



**Testimony of Kimberly McCullough, Legislative Director
In Support of SB 357
House Committee on Judiciary
May 25, 2017**

Chair Barker and Members of the Committee:

The American Civil Liberties Union of Oregon¹ supports SB 357, which reduces penalties for entering or remaining unlawfully in or on public transit vehicle or public transit station as a manner of committing the crime of interfering with public transportation (“IPT”).

The ACLU of Oregon has concerns about transit fare enforcement policies and tactics. We are particularly concerned that low-income individuals with limited means to pay fares and fines, who must ride public transit to take care of their basic needs, can potentially face serious criminal charges (Class A misdemeanor) for repeat fare evasion.

We also have concerns about racial disparities in transit enforcement. In particular, we were dismayed to learn in December about data showing significant racial disparities in which riders who are caught without a ticket on MAX trains ultimately end up being banned from TriMet.²

IPT is a redundant and excessive law, addressing conduct that is already covered by existing Oregon law that imposes a lighter and more proportional penalty. Relevant to this bill, ORS 164.245 (Criminal Trespass) imposes a Class C misdemeanor for remaining unlawfully on a vehicle or premises.³

SB 357 is necessary legislation, despite recent changes related to TriMet enforcement. We understand that Multnomah, Washington and Clackamas counties are no longer charging individuals for IPT for repeat fare evasion under a newly adopted policy. The option still remains on the books, however, and could be enforced if policy is changed. The change at Multnomah County also does not apply to other counties in Oregon.

¹ The American Civil Liberties Union of Oregon (ACLU of Oregon) is a nonprofit, nonpartisan organization dedicated to preservation and enhancement of civil liberties and civil rights with more than 43,000 members across the State of Oregon.

² Lee Van Der Voo, Black Riders Face Stiffest Transit Penalty at Rates More Than Six Times That of Whites, <http://invw.org/2017/04/05/black-riders-face-stiffest-transit-penalty/>.

³ Note that the other charges available as IPT are also redundant and excessive, as ORS 164.245 already applies to disorderly conduct and ORS 166.065 applies to harassment, but neither goes beyond a Class B misdemeanor.

We believe SB 357 is an important piece of much-needed reform of transit fare and enforcement policies. We would also like to see increased access to public transit passes for low-income individuals, seniors, and people with disabilities, which we believe will greatly reduce fare evasion.⁴

We urge your support of SB 357. Please feel free to reach out with any questions or to discuss this further. Thank you for your time and consideration

⁴ Please note that we also support the passage of HB 2777, would create an optional administrative process for resolving TriMet citations and help to prevent riders who receive citations from facing increased fines, exclusions, and entanglement with the court system.