



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

September 18, 2018

Ordinance 18789

Proposed No. 2018-0377.3

Sponsors Balducci and Kohl-Welles

1 AN ORDINANCE creating an alternative resolution
2 process for transit fare enforcement; adopting a reporting
3 requirement; adding a new section to K.C.C. chapter 28.96
4 and adding a new section to K.C.C. chapter 2.16.

5 PREAMBLE:

6 In order to maximize fare box collection consistent with state law, the
7 county implemented code making failure to present a valid, unexpired
8 pass, transfer or ticket or otherwise failing to pay the appropriate fare as
9 required under county ordinance a civil infraction or a misdemeanor,
10 depending on the offender's age. The county refers fare evasion citations
11 to district court, resulting in additional and unrecoverable costs to the
12 transit enterprise fund.

13 A 2018 audit conducted by the King County auditor's office found the
14 transit division's fare enforcement model may be contributing to negative
15 and inequitable outcomes, particularly for riders experiencing
16 homelessness or housing insecurity.

17 The 2018 audit also found the division needs more data collection,
18 rigorous evaluation, and performance management to evaluate and
19 improve the fare enforcement program's effectiveness at deterring fare

20 evasion.

21 The transit division agreed with the recommendations made in the 2018
22 audit, took several initial actions related to the findings, and is moving
23 forward with conducting a fare enforcement program review and
24 developing a performance management system.

25 The purpose of this ordinance is to create an opportunity for people who
26 do not pay a fare to resolve their violations through an alternative
27 resolution process removing the direct connection between the courts and
28 a fare evasion citation. The ordinance aims to advance equity and social
29 justice goals by minimizing the likelihood that the enforcement process
30 leads to a criminal record for those who cannot afford to pay the violation
31 fee. This ordinance also aims to minimize unnecessary costs. The new
32 process is consistent with fare enforcement authorized by RCW 7.80.040,
33 7.80.050, 7.80.060, 35.58.580, 35.58.585 and 35.58.590.

34 The division intends to continue working with stakeholders on an ongoing
35 basis after the implementation of this new alternative resolution process to
36 evaluate and improve the fare enforcement program.

37 The division is also considering other ways to increase valid fare payment
38 and access to the transit system through its fares work program.

39 The division is committed to advancing the goals and objectives of the
40 county's Strategic Plan, including providing service in an equitable and
41 fair manner and providing for a safe and just community through an
42 accessible and fair justice system, while implementing alternatives to

43 divert people from the criminal justice system.

44 The division is committed to advancing the goals and objectives outlined
45 in the division's Strategic Plan for Public Transportation, particularly Goal
46 2, which speaks to human potential and the provision of equitable
47 opportunities for people from all areas of King County to access the public
48 transportation system, particularly for historically disadvantaged
49 populations, such as low-income people, students, youth, seniors, people
50 of color, people with disabilities and others with limited transportation
51 options.

52 The division is committed to advancing equitable outcomes and the goals
53 outlined in King County's Equity and Social Justice Strategic Plan,

54 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

55 NEW SECTION. SECTION 1. There is hereby added to K.C.C. chapter 28.96,
56 within V. Enforcement, a new section to read as follows:

57 A. As an alternative to citing individuals with a civil infraction or a
58 misdemeanor, as described in K.C.C. 28.96.010.A.19 and B.13, the transit division may
59 utilize an internal process, as generally described in this section, for managing fare
60 evasion. This process shall be in lieu of any court proceeding.

61 B. The division may issue either a warning or a notice, or both, of violation, not
62 subsequently filed with a court, to anyone who has not properly paid a fare in violation of
63 K.C.C 28.96.010.A.19. or B.13.

64 C. A warning made under subsection B. of this section may be oral or written,
65 and must provide an opportunity to correct fare evasion behavior.

66 D. Without a previous warning issued, a notice of violation may be issued to
67 anyone found to be in violation of K.C.C 28.96.010.A.1.9 or B.13, and that notice of
68 violation must introduce potential financial consequences.

69 E. To resolve a notice of violation, the division shall provide options such that a
70 person is incentivized to make prompt payment of any violation fee, has options to resolve
71 the violation that do not require paying a fee and is provided opportunity to appeal the
72 violation to the division.

73 F. A notice of violation must be answered within ninety days or is considered
74 unresolved. Unless cancelled by the division, a person is subject to suspension from
75 service under K.C.C. 28.96.430 for each unresolved notice of violation. If a suspension is
76 issued, the duration may be no more than thirty days for each unresolved violation.
77 Multiple suspensions may be served concurrently unless otherwise directed by the
78 division. Upon expiration of a suspension due to a notice of violation, the violation is
79 considered resolved and no further penalty shall be imposed.

80 NEW SECTION. SECTION 2. There is hereby added to K.C.C. chapter 2.16 a
81 new section to read as follows:

82 The executive shall develop a reporting system for all Metro bus fare enforcement
83 activities and the new fare enforcement system. The executive shall use the data from the
84 reporting system to develop a report by April 1, 2019, and annually thereafter, that contains
85 the following information:

86 A. For each RapidRide bus route, all other regular bus routes, and for total bus
87 service the executive shall provide data on the following:

88 1. The number of warnings issued for fare evasion and the number of people

89 that have received warnings by bus route;

90 2. The number of fare evasion citations issued and the number of that people
91 that have received these citations by bus route, this should include identifying the number
92 of individuals that receive multiple citations during the reporting period and how many
93 citations they received;

94 3. The number of citations resolved, showing the method used to resolve the
95 citations;

96 4. The number of people suspended as a result of fare evasion;

97 5. The number of criminal trespass charges issued to individuals as a result of
98 fare evasion violations;

99 6. The report should also include data showing the demographics of persons
100 issued citations, including but not limited to race, age, gender, income and housing status
101 as available; and,

102 7. The report should also include performance measures showing the activities
103 and effectiveness of the program outreach manager.

104 B. The executive must file the report required by this section by April 1 of each
105 year, starting in 2019, in the form of a paper original and an electronic copy with the
106 clerk of the council, who shall retain the original and provide an electronic copy to all
107 councilmembers, the council chief of staff, the policy staff director and the lead staff for
108 the mobility committee, or its successor.

109 SECTION 3. The King County auditor's office shall conduct an audit of the new
110 internal process for fare evasion enforcement as established in section 1 of this ordinance
111 within eighteen months of the implementation of the new process, or when the council

112 establishes in the auditor's office work program a date for the completion of the audit.
113 The audit shall evaluate the effectiveness of the new internal process and determine
114 whether the new model reduces fare evasion while also reducing the impact of
115 enforcement on vulnerable communities. The audit required by this section shall be
116 transmitted in the form of a paper original and an electronic copy with the clerk of the
117 council, who shall retain the original and provide an electronic copy to all

118 councilmembers, the council chief of staff, the policy staff director and the lead staff for
119 the mobility committee, or its successor.
120

Ordinance 18789 was introduced on 8/20/2018 and passed as amended by the Metropolitan King County Council on 9/17/2018, by the following vote:

Yes: 8 - Mr. von Reichbauer, Ms. Lambert, Mr. Dunn, Mr. McDermott, Mr. Dembowski, Mr. Upthegrove, Ms. Kohl-Welles and Ms. Balducci
No: 0
Excused: 1 - Mr. Gossett

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

J. Joseph McDermott, Chair

ATTEST:

Melani Pedroza, Clerk of the Council



2018 SEP 26 PM 2:40
RECEIVED
KING COUNTY COUNCIL CLERK

APPROVED this 26th day of SEPTEMBER, 2018.

Dow Constantine, County Executive

Attachments: None