

Survey of Proof-Of-Payment Enforcement Policies

Prepared for
York Region Transit

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Section 1 Introduction

York Region Transit (YRT) is in the process of constructing a Bus Rapid Transit system.

The decision has been made to implement self-service, barrier free fare collection, otherwise known as Proof-Of-Payment or POP.

Without any POP experience, YRT would like to know how other transit agencies have addressed the problems and issues of this method of fare collection. YRT has specific questions about the policies adopted for enforcement of POP.

YRT intends to develop its POP fare collection enforcement policy based in part on a survey of the best practices that have been adopted by other transit operators

The answers were obtained by a telephone survey of transit agencies across Canada and the USA that have already implemented POP fare collection coupled with a review of a USA Federal Transit Administration sponsored Transit Cooperative Research Program Report #80 “A Toolkit for Self-Service Barrier-Free Fare Collection” written in 2002.

A summary of the responses and some recommendations for actions or strategies to be followed by YRT have been provided. Details of the responses by each transit agency are attached in the Appendix.

Section 2 Survey Method

Information was gathered through telephone interview and literature survey with telephone interview the preferred method to ensure up-to-date information and more detailed explanations.

The literature survey included review of current TCRP reports and review of transit agency websites.

Transit Agency	Survey Method
Bi-State Development Agency (St. Louis)	Literature Review
Calgary	Interview
Dallas Area Rapid Transit	Interview
Edmonton Transit System	Interview
GO Transit	Interview
Los Angeles County Metropolitan Transportation Authority	Literature Review
Maryland Transit Administration (Baltimore)	Literature Review
Metropolitan Council (Minneapolis)	Literature Review
Muni (San Francisco)	Literature Review
New Jersey Transit	Literature Review
Niagara Frontier Transportation Authority (Buffalo)	Interview
OC Transpo	Interview
Regional Transportation District (Denver)	Interview
Sacramento Regional Transit District	Interview
San Diego Trolley	Interview
Santa Clara Valley Transportation Authority (San Jose)	Interview
Sound Transit (Seattle)	Literature Review
Southern California Regional Rail Authority (Metrolink)	Literature Review
Toronto Transit Commission	Interview
TransLink/West Coast Express (Vancouver)	Interview
Tri-County Metropolitan Transportation (Portland)	Interview
Tri-Rail (Miami)	Literature Review

Section 3 Survey Results & Observations

The results of the survey are summarized below with the questions written in italics and the summary of the responses is underneath each question.

The detailed information obtained from each transit company is in Appendix A.

All calculated averages are weighted based on the number of rides at each agency.

1. How is Proof-of-Payment fare evasion monitored and controlled?

Almost all transit agencies use a combination of random inspections and focused inspections. Random inspections are not truly random but have an emphasis on known problem areas.

Several agencies mentioned programs geared to the start of the school year using inspectors and police to get the message to the students that they need to pay to ride.

Focused inspections are more varied in format including larger teams to ensure that 100% inspection is achieved with inspectors focused on a small geographic area teaming with police.

2. Are ticket inspectors or special constables or other enforcement officers utilized?

Most agencies use a combination of both ticket inspectors and special constable/enforcement officers. There are different titles for this enforcement officer transit security position.

3. What are the powers and responsibilities of each position?

Ticket inspectors perform the majority of the ticket inspection and in most instances issue a citation to a passenger that can not provide evidence of payment. In general, if there is any indication of fraud, violence or repeat offences, then transit security will be called to assist. In general ticket inspectors do not have powers of arrest.

In Canadian locations there is a trend towards increasing the powers of ticket inspectors to become special constables with powers of arrest to enforce certain bylaws. In Vancouver, where inspectors are already special constables, there is a plan in place to make the special constables into full transit police officers.

At the most recently installed POP fare collection system in Minneapolis, and the Transit Police enforce passenger fare payments.

In many transit agencies the inspector also fills a customer service and public relations role, particularly since they are often the only transit staff members that the passengers regularly meet.

4. What bylaw or statute provides the basis for the enforcement activity? Provide copy if possible.

In most instances, the underlying bylaw is municipal; however, when multiple municipalities are served by the transit agency, provincial/state legislation is required.

Some transit agencies post relevant sections of the bylaw or statute on their websites along with the rules and regulations relating to passenger conduct and behaviour. Most agencies also post signs at stations, stops and on vehicles clearly notifying passengers of the requirement to possess and to produce proof of fare payment on demand by a fare inspector and frequently displaying the minimum penalty under the bylaw.

5. Are ticket inspectors and/or enforcement officers employed by the transit authority?

Almost all ticket inspectors and/or enforcement officers are employed by the transit agencies and most are unionized.

