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QUICK START PROOF-OF-PAYMENT FARE ENFORCEMENT PROGRAM

The Rapid Transit Public/Private Partnership Steering Committee recommends the following:

1. The presentation made by Don Gordon, General Manager, York Region Transit, and Paul Gooderham of The Gooderham Group, be received; and
2. The recommendations contained in the following report December 1, 2004, from the Vice President, York Region Rapid Transit Corporation and the Commissioner of Transportation and Works be adopted:

1. RECOMMENDATIONS

It is recommended that:

1. The *Quick Start* Proof-of-Payment Fare Enforcement Program outlined in this report be endorsed subject to 2005 budget approvals.
2. Staff report back in January 2005 with a detailed schedule for the implementation of the Fare Enforcement Program.

2. PURPOSE

This report presents the following to the Council:

- *Quick Start* Proof-of-Payment (POP) Fare Enforcement Program.
- Rationale for the POP Fare Enforcement Program.
- Supporting documentation.
- Action plan.

3. BACKGROUND

Quick Start Bus Rapid Transit, which will begin service in four corridors in York Region in the fall of 2005, will provide a strong backbone of transit service for the entire region.

3.1 Proof-Of-Payment Fare Collection

The *Quick Start* bus rapid transit system fare collection system is based on POP. POP requires *Quick Start* customers to retain proof that the correct fare has been properly paid. Proof can constitute a ticket that has been properly validated that day within a time validity window, a valid pass or a valid time based transfer. The customer will be required to show this proof while riding on *Quick Start* vehicles when asked by a roving fare inspector. Failure to show proof-of-payment may result receiving a citation to pay a fine or a summons to appear in court depending upon the severity of the offence.

The advantages of POP fare collection system include faster passenger boarding times from all doors, passenger convenience and simpler revenue processing.

By way of comparison, on YRT conventional buses, the enforcement of fare payment and inspection of passes and transfers is a task performed by the driver as riders enter the vehicle at the front door. This practice will continue on the YRT conventional buses.

3.2 YRTP – YRT Joint Task Force

It became very clear early on that fare policy integration of YRTP *Quick Start* and YRT is very essential. YRTP and YRT have convened a joint task force, which meets regularly, to develop these policies, processes and guidelines. A subcommittee of this joint task force is responsible for the development of POP Fare Enforcement Program.

YRTP and YRT will report further to the Committee regarding the enforcement program as the task force continues its work. A detailed POP Fare Enforcement Program, Procedures and Guidelines Report and by-law recommendations will be presented at a subsequent date.

3.3 Quick Start POP Fare Enforcement Requirements

POP fare enforcement on *Quick Start* requires the following policies, processes and guidelines to be in place at the start of the service:

- A Regional By-law to provide the legal basis for *Quick Start* POP.
- A Set Fines framework and approved procedures for various offences.
- Teams of roving enforcement inspectors.
- Supporting organization and equipment.
- Arrangements for York Regional Police Service (YRPS) emergency backup.
- Internal operational guidelines for the enforcement inspectors.

4. ANALYSIS AND OPTIONS

The YRTP and YRT joint task force has taken a systematic approach for the development of enforcement policies, processes and guidelines. These are described in the following sections.

4.1 Survey of Best Practices

The joint task force investigated how other transit agencies have addressed the challenges of POP based fare collection system. The information was collected by a telephone survey and literature search of twenty transit agencies across Canada and the USA that have already implemented POP fare collection system. The survey summary is presented in *Attachment 1*. Some of the important features identified in the survey are described below:

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

- Almost all transit agencies use a combination of random inspections and focused inspections for fare enforcement.
- Most agencies use a combination of ticket inspectors and special constable/enforcement officers for the roving inspector team.
- Almost all ticket inspectors and/or enforcement officers are employed by the transit agencies and most are unionized.

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 relate to the customers.

Based on the survey of other properties who operate POP systems, a 5% inspection rate for YRTP was determined to provide the lowest net POP cost (expenses less fine revenues). A 2.1 % fare evasion rate is indicated for a 5% inspection rate. If the inspection rate is lowered, it is anticipated that the fare evasion rate will increase significantly. On the other hand, if the inspection rate is increased, the fare evasion rate is not expected to drop significantly.

If POP inspections are not conducted, large numbers of passengers are likely to ride without paying any fare since there will be no practical consequences for not paying. Although a small core of passengers will pay in any event, the impact on the YRTP cost recovery for *Quick Start* would be significant.

