

## FACT SHEET: TRIMET CITATIONS

### 1. HB 2777 (2017) - Creating New Options for Fare Evasion

Prior to July 1, 2018, TriMet fare evasion citations, which are violations under ORS Chapter 153, carried a presumptive fine of \$175. The citation would be promptly filed with the court and the person cited would have to resolve the citation with the court. Payment of a fine or trial were the only options available with the court. The person cited would have a court record of the citation.

TriMet wanted to change this process because we were concerned about the collateral consequences of a court record and the negative impact it could have on housing, employment, or military service. TriMet also wanted to provide other options, like community service, for resolving a citation.

With assistance and support from this Committee in 2017, HB 2777 authorized TriMet's to stay the filing of a citation for 90-days to allow for administrative resolution directly with TriMet. If the citation is resolved successfully within the 90 day period, then it is never filed with the court. The bill was effective January 1, 2018 and authorized the TriMet Board to adopt an ordinance that implements the detailed options for resolution during the 90 day stay.

### 2. TriMet Ordinance 349- Implementing New Options for Fare Evasion

In February 2018, the TriMet Board of Directors adopted Ordinance 349 to provide administrative options to resolve the citation as provided in HB2777. After extensive community outreach and meetings with groups including Senators Dembrow and Frederick, the ACLU, Oregon Justice Resource Center, OPAL, and our own Transit Equity Advisory Committee, we settled on the following four options for resolving a fare evasion citation during the 90 day stay:

1. Payment of a fine. For first time offenders, the fine is \$75, considerable less than the prior \$175.
2. Performing Community Service. For a first time offender, just 4 hours is required.
3. Appealing the citation with TriMet.
4. Enrolling in our Honored Citizen Program and loading \$10 on your HOP Card. We were the first transit agency to offer this option for resolving a citation as we wanted to demonstrate that changing behavior and getting people to pay their fare was the goal of our citation process. Our low income fare program offers dramatically reduced fares for those who qualify and has been a huge success. TriMet has now registered 12,000 participants through 37 community based organizations since launching this program in 2018.

The above options are voluntary. If the person cited does not wish to resolve their citation within the 90-day window provided by statute, then the citation is filed with the court.

### 3. TriMet Ordinance 351- Fully Decriminalization Fare Evasion

In addition to the above, TriMet’s Board passed Ordinance 351 in late 2018, which was intended to provide additional clarity with respect to fare enforcement. Among other things, this ordinance also provided that when the only offense is fare evasion, then the only penalty will be a citation, warning, or exclusion. The ordinance removed the possibility of the application of any criminal offenses where the sole violation was no proof of payment, regardless of who is doing the fare enforcement, including police officers. This means as long as the only offense is failure to provide payment, the individual will never be charged with any criminal offenses.

### 4. Portland State University Studies of Fare Enforcement

TriMet has twice engaged Portland State University’s Criminal Justice Policy Research Institute to examine TriMet’s citation data for evidence of racial and ethnic disparities in TriMet fare enforcement outcomes.

The most recent report looked at citations from 2016-2018 and found—similar to the prior report that looked at data from 2014-2016—that “Differences between the fare evasion survey results and enforcement outcomes are small and indicate little to no disparity.”

TriMet believes we are the only transit agency in the United States that has twice engage in this kind of in-depth, rigorous, independent academic review of our fare evasion statistics for evidence of bias. TriMet use the results of these studies to make changes in our fare enforcement policies to address any issues identified in fare enforcement outcomes.

*Questions? Contact: Aaron Deas at (503) 888 5067*