6. Describe the escalation process for involving regular police officers.

Most ticket inspectors carry a radio that allows them to call either transit dispatch or police dispatch. A call requesting police assistance is made at the discretion of the ticket inspector.

Most transit agencies have protocols in place for ticket inspectors to prevent taking actions that might escalate the situation and that might result in violence or injury. Several agencies will not chase an evader who runs away, preferring to call the police rather than risk a confrontation.

7. Are enforcement officers required to enforce other transit and municipal bylaws and other provincial or state regulations besides transit fare payment?

Ticket inspectors do not enforce other bylaws or regulations, although they are useful sources of information for transit security. Most ticket inspectors will also perform some public relations or customer service tasks as they are visible to the passengers and knowledgeable about fares and the system in general. Frequently ticket inspectors are called to help at major events such as games or concerts held at stadiums.

Enforcement officers will generally be responsible for enforcing safety and security bylaws and regulations including fare payment. The proportion of time spent on fare payment varies considerably by agency.

8. What is the salary compensation for enforcement staff?

In Canada, salaries range between \$40,000 to \$64,000 per year with the weighted average around \$51,900.

In the USA, salaries range between USD\$27,000 to USD\$115,000 per year with the weighted average around USD\$68,700.

Unless transit police are the primary enforcers of fare payment, these values do not include the salaries paid to transit police, which are typically higher than those paid to ticket inspectors.

9. Are ticket inspectors and/or enforcement officers assigned in pairs at certain times of the day?

Responses range between “always” to “sometimes”. In some jurisdictions inspectors are always assigned in pairs for the safety of the employees. In other jurisdictions, officers may be assigned in pairs because of the number of passengers to check or if there is a blitz in a particular area. Many agencies will tell of incidents where ticket inspectors and enforcement officers will team informally to target a specific problem. A very common method is for enforcement officers to wait by an exit from a fare-paid area for those passengers that are trying to avoid a ticket inspector. Most jurisdictions that have enforcement officers working solo only do so during the day and the enforcement officer has the authority of either a

special constable or a full police officer. Significant provision is made for back-up and/or tight co-ordination with the local police, including the ability to call local police directly.

10. How many ticket inspectors and/or enforcement officers are assigned to POP fare payment enforcement?

The number of ticket inspectors per one million rides range between 0.02 and 16.7 with a weighted average of one (1) inspector per million rides. There is no correlation between number of rides and number of inspectors. It should be noted that the Canadian experience appears to be quite different from the US experience with a weighted average of 0.45 inspectors per million rides in Canada compared with 1.81 inspectors per million rides in the US.

11. What percentage of tickets is inspected?

The percentage of tickets inspected ranges between 0.5% and 75% of passenger boardings, with a weighted average of 13.0%. Both the range and average of tickets inspected is smaller in Canada than in the US. In Canada the range is between 0.5% and 42% with a weighted average of 9.4%. In the US the range is between 5% and 75% with a weighted average of 18.7%. Some transit agencies have external conditions that necessitate 100% inspection rates at certain times of day. For example, Sacramento has a policy of assigning two transit officers to each train running after 7:00 pm for the safety and security of the passengers thereby enabling a 100% check of all passengers. At West Coast Express (part of TransLink), because all passengers in the evening enter the system at one station in downtown Vancouver, inspectors can check all passengers before they board the train.

12. Are citations issued on the vehicle or are evaders taken off the vehicle?

Generally evaders are given citations on the vehicle; however, this is up to the discretion of the officer. Several transit agencies have policies of not leaving passengers stranded, even if they have not paid either because “our mandate is to provide transportation to the citizens” or because it could place the evader in unnecessary danger because of weather, nightfall or location of station.

However if the passenger starts to become abusive, violent or rude, then the police (transit or regular) will be called to meet the train and remove the passenger. Under these circumstances the passenger will often end up with citations for additional offences and possible criminal charges.

13. What is the estimated percentage of POP fare evasion?

Reported fare evasion rates range between 0.5% and 10%, with most in the 2 to 3% range. However, most transit agencies admitted that they did not have an accurate measure of the evasion rate. One transit agency reported that it occasionally does a blitz with all the inspectors focused on a limited area. During the blitz the inspectors keep a record of the number of passengers inspected and the number of evaders only, no citations are issued. The weighted average estimated evasion rate in Canada is 2.1%, and 3.8% in the USA. The high rate in the USA was significantly affected by a 6% evasion rate in Los Angeles, a 5% evasion rate in Dallas and 6-10% in Portland. Portland’s high rate is largely explained by passengers over-riding the free zone in the downtown area. Background crime statistics and socio-economic demographics have a significant contribution to the high evasion rates found in some US cities.

