



Metro

Metropolitan Transportation Authority

One Gateway Plaza
Los Angeles, CA 90012-2952

213.922.2000 Tel
metro.net

MAY 14, 2004

TO: BOARD OF DIRECTORS

THROUGH: ROGER SNOBLE
CHIEF EXECUTIVE OFFICER

FROM: JOHN GATOR III
DEPUTY CHIEF EXECUTIVE OFFICER

SUBJECT: CITATIONS INFORMATION AND REVENUE

ISSUE

This report on MTA Transit Police (LASD) issued citations, and associated revenue from these citations, is being presented to the Board in response to a request from Director Burke. This report provides general information on the citation process and revenues received by the MTA over the past several years. It also suggests a path forward in enhancing the MTA's overall enforcement program of transit laws and ordinances as detailed in Attachment A.

DISCUSSION

Since 1978, the MTA and its predecessor agencies, have issued citations as a method to enforce compliance with state and local laws and ordinances relating to public transit. This process of issuing citations for violations of state laws and local ordinances is primarily focused on three areas on the transit system: Quality of Life Issues, Traffic and Parking Enforcement, and Fare Enforcement. "Quality of Life" issues, as enumerated in Section 640 P.C., affect the safety, security and comfort of our passengers on the regional public transit system, i.e. disorderly behavior while on board a transit conveyance. Traffic and parking enforcement is designed to ensure the unimpeded and rapid flow of the transit system buses and trains in addition to ensuring the safety of the traveling public. Lastly, because the MTA's Metro Rail System is "Barrier Free," fare enforcement issues become an important focus. LASD Transit Bureau deputies and security assistants (fare enforcement staff), in the course of their duties, issue citations for fare evasion and for other non-transit violations, when appropriate.

This program of issuing citations for infractions and low-level misdemeanors is part of the MTA's overall strategy for ensuring compliance with laws and ordinances enacted to promote the safety and smooth operation of public transit. The citations issued by the LASD Transit Bureau deputies and security assistants are coded to the MTA for purposes of citation case management by the courts. This code, imprinted on all MTA citations, is also

used by the courts financial management system for distribution of citation revenues according to the distribution schedule for base revenues enacted by the California State Legislature in Section 1463.002 of the California Penal Code.

From 1978 to 1997, RTD Transit Police Officers issued citations as part of their efforts to ensure compliance with applicable state and local laws and ordinances primarily related to public transit operations. Between November 1997 and April 2003, the MTA's citation program was implemented under contract by the Los Angeles Police Department, Transit Group (LAPD-TG) and the Los Angeles County Sheriff's Department, Transit Services Bureau (LASD-TSB). Since May 1, 2003, the LASD-TSB has been functioning as the sole MTA Transit Police Department under a three-year Memorandum of Agreement (MOA) authorized by the MTA Board of Directors and the Los Angeles County Board of Supervisors. Under the terms of the MOA the LASD – TSB will carry only MTA coded citation books to ensure that all appropriate formula funds are distributed to the MTA.

Section 1463.002 P.C. provides that the MTA receive eighty-nine percent (89%) of base revenues from fines and forfeitures collected on citations coded to the Authority. Special Districts, such as the MTA, are entitled to the same base revenue distribution percentage as the county within which they operate. Statewide, the percentage of base revenue distributed to the issuing agencies varies greatly between a high of 95% in Pittsburg and El Centro to a low of 25% in Biggs (Butte County) and Sierra County.

The table below shows the number of citations issued in each calendar year between 1998 and 2002 and the amount of revenue received from citations for the corresponding time period. A small portion of this revenue was from fines and forfeitures other than citations but it is not a significant amount.

Calendar Year	Blue Line Citation	Red Line Citation	Green Line Citation	LASD Bus Citation	LAPD Bus Citation	Total Citation	Calendar Year Revenue	Average Revenue per Citation
1998	16,349	7,302	4,757	2,928	6,341	37,677	\$237,152	\$6.29
1999	24,018	11,964	4,528	3,323	7,284	51,117	281,976	5.52
2000	22,133	11,919	4,595	2,271	4,914	45,832	543,568	11.86
2001	26,743	16,037	5,400	3,195	11,908	63,283	1,252,553	19.79
2002	31,256	18,102	4,373	4,943	7,117	65,791	1,452,435	22.08
2003 ¹							\$711,362	
Total	120,499	65,324	23,653	16,660	37,564	263,700	\$3,767,684	\$14.29

The MTA has received average revenue per citation from a low of \$5.52 in 1999 to a high of \$22.08 in 2002. As stated above these revenues are a result of the 89% distribution of base revenue allocated to the MTA in accordance with Section 1463.002 P.C. The average revenue per citation issued over the full five years is \$14.29 (\$3,767,684 collected from 263,700 citations issued). Statutory fine amounts for 640 P.C. violations, and other violations including traffic tickets, can range up to \$250. However, we believe the average fine is

¹ Because of the major reorganization in the MTA's Transit Policing Program, with the LAPD discontinuing service in 2003 and because of a computer crash where the LASD's citation data was lost, complete information on citations issued is not available for calendar year 2003. However, during calendar year 2003 the MTA received \$711,362 in citation and fine revenues.

substantially less than the highest amount authorized by code. It should also be noted that judges have wide latitude in imposing fines up to the statutory amount and many fines are far less than the maximum allowable. Judges may also impose community service or other disposition in lieu of a monetary fine. In many cases no fines are paid due to non-payment or “no show” at the court date. Warrants may then be issued, but it is unlikely that some of these fines will ever be paid.

