



Public Security Committee Agenda

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Live Verbal Public Comments: Use the 'Raise Hand' icon every time you wish to make a public comment on an item. Raise your hand once the agenda item you wish to comment on has been called. In person public comments will be taken first, virtual attendees will be taken in the order in which they raise their hand. Requests to speak will not be taken after the public comment period ends, unless under the Chair's discretion. General Public Comment, at the beginning of the Board of Directors meeting only, will be limited to five speakers. Additional speakers with general public comments will be heard at the end of the meeting. Two-minutes of time is allotted per speaker, unless otherwise directed by the Chair.

Public Comments Made Via Zoom

1. Click the link found at the top of this instruction page
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3. Dial *9 to raise your hand via phone
4. The Clerk will call out the last 4 digits of your phone number to announce you are next to speak
5. Dial *6 to unmute yourself



Written Public Comments (before the meeting): Written public comments will be recorded in the public record and will be provided to MTS Board Members in advance of the meeting. Comments must be emailed or mailed to the Clerk of the Committee* by 4:00pm the day prior to the meeting.



Translation Services: Requests for translation services can be made by contacting the Clerk of the Committee* at least four working days in advance of the meeting.



In-Person Participation: In-person public comments will be heard first. Following in-person public comments, virtual attendees will be heard in the order in which they raise their hand via the Zoom platform. Speaking time will be limited to two minutes per person, unless specified by the Chairperson. Requests to speak will not be taken after the public comment period ends, unless under the Chair's discretion.

Instructions for providing in-person public comments:

1. Fill out a speaker slip located at the entrance of the Board Room;
2. Submit speaker slip to MTS staff seated at the entrance of the Board Room;
3. When your name is announced, please approach the podium located on the right side of the dais to make your public comments.

Members of the public are permitted to make general public comment at the beginning of the agenda or specific comments referencing items on the agenda during the public comment period. General Public Comment, at the beginning of the Board of Directors meeting only, will be limited to five speakers. Additional speakers with general public comments will be heard at the end of the meeting.



Assistive Listening Devices (ALDs): ALDs are available from the Clerk of the Committee* prior to the meeting and are to be returned at the end of the meeting.



Reasonable Accommodations: As required by the Americans with Disabilities Act (ADA), requests for agenda information in an alternative format or to request reasonable accommodations to facilitate meeting participation, please contact the Clerk of the Committee* at least two working days prior to the meeting.



***Contact Information:** Contact the Clerk of the Committee via email at Jasiel.Estolano@sdmts.com, phone at (619) 595-4966 or by mail at 1255 Imperial Ave. Suite 1000, San Diego CA 92101.



Agenda del Comité de Seguridad Pública

Haga clic en el enlace para acceder a la reunión:

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Formas de Participar



Computadora: Haga clic en el enlace más arriba. Recibirá instrucciones para operar el navegador de Zoom o la aplicación de Zoom. Una vez que haya iniciado sesión en la reunión, tendrá la opción de participar usando el sistema de audio de su computadora o teléfono.

ID de la reunión
en Zoom

Funciones del Seminario En Línea:

 Levantar la mano	►	Use la herramienta de levantar la mano cada vez que desee hacer un comentario público.
	►	Los participantes pueden habilitar el subtitulado haciendo clic en el ícono CC. También puede ver la transcripción completa y cambiar el tamaño de letra haciendo clic en “configuración de subtítulos”. Estas herramientas no están disponibles por teléfono.
	►	Este símbolo indica que usted se encuentra en silencio , haga clic en este ícono para quitar el silenciador de su micrófono.
	►	Este símbolo indica que su micrófono se encuentra encendido . Haga clic en este símbolo para silenciar su micrófono.
	►	La herramienta de chat deben usarla los panelistas y asistentes únicamente para asuntos “pertinentes a la reunión”, ya que comentarios realizados a través de esta herramienta no se conservarán como parte del registro de la reunión. Consulte el Comentario público verbal en vivo para obtener instrucciones sobre cómo hacer un comentario público.



Teléfono Inteligente o Tableta: Descargue la aplicación de Zoom y participe en la reunión haciendo clic en el enlace o usando el ID del seminario web (que se encuentra en el enlace).



Teléfono:

1. Si está participando en la reunión mediante audio de su teléfono y viendo la reunión en un dispositivo, marque el número indicado en la pestaña de llamada telefónica “unirse por audio” en la ventana emergente inicial e ingrese el ID de la reunión (que se encuentra en el enlace).
2. Si está participando solo por teléfono, marque: **+1-669-900-9128** o **+1-253-215-8782** e ingrese el ID de la reunión que se encuentra en el enlace, pulse #. Tendrá acceso al audio de la reunión, **pero NO podrá ver las presentaciones en PowerPoint.**



Comentarios Públicos Verbales en Vivo: Use la herramienta “levantar la mano” cada vez que desee hacer un comentario público sobre alguno de los artículos. Levante la mano una vez que el artículo de la agenda sobre el que desea comentar haya sido convocado. Los comentarios públicos en persona se escucharán primero, se escuchará a los asistentes virtuales en el orden en el que levanten la mano. No se aceptarán solicitudes para hablar después de que termine el periodo para hacer comentarios públicos, a menos de que el presidente determine de otra forma a su discreción. Comentarios públicos generales, únicamente al inicio de la reunión de la Junta de Directores, se limitarán a cinco personas que deseen hablar. Las personas adicionales que deseen aportar comentarios públicos generales podrán hacerlo al final de la reunión. Se otorga dos minutos de tiempo por persona que desee hablar, a menos de que el presidente instruya de otra forma. *(Consulte la página 2 para obtener instrucciones sobre cómo hacer un comentario público.)*

Comentarios Públicos a Través de Zoom

1. Haga clic en el enlace que se encuentra en la parte superior de esta página de instrucciones
2. Haga clic en el ícono de levantar la mano en el centro inferior de la plataforma
3. El secretario anunciará su nombre cuando sea su turno de hablar
4. Desactive el silenciador para que pueda hablar

Comentarios Públicos Realizados Únicamente por Teléfono

1. Marque el **+1-669-900-9128**
2. Ingrese el ID de la reunión en Zoom que se encuentra en el enlace y pulse #
3. Marque *9 para levantar la mano por teléfono
4. El secretario indicará los últimos 4 dígitos de su número de teléfono para anunciar que usted será el siguiente en hablar
5. Marque *6 para desactivar el silenciador



Comentarios Públicos por Escrito (Antes de la Reunión): Los comentarios públicos por escrito se registrarán en el registro público y se entregarán a los miembros de la Junta de MTS antes de la reunión. Los comentarios deben enviarse por correo electrónico o postal al secretario del Comité* antes de las 4:00 p.m. el día anterior a la reunión.



Servicios de Traducción: Pueden solicitarse servicios de traducción comunicándose con el secretario del Comité* por lo menos cuatro días hábiles antes de la reunión.



Participación en Persona: Los comentarios públicos en persona se escucharán primero. Después de los comentarios públicos en persona, se escuchará a los asistentes virtuales en el orden en el que levanten la mano a través de la plataforma de Zoom. El tiempo para hablar se limitará a dos minutos por persona, a menos de que el presidente especifique de otra forma. No se recibirán solicitudes para hablar después de que termine el periodo para hacer comentarios públicos, a menos de que el presidente determine de otra forma a su discreción.

Instrucciones para brindar comentarios públicos en persona:

1. Llene la boleta para personas que desean hablar que se encuentran en la entrada de la Sala de la Junta.
2. Entregue la boleta para personas que desean hablar al personal de MTS que se encuentra sentado en la entrada de la Sala de la Junta.
3. Cuando anuncien su nombre, por favor, acérquese al podio ubicado en el lado derecho de la tarima para hacer sus comentarios públicos.

Los miembros del público pueden hacer comentarios públicos generales al inicio de la agenda o comentarios específicos que hagan referencia a los puntos de la agenda durante el periodo de comentarios públicos. Los comentarios públicos generales únicamente al inicio de la reunión de la Junta de Directores, se limitarán a cinco personas que deseen hablar. Las personas adicionales que deseen aportar comentarios públicos generales podrán hacerlo al final de la reunión.



Dispositivos de Asistencia Auditiva (ALD, por sus siglas en inglés): Los ALD están disponibles con el secretario del Comité* antes de la reunión y estos deberán ser devueltos al final de la reunión.



Facilidades Razonables: Según lo requerido por la Ley de Estadounidenses con Discapacidades (ADA, por sus siglas en inglés), para presentar solicitudes de información de la agenda en un formato alternativo o solicitar facilidades razonables para facilitar su participación en la reunión, por favor, comuníquese con el secretario del Comité* por lo menos dos días hábiles antes de la reunión.



***Información de Contacto:** Comuníquese con el secretario del Comité por correo electrónico en Jasiel.Estolano@sdmts.com, por teléfono al **(619) 595-4966** o por correo postal en **1255 Imperial Ave. Suite 1000, San Diego CA 92101.**



Public Security Committee Agenda

May 30, 2025 at 10:30 am

In-Person Participation: James R. Mills Building, 1255 Imperial Avenue, 10th Floor Board Room, San Diego CA 92101

Teleconference Participation: (669) 254-5252; Webinar ID: 161 282 7529, <https://www.zoomgov.com/j/1612827529>

NO.	ITEM SUBJECT AND DESCRIPTION	ACTION
1.	Roll Call	
2.	Public Comments	
3.	Approval of Minutes Action would approve the March 7, 2025 Public Security Committee Meeting Minutes.	Approve
DISCUSSION ITEMS		
4.	Fare Enforcement Diversion Program Update (Samantha Leslie)	Informational
5.	Administrative Fare Enforcement Model (Karen Landers) Action would provide its recommendation on whether staff should prepare a plan to change from MTS's current criminal/administrative hybrid fare enforcement model to a fully administrative fare enforcement model.	Possible Action
6.	Public Safety Through Environmental Design (Heather Furey and Chris Duddy)	Informational
OTHER ITEMS		
7.	Committee Member Communications and Other Business	
8.	Next Meeting Date: September 5, 2025 and 1:00 pm	
9.	Adjournment	

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San Diego Metropolitan Transit System (MTS) is a California public agency comprised of San Diego Transit Corp., San Diego Trolley, Inc. and San Diego and Arizona Eastern Railway Company (nonprofit public benefit corporations). MTS member agencies include the cities of Chula Vista, Coronado, El Cajon, Imperial Beach, La Mesa, Lemon Grove, National City, Poway, San Diego, Santee, and the County of San Diego. MTS is also the For-Hire Vehicle administrator for multiple cities in San Diego County.



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

March 7, 2025

[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 10:00 a.m. A roll call sheet listing Public Security Committee member attendance is attached as Attachment A.

2. Public Comments

There were no Public Comments.

3. Approval of Minutes

Committee Member Hall moved to approve the minutes of the September 20, 2024, MTS Public Security Committee meeting. Committee Member Dillard seconded the motion, and the vote was 4 to 0 in favor with Committee Member Goble, Committee Member Rodriguez and Committee Member Foster absent.

DISCUSSION ITEMS

4. Transit Security and Passenger Safety Department Overview (Dan Brislin)

Dan Brislin, MTS Deputy Director of Transit Security and Passenger Safety, presented on Transit Security and Passenger Safety Department Overview. He presented on: new training efforts, provided a 2024 update, the Bus Enforcement Support Team (B.E.S.T), the Homeless Outreach Team, encampment details, K-9 Program, introduced the new Code Compliance Investigator position, data driven crime reduction efforts, ridership experience details, Special Enforcement Details, the Passenger Safety Team, law enforcement collaboration, Communication Center (Dispatch), provided updates on the new Diversion Program and its revenue impact.

Public Comment

There were no Public Comments.

Committee Comment

Committee Member Dillard expressed appreciation for the clear passion and dedication evident in staff's work; while acknowledging that other committee members may have comments on various aspects of the presentation, she shared a personal perspective related to bias. Committee Member Dillard stated that she was pleased to see that bias training is a part of MTS's efforts, however, she emphasized the need to recognize that bias is experienced differently by minorities. Committee Member Dillard shared that she, like many others, has encountered numerous examples of bias throughout her life. She

recounted a personal experience and explained that she once held an unconscious bias against individuals who shook hands with a light grip, interpreting it as a lack of confidence or engagement. This belief comes from her military background and the values instilled by her father, who taught her the importance of a firm handshake as a sign of presence and respect. Over time, she came to understand that cultural norms around handshakes can vary significantly, and that some individuals such as men concerned about being too forceful when shaking a woman's hand may approach the gesture differently. She shared this example to highlight the importance of recognizing and addressing unconscious bias through meaningful and culturally aware education. Committee Member Dillard continued by highlighting the impact of experiencing racism and bias, describing it as "a thousand cuts" over time. She noted that individuals who have endured repeated instances of bias may sometimes react strongly, which can lead them to being unfairly stereotyped, especially when their reaction is not accompanied by an explanation of why a statement or action was offensive or racist.

Committee Member Dillard shared her experience serving on the task force that helped draft ordinances for what became the Community Police Oversight Board in 2020. During that volunteer effort, she recalled discussions around the intense encounters that many community members, particularly African Americans, have with law enforcement and how there was often a lack of misunderstanding from police departments about the issues being raised. Committee Member Dillard noted that while many people recognized the presence of bias, especially as it was repeatedly captured on video both locally and across the nation, there were still some who did not understand. She recalled receiving letters during that time, including one from a woman who wrote in support of the police, saying she had lived in the community for 40 years and had only positive experiences. Committee Member Dillard pointed out the importance of considering personal context in such statements, noting that her response was to ask the woman if she was white, highlighting how race and experiences can significantly influence one's perception and interactions with institutions like law enforcement. Committee Member Dillard continued by emphasizing the importance of representation and lived experience in bias training. She expressed that if agencies are conducting training on bias, it is essential to include at least one person of color in that process while acknowledging she did not know the current MTS training team but, she strongly recommended ensuring such representation, as individuals with lived experience can speak to the nuanced, repeated biases to what she referred to as "thousand cuts a day" that people of color regularly endure. Committee Member Dillard stated that these are often subtle or normalized comments that may go unnoticed by others but are deeply felt by those on the receiving end. She shared her personal passion for this issue and recounted her experience working on the development of the ordinances for the Community Police Oversight Board. In the process, she and her colleagues pushed hard for change, despite initial resistance from both the police department and the union by urging them to partner in reform efforts, they began to see progress and a shift in understanding. Committee Member Dillard referenced the 2020 riots in La Mesa as a

pivotal moment when the police department began to recognize these issues and the urgent need for change. She noted that the community, including many white residents, supported those changes and as a result the department made strides toward training officers in empathy and equitable communication, ensuring that all individuals are treated with the same level of respect and dignity. Committee Member Dillard addressed Mr. Brislin and shared that bias training is an issue she deeply cared about. She emphasized the importance of including people of color in the development and delivery of the training, stating that without their involvement, the training can only cover surface level issues and will lack the depth needed to truly address the lived experience of those most affected by bias. Committee Member Dillard noted that, even today, she continues to experience subtle, persistent forms of bias she described as “a thousand cuts” and that while bias can affect anyone, the experience is significantly more frequent and impactful for people of color. She urged that those involved in bias training bring both empathy and a clear understanding of what meaningful training should entail. Committee Member Dillard concluded by thanking the group for allowing her to share her perspective.

Mr. Brislin expressed full agreement with Committee Member Dillard’s comments and emphasized the importance of approaching the topic with humility and acknowledging the responsibility MTS has in addressing bias. He reiterated his support for the points raised, noting that this is why MTS has not only implemented bias training once or twice, but is committed to ongoing, repeated training due to the significance of the issue. Mr. Brislin distinguished between deliberate acts of discrimination and unconscious bias where individuals may not even realize they are treating or approaching others differently and stated that it is MTS responsibility to ensure that all new personnel are properly trained and retrained to prevent such behavior and reinforce that it is not tolerated. Mr. Brislin also shared that MTS benefits from having an Operations Manager who teaches at Point Loma Nazarene and Grossmont College, and who brings expertise in this area. He highlighted that field operations are not enforcement focused alone but also grounded in cultural humility. Mr. Brislin concluded by emphasizing that humility is more important than anything else, especially in adapting to different cultures and understanding the profound impact discrimination can have on individuals and entire communities. He acknowledged that such experiences could have lasting, deep-rooted effects, and assured the Committee that over the coming year, MTS will continue reinforcing these values through staff training. Additionally, he recognized that there is still progress to be made and highlighted that addressing these issues is a key point amid the agency’s current growth. Ms. Cooney clarified that the essential point Committee Member Dillard was trying to make is the need for someone with lived experience of discrimination to be directly involved in the training and confirmed that MTS will ensure this is implemented.

Action Taken

Informational item only. No action taken.

5. Transit Security and Passenger Safety 2024 Annual Report (Josh Ortiz)

Josh Ortiz, MTS Transit Enforcement and Passenger Safety Operational and Crime Data Analyst, presented on Transit Security and Passenger Safety 2024 Annual Report. He provided details on: Group A & B crimes: Trolley, Group A & B crimes: Bus, assaults, non-compliant arrests, fare inspections, citations and Naloxone (NARCAN).