14. What is annual ridership of system using POP fare payment?

For the transit agencies surveyed the annual ridership varied between 3.3 million and 98.2 million, with an average of 32 million. In 2006 the ridership using POP is anticipated to be 7.5 million.

15. What is the penalty and inspector action (confiscation, issuing ticket, removal from vehicle etc.) for different fare payment infractions? For example:

- *Not possessing a validated ticket*
- *Expired transfer*
- *Expired period pass*
- *Missing ID for concession fare pass*
- *Mismatched ID for concession fare pass*
- *Altered ID for concession fare pass*

In Canada the fines for the first cited offence range between \$85 and \$150 with a weighted average of \$114. In the USA the fines for the first cited offence range between USD\$25 and USD\$245 with a weighted average of USD\$90. The approach of transit agencies varies greatly whether the first offence gets a citation or a warning; however, this is often at the discretion of the ticket inspector. Fines for most of the cited offences are the same in each jurisdiction except for fraud. The approach to fraud, or counterfeiting, is discussed below.

The approach to citing or warning for the first offence appears to be correlated to the mission of the transit agency. If the agency's prime mission is to provide a "public service", then first time evaders are often given a warning for the first offence. On the other hand, if the agency's prime mission is to operate a "business", then first time evaders are given a citation. Most agencies levy a higher fine for repeat offenders and in some instances exclude repeat offenders from transit property. Exclusion can occur as early as the third offence.

Ticket inspectors must have access to a list of repeat offenders, usually by radio to dispatch or control, which permits the inspector immediately to assess a higher fine or to issue a court summons. One agency is considering a handheld device to hold lists of offenders for easy access by inspectors. Some agencies leave the tracking of repeat offenders to the courts; however, this system tends to be very slow at catching up with repeat offenders.

16. What is the penalty and inspector action for counterfeit ticket, transfer or pass?

The approach to counterfeit tickets is very varied. One transit agency, TransLink (Vancouver), which aggressively pursues criminal charges whenever a counterfeit ticket is found, claims a very low rate of discovered counterfeit tickets. Other agencies will generally treat the possession of a counterfeit ticket as simply a lack of valid ticket and not pursue criminal charges. Many evaders with counterfeit tickets will be required to talk to a police officer regardless of the final penalty applied. The action of the inspector is frequently dependent on whether the counterfeit ticket is made for personal use or if there appears to be someone selling tickets for profit.

17. Samples of publicity materials used to publicise POP procedures.

Some agencies generate very little publicity material citing reasons such as "85% of our passengers are pass holders" and "we have been in business for 20 years, everyone knows what the policy is". Few agencies produce extensive publicity materials.

18. How do tickets get issued? Are paper tickets issued? Are handheld electronic citations issuing units used?

All transit agencies hand write paper tickets, and only one transit agency mentioned that they were even looking into a handheld unit to assist with ticket writing or logging. It should be noted that there were seven responses to this question, but they were all the same.

19. Open question to solicit comments about problems with current enforcement arrangement and improvements desired and planned.

Some agencies provided additional comments on recent or current issues that they are experiencing and/or plans for improvements that they are or want to make. Comments are listed by agency that made them.

Transit Agency	Open Comment
Edmonton	Periodically POP emerges as an issue but it is less expensive to operate and maintain than a gated solution.
Edmonton	When there is a fare increase there are perceptions that there are cheaters and that if these people were made to pay then there would not need to be a fare increase.
Edmonton	When the LRT first opened it was gated but changed after a few years. Would not go back to a barrier system.
Edmonton	Station design does not make it feasible to install a barrier system.
Edmonton	The agency is looking into smart cards and is not yet sure how they will implement them in the POP environment without slowing inspection.
Vancouver	GVTA (TransLink) has designated a police force that is in the process of being implemented.
Vancouver	POP is cost effective and efficient method of fare payment enforcement.
Vancouver	Gates do not reduce evasion unless they are staffed. And gates provide only one avenue to check fare payment, random inspection allows for checks at various points. With gates "once you are in there is no way to prove that you paid."
Vancouver	Fare enforcement can be expensive; fare inspection can be cheap and is enough of a deterrent for most evaders. Fare inspectors double as customer service agents (fare enforcement officers are too expensive and specially trained).
Buffalo	Biggest issue is inspectors not getting valid ID from passengers. So trying to find a method of being able to check that address actually exists.
Buffalo	Want to computerize the list of offenders. Currently list is in a log book and searching for previous entries is error-prone.
Portland	Bad people (those that commit various crimes such as theft and vandalism) don't pay fares. Keeping them out of the system by being vigilant on the fare inspection reduces the incidence of other crimes.

