediate payment would be removed, and individuals would automatically be enrolled in the Diversion Program. They would then have 120 days to either pay the \$25 fine, complete three hours of community service, or contact MTS for accommodation. Committee Member Dillard supported this approach, stating that it would create an inconvenience for fare evaders without allowing those willing to pay the fine to repeatedly ride for free until caught. Ms. Landers agreed, reiterating that this was a key aspect of the proposed changes. Chair Montgomery Steppe thanked Committee Member Dillard for her input.

Committee Member Gonzalez noted that, while the on-the-spot payment option seemed logical, he respected the feedback provided and supported the staff’s recommendation. He acknowledged that moving away from the Diversion Program was unfortunate but necessary and expressed approval of the \$25 fine as a starting point. Before making a motion to support the recommendation, he suggested incorporating a public relations component into enforcement. He proposed that, while the standard fine could be \$50, the agency could initially implement a ramp-up period where fines are only \$25 if paid within a certain timeframe.

Committee Member Gonzalez then asked if the Chair would agree to him making a motion to support MTS staff’s recommendation. Chair Montgomery Steppe thanked

Committee Member Gonzalez and requested that, depending on the chosen enforcement model, the recommendation be presented to the Board with additional details on the hybrid model. She emphasized the importance of considering how different models relate to one another. She also reflected on enforcement practices across the state, noting that some agencies allow officers discretion in issuing citations. While she was generally not in favor of discretionary enforcement—due to concerns about profiling, implicit bias, and fairness—she acknowledged that discretion could serve as a de-escalation tool. This would particularly benefit individuals among the 90,000 first-time fare evaders who would not repeat the offense. She encouraged the Committee to consider this nuance when presenting the recommendation to the Board, recognizing that agencies with low farebox recovery rates also incorporate officer discretion in their enforcement strategies.

Ms. Cooney stated that if the Board approved the proposal, MTS staff would implement a phased approach. Initially, this would involve requiring fare evaders to step off the trolley rather than collecting their fare using agency devices. She emphasized the importance of a gradual transition, focusing on an educational approach rather than making it a discretionary decision. Committee Member Dillard agreed with this approach and supported presenting it to the Board while also ensuring that the warning signage discussed in a previous agenda item is implemented. She stressed the need for clear messaging to inform patrons that the agency is taking fare evasion more seriously and making visible changes to promote compliance. Ms. Landers agreed and stated that MTS would collaborate with the marketing department to develop a campaign to support this effort. Chair Montgomery Steppe thanked Committee Member Dillard for her participation.

Action Taken

Chair Montgomery Steppe moved to recommend that the Board of Directors: 1) Remove On-The-Spot payment option from the Diversion Program and 2) Implement online and phone payment options to make paying \$25 fine easier (currently payments are only received by check via mail or in person at the Transit Store) Committee Member Hall seconded the motion, and the vote was 5 to 0 in favor with Committee Member Donovan absent.

OTHER ITEMS

6. Committee Member Communications

There was no Committee Member Communications and Other Business discussion.

7. Next Meeting Date

The next Public Security Committee meeting is scheduled for December 20, 2024, at 1:30 p.m.

8. Adjournment

Chair Montgomery Steppe adjourned the meeting at 3:28 p.m.

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

/S/ Jasiel Estolano
Committee Clerk
San Diego Metropolitan Transit System

Attachment: A. Roll Call Sheet

SAN DIEGO METROPOLITAN TRANSIT SYSTEM
PUBLIC SECURITY COMMITTEE MEETING

ROLL CALL

MEETING OF (DATE): September 20, 2024 CALL TO ORDER (TIME): 1:31 p.m.

ADJOURN: 3:28 p.m.

REPRESENTING	BOARD MEMBER	ALTERNATE	PRESENT (time arrived)	ABSENT (time left)
Chair	Montgomery Steppe <input checked="" type="checkbox"/>	no alternate	1:31 p.m.	3:28 p.m.
Committee Representative	Dillard <input checked="" type="checkbox"/>	no alternate	1:31 p.m.	3:28 p.m.
Committee Representative	Donovan <input type="checkbox"/>	no alternate	Absent	Absent
Committee Representative	Gonzalez <input checked="" type="checkbox"/>	no alternate	1:31 p.m.	3:28 p.m.
Committee Representative	Rodriguez <input checked="" type="checkbox"/>	no alternate	1:31 p.m.	3:28 p.m.
Committee Representative	Hall <input checked="" type="checkbox"/>	no alternate	1:31 p.m.	3:28 p.m.

COMMITTEE CLERK: /S/ Jasiel Estolano