[Clerk's note: During the meeting, staff reported that there were 2,528,421 fare inspections in 2024, representing a 19.65% decrease. However, after further review, this was corrected to 4,138,750 fare inspections, which reflects a 31.52% increase for 2024. Additionally, staff reported that there were 84 incidents of administered Naloxone (NARCAN) doses in 2024. However, after further review, this was corrected to 124 incidents which reflect an increase for 2024.]

Public Comment

There were no Public Comments.

Committee Comment

Committee Member Hall expressed concern regarding the assault data presented. He noted that if an MTS employee is assaulted and chooses not to press charges, it raises an issue. Committee Member Hall stated his belief that regardless of the employee's personal decision, the agency should pursue charges if the individuals responsible for the assault are detained. Karen Landers, MTS General Counsel stated that this initiative is part of ongoing efforts at MTS, in conjunction with the Lewd Act Pilot Program. She explained that it began due to instances where either passengers or employees chose not to press charges, often because they felt unsafe or didn't want to take on the responsibility. Ms. Landers noted that MTS consulted with the City Attorney's Office about the possibility of needing a state law allowing MTS to be considered the victim. However, after further discussions, the City Attorney's Office concluded that a change in the law was not necessary and that charges could still be pursued if there were sufficient witness statements and evidence. Ms. Landers added that MTS has been working on a collaborative approach in which Gary Avalos, MTS Code Compliance Investigator, contacts the affected employee or passenger directly to offer support. The goal is to assure them that MTS is willing to assume the administrative and policy burden while encouraging their participation in the prosecution process. Ms. Landers added that MTS then compiles evidentiary packets for the City Attorney's Office, enabling the office to follow up, independently contact the victim as a witness, and still proceed with prosecution.

Ms. Landers stated that MTS is continuing to learn what level of evidence is required for prosecution, emphasizing that this remains a high priority for the agency. She explained that efforts vary depending on whether the incident involves a passenger or an employee, but MTS is committed to taking on as much of the burden as possible, so the individual only needs to recount what happened to them. Committee Member Hall raised

the issue of repeat offenders, noting it has been an ongoing concern and stating that it is time to remove them from the system. Ms. Landers in response said MTS is considering a future presentation on its exclusion policy. She explained that the agency currently has a detailed policy aimed at balancing the due process rights of individuals who rely on transit with the need to protect passengers and employees. Ms. Landers clarified that for repeat safety related offenses, MTS issues exclusion orders that prohibit individuals from using the system. These orders allow MTS to issue citations for trespassing if the individuals return. Ms. Landers noted that while exclusion orders are not issued lightly and only a few have been sent, they have been effective. Once a repeat offender is identified and sufficient evidence is available, Samantha Leslie, MTS Deputy General Counsel, works closely with the Security Department to review and prepare the exclusion order. Ms. Landers also praised Transit Security for their effectiveness in locating and serving these individuals. She emphasized that the exclusion process enables MTS to remove offenders from the system promptly, especially in cases where criminal prosecution may be delayed, while still working with the criminal justice system to ensure accountability.

Committee Member Hall commented that assaults and lewd acts are offenses he believes should be treated with zero tolerance. Chair Montgomery Steppe thanked MTS staff for addressing all the questions submitted by her team and requested a more in-depth discussion on the expanded definitions within the crime report, particularly under the assault category and asked for a comparative breakdown of crime types reported in 2023 across all categories. Ms. Cooney responded that a detailed explanation can be provided in a future presentation. Chair Montgomery Steppe thanked MTS staff for their presentation.

Action Taken

Informational item only. No action taken.

6. American Public Transportation Association (APTA) Recommendation Review (Tim Curran)

Tim Curran, MTS Director of Transit Security and Passenger Safety, presented on the American Public Transportation Association (APTA) Recommendation Review. He presented on: APTA Review, Effectiveness of CCI's and Security Contract Structure (Analyst, LE Liaison, Inter-Con, Onboarding, Team), Fare Inspection Practices (Fare Check, Discretion, FPZ, Diversion Program), Technology Enhancement Related, Training (CCI and TSO, In-Service, ROW), Organizational Climate of the Department, Standard Operating Procedures, Video Retention (Actions Taken), Other Observations (Homeless Outreach, Bus & Additional Services, Safety and Security) and Effectiveness of CCI's and Security.

Public Comment

There were no Public Comments.

Committee Comment

Chair Montgomery Steppe thanked MTS staff for the presentation and requested to be invited to attend the unconscious bias training presented by the District Attorney's Office, as well as to review the training curriculum. Mr. Curran asked if she would like additional information about the training, to which Chair Montgomery Steppe replied that if the sessions are regularly scheduled, she would appreciate receiving an invitation. Mr. Curran confirmed that the dates would be provided.

Chair Montgomery Steppe also noted previous comments regarding the APTA review, highlighting the importance of revisiting the topic and receiving an update. She expressed appreciation that the review has continued to be followed internally rather than being set aside. Chair Montgomery Steppe then raised a question regarding the homelessness outreach recommendation, asking whether MTS had ever considered contracting service providers and conducting a cost analysis in connection with the report. She recalled that this topic was discussed by the Committee approximately five to six years ago, during which time various ideas were explored, and asked Ms. Cooney for her perspective. Ms. Cooney explained that MTS believes it is important to have dedicated in house personnel conducting homelessness outreach, given the unique transit environment and the value of building direct relationships between staff and riders experiencing homelessness. She recalled that several years ago, one of MTS's outreach staff members had been approached about partnering with an external organization, which she believed was the Rescue Mission; Mr. Curran confirmed the name. Ms. Cooney noted that the offer had become inactive over time, and a similar situation occurred with PATH, which had also been presented to the Committee in the past.

She shared that the cost estimate for a one-year contract with an external provider was approximately \$1 million at the time. Ms. Cooney also pointed out that transit agencies are currently ineligible to receive state or federal homelessness assistance funding, and MTS is actively working to change that. The agency is collaborating with the California Transit Association to advocate for eligibility at the state level. Ms. Cooney emphasized the strength of the relationships built by MTS's outreach staff with other service organizations, resulting in successful partnerships and consistent participation in MTS hosted events. She also acknowledged that Chair Montgomery Steppe had previously attended such events. Chair Montgomery Steppe clarified that she had organized two of them. Ms. Cooney emphasized that having dedicated internal personnel has greatly benefited MTS, as these staff members have built strong, ongoing relationships with key community partners. She highlighted their active involvement with the Downtown Partnership's Clean and Safe program, including her own participation in multiple meetings focused on assisting individuals in the downtown San Diego area. These efforts, she noted, are just a few examples of MTS's ongoing outreach initiatives. Ms. Cooney explained that if the agency were to contract with an external provider for outreach services, it would be required to follow the standard procurement process, including a competitive bidding process. She noted that while MTS could assess the scope and requirements of such an effort if directed by the Board or Committee and mentioned that there is currently no dedicated funding in place to support this type of contract.

Committee Member Fernandez acknowledged the extensive data involved and expressed his appreciation. Referring to the Chair's interest in attending MTS staff training, Committee Member Fernandez added that he was also curious about the agency's data driven initiatives. He suggested that, if appropriate, Board Members be invited to observe one of the Transit Security and Passenger Safety monthly internal meetings to better understand how the agency processes and applies data to improve operations. Ms. Cooney asked if he was referring to the monthly presentations by MTS's Data Analyst, to which Committee Member Fernandez confirmed. Mr. Curran agreed to provide meeting dates and invitations.

Chair Montgomery Steppe then inquired whether MTS has access to the Homeless Management Information System (HMIS) managed by the Regional Task Force on Homelessness. Ms. Cooney confirmed that MTS does not currently have access. Chair Montgomery Steppe acknowledged the broader effort to coordinate support for individuals who move in and out of different service systems and shared her intent to advocate for making HMIS more accessible and integrated agencies like MTS. Doing so could reduce the workload for staff involved in outreach and coordination. Chair Montgomery Steppe suggested they could revisit the discussion at a future time. Committee Member Dillard returned to the discussion regarding the potential RFP mentioned earlier. She stated that if a motion is needed or if there is agreement that this is a direction worth pursuing, she would like the effort to also include an educational component. Committee Member Dillard recommended specifically incorporating training that addresses bias against individuals experiencing homelessness and challenges the perception that they are undeserving of attention or support. Committee Member Dillard emphasized that many people experiencing homelessness are facing difficult circumstances and have encountered significant misfortune, which is often misunderstood by the public. She noted that these individuals are frequently seen as a nuisance or inconvenience, rather than as people in need of compassion and assistance and expressed the importance of educating the public to recognize the humanity of those experiencing homelessness but rather supported in any way possible. Committee Member Dillard urged that such education be included as a complement to broader efforts to address homelessness.

Chair Montgomery Steppe thanked Committee Member Dillard for her comments and requested that the next meeting agenda include a more detailed overview of current efforts related to homelessness outreach. She suggested that this could lead to a potential action item to explore alternative collaboration approaches, if deemed necessary. While noting the importance of budget considerations, she emphasized the value of having a deeper discussion about existing initiatives. Additionally, Chair Montgomery Steppe requested that the selection of a Vice Chair be included on the next agenda. She invited volunteers for the role and mentioned she may follow up individually to encourage participation. She concluded by expressing her appreciation for the three presentations, noting that they provided valuable context, particularly for the new members. Chair Montgomery Steppe thanked MTS staff for their ongoing efforts and asked that gratitude be shared with the entire team.

Action Taken

Informational item only. No action taken.

OTHER ITEMS

7. **Committee Member Communications**

There was no Committee Member Communications and Other Business discussion.

8. **Next Meeting Date**

The next Public Security Committee meeting is scheduled for May 30, 2025, at 10:00 a.m.

9. **Adjournment**

Chair Montgomery Steppe adjourned the meeting at 11:38 am.

Chairperson
San Diego Metropolitan Transit System

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): March 7, 2025 CALL TO ORDER (TIME): 10:00 am

ADJOURN: 11:38 am

REPRESENTING	BOARD MEMBER	ALTERNATE	PRESENT (time arrived)	ABSENT (time left)
Chair	Montgomery Steppe <input checked="" type="checkbox"/>	no alternate	10:00 am	11:38 am
Committee Representative	Dillard <input checked="" type="checkbox"/>	no alternate	10:00 am	11:38 am
Committee Representative	Hall <input checked="" type="checkbox"/>	no alternate	10:00 am	11:38 am
Committee Representative	Goble <input type="checkbox"/>	no alternate	ABSENT	ABSENT
Committee Representative	Foster <input checked="" type="checkbox"/>	no alternate	10:06 am	11:38 am
Committee Representative	Rodriguez <input type="checkbox"/>	no alternate	ABSENT	ABSENT
Committee Representative	Fernandez <input checked="" type="checkbox"/>	no alternate	10:00 am	11:38 am

COMMITTEE CLERK: /S/ Jasiel Estolano



Agenda Item No. 4

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

May 30, 2025

SUBJECT:

Fare Enforcement Diversion Program Update (Samantha Leslie)

INFORMATIONAL ONLY:

Budget Impact

None with this item.

DISCUSSION:

On June 11, 2020 (AI 31), the MTS Board of Directors (Board) authorized staff to implement a Fare Enforcement Diversion Program as a 12-month pilot project (Diversion Program). The Diversion Program pilot period was extended an additional 12-months (July 29, 2021 (AI 18)) through August 31, 2022. Staff continued the Diversion Program pilot with no changes until the Board took further action.

On September 20, 2024 (AI 5), the Public Security Committee recommended that the Board remove the option to purchase a one-way fare on-the-spot from the Diversion Program and make the revised Diversion Program permanent.

On October 17, 2024 (AI 25), the Board removed the option to purchase a one-way fare on-the-spot effective February 1, 2025, approved the addition of online and phone payments for how to pay the reduced fine, and made the revised Diversion Program permanent. As part of the passenger education and transition away from the on-the-spot fare purchase option, the Board also approved a one-time waiver process – allowing a violator to request a one-time waiver for their first fare evasion citation issued after February 1, 2025.

Key Features of the Diversion Program (effective February 1, 2025)

Eligibility: All fare evasion violations are eligible, unless there was another violation (e.g., vandalism, assault, failure to comply) at the time of citation. No graduated offense levels with graduated penalties (e.g., first offense, second offense, etc.) are included because officers do not have the ability to efficiently check prior citation history while in the field.

Options to Resolve Citation:



1. One-Time Waiver within 120 days: if first fare evasion citation received since February 1, 2025 (new option)
2. Pay Reduced Fine within 120 days: \$25
 - Pay In-Person at Transit Store
 - Pay by Mail
 - *Pay by Phone (new option)*
 - *Pay Online (new option)*
3. Complete Community Service within 120 days: 3 Hours
4. Limited Appeal within 15 days: Proof of Paid Fare or Malfunctioning Ticket Vending Machine
 - If appeal granted, then citation dismissed
 - If appeal denied, option to pay fine or complete community service within original 120-day window
5. No Action Taken within 120 days: Citation transmitted to San Diego Superior Court for adjudication

MTS staff also works with individuals who contact MTS after the 120-day deadline, but before a court hearing, to seek dismissal of a citation if diversion is completed before the court hearing date. For cases that have already been adjudicated by the court, and are therefore outside of MTS's jurisdiction, MTS works with a liaison at the Public Defender's Office/Homeless Court program (<https://www.homelesscourtprogram.org>) to connect the individual with resources that may provide post-conviction relief.

The MTS website for the Diversion Program can be found here: <https://www.sdmts.com/rider-info/mts-security/diversion-program>

Implementation of the revised Diversion Program necessitated a multiple department effort. A significant educational effort was implemented to make passengers aware that valid fare was required in order to avoid a citation, including use of banners, video tutorials, physical information cards, and explanation of the changes during fare contacts. The MTS Diversion Program website was revised, a new online one-time waiver request submission form was developed, revised and ordered new Diversion Program envelopes (that hold the citation) that explained the new options on how to resolve the citation, implemented an online Square portal to allow online payments, developed a new process to take a reduced fine payment over the phone, and updated procedures accordingly.

More time is needed to evaluate the revised Diversion Program's participation rates and its impact on fare revenue. However, MTS has seen promising results thus far. This includes receiving more fare revenue (additional \$450K per month attributed to fare enforcement/compliance for February and March 2025 compared to 2024), reduction in the fare evasion rate (6% decrease), and increased participation in the Diversion Program. Staff will provide the Committee with a report on the implementation of the revised Diversion Program.

/S/ Sharon Cooney
Sharon Cooney
Chief Executive Officer

Key Staff Contact: Mark Olson, 619-557-4588 Mark.Olson@sdmts.com



Metropolitan
Transit
System

Item 4, 05/30/2025

Fare Enforcement Diversion Program Update

Public Security Committee



Current Fare Enforcement Diversion Program

effective February 1, 2025

Options to Resolve MTS Fare Evasion Citation:

1. Request One-Time Waiver within 120 days
 - If first fare evasion citation received since February 1, 2025 (*new option*)
2. Pay \$25 fine within 120 days;
 - In person,
 - by mail,
 - by phone (*new option*),
 - online (*new option*)
3. 3 hours of community service within 120 days;
4. Appeal to MTS within 15 days; or

After 120 days: citation sent to court; may appear in court to respond.

Revisions to Diversion Program

- On October 17, 2024 (AI 25), the Board of Directors:
 - removed the option to purchase a one-way fare on-the-spot **effective February 1, 2025**;
 - approved the addition of online and phone payments for how to pay the reduced fine;
 - approved a one-time waiver request process; and
 - made the revised Diversion Program permanent

MTS Policy Goals

Ridership/Financial Impact of Fare Evasion:

- Fare Evasion is estimated to cost MTS approximately \$10M to \$12M per year.
- MTS has a structural budget deficit and must develop a plan to increase revenue/funding, or make service cuts by FY 2028

Goals of Diversion Program:

- Keep in place an incentive for riders to pay their transit fare (in advance)
 - DO NOT want to increase number of riders who “risk it” and ride without a fare
- Provide a non-criminal path for resolving citation
- More equitably and proportionally align the penalty with the actual violation

MTS's Civil Justice Goal

Provide a non-criminal path for individuals to resolve a fare citation, with penalty more aligned with violation.

- 4-month period to resolve BEFORE sent to court
- Significantly reduced fine (\$25) compared to fine/fees imposed by court (\$192+)
- Community service option for individuals without means to pay reduced fine (less than court-imposed hours)
- Expedited, informal appeal process for a citation with a factual defense
- MTS Staff also works with participants on individualized plans where appropriate

Roll-Out of “New” Diversion Program

- Educate riders on elimination of “Buy-on-the-Spot” option effective February 1, 2025.
- Implement more user-friendly ways to pay fines.