4.2 POP Fare Enforcement Program

Based on a detailed review of *Quick Start* requirements for proof-of-payment enforcement and the survey of POP enforcement policies in place at the twenty transit authorities across North America that currently operate POP based fare collection systems, the joint task force recommends the following:

- Ticket inspections will be performed by enforcement teams consisting of one ticket inspector and one special constable working together to inspect all customers on a particular bus.
- Enforcement teams will vary their route and schedule and conduct targeted inspection and blitzes.
- *Quick Start* operates 18 hours a day. A minimum of 4 teams is required to achieve 18/7 coverage. To achieve a target of 5% ticket inspections (consistent with best practices survey) a minimum of 6 teams will be required.
- By its very nature, the act of asking a passenger to produce a valid proof-of-payment backed up by the potential of charging that passenger with a fine creates a potential confrontation. While enforcement inspectors will be fully trained in the skills and procedures required to keep these confrontations contained, in a small percentage of instances, the situation can escalate. For this reason, most transit authorities surveyed

have determined that having a special constable with the power of arrest present at the time of inspection tends to de-escalate situations before they even start. Approximate difference in hourly rate of a special constable and an enforcement inspector is \$9.

- One full time POP Enforcement Supervisor will be required to oversee the *Quick Start* enforcement activities.
- One full-time Enforcement Data Analyst will be required to maintain the database of repeat offenders, to assemble the enforcement reports and prepare required records for court proceedings. The database will be designed to remove offender names after a predetermined time period.
- Enforcement teams will be able to check the repeat offender database from the bus.
- Each member of the enforcement team will be equipped with a mobile radio to call for the backup special constable or the YRPS.

4.3 Draft Operational Guidelines

With respect to operational guidelines, the joint task force recommends that:

- Citations and summonses will be issued to customers on board the buses while the bus is traveling.
- In the event that a customer is non-compliant when challenged to produce a valid ticket or proper identification or does not compliantly accept the citation or summons, an enforcement escalation protocol will be followed. This enforcement escalation protocol is still under development.
- The enforcement procedure for “failure to have a valid ticket” is for the enforcement officer to check the repeat offender database to determine if the customer is a repeat offender. A first time offender will be issued a citation to pay a fine. Unless provision is made in the Set Fine Application for higher fines for second and multiple offences, a repeat offender will be issued a summons to appear in court.
- The enforcement procedure for “possession of a counterfeit ticket” is for the enforcement officer to issue a summons to appear in court.
- It is recommended that the Set Fine Application establish a base fine of \$105 and sharply escalating fines for repeat offences, which is consistent with fines enforced elsewhere in Canada according to the survey of best practices.
- YRTP and YRT will monitor and review enforcement performance metrics quarterly.
- YRTP and YRT will conduct a complete review and analysis of enforcement performance metrics and enforcement guidelines annually and report to Council.

4.4 Enforcement By-law and Set Fines

The joint task force is working towards the draft of the Regional By-law for the enforcement of POP on *Quick Start*.

Fines are set by the senior Regional Justice, based on recommendations and precedents. The Set Fine process will commence after the Regional By-law has been approved by Council.

4.5 Consultation with York Regional Police Service

Staff will convene a consultation meeting with the Chief of the YRPS to review plans to have special constables act as POP Enforcement Officers on *Quick Start*.

The Ontario Police Services Act provides the legislative authority for regulating police services in Ontario. Section 53 of the Act stipulates that special constables are to be appointed by the municipal police services board or the Commissioner of the Ontario Provincial Police.

Additionally, while they will be employees of YRT, it is anticipated that YRPS may be involved in the recruitment and training of the *Quick Start* special constables.

4.6 Deployment Plan

The joint task force recommends a phased approach towards the deployment of enforcement team in line with the expected growth in the ridership on the *Quick Start*. Enforcement teams comprised of one ticket inspector and one special constable are proposed to be deployed as follows:

- 4 initial teams in September 2005.
- 1 back up special constable in September 2005.
- 1 additional team in January 2006.
- 1 additional team thereafter in 2006.

The following administrative staff, which also constitute the *Quick Start* enforcement organization:

- One Enforcement Supervisor in 2005.
- One Data Analyst in 2005.

5. FINANCIAL IMPLICATIONS

The financial implications of the proposed *Quick Start* enforcement machinery are the following:

2005

- Budgeted POP operating expense - \$420,000.
- Budgeted POP revenue (from fines) – TBD (Nov/Dec).
- Budgeted net POP expense - \$420,000.

2006

- Budgeted POP operating expense - \$1,121,000.
- Budgeted POP revenue (from fines) - \$675,000.
- Budgeted net POP expense - \$447,000.

Basis for the enforcement manpower requirements and associated budget is presented in *Attachment 2*.

It has been determined that 5% ticket inspection, on which this budget has been based, is an optimal level of inspection. An inspection rate that is lower or higher than 5% is expected to result in an increase in the net POP expense.

6. LOCAL MUNICIPAL IMPACT

There are no municipal impacts from the policies proposed in this report.

7. CONCLUSION

The development and endorsement of the *Quick Start* fare enforcement policy is very important for the start of service in the fall of 2005. The policy and strategy framework outlined in this report will be utilized to finalize Regional By-law, Set Fines Application and operational guidelines.

(The attachments referred to in this clause were included in the agenda for the December 9, 2004 Committee meeting.)