

MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM
PUBLIC SECURITY COMMITTEE
1255 Imperial Avenue, Suite 1000
San Diego, CA 92101

February 27, 2020

1. ROLL CALL

Chair Montgomery called the meeting to order at 9:01 a.m. A roll call sheet listing Public Security Committee member attendance is attached.

2. APPROVAL OF MINUTES

Mr. Arambula moved to approve the minutes of the December 5, 2019 Public Security Committee meeting. Vice Chair Aguirre seconded the motion, and the vote was 6 to 0 in favor.

3. PUBLIC COMMENTS

Renee Chello – Ms. Chello rides the 929 north and south and feels there is a health and sanitation issue on the buses. She feels the homeless riding the buses leave germs and contaminants on the bus that are hazardous to all who ride. She says there should be a right to refuse service to those that can compromise other people's health. She stated the right to refuse is so important and says that MTS already has this under the rider's rules regarding animals.

4. Proposed Fare Enforcement Diversion Program – Pilot Project

Karen Landers, MTS General Counsel, provided a presentation on the Proposed Fare Enforcement Diversion Program – Pilot Project. She explained the current citation process and the associated fines, including added court fees. She acknowledged concerns with the current fare enforcement model and the potential changes that may be made. She said our fare system is set up to create a culture of compliance, so any changes should continue to encourage people to buy a fare. She discussed how other MTS funding sources require documentation of fare revenue and provided data on fare recovery and fare evasion ratios. She said MTS did conduct research with other transit agencies' fare enforcement processes.

Ms. Landers met with San Diego Superior Court – Traffic Court Division and with representatives from the San Diego City Attorney's Office. It was learned that San Diego Superior Court no longer issues arrest warrants for failure to appear in court on an MTS related fare violation. Instead, a civil penalty is assessed.

Ms. Landers presented a fare enforcement diversion process as a new option and recommended the Tri-Met fare enforcement diversion program model. She explained how the program works. Ms. Landers then proposed an MTS Diversion Program including decisions that would need to be made by the Board as to the cost/timeline impacts. She stated that the next step is looking for direction to move forward.

PUBLIC COMMENTS

John Brady – Mr. Brady stated he feels that the presentation was great and is a step in the right direction. He would like more clarity on noncriminal and criminal fare citations and how those decisions are made. Mr. Brady would like more discussions on the screening process for the senior/disabled/military rate.

COMMITTEE COMMENTS

Chair Montgomery commented that for where we are now, this is very well laid out. She thinks it will be a significant structural change. She noted there is a lack of data to connect the deterrent piece to how we currently run our security system and the effects that will have on fare evasion.

Ms. Landers discussed how other agencies with civil processes have higher fare evasion rates than MTS and how that could be a concern for our agency. She pointed out that we are not a barrier system and rely on officers and Code Compliance Inspectors to inspect fares. A concern is if others see there is no consequence for not buying a fare then fare evasion could increase.

Mr. Arambula commented that he would like to see any criminal citations removed that could lead to a bench warrant for a failure to appear. Ms. Landers stated that the traffic court no longer issues bench warrants for failure to appear for fare violations. Mr. Arambula continued with his thoughts on the diversion program and said that if we could integrate the software programs and portals right now rather than having any additional, separate or standalone costs next year would be ideal.

Ms. Weber asked if the officers are handing out information regarding the homeless court program to the homeless people being cited in which Manny Guaderrama, MTS Chief of Police, said that it was not possible without profiling. Ms. Weber then asked if it was possible to provide the information to everyone. Chief Guaderrama stated that they could provide the information to everyone. Ms. Weber asked about the staffing we would need for the diversion program. Ms. Landers stated that would be part of the next phase to figure out how much and what kind of staffing would be needed.