Education and Outreach Efforts

- As part of the transition away from on-the-spot payments, MTS conducted various education and outreach efforts:

Educational Campaign

Rider Insider Onboard
Newsletter

Weekly PRONTO app pop
up notices

Webpage updates/FAQ

Hold message for support
services

Variable message sign
slides

Transit Store digital
monitors

How to pay tutorial video

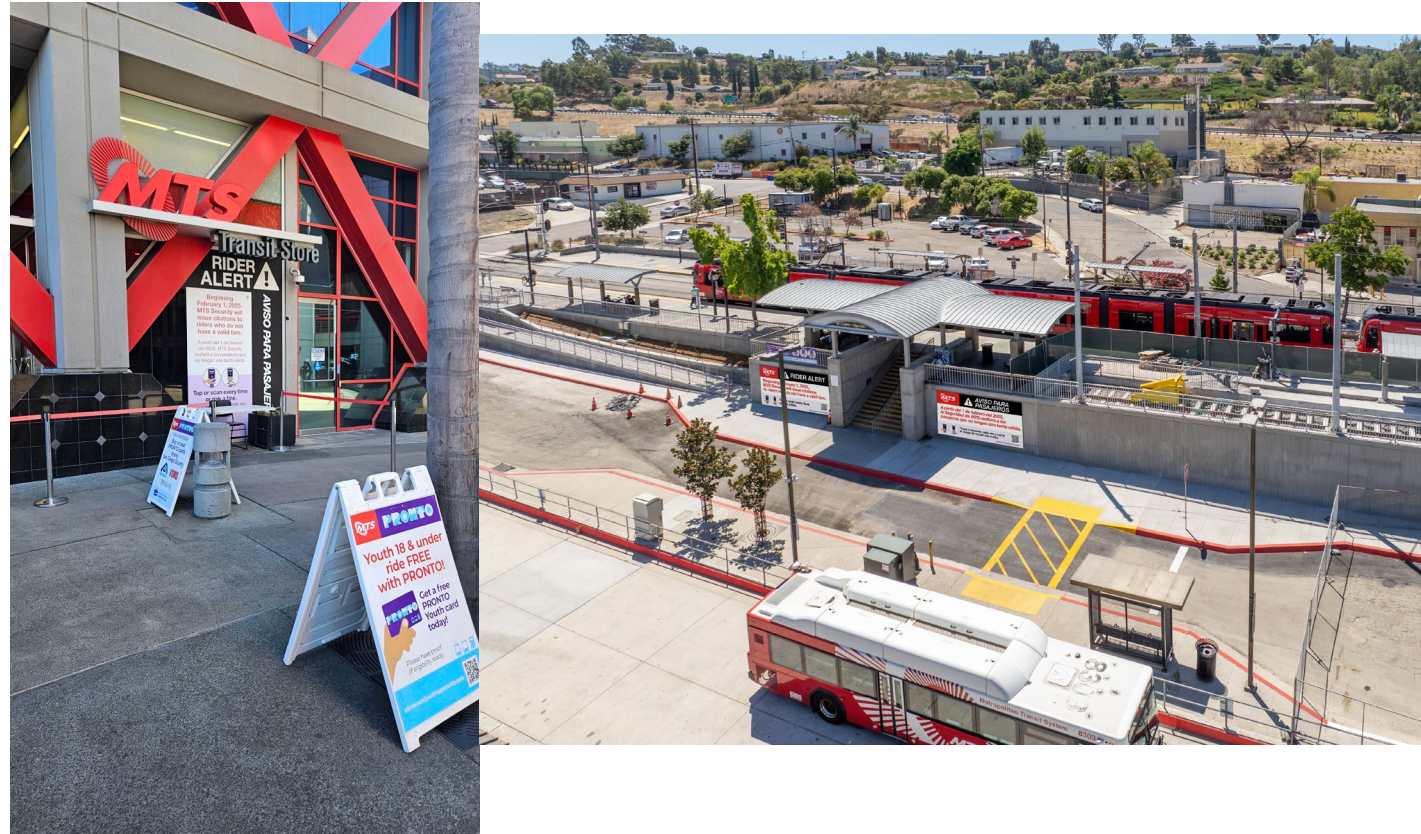
Station advertising (large
format ad panels,
advertising kiosks, fence
banners)

Security info cards

Window wrap at Transit
Store

A-Frame at SDSU station
entrance

TVM screensavers



Implementation

Este sobre contiene una infracción por no tener una tarifa válida de MTS.



Puede ser elegible para evitar la corte y recibir una multa reducida al resolver esta infracción directamente con MTS. Para hacerlo, complete una (1) de las opciones en el cuadro verde dentro del tiempo indicado. Después de 120 días, el cuadro amarillo contiene las únicas opciones restantes.



MTS retendrá, y no enviará la infracción a la Corte Superior de San Diego, si participa en el Programa de Desvío. Estas son sus opciones para resolver esta infracción con MTS:

- Dentro de 120 días**
- A. PAGUE LA MULTA:** Dentro de los 120 días desde la fecha de la infracción, pague \$25 a MTS. Complete el formulario incluido en el sobre de la infracción y pague:
- En línea: sdmts.com/diversion-program (pago de tarjeta de crédito o pago móvil solamente)
 - Por teléfono: 619-557-4555 (tarjeta de crédito solamente)
 - En persona: (tarjeta de crédito, efectivo, o cheque/money order) o por correo (cheque/money order solamente) en/ al: Transit Store (1255 Imperial Ave., 1st Fl., San Diego, CA 92101).
- B. HAGA SERVICIO COMUNITARIO:** dentro de los 120 días, haga 3 horas de servicio comunitario en cualquiera de los siguientes proveedores. La prueba del servicio realizado se enviará por correo electrónico directamente a MTS por parte del proveedor de servicios comunitarios.
1. Banco de Alimentos de San Diego: horario en sandiegofoodbank.org. Al crear una cuenta en línea, seleccione el Programa de Desvío MTS (MTS Diversion Program) e incluya el número de la multa. Al llegar, notifique al Banco de Alimentos que está completando servicio comunitario para MTS.
 2. Proveedor del Programa de la Corte para Personas sin Hogar (por ejemplo, Father Joe's Villages): Reserve la fecha enviando un correo electrónico a sandiego@homelesscourtprogram.org o llamando al 619-717-6101. Cualquiera puede participar.
 3. Otras organizaciones sin fines de lucro: MTS aceptará a otras organizaciones sin fines de lucro con evaluación. Mande un correo electrónico a DiversionProgram@sdmts.com o llámalo al 619-557-4522 con la organización propuesta.
- C. SOLICITAR UNA EXENCIÓN ÚNICA:** Dentro de 120 días, solicite una exención única de su citación si es la primera vez que recibe una citación por evasión de tarifa a partir del 1 de febrero de 2025. Visite sdmts.com/diversion-program para solicitar una exención única o entregue su formulario de solicitud en persona en el Transit Store o envíelo por correo.
- D. APELE SU INFRACCIÓN:** si puede demostrar que tenía una tarifa vigente o que la máquina expendedora de boletos no funcionaba, puede apelar su infracción a MTS. Las apelaciones deben solicitarse dentro de los 15 días posteriores a la fecha de la infracción. Si la infracción no se desestima después de la apelación, aún puede resolverla de una de las formas mencionadas anteriormente dentro de los 120 días posteriores a la fecha que le dieron la infracción. Visite sdmts.com/diversion-program para presentar una apelación, o presente su formulario de apelación en persona, o por correo en la tienda Transit Store. Si desea apelar por cualquier otro motivo que no sea tarifa válida o una máquina expendedora de boletos fuera de servicio, siga las instrucciones a continuación para la adjudicación en la corte.
- Dentro de 15 días**

Si no resuelve la infracción dentro de los 120 días con MTS, será enviada a la Corte Superior de San Diego para su adjudicación.

- Después de 120 días**
- A. RESUELVA EN LA CORTE:** Después de 120 días, debe resolver esta infracción en la corte, como se indica en la infracción adjunta. Una vez presentada en la corte, la multa sería de \$192 (incluyendo costos de la corte) o más. Multas adicionales podrían añadirse por no presentarse o por falta de pago dentro del tiempo requerido. Si tiene dificultades financieras o no puede pagar, comuníquese con la corte para conocer otras opciones disponibles.
- B. PARTICIPE EN EL PROGRAMA DE LA CORTE PARA PERSONAS SIN HOGAR:** usted puede ser elegible para recibir ayuda con su caso, infracciones, y multas a través del Programa de la Corte para Personas sin Hogar. Si participa y cumple con los requisitos de un proveedor aprobado por la Corte de Personas sin Hogar (por ejemplo, una organización de servicios sociales), su caso judicial puede resolverse en la Corte de Personas sin Hogar. Visite homelesscourtprogram.org para más detalles.

Para obtener más información, visite sdmts.com/diversion-program

This envelope contains a citation for not having a valid MTS fare.



You may be eligible to avoid court and receive a reduced penalty by resolving this citation directly with MTS. To take advantage, complete one (1) of the options in the green box within the listed time. After 120 days, the yellow box contains your only remaining options.



MTS will hold, and not submit the citation to San Diego Superior Court, if you participate in the Diversion Program. Here are your options to resolve this citation with MTS:

- Dentro de 120 días**
- A. PAY A FINE:** Within 120 days of date of citation, pay \$25 to MTS. Complete the form included in the citation's envelope and pay:
- Online: sdmts.com/diversion-program (credit card or mobile pay only)
 - By Phone: 619-595-5636 (credit card only)
 - In-person (credit card, cash, or check/money order) or by mail (check/money order only) at/to: Transit Store (1255 Imperial Ave, 1st Fl., San Diego CA 92101).
- B. PERFORM COMMUNITY SERVICE:** Within 120 days, perform 3 hours of community service at any of the below providers. Proof of completion will be emailed directly to MTS from community service provider.
1. San Diego Food Bank: Schedule at sandiegofoodbank.org. When creating an online account, select MTS Diversion Program and include citation number. Notify San Diego Food Bank when you arrive that you are completing community service for MTS.
 2. Homeless Court Program Provider (e.g. Father Joe's Villages): Schedule by emailing sandiego@homelesscourtprogram.org or by calling 619-717-6101. Anyone may participate.
 3. Other Non-Profit: MTS may accept other non-profit organizations upon review. Email DiversionProgram@sdmts.com or call 619-557-4522 with the proposed organization.
- C. REQUEST A ONE-TIME WAIVER:** Within 120 days, request a one-time waiver of your citation if this is your first time receiving a fare evasion citation as of February 1, 2025. Visit sdmts.com/diversion-program to submit your one-time waiver request or submit your request form in person at the Transit Store or by mail.
- D. APPEAL YOUR CITATION:** If you can demonstrate that you had valid fare or that a ticket vending machine was broken, you may be able to appeal your citation to MTS. Appeals must be requested within 15 days of receiving the citation. If the citation is not dismissed after the appeal, you can still resolve it in one of the ways listed above within 120 days of issuance of citation. Visit sdmts.com/diversion-program to submit appeal or submit your appeal form in person or by mail at the Transit Store. If you wish to appeal for any other reason than valid fare or broken ticket vending machine, follow instructions below for adjudication in court.
- Within 15 Days**

If you do not resolve this citation within 120 days with MTS, MTS will submit the citation to San Diego Superior Court for adjudication.

- After 120 Days**
- A. RESOLVE IN COURT:** After 120 days, you must resolve this citation at court, as identified on the enclosed citation. Once filed in court, the presumptive fine is \$192 (including court fees) or more. Additional fines may be assessed for failure to appear or failure to pay by the required date. If you have a financial hardship or inability to pay, contact the court to learn about available options.
- B. PARTICIPATE IN HOMELESS COURT PROGRAM:** You may be eligible to receive help with your court case, fines or fees through the Homeless Court Program. If you participate and meet the requirements of an approved Homeless Court provider (e.g. Social Service organization), your court case may be resolved at Homeless Court. Visit homelesscourtprogram.org for more details.

For more information, visit sdmts.com/diversion-program 01/2025



Home > One-Time Waiver of Citation

One-Time Waiver of Citation

If it is your first citation issued on or after February 1, 2025, you may request a one-time waiver of your citation in order for it to be voided. If you already resolved your first Diversion eligible citation issued as of 2/1/2025 by paying \$25 or completing 3 hours of community service, then you are no longer eligible for a one-time waiver. The one-time waiver cannot be "saved" or utilized for a second or subsequent citation

To request, please complete the following form:

First Name *

First name listed on citation

Middle

Last Name *

Last name listed on citation



Online and Pay By Phone Options

You can resolve your citation with MTS by paying a reduced fine of \$25 within 120 days.

- **Pay Online**

- [Pay \\$25 online using Square and confirm citation eligibility](#). Accepts debit and credit card, Cash App, Apple Pay, or Google Pay.
- Payment must be received by MTS within 120 days of the issuance of the citation.
- Citation number and date must be provided at the time of payment.
- If successfully processed, you will receive a letter or email confirming your citation has been voided.

- **Pay by Phone**

- Pay \$25 by calling PRONTO support at [\(619\) 595-5636](#).
- Accepts debit and credit card (Visa, Mastercard, Discover).
- Payment must be received by MTS within 120 days of the issuance of the citation.
- Citation number and date must be provided at the time of payment.
- If successfully processed, you will receive a letter or email confirming your citation has been voided.

- **Pay in Person**

- Pay \$25 (cash, credit card, or check/money order payable to "MTS") in person at the Transit Store at 1255 Imperial Ave, Ste. 100A, San Diego CA 92101. ID is required with check and credit card payments.
- Complete [this form \(Spanish\)](#) and bring with you to Transit Store, along with a copy of your citation (your citation will be handed back to you after processing by Transit Store staff).
- Payment must be received by MTS within 120 days of the issuance of the citation.
- If successfully processed, you will receive a letter or email confirming your citation has been voided.

- **Pay by Mail**

- Pay \$25 (check or money order payable to "MTS" only) by mail. Cash is not accepted by mail. Please write the citation number on the check.
- Complete [this form \(Spanish\)](#) along with a copy of your citation and a check or money order, and mail to:
MTS Transit Store, 1255 Imperial Ave, Suite 100A, San Diego CA 92101.
- Payment must be received by MTS within 120 days of the issuance of the citation.
- If successfully processed, you will receive a letter or email confirming your citation has been voided.

Fare Violation – Diversion Program Payment

\$25.00

Pay fine of \$25 within 120 days of date of citation to void fare violation citation. Eligible fare violation citations only. No refunds. MTS aims to provide confirmation of the citation being voided within 10 business days. Please include the first/last name of the person cited to assist MTS in processing payment. Info: [sdmts.com/diversionprogram](#). Need help? Email: [DiversionProgram@sdmts.com](#).

Subtotal	\$25.00
<hr/>	
Order total	\$25.00

Required*

Citation Number (ZXXXXXX)

Date of Violation (MM-DD-YYYY)

Express Checkout



First 3 Months of New Diversion Program

- 6% Decrease in Fare Evasion Rate
 - 20.79% Evasion Rate (Feb-Apr 2025) vs. 26.93% (Jan 2025)*

**PRONTO Data in Inspection App has been improved, and the evasion rate was re-calculated to show only MTS-related fare evasion, and to remove Youth Free products which had previously been included in the “Stored Value” category. This resulted in an overall 7% reduction in the estimated evasion rate for 2024 (26% vs. 33%).*

- \$450K per month increase in Fare Revenue (February & March 2025)
 - Portion of Fare Revenue increase attributed to fare enforcement efforts (not ridership increases)

Diversion Participation (as of 5/19/25)

Date	Diversion Eligible Citations	Diversion Participation Total	% Diversion Participation	One-time Waiver	Paid Reduced Fine	Appeal	Community Service
Sep-24	221	6	2.7%	N/A	6	0	0
Oct-24	361	5	1.4%	N/A	5	0	0
Nov-24	418	8	1.9%	N/A	8	0	0
Dec-24	433	21	4.8%	N/A	21	0	0
Jan-25	528	9*	1.7%	N/A	9	0	0
Feb-25	1984	230*	11.6%*	164	63	3	0
Mar-25	1618	175*	10.8%*	151	23	1	0
2/1/2025	123	27*	22.0%*	14	13	0	0

Still remaining time to participate in Diversion Program (120 Days from date the citation was issued)

Sample Correspondence Received

“... I wanted to tell you thank you SO MUCH for deciding to waive this citation for me, this time. This is actually a real answer to prayer for me, whether you care or not; as this situation really caught me by surprise when it emerged, since I am a busy (and poor) college student and I feel locked into a routine, many times. Even this \$25 would have been a burden on me; This decision actually helps motivate me to try to think in new ways, and to try to develop new strategies to help better merge with these policies that have been put into place. Thank you again”

Next Steps

- Continue to monitor fare inspection contacts, PRONTO fare collection, Special Enforcement Details, participation in Diversion Program etc.
 - Only about 2-3 months of data thus far since revised Diversion Program went into effect on February 1, 2025
- Request partnership with social service providers to assist with increasing Diversion Program participation (e.g. Neil Day Good Center)
 - A portion of citations issued include an address associated with someone that may be experiencing homelessness



Agenda Item No. 5

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

May 30, 2025

SUBJECT:

Administrative Fare Enforcement Model (Karen Landers)

POSSIBLE ACTION:

That the San Diego Metropolitan Transit System (MTS) Public Security Committee provide its recommendation on whether staff should prepare a plan to change from MTS's current criminal/administrative hybrid fare enforcement model to a fully administrative fare enforcement model.

Budget Impact

The estimated cost to convert MTS's program to a fully administrative fare enforcement model is approximately \$300,000 to \$350,000 per year in additional costs, plus unknown initial start-up costs. Actual costs would be refined as part of the plan preparation process.

DISCUSSION:

In general, transit agencies use one of three types of enforcement models to confirm that individual passengers have purchased a transit fare and to impose a penalty if the passenger is found to be riding transit without paying a fare: Criminal, Administrative, or a Criminal/Administrative Hybrid (Hybrid).

MTS's Current Fare Enforcement Model

MTS's current fare enforcement model is categorized as a hybrid, as it is a criminal fare enforcement program with administrative options available to resolve the fare evasion citation.

