



## Board Report

File #: 2021-0680, File Type: Policy

Agenda Number:

**REVISED**  
**EXECUTIVE MANAGEMENT COMMITTEE**  
**NOVEMBER 18, 2021**

**SUBJECT: CUSTOMER CODE OF CONDUCT AMENDMENTS - TRANSIT COURT**

**ACTION: APPROVE RECOMMENDATION**

**RECOMMENDATION**

CONSIDER approving in Title 6, Chapter 6-05 of the Los Angeles County Metropolitan Transportation Authority ("Metro") Administrative Code (the "Code"), otherwise known as the Metro Customer Code of Conduct ("Code"), effective January 1, 2022 ~~either A through D or only E~~, as follows:

- A. In the Penalty Schedule, replace section "6-05-050.A-I" with "6-05-050.A-E, H, I";
- B. In the Schedule concerning Violations of the Customer Code That Will Be Addressed Through Ejection, replace section "6-05-050.E-G" with "6-05-050.E";
- C. In the Schedule insert a new section "Violations of the Customer Code That Will Be Addressed through Alternative Means," and insert thereunder "6.05-050.F, G Obstruction and occupying more than one seat. First Offense or Greater, Warning, referral placement preconditioned removal, and/or other remedy Placement or Other Remedy"; and
- D. In the Code insert a new section "6-05-010.C. Metro and its representatives shall enforce the Code of Conduct with fairness, equity, civility, compassion and without bias." ~~Or~~

**SOLIS AND DUPONT-WALKER AMENDMENT:** Directed the Chief Executive Officer to review the recommendation in E (below) and the current Code of Conduct, including but not limited to any potential implicit biases, and return in February 2022 with recommended changes.

- E. In the Code delete sections "6-05-050.F and G" in their entirety and conform the Schedule to the Code concerning deletions of those sections.

**ISSUE**

During the pandemic, serious economic and social conditions have exacerbated circumstances of our Metro's riders in a manner that, pending further input from the Metro Public Safety Advisory Committee or other sources, actions need to be taken to address the manner and methods of enforcement and promotion of compliance of the Metro Customer Code of Conduct.

**BACKGROUND**

Metro adopted an ordinance that is commonly referred to as the Customer Code of Conduct. The Code sets out appropriate and safe behaviors for patrons who use Metro facilities and/or ride the Metro system. At the outset, Transit Court worked with Operations, Transit Security, Safety, Legal, Customer Relations, Lost and Found, and other departments to refine the Code.

**TRANSIT COURT STATISTICS**

The Los Angeles County Sheriff’s Department, Los Angeles Police Department, Long Beach Police Department, and Metro Transit Security Officers are responsible to support Operations for enforcement of the Code and other applicable laws on the Metro system.

The issuance of transit citations has varied wildly over the years since transitioning from a criminal Penal Code section 640 enforcement model to the Transit Court and Customer Code of Conduct inception. Prior to adoption of the Code, Penal Code citations were issued annually in the 100,000’s. The total number of administrative transit citations began at over 100,000 annually too. This year the issuance of transit citations decreased to 7 in FY 2021. In the last 3 years the number of citations has been decreasing and is extremely low compared to FY2013 and prior thereto. This significant decrease is due to a virtual halt in citation issuance during COVID-19. There were fewer riders, fewer citations, and extensions granted on hearings. Parking citations also decreased from 14,245 in FY 2020 to 725 in FY 2021.

Transit Citations	
Issuance	
Year	Citation Count
FY13	100,937
FY14	82,892
FY15	58,102
FY16	29,524
FY17	19,494
FY18	63,122
FY19	31,650
FY20	12,680
FY21	7

Transit Court Monthly Report 2021

Month	Transit Citations	Parking Citations	*YTD Citation Issuance
January	0	50	50
February	0	39	89
March	0	118	207
April	3	114	324
May	0	110	434
June	0	134	568
July	0	113	681
August	0	184	865
September	2	170	1,037
<i>*Calendar Year</i>			

Transit Citations Sections	African American	Asian	Hispanic	White	Other/Unknown
050 F Bags on seats	12	1	2	2	2
050 G Feet on seats	276	2	77	56	11
100 A Littering	208	2	57	26	19
110 C Eat/drink/smoke	159	3	73	82	8
200 C Obey signs	78	4	50	22	14

Transit Citations Sections	African American	Asian	Hispanic	White	Other/Unknown
050 F Bags on seats	207	2	66	16	1
050 G Feet on seats	28	1	44	31	2
100 A Littering	15	1	5	0	1
110 C Eat/drink/smoke	9	0	13	4	2
200 C Obey signs	9	1	7	1	1

Citations - Top Quality of Life Citations 2020					
Transit Citations Sections	African American	Asian	Hispanic	White	Other/Unknown
050 F Bags on seats	38	2	8	5	0
050 G Feet on seats	29	1	11	6	2
100 A Littering	2	0	2	0	0
110 C Eat/drink/smoke	4	0	2	0	0
200 C Obey signs	0	0	0	0	1

We have continued to relax collection efforts and suspended late fees due to the economic hardship many patrons may be experiencing as a result of the pandemic. We provide these statistics to the Board in an effort to enable the Board to make its decisions about the report recommendations and to provide data on what is happening in our system concerning the enforcement of the Code.

With respect to the proportion of citations issued to certain segments of the population we found that for most sections of the Code, from fare evasion to sleeping on seats, males receive higher numbers of citations than females. There are exceptions such as women receive more citations for blocking with a stroller. For most sections, African Americans receive the highest number of citations, and then Hispanics receive the next highest number for things like littering, but in 2018 whites received higher numbers of citations than Hispanics for things like eating, drinking and smoking (Attachment A). Most noteworthy is that 1) citations have dramatically been reduced in recent times from prior years and 2) warning are given and citations only as a last resort so the citations are far less than the actual amount of violations, and 3) in FY21, as stated above, virtually no one received any citations with fines for anything.

**DISCUSSION**

Proposed amendments to the Code are explained below and are as set forth in Attachment B to this Board Report to address several areas:

Blocking

The Code prohibits blocking, operating or obstructing a Metro vehicle, occupying more than one seat, and impeding safe boarding. