



Metro

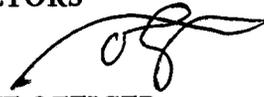
Metropolitan Transportation Authority

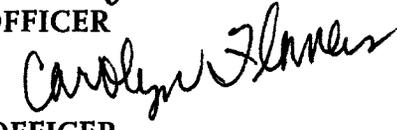
One Gateway Plaza
Los Angeles, CA 90012-2952

213.922.2000 Tel
metro.net

FEBRUARY 15, 2008

TO: BOARD OF DIRECTORS

THROUGH: ROGER SNOBLE 
CHIEF EXECUTIVE OFFICER

FROM: CAROLYN FLOWERS 
CHIEF OPERATING OFFICER

SUBJECT: STATUS UPDATE ON TRANSIT ADJUDICATION BUREAU (TAB)

ISSUE

This report provides the Board an update regarding the status of staff's evaluation of establishing an internal *Transit Adjudication Bureau* (TAB) consistent with the provisions of Section 640c of the California Penal Code and Chapter 8, Sections 99580 through 99582, Part 11, of Division 10 of the California Public Utilities Code.

Staff previously reported to the Board on the feasibility of establishing an internal TAB consistent with the recent State legislation; however, the previous analysis was based on a Metro Rail system without station gating. At the February 28, 2008 Board meeting, staff will present a request to approve a new barrier system for the Metro Red Line and selected stations on other lines throughout the Metro Rail system. Based on the outcome of the Board's decision, staff will need to conduct a new analysis and reevaluate the costs and benefits of establishing an internal TAB.

DISCUSSION

Over the past two years staff has been monitoring the development of California State legislation that would allow this agency to establish an internal TAB to assess administrative fines for violations on the transit system, including fare evasion and minor quality of life offenses. This issue was first raised by Directors Roberts and Burke, partly in response to concerns expressed by officials of the court system that these minor violations were an excessive administrative burden on the courts in relation to their importance. Staff was asked to investigate the possibility of establishing an internal mechanism for non-judicial disposition of these relatively minor offenses in an effort to more efficiently and effectively

manage the citation program while at the same time relieving the court system of this burden.

On September 14, 2006, Governor Schwarzenegger, signed SB 1749 (Migden) into law, authorizing the establishment of internal TABs in San Francisco and in the Los Angeles County Metropolitan Transportation Authority (Metro). This new law amends Section 640 of the California Penal Code and adds Chapter 8 (commencing with Section 99580) to Part 11 of Division 10 of the California Public Utilities Code relating to transit. These amendments authorize San Francisco and Metro to establish an internal system to administer offenses on the public transit system, including fare evasion and minor passenger conduct issues, through a civil penalty process as opposed to being treated as infractions and administered by the local courts.

Staff was planning on presenting a final recommendation to the Board during the first quarter of calendar year 2008. However, in light of the Board's pending decision to install a full barrier system in the Metro Red Line subway and on selected stations on the light rail system, the original financial analysis and projections are no longer valid. Therefore, staff will complete a comprehensive analysis and financial projections based on the new barrier system for much of Metro Rail.

At the conclusion of this new financial and programmatic analysis, staff will then be in a better position to make a definitive recommendation regarding the establishment of an internal TAB. It should also be kept in mind that the state legislation that authorizes us to establish the TAB is permissive and not mandatory, and there is no urgency in making a final determination thereto.

NEXT STEPS

Based upon the Board's February 28th decision regarding gating, staff will conduct a thorough analysis of the efficacy of establishing an internal TAB based on a Metro Rail system that is largely gated. If approved, we expect the gating to have a significant impact on the number and type of citations that will be issued, with a major reduction in fare evasion. This new analysis will take this new circumstance into consideration to project the financial feasibility of the TAB, as well as the programmatic implications.

Staff expects to have this new financial and programmatic analysis completed by April 2008. Based on this new analysis, staff will then either proceed with a formal recommendation to establish the internal TAB or staff will report to the Board that creating the TAB is not in the best interest of our transit riding public.