By statute (Penal Code 640(c) and Public Utilities Code section 120450), a fare violation is categorized as criminal with a potential infraction or misdemeanor penalty. The first violation is a \$75 fine. In practice, MTS does not identify escalating fare violations, therefore all violations result in a \$75 penalty fine and are infractions. Court-related fees are also added to the statutory fine during the court process.



Since September 1, 2020, MTS has implemented a Diversion Program that provides an administrative path to resolve a fare evasion citation. On October 17, 2024 (Agenda Item (AI) 25), the Board removed the option to buy a fare on-the-spot (effective February 1, 2025) and made the Diversion Program permanent. The Diversion Program offers multiple options for the citation to be resolved so as to avoid court adjudication. This includes:

- 1) For citations received after February 1, 2025, request a one-time waiver within 120 days if it is their first fare evasion citation;
- 2) Pay a reduced \$25 fine within 120 days;
- 3) Complete 3 hours of community service within 120 days; or
- 4) Submit a limited appeal if proof of valid fare or ticket vending machine malfunction within 15 days.

Upon successful participation in the Diversion Program, the citation is voided by MTS and never entered into the court system. If the Diversion Program is not completed, then the citation is sent to the superior court for hearing and adjudication.

Due to the recent changes to the Diversion Program that went into effect on February 1, 2025, which included removing on-the-spot payment option, adding more ways to pay reduced fine, and adding the ability to request a one-time waiver, MTS continues to monitor the success of the Diversion Program in meeting MTS's fare enforcement goals, which include incentivizing passengers to purchase a fare and tap before boarding and providing opportunities for citations to avoid being submitted to the court.

Administrative Fare Enforcement Model

In previous Public Security Committee meetings, feedback was received that there is an interest to continue researching whether MTS should convert from the above hybrid model to a fully administrative fare enforcement model under Public Utilities Code section 99580 (Section 99580). LA Metro and San Francisco MUNI use an administrative fare enforcement model, BART issues both administrative and criminal citations depending on the circumstance.

If an agency elects to implement the administrative penalty program under Section 99580, then the statute sets the limits of the program. (See Attachment A.)

Research Already Conducted if Change in Fare Enforcement Model

On September 20, 2024 (AI 4), staff presented to the Public Security Committee a summary of initial research into other California transit agencies fare enforcement model. This included LA Metro and San Francisco MUNI, which solely use an administrative fare enforcement program, and BART.

A significant concern presented by staff at the September meeting was uncertainty about how a fully administrative fare enforcement program would impact the ability of MTS officers to inspect, detain, and cite for fare evasion, and also whether an administrative program would limit MTS's ability to partner with local law enforcement for joint operations. Since that meeting, MTS obtained a legal opinion from outside counsel with expertise in criminal procedure concerning this issue. The legal opinion resolved MTS staff's concerns and confirmed that a change to the Section 99580 administrative fare enforcement model would not impact MTS's other enforcement efforts and practices.

Comparison of Fare Enforcement Models

Program Step / Option	MTS Current Model	Section 99580 Administrative Model - How other transit agencies have implemented
Fine Amount - Initial (First and Second Violations)	\$25 Fine (Diversion Program)	\$75 Fine (Max \$125 per statute)
Fine Amount - Unresolved (First and Second Violations)	\$75 Statutory Fine plus Court Fees (about \$200+ in total) if after 120 Days and No Action	\$100 Fine (first missed deadline) \$125 Fine (second missed deadline)
Fine Amount - Initial (3rd or More Subsequent Violations)	\$25 Fine (Diversion Program) - MTS does not utilize graduated penalties for 3rd or more subsequent violations	Max \$200 per statute; Exclusion Order or Criminal Fare Citation issued
Community Service Option (in lieu of paying fine)	3 hours (will also custom-tailor community service plan if requested)	5 hours (no statutory minimum or maximum)
Request for Initial Review/Appeal in Lieu of Paying Fine	<p>15 days to appeal citation under Diversion Program. May appeal to provide proof of valid fare or ticket vending machine malfunction. Staff will investigate (review video, PRONTO records, other evidence) and cancel citation if investigation shows proof of fare or attempt to purchase fare but MTS system malfunction.</p> <p>Physical Hearing space or Virtual Hearing platform not required; Diversion Program limited appeals handled via email submission and review by staff.</p> <p>If Appeal denied, may still participate in Diversion (Pay Fine or Complete Community Service) within original 120-day period.</p>	21 days to request Initial Review of citation. Agency to review and cancel citation if review shows violation did not occur or the interests of justice merit cancellation.

Program Step / Option	MTS Current Model	Section 99580 Administrative Model - How other transit agencies have implemented
<p>If want to Appeal instead of Pay Fine:</p> <p>Court Hearing (criminal) or Administrative Hearing (administrative)</p>	<p>If decline to participate in Diversion, then cite sent to Court and may plead not guilty (infraction) with Court in-person. MTS no longer leads the adjudication process. No deposit of fine amount required before court hearing.</p> <p>MTS officers may be subpoenaed to attend court hearing.</p>	<p>If citation not canceled after Initial Review, then may request Administrative Hearing within 21 days of Initial Review decision. Deposit of fine amount (\$75-\$200) required to secure hearing. Hearing to be held within 90 days. Hearing to determine if fare violation occurred. Citation is <i>prima facie</i> evidence the violation occurred. No additional evidence from agency required.</p> <p>Virtual and Physical Hearing space for Appeal Hearings needed. MTS would need to identify office space for hearings to take place. MTS board room may be available on some days. However, LA Metro has 2 full-time office locations for "Transit Court". There are no empty spaces appropriate for a full-time MTS Transit Court at our current office space.</p>
<p>Penalty for Non-Payment</p>	<p>If fail to participate in Diversion, then cite sent to Court; Court process sends unpaid fines to collections.</p>	<p>Unpaid fines sent to collections vendor</p> <p>Third party vendor contract required (typical terms include vendor keeping 30% of collected fines); or exclusion order</p>
<p>Post-Conviction Relief</p>	<p>MTS participates in San Diego Homeless Court Program & agrees to waive fines and dismiss citations for successful participants (no direct cost to MTS)</p> <p>MTS will also submit a Motion to Dismiss to Court for certain citations for late participation in Diversion Program</p>	<p>Unclear what post-conviction relief is available for administrative citations. Unclear if MTS could still benefit from participation in SD Homeless Court Program. Would likely incur fees from Collections Vendor to pull back cases/debts</p>

Program Step / Option	MTS Current Model	Section 99580 Administrative Model - How other transit agencies have implemented
Citation Hardware & Software (handheld field units)	Physical citation booklets; manual data entry of citations	<p>Graduated offenses would need the ability to view citation history in the field. Electronic citation printing devices and cloud data storage needed.</p> <p>Estimated cost for electronic citation printing units: (\$225 per unit per month to lease for about 83 CCI based on current staffing numbers) \$224,000/yr. Additional one-time citation device customization and ongoing software costs anticipated</p>
Program Management	Already in place; may require additional staff depending on volume	<p>Third-Party Program Management Vendor (\$3/citation plus some fixed costs = approximately \$63,000/yr) Assuming 75% of citations miss one or more fine deadlines, and 1 to 3 delinquent notices would be necessary to be sent per citation, up to \$54,000/yr (based on approximately 2,000 citations per month volume).</p> <p>Needed to handle more administrative tasks such as collecting fines, reviewing community service hours, scheduling appeal hearings, designated hearing officers, mailing correspondence to confirm citation resolved / unresolved, application of late fees, notice submitted to collections, developing reports on the administrative program generally, etc.</p>

Program Step / Option	MTS Current Model	Section 99580 Administrative Model - How other transit agencies have implemented
Hearing Officers	None; internal staff handles appeals under Diversion Program by conducting independent research into complaint/appeal and granting if it is validated by research; superior court handles formal court process after 120-day Diversion Program period expires	Unclear - would vary based on volume. BART pays bench of hearing officers \$40 per virtual hearing and \$55 per in-person hearing. Since the fine would be greater, it is assumed more appeals would be received. At a rate of 30 appeals per month, this would be between \$1,200 to \$1,650 per month or \$14,400 to \$19,800/yr.
Internal Staff Oversight	Already in place; may require additional staff depending on volume	Would require dedicated staff to oversee and provide direction to third-party vendors, prepare reports. LA Metro has 3 dedicated staff; some agencies combine with other duties.

Steps Required to Change Fare Enforcement Model

If MTS were to pursue changing its fare enforcement model to a formal administrative penalty process under Section 99580, additional research and decisions would need to be made about that new program. Based on feedback received at the meeting, staff will create a proposed transition plan for the Public Security Committee to review and potentially recommend it to the Board for adoption.

/S/ Sharon Cooney
Sharon Cooney
Chief Executive Officer

Key Staff Contact: Mark Olson, 619-557-4588 Mark.Olson@sdmts.com

Attachments:

- A. Text of Penal Code section 640 and Public Utilities Code sections 99580-99582.

Penal Code - PEN

PART 1. OF CRIMES AND PUNISHMENTS [25 - 680.4]

(Part 1 enacted 1872.)

TITLE 15. MISCELLANEOUS CRIMES [626 - 653.75]

(Title 15 enacted 1872.)

CHAPTER 2. Of Other and Miscellaneous Offenses [639 - 653.2]

(Chapter 2 enacted 1872.)

640.

(a) (1) Any of the acts described in paragraphs (1) to (6), inclusive, of subdivision (b) is an infraction punishable by a fine not to exceed two hundred fifty dollars (\$250) and by community service for a total time not to exceed 48 hours over a period not to exceed 30 days, during a time other than during the violator's hours of school attendance or employment. Except as provided in subdivision (g), any of the acts described in paragraphs (1) to (3), inclusive, of subdivision (c), upon a first or second violation, is an infraction punishable by a fine not to exceed two hundred fifty dollars (\$250) and by community service for a total time not to exceed 48 hours over a period not to exceed 30 days, during a time other than during the violator's hours of school attendance or employment. Except as provided in subdivision (g), a third or subsequent violation of any of the acts described in paragraphs (1) to (3), inclusive, of subdivision (c) is a misdemeanor punishable by a fine of not more than four hundred dollars (\$400) or by imprisonment in a county jail for a period of not more than 90 days, or by both that fine and imprisonment. Any of the acts described in subdivision (d) shall be punishable by a fine of not more than four hundred dollars (\$400), by imprisonment in a county jail for a period of not more than 90 days, or by both that fine and imprisonment.

(2) This section shall apply only to acts committed on or in a facility or vehicle of a public transportation system.

(b) (1) Eating or drinking in or on a system facility or vehicle in areas where those activities are prohibited by that system.

(2) Playing unreasonably loud sound equipment on or in a system facility or vehicle, or failing to comply with the warning of a transit official related to disturbing another person by loud or unreasonable noise.

(3) Smoking in or on a system facility or vehicle in areas where those activities are prohibited by that system.

(4) Expectorating upon a system facility or vehicle.

(5) Skateboarding, roller skating, bicycle riding, roller blading, or operating a motorized scooter or similar device, as defined in Section 407.5 of the Vehicle Code, in a system facility, vehicle, or parking structure. This paragraph does not apply to an activity that is necessary for utilization of the

transit facility by a bicyclist, including, but not limited to, an activity that is necessary for parking a bicycle or transporting a bicycle aboard a transit vehicle, if that activity is conducted with the permission of the transit agency in a manner that does not interfere with the safety of the bicyclist or other patrons of the transit facility.

(6) Selling or peddling any goods, merchandise, property, or services of any kind whatsoever on the facilities, vehicles, or property of the public transportation system if the public transportation system has prohibited those acts and neither the public transportation system nor its duly authorized representatives have granted written consent to engage in those acts.

(c) (1) Evasion of the payment of a fare of the system. For purposes of this section, fare evasion includes entering an enclosed area of a public transit facility beyond posted signs prohibiting entrance without obtaining valid fare, in addition to entering a transit vehicle without valid fare.

(2) Misuse of a transfer, pass, ticket, or token with the intent to evade the payment of a fare.

(3) (A) Unauthorized use of a discount ticket or failure to present, upon request from a transit system representative, acceptable proof of eligibility to use a discount ticket, in accordance with Section 99155 of the Public Utilities Code and posted system identification policies when entering or exiting a transit station or vehicle. Acceptable proof of eligibility must be clearly defined in the posting.

(B) If an eligible discount ticket user is not in possession of acceptable proof at the time of request, a citation issued shall be held for a period of 72 hours to allow the user to produce acceptable proof. If the proof is provided, the citation shall be voided. If the proof is not produced within that time period, the citation shall be processed.

(d) (1) Willfully disturbing others on or in a system facility or vehicle by engaging in boisterous or unruly behavior.

(2) Carrying an explosive, acid, or flammable liquid in a public transit facility or vehicle.

(3) Urinating or defecating in a system facility or vehicle, except in a lavatory. However, this paragraph shall not apply to a person who cannot comply with this paragraph as a result of a disability, age, or a medical condition.

(4) Willfully blocking the free movement of another person in a system facility or vehicle. This paragraph shall not be interpreted to affect any lawful activities permitted or First Amendment rights protected under the laws of this state or applicable federal law, including, but not limited to, laws related to collective bargaining, labor relations, or labor disputes.

(5) Willfully tampering with, removing, displacing, injuring, or destroying any part of a facility or vehicle of a public transportation system.

(e) Notwithstanding subdivision (a) or (g), a public transportation agency, as defined in paragraph (4) of subdivision (c) of Section 99580 of the Public Utilities Code, may do either of the following:

(1) Enact and enforce an ordinance providing that a person who is the subject of a citation for any of the acts described in subdivision (b) of Section 99580 of the Public Utilities Code on or in a facility or vehicle described in subdivision (a) for which the public transportation agency has jurisdiction shall, under the circumstances set forth by the ordinance, be afforded an opportunity to complete an administrative process that imposes only an administrative penalty enforced in a civil proceeding. The ordinance for imposing and enforcing the administrative penalty shall be governed by Chapter 8 (commencing with Section 99580) of Part 11 of Division 10 of the Public Utilities Code.

(2) Enforce as an infraction pursuant to subdivision (b) the act of failing to yield seating reserved for an elderly or disabled person in a facility or vehicle for which the public transportation agency has jurisdiction, provided that the governing board of the public transportation agency enacts an ordinance to that effect after a public hearing on the issue.

(f) For purposes of this section, “facility or vehicle of a public transportation system” means any of the following:

(1) A facility or vehicle of a public transportation system as defined by Section 99211 of the Public Utilities Code.

(2) A facility of, or vehicle operated by, an entity subsidized by, the Department of Transportation.

(3) A facility or vehicle of a rail authority, whether owned or leased, including, but not limited to, any part of a railroad, or track of a railroad, or any branch or branchway, switch, turnout, bridge, viaduct, culvert, embankment, station house, or other structure or fixture, or any part thereof, attached or connected to a railroad.

(4) A leased or rented facility or vehicle for which any of the entities described in paragraph (1), (2), or (3) incurs costs of cleanup, repair, or replacement as a result of any of those acts.

(g) A minor shall not be charged with an infraction or a misdemeanor for violation of paragraphs (1) to (3), inclusive, of subdivision (c). Nothing in this subdivision shall limit the ability of a public transportation agency to assess an administrative penalty as established in paragraph (1) of subdivision (e) and in Section 99580 of the Public Utilities Code, not to exceed one hundred twenty-five dollars (\$125) upon a first or second violation and not to exceed two hundred dollars (\$200) upon a third or subsequent violation, to permit the performance of community service in lieu of payment of the fare evasion or passenger conduct penalty pursuant to Section 99580 of the Public Utilities Code, or to allow payment of the fare evasion or passenger conduct penalty in installments or deferred payment pursuant to Section 99580 of the Public Utilities Code.

(Amended by Stats. 2017, Ch. 219, Sec. 1. (SB 614) Effective January 1, 2018.)

Public Utilities Code - PUC

DIVISION 10. TRANSIT DISTRICTS [24501 - 107025]

(Division 10 repealed and added by Stats. 1955, Ch. 1036.)

PART 11. PROVISIONS APPLICABLE TO ALL PUBLIC TRANSIT [99150 - 99582]

(Part 11 added by Stats. 1968, Ch. 1325.)

CHAPTER 8. Administrative Enforcement for Fare Evasion and Prohibited Conducts [99580 - 99582]

(Chapter 8 added by Stats. 2006, Ch. 258, Sec. 2.)

99580.

(a) Pursuant to subdivision (e) of Section 640 of the Penal Code, a public transportation agency may enact and enforce an ordinance to impose and enforce an administrative penalty for any of the acts described in subdivision (b).

(b) (1) Evasion of the payment of a fare of the system.

(2) Misuse of a transfer, pass, ticket, or token with the intent to evade the payment of a fare.

(3) Playing unreasonably loud sound equipment on or in a system facility or vehicle, or failing to comply with the warning of a transit official related to disturbing another person by loud or unreasonable noise.

(4) Smoking a tobacco product, eating, or drinking in or on a system facility or vehicle in those areas where those activities are prohibited by that system.

(5) Expectorating upon a system facility or vehicle.

(6) Willfully disturbing others on or in a system facility or vehicle by engaging in boisterous or unruly behavior.

(7) Carrying an explosive or acid, flammable liquid, or toxic or hazardous material in a system facility or vehicle.