Vice Chair Aguirre stated that she feels this is a step in the right direction and appreciates all the great work the staff has done. She voiced her thoughts on moving to a civil infraction instead of criminal and would like to explore the option of integrating an ambassador program. Ms. Aguirre asked for more explanation on the Tri-Met program appeals process. Ms. Landers further explained Tri-Met's options. Ms. Aguirre commented about not having the data to back up the risk verses the reward to evade fare payment. Ms. Landers stated that if we do the pilot program, we could develop more data to track and determine the level of fare payment/evasion rates.

Paul Jablonski, MTS CEO, stated there are two examples, including Portland and Los Angeles, where fare evasion rates are high and those agencies do not have a criminal process. He noted that our agency could experience similarities if there is no accountability for fare evasion.

Ms. Galvez asked if there is any way of estimating our fare evasion rate once consequences are removed. Ms. Landers stated that there is no way of knowing until we implement a pilot program. Ms. Galvez made comments on the decision points of the program and says it is a wonderful program. She also stated she is concerned that it could cost a lot to implement and hopes we can figure out a way to make the cost as minimal as possible.

Mr. Sandke commented about the fare evasion rate numbers provided. Chief Guaderrama stated there is an evasion rate for each special enforcement detail, and the rate varies based on a number of factors including the time of day, the number of patrons, etc. The fare evasion rate for the system is the average of all special enforcement details. Mr. Sandke said the numbers compared to other non-barrier systems look like we are doing something right. Mr. Sandke is sympathetic to some of the remarks about finding a path to enroll in a diversion program, but would be hesitant in taking away the criminal part of the process for repeat offenders taking advantage of the system.

Chair Montgomery appreciates the opportunity for this program to be a potential framework for data collection regarding fare evasion. She commented about the challenges between the transit agencies and the courts. Ms. Landers stated the superior court has been very cooperative. Chair Montgomery inquired about North County Transit District and if they have a different way of approaching and handling fare penalties compared to MTS. Ms. Montgomery also stated she would like to hear from LA Metro about their civil process.

Ms. Weber asked if we have data to show why people aren't paying for a fare. She wants to know if they aren't paying because they don't have money or because they just don't want to pay. Chief Guaderrama stated that we do not have such data. Ms. Landers stated that this could be incorporated into a pilot program.

Mr. Sandke would like to see what the added costs to the agency would be. Ms. Landers said that she can research information from other agencies to identify potential costs.

Action Taken

No action taken.

5. Security Procurement

Sam Elmer, Manager of Procurement, provided a presentation on Security Procurement and discussed the scope of work in the current contract and what will be updated in the scope of work for the new contract in hopes to meet the needs of the committee. He commented that there were 5 bidders in the last solicitation and hopes we get that same level of competition again.

COMMITTEE COMMENTS

Mr. Arambula asked if there is an indemnification clause for negligent or intentional acts, or poor judgement by the security contractors. Mr. Elmer stated yes, that is a standard clause in all contracts.

Chair Montgomery asked what the total cost was for the 2015 contract. Mr. Elmer stated it is valued at over \$41 million dollars over the five year period.

Action Taken

No action taken.

6. Homeless Outreach Planning

Sharon Cooney, Chief of Staff, provided a Homeless Outreach Planning update about what efforts are being made to help those experiencing homelessness throughout our system. She said that we have been reaching out to other agencies who are dealing with trying to find shelter for those experiencing homelessness. One of the issues is not having enough beds for those contacted who want help. She stated that an effective program will require a partnership with other social service agencies and we are working on creating a Request for Qualifications (RFQ) to get interested proposers. Additional information and results of the RFQ will be brought to the committee at a future date. Ms. Cooney mentioned that MTS has properties that could be potential locations for shelters and shared the location information with the county and the city. MTS is not currently eligible for funding streams that other social service providers and agencies are eligible for. There are also questions regarding whether or not fare revenue funds should be spent on social services and if MTS can legally do that.