The MTA, or the courts themselves, do not have a method for identifying each case disposition or fine paid associated with the distribution of each month’s fine revenue. The amount of money paid to the MTA each month, or periodically, is based on summary information produced by the Court’s financial information system. The summary information is compiled by revenue category only as required by statute for the purposes of revenue distribution. While the citation numbers paid are in the Court’s financial management system, currently there is no reporting mechanism since this would be a systems enhancement and is not a legal requirement. Although the court system is considering certain automated systems to remedy this situation, our research indicates we cannot expect a more modern system in the short term considering the current financial condition of our state and local governments. The cities within Los Angeles County, and the County, are in the same position as the MTA in not having the ability to match citations with fine revenues or dispositions of individual cases.

With the new MOU for Transit Policing Service beginning in May 2003, the MTA and the LASD have begun a new enhanced program for fare inspection. The LASD has deployed up to 32 Sheriff’s Department civilian security assistants to enhance the fare inspection program on the Metro Red Line subway. They have also deployed approximately 18 additional security assistants on the MTA’s new Metro Gold Line light rail line from Los Angeles to Pasadena. The security assistants enhance the fare inspection program and they also provide additional uniformed security for our passengers and staff. The LASD-TSB’s sworn deputies continue to check fares and issue citations when appropriate and they provide back up for the security assistants when needed. The Sheriff’s security assistants are “Public Officers,” not “Peace Officers,” and therefore do not have the powers of arrest as that of a California peace officer. These security assistants are empowered by the Sheriff of Los Angeles County under Section 830.4 P. C. to issue citations for fare evasion and other violations of Section 640 of the California Penal Code. Deploying these non-sworn, uniformed, fare inspectors on the Metro System is expected to increase fare compliance as well as enhance the ability of the MTA to provide passenger safety and security and general assistance for our patrons. It is too early to tell if the deployment of these fare inspectors will appreciably change the number of citations issued although data is being collected and analyzed to determine if fare compliance has changed after the deployment of these fare inspectors. Information on this subject will be reported to the Board of Directors through the Operations Committee.

NEXT STEPS

Investigate the potential of establishing a special transit fund in each county for collecting a specified percentage of the total fine or forfeiture. This percentage of the total fine would be in addition to the percentage specified in the base revenue distribution schedule as found at 1463.002 P.C. Results of this investigation will be presented to the Board as a future Board Box item or in a Board Report recommending action.

Attachment A provides a proposed path forward to enhance the MTA's overall enforcement and citation program.

Prepared by: Lt. Daniel R. Cowden

Attachment A presents a path forward in enhancing the MTA's overall enforcement program.

ACTION ONE: Special Transit Fund

As mentioned in NEXT STEPS, it may be prudent to investigate the possibility sponsoring state legislation that would authorize the establishment of a *Special Transit Fund* in each county for collecting a specified percentage of the total fines and forfeitures related to transit code enforcement. California Transit Districts, or Counties, could potentially collect additional revenues through the use of a special public transit enhancement, or congestion mitigation fund, supported by revenues from citation fines and forfeitures.

Revenues from this special fund could be used in education and prevention programs designed to eliminate the types of actions or behaviors for which the citations were issued. There must be a clear and direct linkage between the special transit fund assessment, in addition to the base citation, and programs to prevent acts or omissions that negatively impact transit riders.

Therefore, staff proposes to make inquiry, through the California Transit Association (CTA), to other transit properties in California that issue citations regarding establishing a county-by-county special fund for the purpose of collecting revenues above the percentage amounts of the base revenue as set forth in 1453.002 P.C. A penalty enhancement of this kind would certainly be directly linked to improving public transit and it may act as a deterrent and reduce the number of violators to whom citations are issued. There would be a clear nexus between the violator's unlawful behavior and the fine designed to support public transit.

Given a consensus among California public transit operators in favor of establishing such a special fund, staff will report such findings to the Board and seek the Board's guidance in developing proposed legislation. This Transit Improvement Fund could be used at the discretion of the countywide or regional governing body for public transportation to support programs designed to reduce or eliminate the unlawful behaviors that gave rise to the citations.

Alternatively, and very timely in the post 9-11 environment, these additional revenues for the special public transportation fund could be specified for a special *Transit Security Enhancement Fund*. Public transit providers all over the state are trying to enhance and expand their efforts in the very important area of transit security and counter terrorism. Establishment of this special fund, supported by citation fines and forfeitures, may be a viable method to partially fund this continuing and very important effort.

ACTION TWO: Briefings for Judges and Court Staff

As another initiative, staff is proposing to invite the key judges, along with other Los Angeles County Court System staff, to a briefing and tour to be conducted by the MTA and the

LASD. The purpose of the meeting would be to impress upon these officials the magnitude of the problem regarding violations of code that impact public transit. We would also show the court personnel the high cost of mitigating the damages to our system caused by some types of unlawful behavior such as graffiti and vandalism. This is also an opportunity to familiarize the judges with a barrier-free system and the importance of fare compliance.

ACTION THREE: Regional Transit Courts

Staff also proposes to engage in a discussion with the judges on establishing two or three *Regional Transit Courts* to significantly reduce the number of courts that routinely deal with transit related issues. Currently, our citations go to more than 20 different courts within Los Angeles County. With a more manageable number of courts to deal with, we will be able to ensure that these judges understand the importance of transit related citations in reducing unlawful behavior on the Metro System.

ACTION FOUR: Contract Service for Collecting Unpaid Fines

One final area of investigation is that of contracting with a private service to collect unpaid fines from these transit related citations. Some municipalities contract with private collection firms for this function and staff will assess the feasibility of a similar program for the MTA.