(8) Urinating or defecating in a system facility or vehicle, except in a lavatory. However, this paragraph shall not apply to a person who cannot comply with this paragraph as a result of a disability, age, or a medical condition.

(9) (A) Willfully blocking the free movement of another person in a system facility or vehicle.

(B) This paragraph shall not be interpreted to affect any lawful activities permitted or First Amendment rights protected under the laws of this state or applicable federal law, including, but not limited to, laws related to collective bargaining, labor relations, or labor disputes.

(10) Skateboarding, roller skating, bicycle riding, or roller blading in a system facility, including a parking structure, or in a system vehicle. This paragraph does not apply to an activity that is necessary for utilization of a system facility by a bicyclist, including, but not limited to, an activity that is necessary for parking a bicycle or transporting a bicycle aboard a system vehicle, if that activity is conducted with the permission of the agency of the system in a manner that does not interfere with the safety of the bicyclist or other patrons of the system facility.

(11) (A) Unauthorized use of a discount ticket or failure to present, upon request from a system representative, acceptable proof of eligibility to use a discount ticket, in accordance with Section 99155, and posted system identification policies when entering or exiting a system station or vehicle. Acceptable proof of eligibility must be clearly defined in the posting.

(B) If an eligible discount ticket user is not in possession of acceptable proof at the time of request, an issued notice of fare evasion or passenger conduct violation shall be held for a period of 72 hours to allow the user to produce acceptable proof. If the proof is provided, that notice shall be voided. If the proof is not produced within that time period, that notice shall be processed.

(12) Selling or peddling any goods, merchandise, property, or services of any kind whatsoever on the facilities, vehicles, or property of the public transportation system without the express written consent of the public transportation system or its duly authorized representatives.

(13) Failing to yield seating reserved for an elderly or disabled person.

(c) (1) The public transportation agency may contract with a private vendor or governmental agency for the processing of notices of fare evasion or passenger conduct violation, and notices of delinquent fare evasion or passenger conduct violation pursuant to Section 99581.

(2) For the purpose of this chapter, “processing agency” means either of the following:

(A) The agency issuing the notice of fare evasion or passenger conduct violation and the notice of delinquent fare evasion or passenger conduct violation.

(B) The party responsible for processing the notice of fare evasion or passenger conduct violation and the notice of delinquent violation, if a contract is entered into pursuant to paragraph (1).

(3) For the purpose of this chapter, “fare evasion or passenger conduct violation penalty” includes, but is not limited to, a late payment penalty, administrative fee, fine, assessment, and costs of collection as provided for in the ordinance.

(4) For the purpose of this chapter, “public transportation agency” shall mean a public agency that provides public transportation as defined in paragraph (1) of subdivision (f) of Section 1 of Article XIX A of the California Constitution.

(5) All fare evasion and passenger conduct violation penalties collected pursuant to this chapter shall be deposited with the public transportation agency that issued the citation.

(d) (1) If a fare evasion or passenger conduct violation is observed by a person authorized to enforce the ordinance, a notice of fare evasion or passenger conduct violation shall be issued. The notice shall set forth the violation, including reference to the ordinance setting forth the administrative penalty, the date of the violation, the approximate time, and the location where the violation occurred. The notice shall include a printed statement indicating the date payment is required to be made, and the procedure for contesting the notice. The notice shall be served by personal service upon the violator. The notice, or copy of the notice, shall be considered a record kept in the ordinary course of business of the issuing agency and the processing agency, and shall be prima facie evidence of the facts contained in the notice establishing a rebuttable presumption affecting the burden of producing evidence.

(2) When a notice of fare evasion or passenger conduct violation has been served, the person issuing the notice shall file the notice with the processing agency.

(3) If, after a notice of fare evasion or passenger conduct violation is issued pursuant to this section, the issuing officer determines that there is incorrect data on the notice, including, but not limited to, the date or time, the issuing officer may indicate in writing on a form attached to the original notice the necessary correction to allow for the timely entry of the corrected notice on the processing agency's data system. A copy of the correction shall be mailed to the address provided by the person cited at the time the original notice of fare evasion or passenger conduct violation was served.

(4) If a person contests a notice of fare evasion or passenger conduct violation, the issuing agency shall proceed in accordance with Section 99581.

(e) In setting the amounts of administrative penalties for the violations listed in subdivision (b), the public transportation agency shall not establish penalty amounts that exceed one hundred twenty-five dollars (\$125) upon a first or second violation and two hundred dollars (\$200) upon a third or subsequent violation.

(f) The issuing agency shall allow payment of the fare evasion or passenger conduct penalty or penalties in installments or deferred payment if the total amount of the fines is two hundred dollars (\$200) or more and the person provides satisfactory evidence of an inability to pay the penalty or penalties in full.

(g) (1) Except as provided in paragraph (2), the issuing agency shall permit the performance of community service in lieu of payment of the fare evasion or passenger conduct penalty if the person is under 18 years of age or if the person provides satisfactory evidence of an inability to pay the fare evasion or passenger conduct penalty in full. The issuing agency may require the performance of community service at transit facilities, as defined in subdivision (f) of Section 640 of the Penal Code.

(2) The issuing agency is not required to permit the performance of community service in lieu of payment for a fare evasion or passenger conduct penalty if the person has had more than three fare evasion or passenger conduct penalties for which he or she was permitted to perform community service pursuant to paragraph (1), and did not complete any community service, provided that the person was offered a community service placement and was given adequate time to comply with the community service requirement.

(h) A person who receives a notice of fare evasion or passenger conduct violation pursuant to this section shall not be subject to citation for a violation of Section 640 of the Penal Code.

(i) If an entity enacts an ordinance pursuant to this section it shall, both two years and five years after enactment of the ordinance, report all of the following information to the Senate Committee on Transportation and Housing and the Assembly Committee on Transportation:

(1) A description of the ordinance, including the circumstances under which an alleged violator is afforded the opportunity to complete the administrative process.

(2) The amount of the administrative penalties.

(3) The number and types of citations administered pursuant to the ordinance.

(4) To the extent available, a comparison of the number and types of citations administered pursuant to the ordinance with the number and types of citations issued for similar offenses and administered through the courts both in the two years prior to the ordinance and, if any, since enactment of the ordinance.

(5) A discussion of the effect of the ordinance on passenger behavior.

(6) A discussion of the effect of the ordinance on revenues to the entity described in subdivision (a) and, in consultation with the superior courts, the cost savings to the county courts. The superior courts are encouraged to collaborate on and provide data for this report.

(j) For purposes of this section, “smoking” has the same meaning as in subdivision (c) of Section 22950.5 of the Business and Professions Code.

(k) For purposes of this section, “tobacco product” means a product or device as defined in subdivision (d) of Section 22950.5 of the Business and Professions Code.

(Amended by Stats. 2017, Ch. 219, Sec. 2. (SB 614) Effective January 1, 2018.)

99580.5.

A transit district’s ordinance may be enforced outside of the transit district’s jurisdiction only where the local jurisdiction has adopted the transit district’s ordinance by reference as authorized by the local jurisdictions’ governing body.

(Added by Stats. 2021, Ch. 534, Sec. 4. (AB 1337) Effective January 1, 2022.)

99581.

(a) For a period of 21 calendar days from the issuance to a person of the notice of fare evasion or passenger conduct violation, the person may request an initial review of the violation by the issuing agency. The request may be made by telephone, in writing, or in person. There shall be no charge for this review. If, following the initial review, the issuing agency is satisfied that the violation did not occur or that extenuating circumstances make dismissal of the administrative penalty appropriate in the interest of justice, the issuing agency shall cancel the notice. The issuing agency shall advise the processing agency, if any, of the cancellation. The issuing agency or the processing agency shall mail the results of the initial review to the person contesting the notice and if following that review, cancellation of the notice does not occur, the agency shall include a reason for that denial, notification of the ability to request an administrative hearing, and notice of the procedure adopted pursuant to subdivision (b) for waiving prepayment of the penalty based upon inability to pay.

(b) If the person is dissatisfied with the results of the initial review, the person may request an administrative hearing of the violation no later than 21 calendar days following the mailing of the results of the issuing agency's initial review. The request may be made by telephone, in writing, or in person. The person requesting an administrative hearing shall deposit with the processing agency the amount due under the notice for which the administrative hearing is requested. The issuing agency shall adopt a written procedure to allow a person to request an administrative hearing without payment of the amount due upon satisfactory proof of an inability to pay the amount due. An administrative hearing shall be held within 90 calendar days following the receipt of a request for an administrative hearing, excluding time tolled pursuant to this chapter. The person requesting the hearing may request one continuance, not to exceed 21 calendar days.

(c) The administrative hearing process shall include all of the following:

(1) The person requesting a hearing shall have the choice of a hearing by mail or in person. An in-person hearing shall be conducted within the jurisdiction of the issuing agency. If an issuing agency contracts with a private vendor pursuant to paragraph (1) of subdivision (c) of Section 99580, hearings shall be held within the jurisdiction of the issuing agency.

(2) The administrative hearing shall be conducted in accordance with written procedures established by the issuing agency and approved by the governing body or chief executive officer of the issuing agency. The hearing shall provide an independent, objective, fair, and impartial review of contested violations.

(3) The administrative review shall be conducted before a hearing officer designated to conduct the review by the issuing agency's governing body or chief executive officer. In addition to any other requirements of employment, a hearing officer shall demonstrate those qualifications, training, and objectivity prescribed by the issuing agency's governing body or chief executive as are necessary and which are consistent with the duties and responsibilities set forth in this chapter. The hearing officer's continued employment, performance evaluation, compensation, and benefits shall not be

directly or indirectly linked to the amount of fare evasion or passenger conduct violation penalties imposed by the hearing officer.

(4) The person who issued the notice of fare evasion or passenger conduct violation shall not be required to participate in an administrative hearing. The issuing agency shall not be required to produce any evidence other than the notice of fare evasion or passenger conduct violation. The documentation in proper form shall be prima facie evidence of the violation pursuant to paragraph (1) of subdivision (d) of Section 99580.

(5) The hearing officer's decision following the administrative hearing may be personally delivered to the person by the hearing officer or sent by first-class mail.

(6) Following a determination by the hearing officer that a person committed the violation, the hearing officer may, and consistent with subdivision (f) of Section 99580, shall, allow payment of the fare evasion or passenger conduct penalty in installments or deferred payment if the person provides satisfactory evidence of an inability to pay the fare evasion or passenger conduct penalty in full. The hearing officer may, and consistent with subdivision (g) of Section 99580, shall, permit the performance of community service in lieu of payment of the fare evasion or passenger conduct penalty.

(Amended by Stats. 2017, Ch. 219, Sec. 3. (SB 614) Effective January 1, 2018.)

99582.

(a) Within 30 calendar days after the mailing or personal delivery of the decision described in subdivision (c) of Section 99581, the person may seek review by filing an appeal to be heard by the superior court where the same shall be heard de novo, except that the contents of the processing agency's file in the case shall be received in evidence. A copy of the notice of fare evasion or passenger conduct violation shall be admitted into evidence as prima facie evidence of the facts stated therein establishing a rebuttable presumption affecting the burden of producing evidence. A copy of the notice of appeal shall be served in person or by first-class mail upon the processing agency by the person filing the appeal. For purposes of computing the 30-calendar-day period, Section 1013 of the Code of Civil Procedure shall be applicable. A proceeding under this subdivision is a limited civil case.

(b) Notwithstanding any other provision of law, the fee for filing the notice of appeal shall be as provided in Section 70615 of the Government Code. The court shall request that the processing agency's file on the case be forwarded to the court, to be received within 15 calendar days of the request. The court shall notify the appellant of the appearance date by mail or personal delivery. The court shall retain the fee regardless of the outcome of the appeal. If the court finds in favor of the appellant, the amount of the filing fee shall be reimbursed to the appellant by the processing agency. Any deposit of fare evasion or passenger conduct penalty shall be refunded by the processing agency in accordance with the judgment of the court.

(c) The conduct of the appeal under this section is a subordinate judicial duty that may be performed by a commissioner and other subordinate judicial officers at the direction of the presiding judge of the court.

(d) If a notice of appeal of the processing agency's decision described in subdivision (c) of Section 99581 is not filed within the period set forth in subdivision (a), that decision shall be deemed final.

(Amended by Stats. 2007, Ch. 738, Sec. 42. Effective January 1, 2008.)



Metropolitan
Transit
System

Item 5, 05/30/2025

Administrative Fare Enforcement Model

Public Security Committee

Fare Enforcement Models

- Transit Agencies utilize one of three types of fare enforcement models:
 - Criminal
 - North County Transit District (NCTD), SACRT, VTA, Metrolink, and SMART
 - Administrative
 - LA Metro and San Francisco MUNI
 - Criminal/Administrative Hybrid (Hybrid)
 - MTS, BART, and Caltrain

MTS's Fare Enforcement Model: Hybrid

- MTS currently has a Hybrid fare enforcement model
 - Criminal fare enforcement program (by statute fare evasion is a criminal infraction for first violation)
 - Administrative path to resolve fare evasion citation (Diversion Program)
- Diversion Program
 - Request one-time waiver, pay reduced fine of \$25 or complete 3 hours of community service within 120 days
 - Request a limited appeal if proof of valid fare or broken ticket vending machine within 15 days
 - Citation voided if successfully complete Diversion Program; if not, citation sent to Court for adjudication

Administrative Fare Enforcement Model

- In previous Public Security Committee Meetings, feedback was received that there is an interest to continue researching whether MTS should convert from a hybrid model to a fully administrative fare enforcement model under Public Utilities Code section 99580 (Section 99580).
- To transition to a fully administrative fare enforcement model, MTS would have to replace in its entirety MTS's current hybrid program, including MTS Diversion Program, and follow the statutory requirements of Section 99580 for an administrative fare enforcement model
- Outside legal opinion resolved concerns that a change to administrative enforcement model would NOT change MTS's authority to stop & detain or to partner with law enforcement during fare enforcement activities

MTS's Hybrid Comparison to Administrative Fare Enforcement Model

Program Step / Option	MTS Current Model	Section 99580 Administrative Model -
Fine Amount - Initial (First and Second Violations)	\$25 Fine (Diversion Program)	\$75 Fine (Max \$125 per statute)
Fine Amount - Unresolved (First and Second Violations)	\$75 Statutory Fine plus Court Fees (about \$200+ in total) if after 120 Days and No Action	\$100 Fine (first missed deadline) \$125 Fine (second missed deadline)
Fine Amount - Initial (3rd or More Subsequent Violations)	\$25 Fine (Diversion Program) - MTS does not utilize graduated penalties for 3rd or more subsequent violations	Max \$200 per statute; Exclusion Order or Criminal Fare Citation issued
Community Service Option (in lieu of paying fine)	3 hours (will also custom-tailor community service plan if requested)	5 hours (no statutory minimum or maximum)

MTS's Hybrid Comparison to Administrative Fare Enforcement Model

Program Step / Option	MTS Current Model	Section 99580 Administrative Model
Request for Initial Review/Appeal in Lieu of Paying Fine	15 days to appeal citation under Diversion Program. May appeal to provide proof of valid fare or ticket vending machine malfunction. Staff will investigate and cancel citation if investigation shows proof. Physical Hearing space or Virtual Hearing platform not required; Diversion Program limited appeals handled via email submission and review by staff. If Appeal denied, may still participate in Diversion (Pay Fine or Complete Community Service) within original 120-day period.	21 days to request Initial Review of citation. Agency to review and cancel citation if review shows violation did not occur or the interests of justice merit cancellation.

MTS's Hybrid Comparison to Administrative Fare Enforcement Model

Program Step / Option	MTS Current Model	Section 99580 Administrative Model
If want to Appeal instead of Pay Fine: Court Hearing (criminal) or Administrative Hearing (administrative)	If decline to participate in Diversion, then cite sent to Court and may plead not guilty with Court in-person. MTS no longer leads the adjudication process. No deposit of fine amount required before court hearing.	<p>If citation not canceled after Initial Review, then may request Administrative Hearing within 21 days of Initial Review decision. Deposit of fine amount (\$75-\$200) required to secure hearing. Hearing to be held within 90 days. Hearing to determine if fare violation occurred. Citation is <i>prima facie</i> evidence the violation occurred. No additional evidence from agency required.</p> <p>Virtual and Physical Hearing space for Appeal Hearings needed. MTS would need to identify office space for hearings to take place. MTS board room may be available on some days. However, LA Metro has 2 full-time office locations for "Transit Court". There are no empty spaces appropriate for a full-time MTS Transit Court at our current office space.</p>

MTS's Hybrid Comparison to Administrative Fare Enforcement Model

Program Step / Option	MTS Current Model	Section 99580 Administrative Model
Penalty for Non-Payment	If fail to participate in Diversion, then cite sent to Court; Court process sends unpaid fines to collections.	Unpaid Fines sent to Collections Vendor Third Party Vendor contract required (typical terms include vendor keeping 30% of collected fines); or Exclusion Order
Post-Conviction Relief	MTS participates in San Diego Homeless Court Program & agrees to waive fines and dismiss citations for successful participants (no direct cost to MTS) MTS will submit a Motion to Dismiss to Court for certain citations for late participation in Diversion Program	Unclear what post-conviction relief is available for administrative citations. Unclear if MTS could still benefit from participation in SD Homeless Court Program. Would likely incur fees from Collections Vendor to pull back cases/debts

MTS's Hybrid Comparison to Administrative Fare Enforcement Model

Program Step / Option	MTS Current Model	Section 99580 Administrative Model
Citation Hardware & Software (handheld field units)	Physical citation booklets; manual data entry of citations	Graduated Offenses would need ability to view citation history in the field. Electronic citation printing devices and cloud data storage needed. Estimated cost for electronic citation printing units: (\$225 per unit per month to lease for about 83 CCI based on current staffing numbers) \$224,000/yr. Additional one-time citation device customization and ongoing software costs anticipated
Program Management	Already in place; may require additional staff depending on volume	Third-Party Program Management Vendor needed (\$3/citation plus some fixed costs is approximately \$63,000/yr). Assuming 75% of citations miss one or more fine deadlines, and 1 to 3 delinquent notices would be necessary to be sent per citation, up to \$54,000/yr (based on approximately 2,000 citations per month volume). Needed to handle more administrative tasks such as collecting fines, reviewing community service hours, scheduling appeal hearings, designated hearing officers, mailing correspondence to confirm citation resolved / unresolved, application of late fees, notice submitted to collections, developing reports on the administrative program, etc.

