

ATTACHMENT B

BILL: SB 882

AUTHOR: SENATOR ROBERT HERTZBERG
(D-VAN NUYS)

SUBJECT: MINORS: FARE EVASION

STATUS: ASSEMBLY THIRD READING FILE

ACTION: NEUTRAL

RECOMMENDATION

Staff recommends that the Board of Directors adopt a NEUTRAL position on SB 882 (Hertzberg). This bill would amend existing law to prohibit a minor from being charged with an infraction or misdemeanor for fare evasion and/or the misuse of a discount transit ticket; and authorize transit agencies to use an administrative process to cite and process minors in violation of specified prohibited acts.

ISSUE

Existing law authorizes public transportation agencies to impose and enforce administrative penalties for certain adult passenger misconduct, (e.g.: fare evasion, smoking where prohibited, unauthorized sale of goods) in a public transit facility or vehicle. Existing law also allows two agencies, Metro and San Francisco Municipal Transportation Agency to adopt ordinances allowing these agencies to implement an administrative process for these citations.

This bill would:

- Prohibit transit agencies from issuing criminal citations to minors for specified offenses related to fare evasion.
- Allow transit agencies to use an administrative process to cite minors in the same manner as adults, for violations on transit properties or vehicles, including such acts as fare evasion, disturbing the peace and smoking and eating/drinking where prohibited.

DISCUSSION

Under the authority granted by the state under the provisions of SB 1749 (Migden, 2006) and SB 1320 (Hancock, 2010), Metro's Transit Court was established. Transit Court provides an alternative civil infraction (administrative) process for fare evasion for adults. Originally, the existing transit courts were limited to processing violations for

adults. Last year, SB 413 (Weickowski) allowed transit operators to seek administrative penalties against minors for specified transit violations, including fare evasion.

According to the Assembly Public Safety Committee analysis of the legislation, “This bill decriminalizes fare evasion by minors, making the administrative review process the only option for collecting penalties from minors.” Since Metro has already adopted such an ordinance SB 882 does not effectively apply to Metro with the exception that Metro needs to complete the process of incorporating minors into its transit court process in accordance with SB 413.

The California Transit Association (CTA), which sponsored SB 413 (Weickowski, 2014) opposes the measure, citing that enacting this legislation would pose an undue financial and operational challenge for transit agencies that do not currently have a Transit Court equivalent in other regions within the state of California.

The bill is currently opposed by the California Police Chiefs’ Association, State Sheriff’s Association, California Transit Association, Riverside Transit Agency and Sacramento Regional Transit District. Support for this measure includes a number of youth organizations, legal juvenile and community coalitions.

Staff recommends that the Board adopt a NEUTRAL position on SB 882 (Hertzberg).

DETERMINATION OF SAFETY IMPACT

There is no determined safety impact due to the enactment of the proposed legislation.

FINANCIAL IMPACT

There could be potential financial impacts related to updating the agency’s current fare evasion policy to enable the issuance of administrative citations to minors and adjudication through the use of Metro’s Transit court.

ALTERNATIVES CONSIDERED

Staff has considered adopting either an oppose or support position on the bill. An oppose or support position would pre-suppose that Metro would be impacted by this legislation. By considering a NEUTRAL position on the measure, staff maintains that Metro has mechanisms in place to cite and process minors through Metro’s established Transit Court, and this legislation does not hinder Metro’s ability to do so.

NEXT STEPS

Should the Board decide to adopt a NEUTRAL position on this bill, staff will communicate the Board’s position on the proposed legislation and continue to keep the Board informed as this issue is addressed throughout the legislative session.