Portland	Just starting a project to use hand-held wireless devices (like a Palm) that will have current lists of offenders so that inspectors do not have to radio dispatch to determine if passenger is a repeat offender. Device will be mounted on a belt clip.
Portland	Ensuring that passengers supply the correct address is a problem unless the police are involved in the incident.
Portland	The deterrent has to be big enough that passengers are not willing to take the risk.
Sacramento	Plan to increase the scope of the transit officers beyond fare evasion into various other safety and security issues.
Sacramento	Have officers on bicycles, in cars, on graffiti team and a training unit.
Sacramento	Need to educate officers be become more problem-oriented so that they are more aware and make better observers.
Sacramento	Strongly recommend that supervisor visits other agencies to see the games people play.
Sacramento	Maintain contact with local law enforcement department.
Sacramento	Obtain terrorism training.
San Diego	Good, simple instructions are needed for TVMs so that fewer errors are made.
San Diego	Inspectors need lots of training in all facets of contacting the public to maintain good public relations.
San Diego	Engage in joint operations with local police on issues such as school truancy and warrant checks.
San Jose	On-going education of riding public.
San Jose	Working on unspecified projects using technology.

20. What percentage of citations result in escalation to the police?

This was an additional question asked of Canadian transit agencies. The most common response was “very few”. The “best guess” was 1 – 2 % of citations resulted in a call to the police for backup.

Section 4 Conclusions

There are a great variety of responses to each of the questions on enforcement of Proof-Of-Payment fare collection. The following trends were observed:

- increasing the power of the ticket inspectors,
- increasing the responsibilities of the ticket inspector,
- the importance of customer relations, and
- the influence of the overall mission of the transit agency.

Many agencies talked about increasing the power of the ticket inspectors from limited power (e.g. not able to make an arrest or write a citation), to limited police authority, to full police authority. One of the drawbacks of this move is that the ticket inspectors become more expensive as the authority increases.

Increasing the responsibilities of the ticket inspector to include other safety and security issues was also a frequent comment and is generally tied to increasing the authority of the ticket inspectors. One drawback of this move is that ticket inspectors are therefore not able to inspect as many passengers because they are busy with other responsibilities. However, ticket inspectors with greater enforcement powers can process a citation faster if they do not have to wait for backup from police officers and can handle a wider range of problems immediately, rather than waiting for assistance. In addition, having an enforcement officer with powers of arrest present at the moment when an evader is considering whether to be non-compliant could “defuse” a situation before it gets out of hand in the first place.

The importance of maintaining good customer relations was raised in every interview. Several agencies discussed current or planned initiatives to improve the way the inspectors related to the passengers.

Two overall missions were observed for the transit agencies interviewed: providing a public service and operating a business. Those agencies that saw their mission as providing a public service tended to make sure that the system was a “safe haven” especially for vulnerable passengers at night, allowed evaders to complete their journey even if they did not have the money and were relatively lenient about repeat offenders. Those agencies that saw their mission as operating a business tended to draw a hard line, removed offenders from the vehicle, and were quick to increase the penalty for repeat offenders. The governing statutes or bylaws were not always synchronous with the mission but the enforcement officers interpreted the mission within the guidelines.

Interviewees at two transit agencies, Sacramento and Portland, made unsolicited offers to provide whatever assistance they could via phone or email. Both agencies also strongly recommended that the person responsible for enforcement at YRT should visit several agencies to experience enforcement being performed and “see the games people play.”

Section 5 Job Attribute Distinctions

To provide a consistent basis for discussion the table below outlines the attributes of four classes of enforcement officer that could be employed by YRT. However, it should be noted that there is no uniformity of job title and responsibility across transit agencies around Canada and the USA.

The principal difference between Ticket Inspectors/Transit Security and Special Constables/Transit Police is that the Special Constable/Transit Police have the authority to enforce all bylaws and laws related to improving the smooth operation of the transit system.

Attribute	Ticket Inspector	Transit Security	Special Constable	Transit Police
Enforcement of Fare Payment Bylaw	Yes	Yes	Yes	Yes
Enforcement of Other Transit Bylaws (1)	No	Yes	Yes	Yes
Enforcement of Other Regional Bylaws	No	No	Yes	Yes
Enforcement of Provincial Statutes (2)	No	No	Yes	Yes
Enforcement of Criminal Code	No	No	No	Yes
Power of Arrest	No	No	Yes	Yes
Armed with Baton and/or Mace	No	Yes	Yes	Yes
Armed with a Tazer	No	No	No	Sometimes
Armed with Firearm	No	No	No	Yes
Perform Customer Relations Activities	Yes	Yes	Yes	Yes
Training Required	Low	Medium	Medium - High	High
Salary	Low	Low - Medium	Medium - High	High

Notes:

- (1) Other bylaws might include trespass, smoking, parking etc.
- (2) Provincial statutes including acts relating to liquor and gaming.