MTS's Hybrid Comparison to Administrative Fare Enforcement Model

Program Step / Option	MTS Current Model	Section 99580 Administrative Model
Hearing Officers	None; internal staff handles appeals under Diversion Program by conducting independent research into complaint/appeal and granting if it is validated by research; superior court handles formal court process after 120-day Diversion Program period expires	Unclear - would vary based on volume. BART pays bench of hearing officers \$40 per virtual hearing and \$55 per in-person hearing. Since the fine would be greater, it is assumed more appeals would be received. At a rate of 30 appeals per month, this would be between \$1,200 to \$1,650 per month or \$14,400 to \$19,800/yr.
Internal Staff Oversight	Already in place; may require additional staff depending on volume	Would require dedicated staff to oversee and provide direction to third-party vendors, prepare reports. LA Metro has 3 dedicated staff; some agencies combine with other duties.

Estimated Costs to Change to Administrative Model

- \$300,000 to \$350,000 in estimated annual costs
 - New handheld devices with capability to look up citation history
 - Vendor to prepare, manage, and mail required notices
 - Collections vendor to collect fine payments
 - Hearing officers to adjudicate administrative hearings
 - Office space
 - Program Management
- Unknown – one-time start up costs

Possible Action

- That the MTS Public Security Committee provide its recommendation on whether staff should prepare a plan to change from MTS's current criminal/administrative hybrid fare enforcement model to a fully administrative fare enforcement model.



Agenda Item No. 6

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

May 30, 2025

SUBJECT:

Public Safety Through Environmental Design (Heather Furey and Chris Duddy)

DISCUSSION:

Recurring feedback from MTS customers is that safety while waiting at stations is a high priority. In the recent Customer Satisfaction Survey that was reported to the MTS Board on April 17, 2025 (Agenda Item (AI) 24), the most important factor cited by passengers was wanting to feel safe & secure while waiting for the trolley or bus. This was also one of the areas that was cited as needing the most improvement about MTS services.

In recent years, MTS has made several changes to address these common concerns – both with adding more security personnel throughout the system, but also with projects to make improvements throughout MTS's stations and property. These capital improvement projects follow the principles of Public Safety through Environmental Design (PSTED)¹. PSTED uses design principles to engineer safer spaces through management of both built and natural environmental features.

PSTED principles aim to increase feelings of safety and security through design of spaces that both deter criminal activity and build community. Vacant lots, poor lighting, uncontrolled access, and lack of monitoring can be ameliorated to design spaces in which people feel – and are – safer.

Staff will provide a presentation on various initiatives and projects that are underway to identify ways for MTS to improve passengers' safety and security while waiting for a trolley or bus, including:

- Bus Stop Improvement projects
- Lighting Upgrades
- Public Art
- Transit Amenities Plan effort

¹ This concept is also sometimes called "Crime Prevention Through Environmental Design".



/S/ Sharon Cooney
Sharon Cooney
Chief Executive Officer

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Metropolitan
Transit
System

Item 6, 05/30/2025

Public Safety through Environmental Design

Public Security Committee

Public Safety through Environmental Design

- Recurring feedback from MTS customers is that safety while waiting at stations is a high priority
 - MTS has increased security personnel throughout the system, as well as implemented projects to make improvements to stations and station assets
- **Public Safety through Environmental Design** uses design principles to engineer safer spaces through management of both built and natural environmental features.
 - Focus on design principles aim to increase feelings of safety and security through design of spaces that both deter criminal activity and build community.
 - Vacant lots, poor lighting, uncontrolled access, and lack of monitoring can be mitigated by designing spaces where people feel – and are – safer.

Recent Environmental Design Projects

- Public Art
 - Murals along Orange Line and Blue Line
- Lighting
- Landscaping
- Trash Can Improvements
- Increased Cleaning
- Bus Stop Improvements

Public Art

Massachusetts Station Murals

"Heartline"



Grossmont Station Murals

"Succession"

Before

After



Grossmont Station Murals

"Float On"

Before



After



E Street Station Mural

"Treasures of the Bay"



E Street Wall Mural

"Tracks of Time"



62nd Street Mural



Lighting Improvements

Grossmont Station Lighting



Lemon Grove Depot Lighting



Old Town Ped Tunnel Lighting



Orange Line Lighting Improvements

- New LED lights at trolley station platforms, walkways, shelters, and parking lots
- Platform work complete, parking lots complete next month.
- Project Cost: \$1M.

Before



After



Location	Platform Lighting	Parking Lot Lighting
25th & Commercial	Complete	N/A
32nd & Commercial	Complete	N/A
47th St	Complete	In Progress
Euclid Ave	Complete	In Progress
Encanto/62nd St	Complete	In Progress
Massachusetts Ave	Complete	In Progress
Lemon Grove Depot	Complete	N/A

Orange Line Lighting Improvements

Upgraded Trolley Platforms

25th & Commercial



32nd & Commercial



Orange Line Lighting Improvements

Upgraded Trolley Platforms

47th St



Euclid Ave



Orange Line Lighting Improvements

Upgraded Trolley Platforms

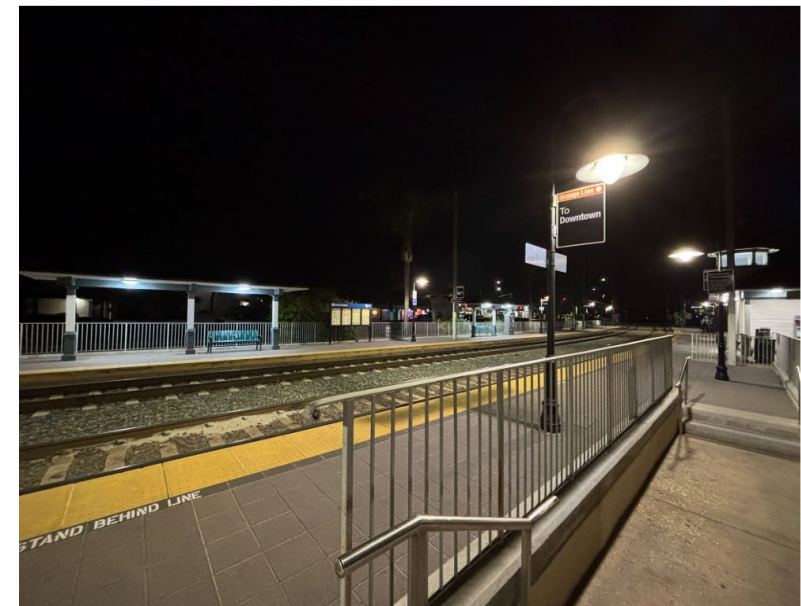
Encanto & 62nd St



Massachusetts Ave

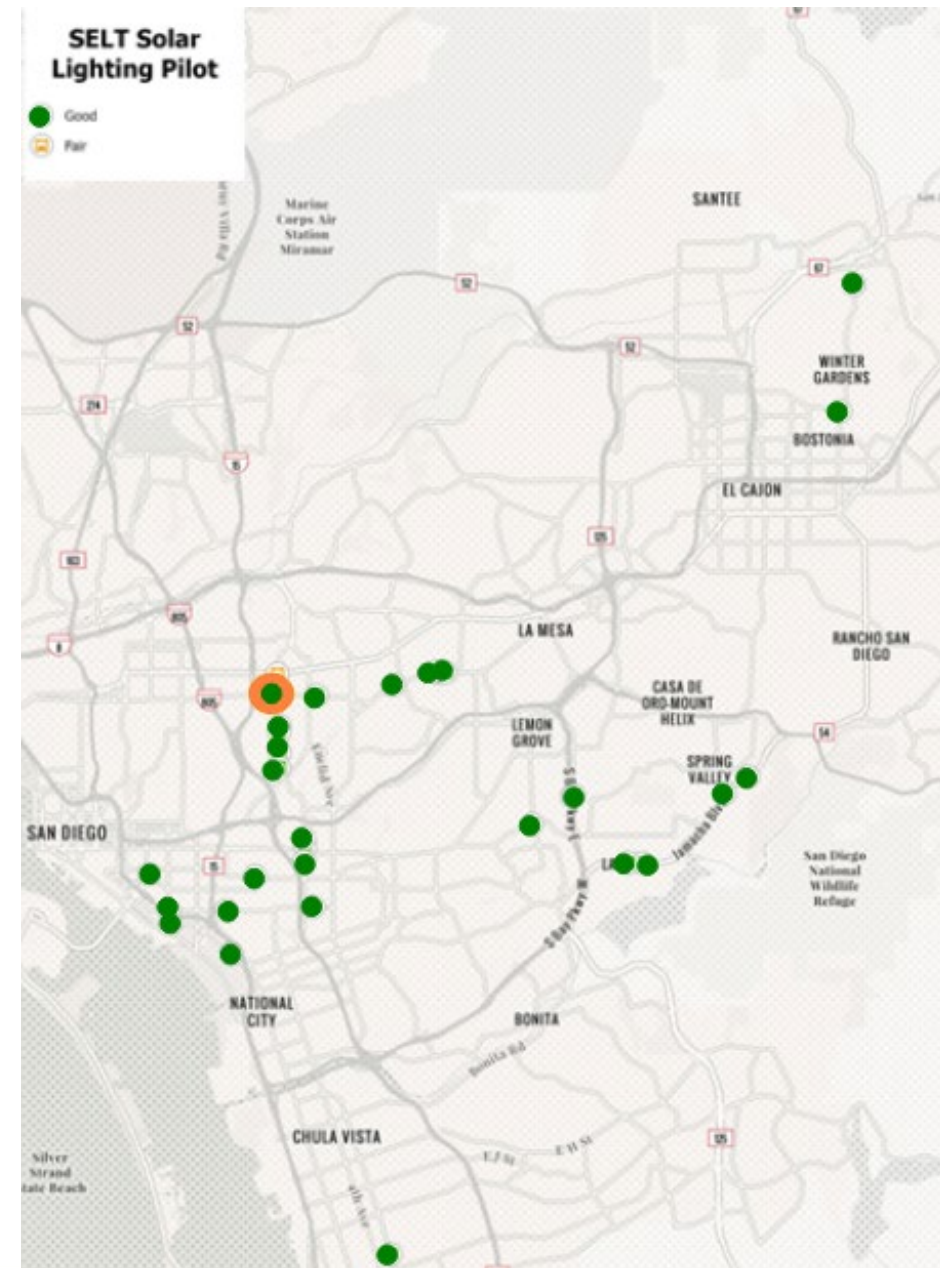


Lemon Grove Depot



Bus Stop Lighting Pilot

- Install 33 solar lights on bus stop poles improve nighttime visibility for passengers and bus operators.
- Pilot program to test new technology, installation expected to be complete by the end of 2025.
- First installation on 43rd at El Cajon on Route 13.
- Cost of this project is approximately \$1M.



Bus Stop Lighting Pilot

First demo unit recently installed on 43rd Street, just south of El Cajon Blvd

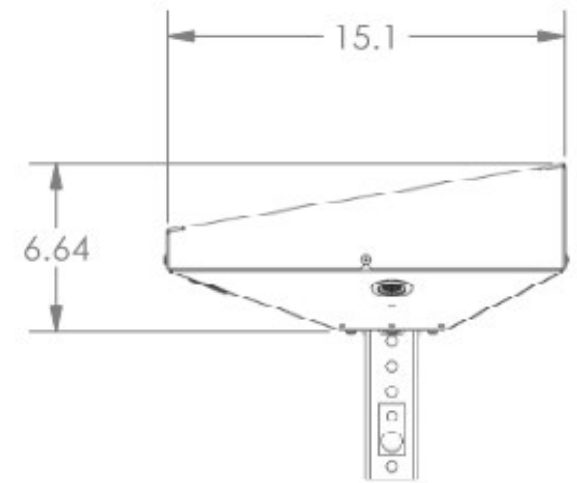
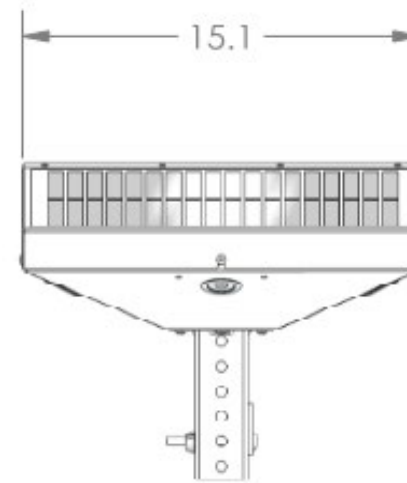
Before



After



PV Stop+
Security lighting and signage made simple



Landscaping/Cleanliness

Grantville Landscape Beautification

Before



After

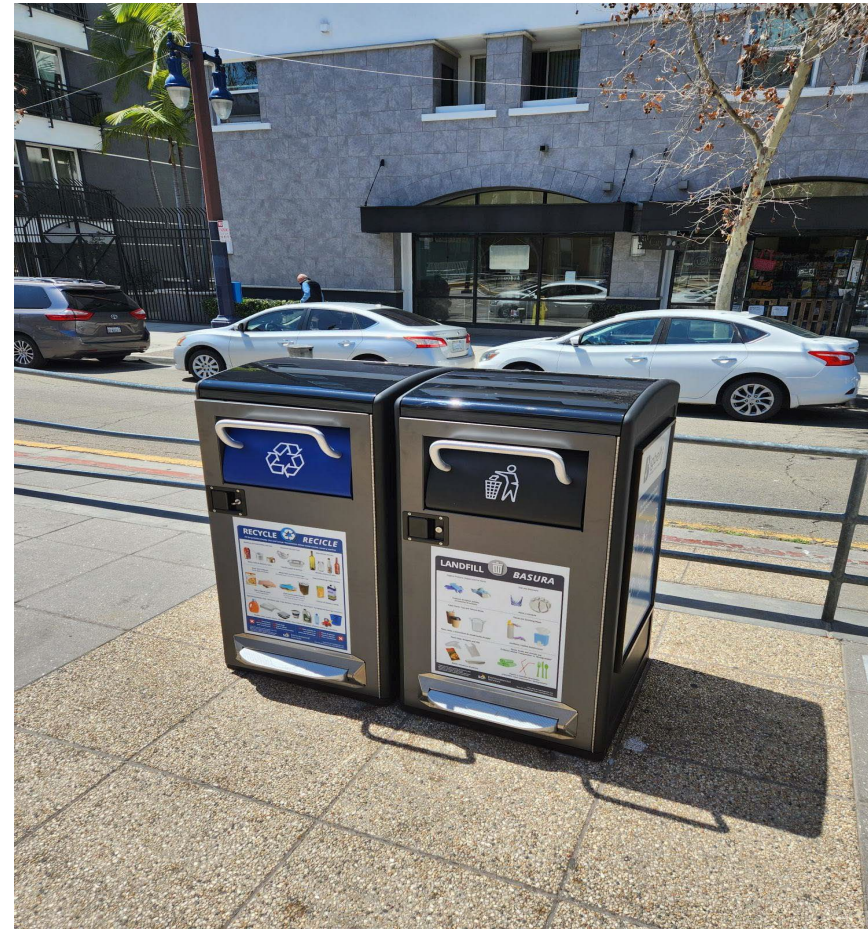


Big Belly Trash Can Replacement Downtown and Blue Line

Before



After



Upcoming Projects

Beyer Blvd Pathway Beautification Project

- Pedestrian Path improvements from Beyer Blvd Trolley Station and West Park Avenue, .1 mile path connecting trolley station with new residential building at Cypress and community park
- Partially funded by Caltrans Clean California Local Grant Program (\$1.6M awarded October 9, 2023), teamed with Casa Familiar
- Project includes landscaping, hardscape, sculptures, and murals
- A&E contract (100% Design) approved April 17, 2025 (AI 21)
- Artist contracts awarded May 15, 2025 (AI 10):
 - Alicia Siu (Murals)
 - Johnny Bear (Sculptures)
- Project Completion: 2026



