

SENATE BILL REPORT

SHB 1301

As Reported by Senate Committee On:
Transportation, March 30, 2021

Title: An act relating to providing expanded options for fare enforcement by regional transit authorities.

Brief Description: Providing expanded options for fare enforcement by regional transit authorities.

Sponsors: House Committee on Transportation (originally sponsored by Representatives Fitzgibbon, Hackney, Valdez and Macri).

Brief History: Passed House: 3/3/21, 96-1.

Committee Activity: Transportation: 3/16/21, 3/30/21 [DP].

Brief Summary of Bill

- Allows a regional transit authority to establish an alternative fare enforcement system, which allows for the issuance of notices of violation, the resolution of notices of violation, and the resolution of appeals.
- Limits the fines associated with notices of violation to the same maximum amount allowed for civil infractions, but notices of violation may be subject to nonmonetary sanctions instead of fines.

SENATE COMMITTEE ON TRANSPORTATION

Majority Report: Do pass.

Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking Member; Cleveland, Das, Fortunato, Hawkins, Lovelett, Nguyen, Nobles, Padden, Randall, Sheldon, Wilson, C. and Wilson, J.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Staff: Daniel Masterson (786-7454)

Background: Regional transit authorities (RTAs) are authorized to set fines and penalties for certain civil infractions, including:

- failure to pay the required fare;
- failure to display proof of payment when requested to do so by a person designated to monitor fare payment; and
- failure to leave a facility when requested to do so by a person designated to monitor fare payment.

Fines established by an RTA may not exceed the amount established in statute for a class 1 civil infraction, which is currently \$250, before the addition of any statutory assessments. Civil infractions established by an RTA may be heard by either a district or municipal court.

Summary of Bill: An RTA is allowed to establish an alternative fare enforcement system, which allows for the issuance of notices of violation, resolution of notices of violation, and resolution of appeals, in addition to or as a replacement for the current civil infraction system.

The fines associated with notices of violation are limited to the same maximum amount allowed for civil infractions, but notices of violation may be subject to nonmonetary sanctions instead of fines.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: This bill is critical to creating a more equitable fare enforcement program. State law unintentionally locks regional transit authorities (RTAs) into an unnecessarily punitive and ineffective approach to fare enforcement. On the other hand, King County Metro has successfully implemented an alternative fare enforcement program. Their system significantly reduces the fine amount and works with violators to resolve their notice of violation administratively, not through the courts or collections. This can be done, RTAs just need the flexibility to make the choice.

We have been working on fare evasion at the Transit Riders Union for many years to make sure that it is decriminalized. Regarding the changes at King County Metro, the number of citations in the 2017-2018 period was 3500 citations. Of those, 94 were paid, which is a little less than 3 percent. Thirty-one percent of those led to some sort of misdemeanor

charge. As far as Sound Transit goes, 25 percent of all citations were given to black people. Fifty percent of citations that led to misdemeanors were given to black people. It is really a huge racial equity concern. Of the citations, another 25 percent were given to unhoused folks.

We know that many people with disabilities rely on transit, we are part of the 25 percent of the state population without driver's licenses. People with disabilities may lack the necessary accommodations to respond or contest a criminal sentence. We are also more likely to lack the transportation access to be able to go to court and deal with a charge. People with intellectual disabilities may have trouble navigating the system, resulting in compounding fines and fees. We believe transit agencies should have the flexibility to create systems that work best for people who are most likely to be dependent on transit.

Since 2015, district courts have ordered people to pay about \$905,000 for Sound Transit tickets, but less than about \$207,000 of that has gone to collections, and there are compounding negative results with that. Once Sound Transit turns over that case to the courts, they are unable to assist that rider to get back into compliance.

Persons Testifying: PRO: Anna Zivarts, Disability Rights Washington; Matthew Lang, Seattle Transit Riders Union; Bryce Yadon, Transportation Choices Coalition; Joe McDermott, King County Councilmember.

Persons Signed In To Testify But Not Testifying: No one.