Section 6 Recommendations

1. Decide if YRT's overall mission is to provide a public service or operate a business.
2. A combination of random and focused inspections is required.
3. Enforcement Officers will need flexibility to perform random inspections in the manner of their choosing.
4. The strategy of focused inspections will depend on the nature of the problems that are observed e.g. counterfeit tickets or no tickets.
5. Provide the personnel that will do the inspecting with as much authority as possible. They should be special constables.
6. Enforcement Officers should be enforcement personnel who can enforce all the transit safety and security bylaws and regulations.
7. Enforcement Officers should be employees of YRT.
8. Setting an initial target of inspecting 5% of tickets would be consistent with local practices at GO Transit and TTC and reasonable given practices at other Canadian authorities.
9. Courts seem to be slow to catch-up with repeat offenders so the bylaw should be written to permit YRT to track repeat offenders.
10. Assuming that repeat offenders will be assessed higher fines then ensure that inspectors have access to the list of repeat offenders. Consider an electronic hand held device such as a PDA to reduce delays checking by radio for repeat offenders.
11. Citations can be issued on the vehicle, but the Enforcement Officers should have the discretion and authority to remove the passenger.
12. Provide Enforcement Officers with training on customer relations and existing YRT routes.
13. Establish a good working relation ship with the local police.
14. Citations should be issued for first offences except counterfeiting. Summons should be issued for repeat offences and for counterfeiting.
15. Enforcement Officers should be hired to cover the entire 18-hour, 7-day period of operations.
16. A team consisting of a ticket inspector and a special constable provides for the powers of a constable, safety of a team and is cost effective.
17. Establish and implement performance metrics.

Section 7 Other Bylaw Enforcement

A more detailed survey was undertaken of the other enforcement tasks performed by staff of Canadian transit agencies. It was decided only to review other Canadian transit agencies because of the similarities of jurisdiction.

Ticket inspectors at TTC only enforce the fare payment portion of the bylaw so were not considered any further.

All Enforcement Officers are responsible for assisting the police when they have been called.

	OC Transpo	GO Transit	Calgary	Edmonton	Vancouver
Enforcement Officer Responsibility	Transit Security	Special Constables	Special Constables	Transit Security	Special Constables (1)
Transit Bylaw (3)	Yes	Yes	Yes	Yes	Yes
Other municipal bylaws (3)	Yes		Yes		Yes
Liquor Act (2)			Yes		Yes
Gaming Act (2)			Yes		Yes
Petty Trespass Act (2)			Yes		Yes
Trespass to Premises Act (2)			Yes		Yes
Traffic Safety Act (2)			Yes	Yes	Yes
Smoking (3)	Yes			Yes	Yes
Security Regulations (4)	Yes		Yes	Yes	Yes
Safety Regulations (4)	Yes		Yes	Yes	Yes

Notes:

- (1) Soon to be made full police officers.
- (2) Details of enforcement will change from one agency to the next because the acts are provincial, however the scope remains similar.
- (3) Details of enforcement will change from one agency to the next because the bylaws are regional, however the scope remains similar.

- (4) Details of enforcement will change from one agency to the next because the regulations are specific to the requirements of the individual agencies, however the scope remains similar.

Section 8 Resources

As part of the survey of Proof of Payment Enforcement Policies the some materials were obtained they may assist York Region Transit in the preparation of their bylaws and regulations.

Item	Media	Source	Availability
Excerpt from California State Penal Code Section 836.5	Fax	San Diego Trolley	Available
Enforcement Guide	Booklet	TriMet	Available
	Paper	Sacramento RTD	In mail
GVTA Act	Electronic – html	Greater Vancouver Transportation Authority	Available
GVTA Regulation	Paper	Greater Vancouver Transportation Authority	Available
GVTA Conduct and Safety Regulation	Paper	Greater Vancouver Transportation Authority	Available
Transit Bylaw	Electronic – Word	Edmonton Transit	Available
Smoking Bylaw	Electronic – Word	Edmonton Transit	Available
Traffic Bylaw	Electronic – Word	Edmonton Transit	Available
Bylaw #1	Electronic – html	Toronto Transit Commission	Available
Regional Regulatory Code	Paper	OC Transpo	In transit
Major Roles and Responsibilities of Protective Services	Electronic – Word	Calgary Transit	Available