Beyer Blvd Pathway Beautification Project

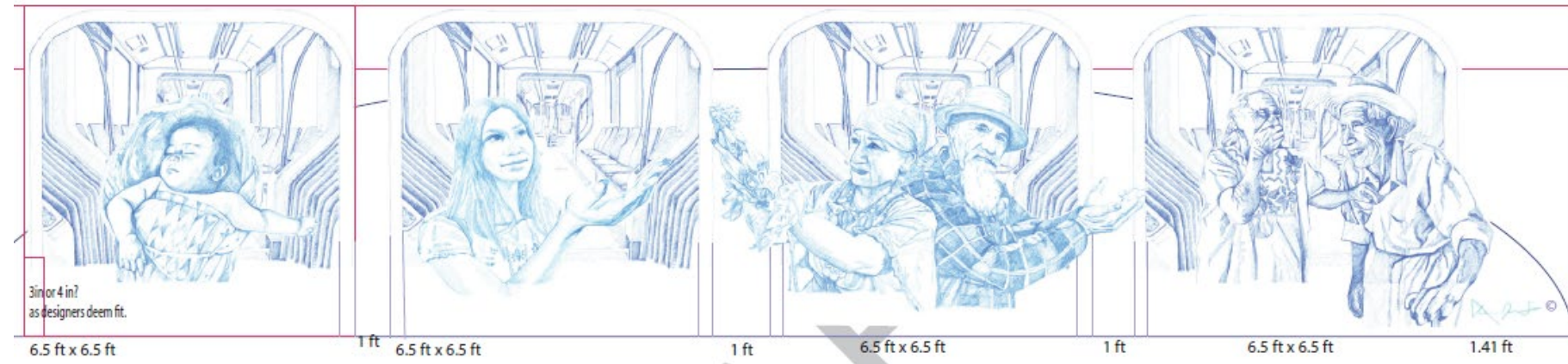
Linear Pathway Project

- One tenth mile long
- Connects Trolley Station with W. Park Avenue,



Beyer Blvd Pathway Beautification Project

Beyer Pathway Murals
Artist: Alicia Siu



Beyer Pathway Sculptures
Artist: Johnny Bear



East Beyer Rail Bridge Mural

- Listening Tour Project
 - Install lighting and mural on Beyer Blvd under rail bridge
 - Artist contract with Michelle Guerrero dba “Mr. B Baby” approved on April 17, 2025 (AI 19)



Transit Stop/Station Improvements

VMS Sign Upgrades

Orange Line - 78 New Signs
State TIRCP Grant
Completed May 2025

Existing



Blue Line - 52 New Signs
Federal Community Grant
Installed by Mid 2026

New
Installation



System Cleanliness

- Sanitize all Trolley stations 1-2 times per week
- New tech savvy trash cans that prevent foraging and have capacity sensors
- Increased bus bench cleaning from 10% pressure washed monthly to 50%
- Entire vehicle fleet cleaned nightly after service (750 buses, 160+ Trolleys)



Visible Activity at Transit Centers

- Presence of storefronts, concessions, MTS staff, and store clerks offers sense of safety for riders
- 12 concession buildings currently under contract at Trolley Stations
 - Adding two brick and mortar vendors – A-Mart and Metro PCS at Iris Ave.
- Lemon Grove –
 - Added new MTS Security outpost

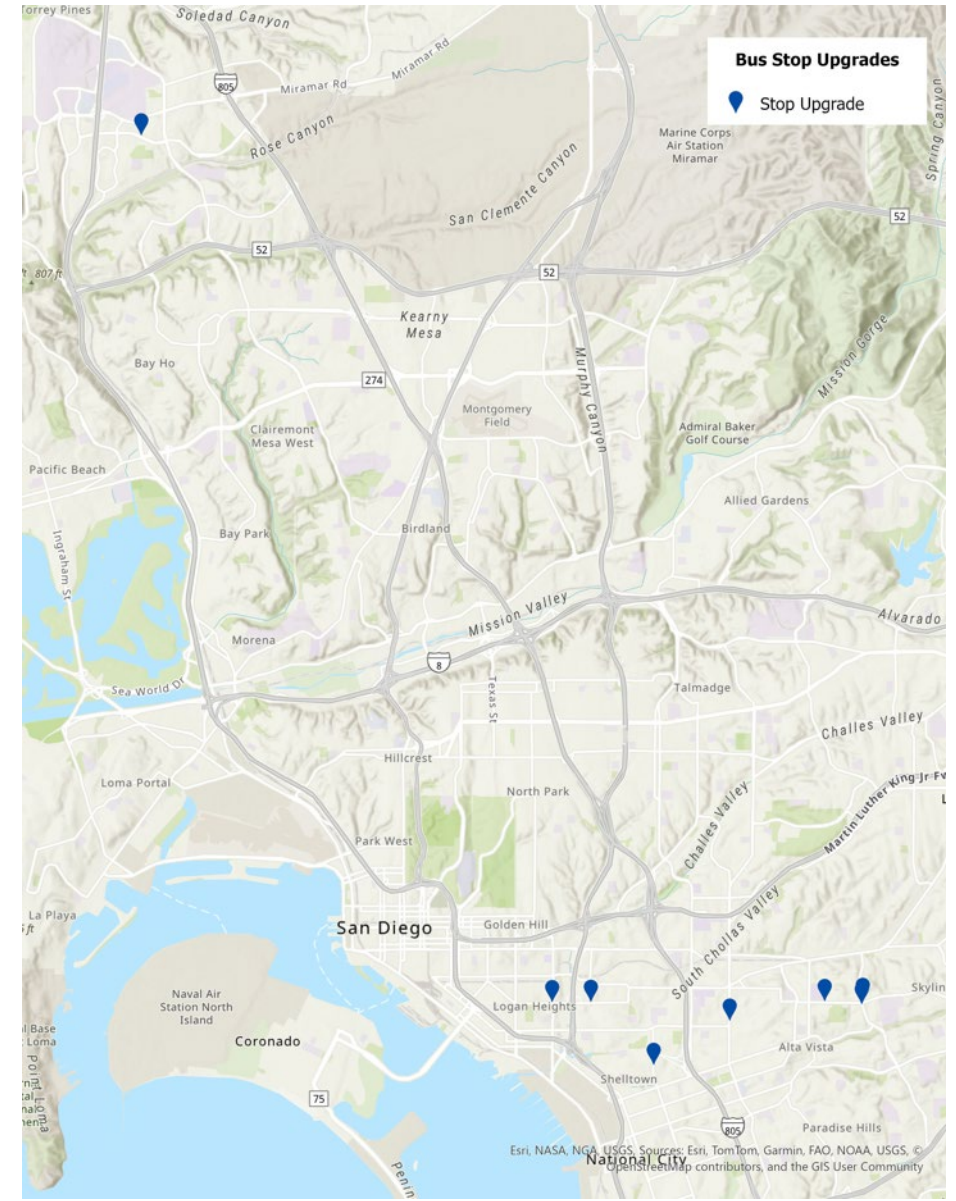
El Cajon Transit Center A-Mart



Bus Stop Upgrades

- Funded through MTS General CIP
- 8 locations to be improved
- Cost of project is \$400k
- Construction: July 2025 - October 2025

Stop ID	Location	Direction
12860	S. 43rd St. & Delta St.	NB
11310	Ocean View Bl. & 32nd St.	WB
10949	Ocean View Bl. & 36th St.	WB
12541	Euclid Av. & La Paz Dr.	NB
99107	Woodman St. & Skyline Dr.	SB
99106	Woodman St. & Skyline Dr.	NB
11417	Skyline Dr. & O'Meara St.	EB
11163	Nobel Dr. & Regents Rd.	WB

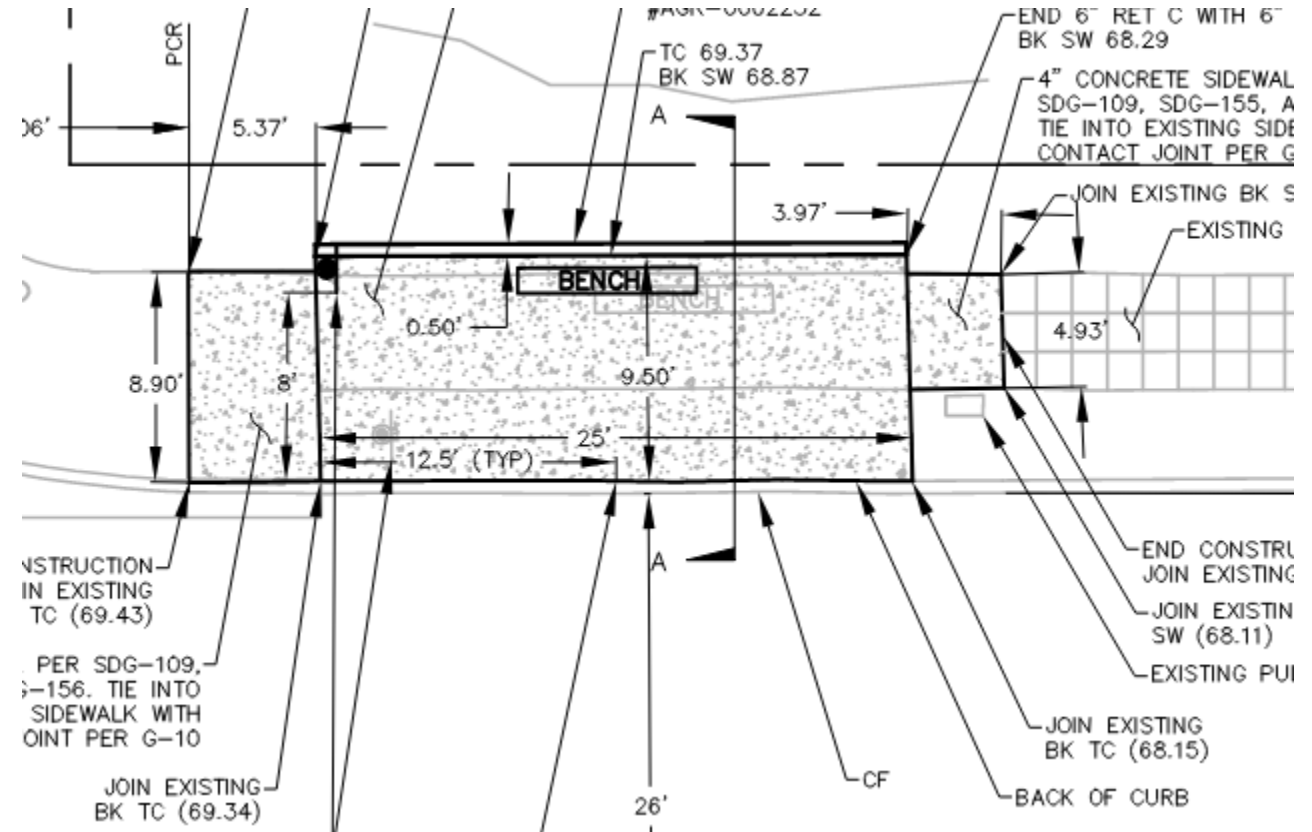


Bus Stop Improvements – 3629 Ocean View Blvd

Existing



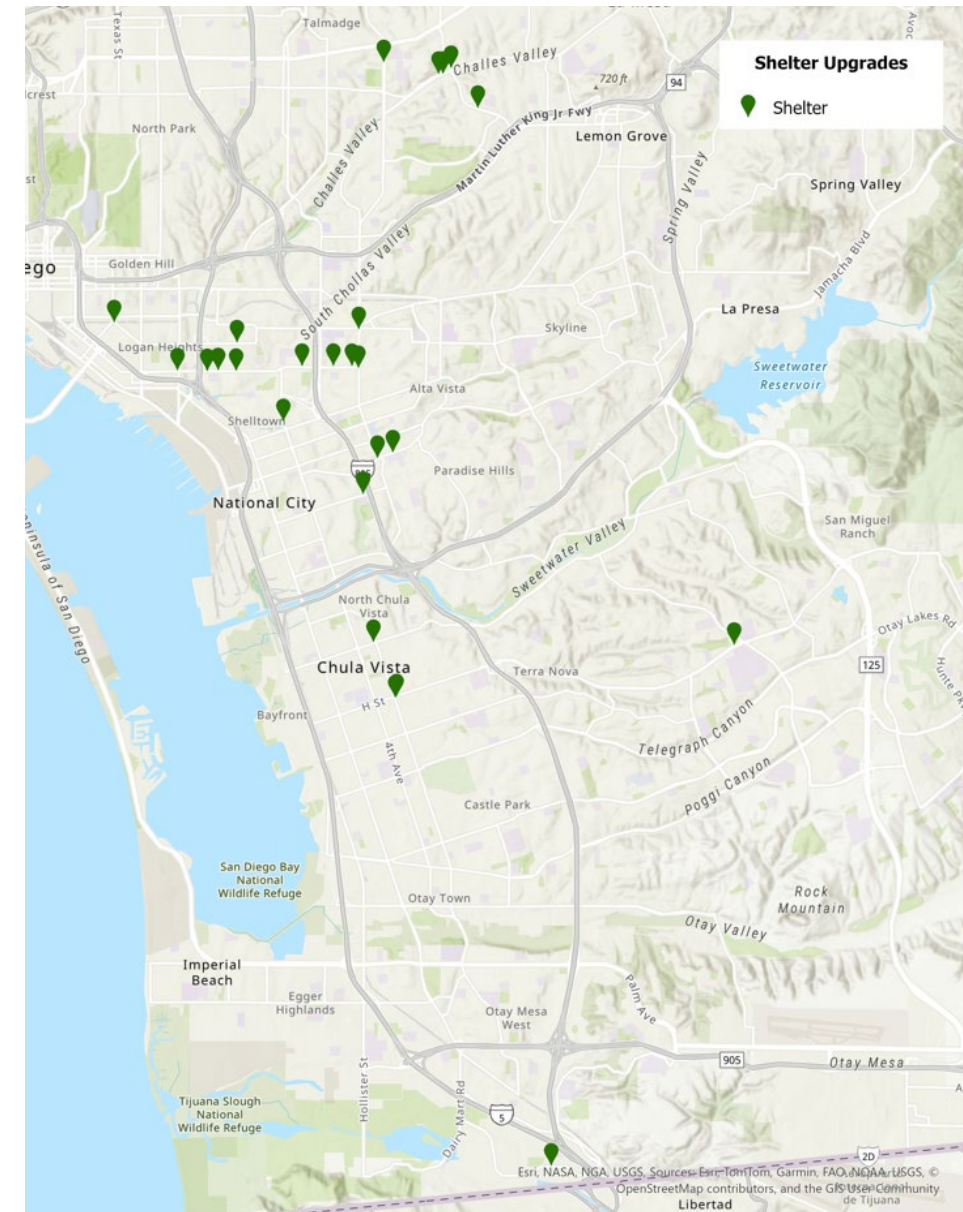
Proposed



Listening Tour

Bus Stop Shelter Upgrades

- Upgrades will cover 3 jurisdictions in San Diego County – City of San Diego, National City, and Chula Vista
- Bus stops are currently being re-designed to upgrade ADA access and add shelters through sidewalk modifications.
- Engineering design to prepare plans and right-of-way permitting is currently in progress.



