

# **Port Authority is Proposing Fare Changes to Make Riding the T More Efficient. Unfortunately, their plan includes using armed Port Authority Police Officers and Criminal Charges to Enforce Fare Payment. This Will Endanger People. There's Another Solution.**

- 1. What does it mean to have a "Proof of Payment" fare enforcement system?** It is essentially an honor system, where riders would pay their fares off-board, before entering the train. Riders could then enter any door to take their seat on the train; it is intended as a way to increase transit efficiency and allow for a faster boarding process. In this case, Port Authority has proposed a policy that would have armed Port Authority police doing random checks and scanning riders' CONNECT cards to see if they have paid. If someone cannot prove that they have paid, the policy calls for escalating criminal consequences, with repeat instances calling for a \$300 fine, and possible arrest.
- 2. Is Pittsburghers for Public Transit and its coalition partners The Thomas Merton Center, CASA San Jose, and the Alliance for Police Accountability opposed to a Proof of Payment fare-enforcement system?** No. We can see the benefit of having a proof of payment system, but we have serious concerns about the fare enforcement process as a criminal one, implemented by armed police.
- 3. Are you proposing that all riders just ride for free?** PPT believes that transit is a human right. However, in this case, our coalition would support a civil fare enforcement process, where a civilian "fare ambassador" checks for fare payment, and writes a citation if someone cannot prove payment after several offences. Those citations would ultimately go to a bill collector, similar to the process that the Pittsburgh Parking Authority and Southwest PA Turnpike Commission follow. So no.
- 4. Why don't you want Port Authority police to check fares?** We have a lot of concerns. Here's the shorthand:

### ***For the black and brown community:***

-We know that even police officers with the best of intentions practice **racial profiling** (selective enforcement).

-Requiring armed police to have thousands of extra encounters with the public a week has proven to result in **unnecessary confrontations and use of force incidents**. These disproportionately impact black and brown communities. There have been incidents involving Port Authority police in the past, including but not limited to the murder of Bruce Kelley, Jr. and a confrontation with Somali youth downtown (Regarding transit police, see also: Oscar Grant, Chad Robertson).

### ***For the immigrant community:***

-When police run their names to check for prior fare violations, this can trigger interactions with ICE, and begin an unconstitutional process of **detainment and deportation**. No one should be detained and deported for the suspicion of failing to pay a \$2.50 fare like Ariel Vences-Lopez in Minneapolis, and transit should not create another situation like that of Lucia Vega Jimenez, who committed suicide after detainment by Vancouver transit police.

### ***For youth:***

-Many students ride the T to school and after-school activities everyday. If they forget their bus pass 3 times, they are subject to both a Theft of Services and Criminal Trespass charge, which will result in a \$300 fine or arrest. In NYC, [70% of arrestees were 16-17 years old](#). **This will worsen the school-to-prison pipeline.**

### ***For those with mental health challenges, or intellectual disabilities:***

-Those with disabilities often respond in ways that police have misinterpreted as threats or defiance, and **police have unnecessarily responded with force**, leading to injury and death.

### ***For the poor:***

-This proposal results in the criminalization of an everyday necessity.

**5. Well I'm not really concerned about equity and civil rights. How's this going to affect Port Authority's bottom line?** We care about funding for transit too! As a criminal process, any revenue from fare evasion fines (of \$300) goes to the municipality that the incident happened in, and Port Authority would receive only the lost \$2.50. With a civil process, all of the money from citations would go to support

public transit. Also, it costs on average \$1000 in taxpayer money to process fare evasions of \$2.50 through the court system, and contributes to the massive legal backup that already exists. Issues with policing and racial profiling are very likely to lead to constitutional rights violations and expensive ACLU lawsuits. We are also collecting data to show that there will be a likely boycott of T service by immigrants in our community, particularly those in the Latino community, because of fear of detainment by ICE. These members of our community make up a significant portion of the transit ridership on the T, and Port Authority will lose their fare revenue. Finally, having armed police officers asking for proof of fare as the main point of contact between Port Authority and the riding public is not the way to build a positive public image for our transit agency. Civilian “fare ambassadors” could help passengers learn the fare system, plan their routes and welcome new ridership in addition to their role checking fares.

**6. Why don't all the riders just pay, and they won't have a problem?** Data shows that almost everyone will pay, almost all of the time. Also notably, Port Authority is neither currently concerned about fare evasion nor do they have any data about fare evasion. But here's the deal: The CONNECT card machinery doesn't always work, and riders won't be able to prove they paid. An older person or tourist may not know the system, and may board without paying the proper way. Don't have the money and need to go to work? You might just take that chance of a fine or jail-time. Requiring police to have thousands of extra encounters with the public a week has proven to result in unnecessary confrontations and use of force incidents.

**7. Do any other cities have a civil fare enforcement process?** Yes! We recommend the San Francisco model, and the Sound Transit has a lot of helpful material on best practices for avoiding racial profiling and fare officer training (although we disagree with having the punishment be a misdemeanor on the third offense). Ultimately, we believe that we don't need to have a model that is perfectly identical to any other city, but can pick the best practices of proof of payment systems that will work in here Pittsburgh!

**8. But we've already hired all these Port Authority police officers! What are we going to do with them?** They should be available *to do what they are hired for*, to protect driver and rider safety. Having them as fare enforcers actually lowers rider safety and increases the risk of harm for many communities. In addition, there should be extensive, annual training for both Port Authority police and civilian fare inspectors that includes cultural responsiveness, preventing racial profiling, de-escalation, and interacting with people with mental health challenges and disabilities. With all of these skills in their toolbox, they will be keeping all of us safer.

**9. Is it legal to implement a civil fare enforcement process?** Well, here's the Port Authority Second Class Act Section 3 b.

It says: “An authority shall have and may exercise all powers necessary or convenient for the carrying out of the aforesaid purposes, including but without limiting the

generality of the foregoing, the following rights or powers: ... (9) To fix, alter, charge and collect fares, rates, rentals and other charges for its facilities by zones or otherwise at reasonable rates to be determined exclusively by it, subject to appeal, as hereinafter provided, for the purpose of providing for the payment of the expenses of the authority...”

Seems like it's fair (fare) game to us, and our legal advisors say that it is perfectly legal to implement a civil fare enforcement policy! And we still have not received a response from the Port Authority legal team to prove that it's not.