PUBLIC COMMENTS

John Brady – Mr. Brady states he is very impressed and is happy to hear that MTS is looking into how to address the issue of the unsheltered population. He then commented that one of the issues he faces at Voices of Dignity, is that he does not have access to a reasonable fare rate that he could give to someone in his program. He would really encourage MTS to consider moving forward doing that. He mentioned that he has been nominated to the Homeless Court Steering Committee to look at ways to make it easier to access the program and looks forward to being able to hopefully work with MTS to make that happen.

COMMITTEE COMMENTS

Chair Montgomery asked about the funding issues and lobbying at the federal or state level. She asked if this is part of the legislative platform to help with funding streams for these kind of purposes. Ms. Cooney commented that she listened to the Governor's State of Address and although there was a mention about how we should be looking for ways to help, there was no mention of funding readily available to transit agencies. Ms. Cooney said since everyone wants the funding, including cities and counties, we will need to work on ways of finding additional state funding instead of going after other city and county funds.

Mr. Jablonski stated that a lot of the success of this hinges on whether you have a place and a bed for people when you interact with them. He commented that MTS could probably get donations to build a facility, but it's the operation of the facility that is the biggest problem and challenge that needs to be overcome.

Ms. Galvez asked a few questions regarding the infrastructure for the mentioned potential properties. Ms. Cooney discussed some of the challenges and collaboration efforts that have taken place.

Action Taken

No action taken.

7. Weekly Report for Security Committee

Manny Guaderrama, MTS Chief of Police, introduced the new Manager of Operations, Scott

Ybarrondo. Chief Guaderrama introduced a new weekly report to the committee stating that the report is to keep the committee more informed and up to date with security related activities and issues. The report will be provided to the committee on a weekly basis.

COMMITTEE COMMENTS

The Weekly Safety and Security Report was received very well by the committee.

Action Taken

No action taken.

8. COMMITTEE MEMBER COMMENTS

Ms. Galvez asked to possibly get a presentation on sanitation and discuss the right to refuse passengers for sanitation issues. Ms. Landers stated that she could provide the information on what MTS's legal limits are to take action regarding patrons with grooming and other issues. Ms. Galvez asked about cleaning details for the trolley and buses. Mr. Jablonski stated the trolley and buses are cleaned every night with approved techniques and materials recommended by the Centers for Disease Control and Prevention.

9. NEXT MEETING DATE

The next meeting is scheduled for March 19, 2020.

Clerks Note: The March 19, 2020 meeting was subsequently cancelled.

10. ADJOURNMENT

The meeting was adjourned at 10:46 a.m.

/s/ Monica Montgomery
Chairperson

Attachment: A. Roll Call Sheet

PUBLIC SECURITY COMMITTEE
SAN DIEGO METROPOLITAN TRANSIT SYSTEM

ROLL CALL

MEETING OF (DATE) February 27, 2020

CALL TO ORDER (TIME) 9:01 a.m.

CLOSED SESSION _____

RECONVENE _____

ADJOURN 10:46 a.m.

COMMITTEE MEMBER	PRESENT (TIME ARRIVED)	ABSENT (TIME LEFT)
AGUIRRE <input checked="" type="checkbox"/>	9:00 a.m.	10:46 a.m.
ARAMBULA <input checked="" type="checkbox"/>	9:00 a.m.	10:46 a.m.
GALVEZ <input checked="" type="checkbox"/>	9:00 a.m.	10:46 a.m.
MONTGOMERY <input checked="" type="checkbox"/>	9:00 a.m.	10:46 a.m.
SANDKE <input checked="" type="checkbox"/>	9:00 a.m.	10:46 a.m.
WEBER <input checked="" type="checkbox"/>	9:00 a.m.	10:46 a.m.

SIGNED BY THE CLERK OF THE COMMITTEE:

Karen Wisniewski

CONFIRMED BY MANUEL GUADERRAMA:

M.E. Guaderrama

c: Clerk of the Committee
Accounts Payable
Attachment to Original and Draft Minutes