Listening Tour

Bus Stop Shelter Upgrades

- Upgrade 26 bus stops to provide shelter amenities.
- Cost of project is \$1.7M
- Project to be completed by Fall 2027

Stop ID	Location	Direction
50085	Plaza Blvd & Euclid Ave	WB
12553	3rd Ave & H St	NB
30085	H St & 3rd Ave	EB
30278	East H St & Otay Lakes Rd	WB
11385	E St & 3rd Ave	WB
50166	D Ave & 24th St	SB
50082	18th St & Newell St	WB
99494	Plaza Blvd & 2932	EB
88938	University Ave & College Ave	EB
12943	College Ave & University Ave	NB
12185	54th St & Trojan Ave	SB
12952	College Ave & Billman St	NB
10948	National Ave & 36th St	WB
11413	University Ave & 60th St	WB
10195	National Ave & 35th St	EB
10205	National Ave & 38th St	EB
13440	Logan Ave & 45th St	WB
11382	Logan Ave & Euclid Ave	WB
11000	Logan Ave & Jarrett Ct	WB
50123	Euclid Ave & Logan Ave	SB
10956	Ocean View Blvd & 38th St	WB
11309	National Ave & 32nd St	WB
50198	Highland Ave & Eta St	SB
10516	Ocean View Blvd & Commercial St	SB
12165	Euclid Ave & Brooks Huffman Plaza	SB
60579	Camino De La Plaza & Willow Rd	WB

Transit Amenities Plan and Transit Amenities Survey

Transit Amenities Plan

- MTS submitted a planning grant application through Caltrans in early 2025 to develop a comprehensive Transit Amenities Plan (TAP)
- The goals of the project are to:
 - Garner feedback from the public on existing and future amenities
 - Review best practices in amenities and siting
 - Identify new and/or innovative amenity solutions
 - Develop a prioritization plan for increased amenities



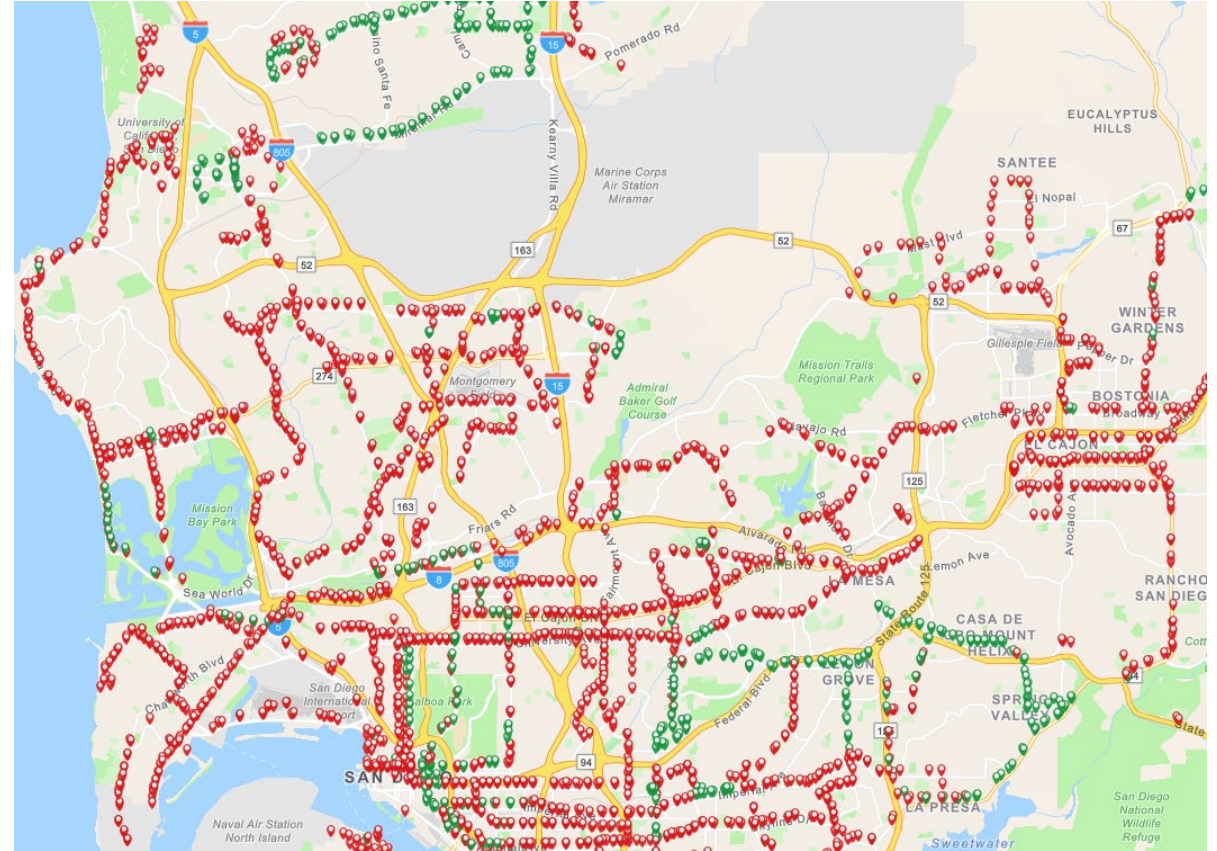
Transit Amenities Plan

- The TAP will include a detailed analysis of the over 4,000 MTS stops to allow the project to:
 - Assess amenity distribution throughout the service area
 - Estimate the cost for improvements and maintenance
 - Evaluate the ability to add enhanced amenities
- The TAP will develop a priority roadmap for improving MTS stops based off guidance from peers, internal and external outreach, and current characteristics at stops.
- With grant funding this project is planned to kick-off in Fall 2025 and be completed in Fall 2026.



Transit Amenities Survey

- To complete the TAP, MTS must have an up-to-date inventory of all amenities at all 4,000+ stops.
- MTS staff developed a survey in an app to record and confirm existing characteristics at each stop.
- By recording existing sidewalk dimensions MTS will be able to assess the feasibility of installing additional or enhanced amenities.
- The survey will also record other characteristics that influence the ability to effectively serve a stop.



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Number of shelters at the stop*



Number of benches at the stop*



How many trash cans are present?*



Is there a VMS sign?*

☐ Yes

☒ No

Is there a bus pad?



Is there a grey concrete slab separate from the asphalt that the bus would stop on to serve the stop?

☐ Yes

☒ No

Is the stop connected to the sidewalk?



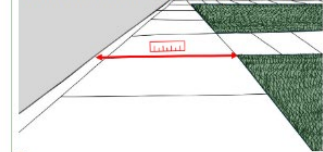
For a stop to be connected, there must be uninterrupted sidewalk or pavement from where the bus would drop customers off to the sidewalk. Dirt or planters that separate the street from the sidewalk would prevent there from being a connection.

☒ Yes

☐ No

Sidewalk Dimensions

What is the width of the sidewalk from the face of the curb?



* Measuring from face of curb back.

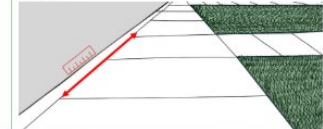
☒ 0' - 4'11"

☐ 5' - 7'11"

☐ 8' - 12'11"

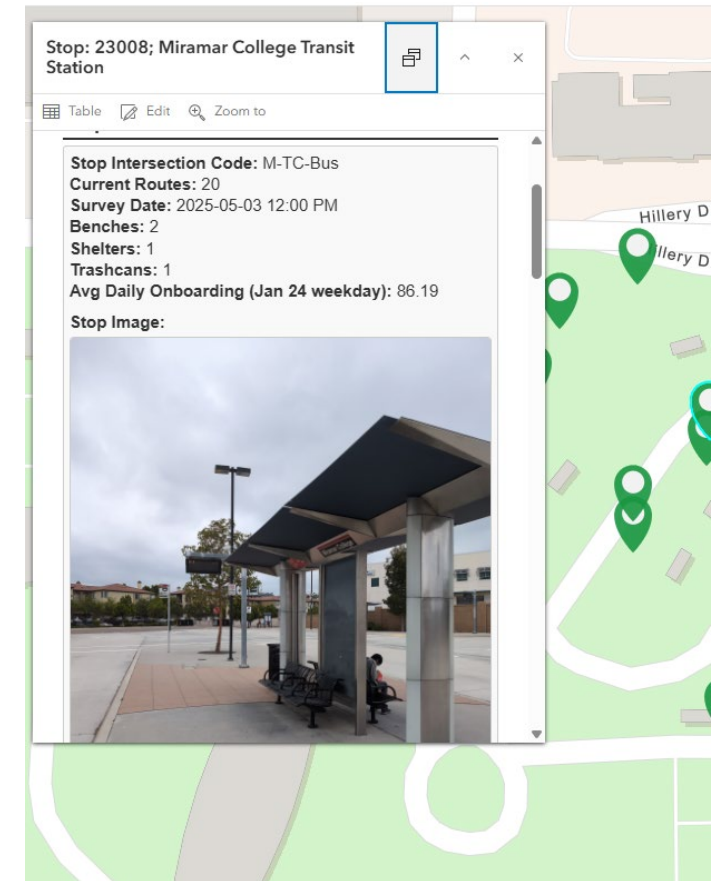
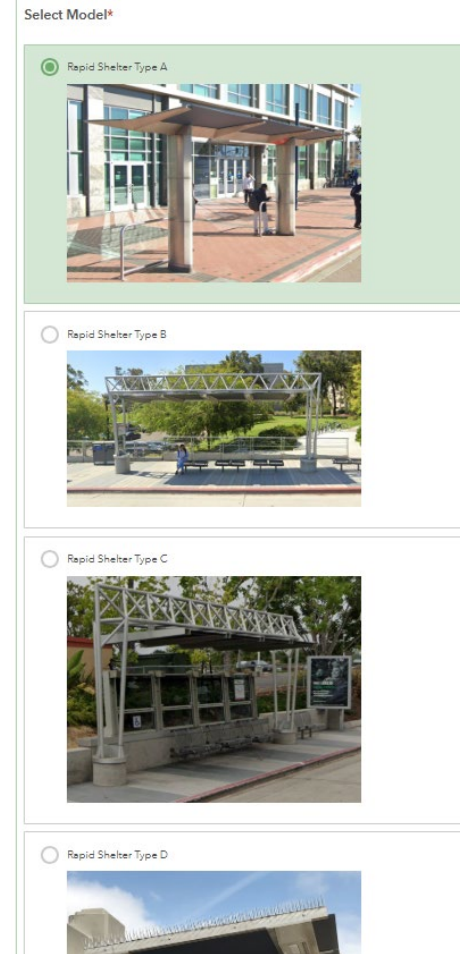
☐ 13' +

What is the length of the sidewalk in the area where the width is greatest?



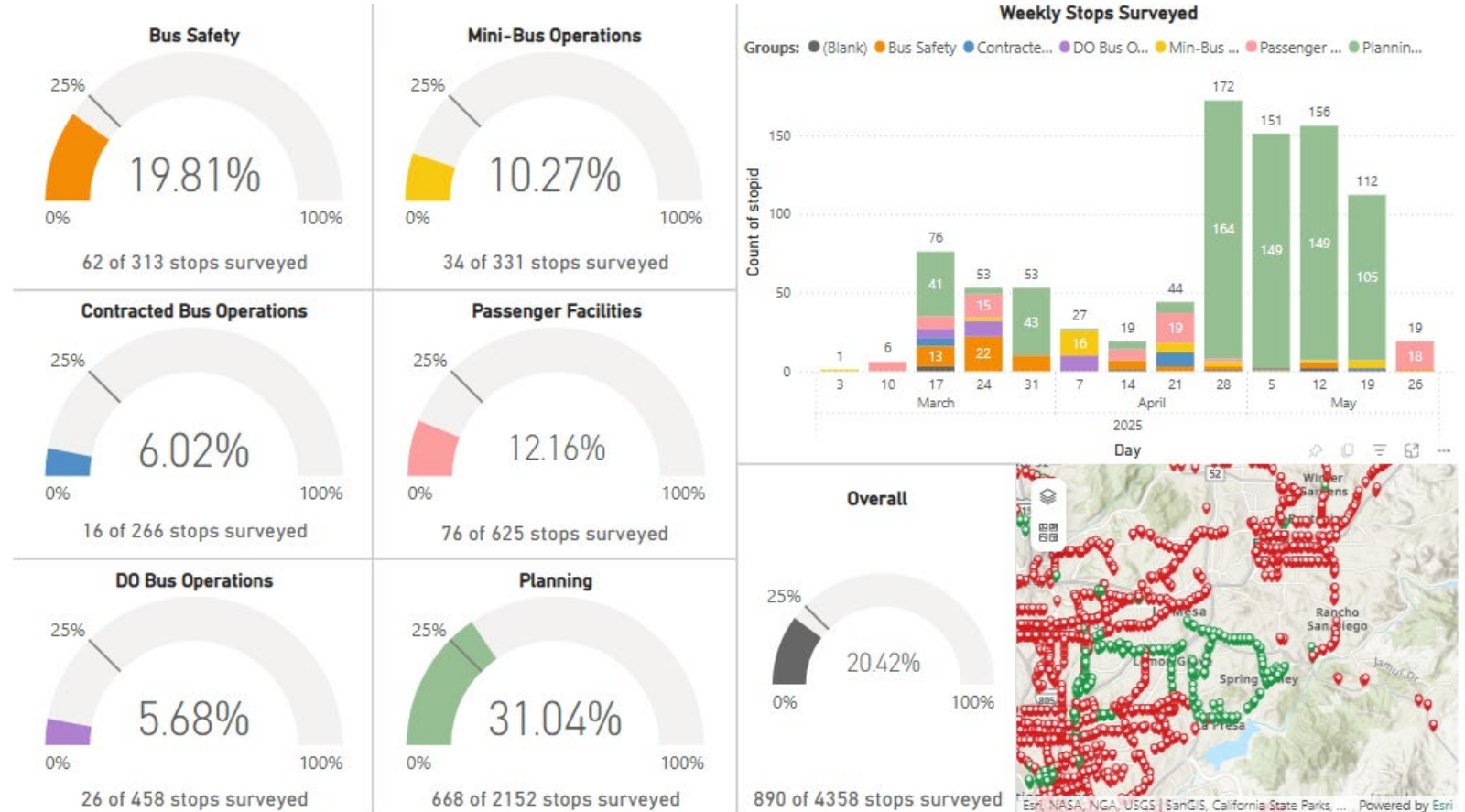
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Transit Amenities Survey

- The survey is a cross-department collaboration.
- The surveying started in May 2025 and MTS is targeting completion in September of 2025.



Fare Gates

Fare Gates

- MTS has had preliminary discussions and has done preliminary research regarding implementing fare gates.
 - Mixed results on increasing fare compliance among other agencies
 - General 15-20 year return on investment as optimistic
 - Challenges with creating perimeter at at-grade stations (56 of 64 in system)
 - Blocking off trackway
 - Creating fenced-in area, limiting egress
 - Elevated or below-ground stations would be easier to install gates (UTC, Executive Drive, UC San Diego Health La Jolla, UC San Diego Central Campus, Fashion Valley, Stadium, Grantville, and SDSU).

Fare Gates

- Fence heights would need to be increased to limit jumping over
- Gates required, limiting the number of access points
- Design impacts vary depending on the type of station:
 - Downtown urban
 - TOD
 - Transit Centers

Fare Gates

- 5th Avenue Station
 - Dense urban area with station connection to adjacent sidewalks and crosswalks



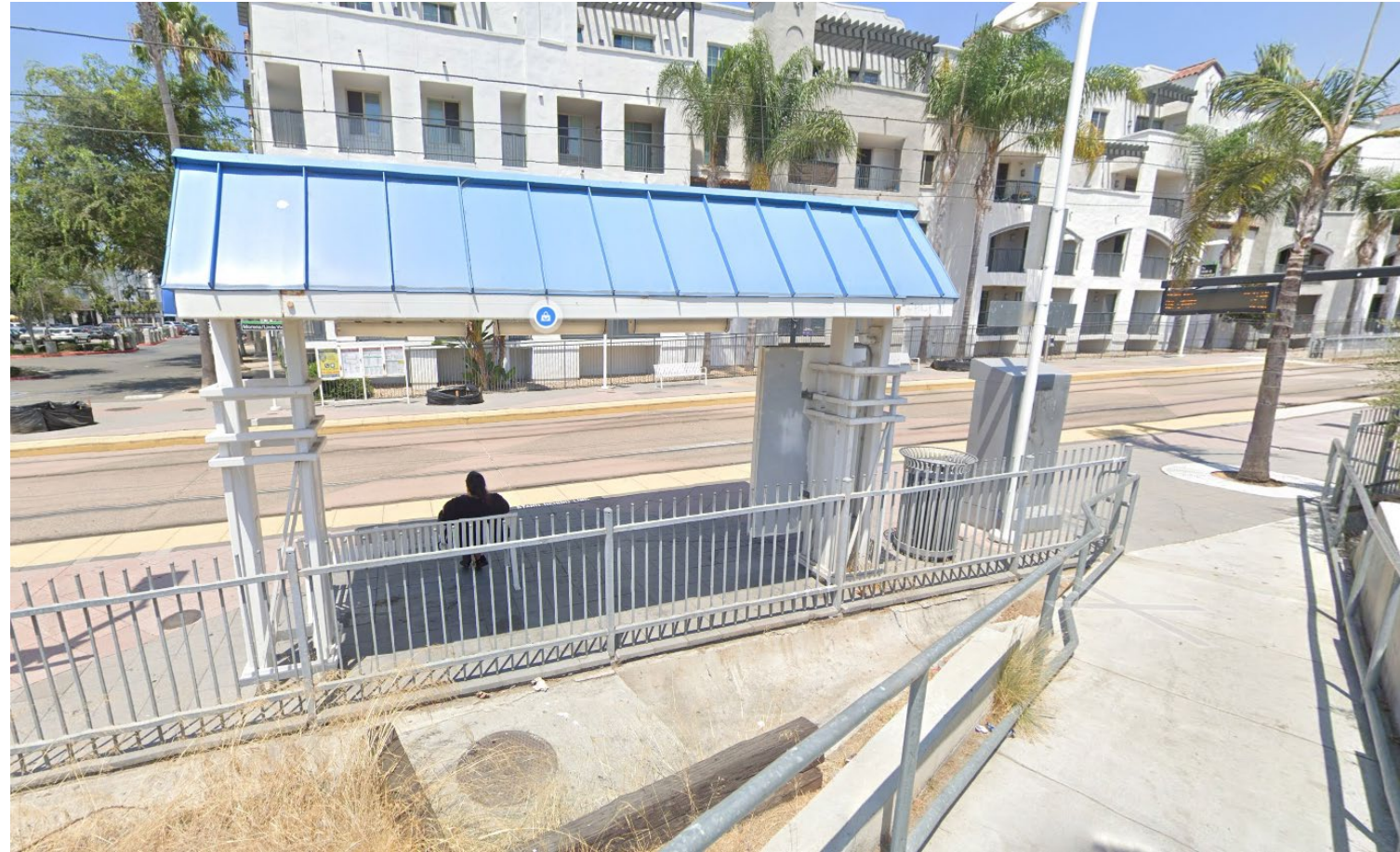
Fare Gates

- County Center Station
 - Dense urban area with station connection to adjacent sidewalks and crosswalks



Fare Gates

- Morena/Linda Vista Station
 - TOD built for easy connection to trolley platform
 - Multiple access points for MTS parking areas, city sidewalks



Fare Gates

- E Street Transit Center
 - Today multiple pedestrian connections between bus bays and trolley platforms
 - Fence heights would need to be increased to limit jumping over
 - Gates required, limiting the number of access points



Fare Gates

- Balboa Transit Center
 - Open pedestrian area between bus bays, passenger parking spaces and trolley platform.



Questions or comments?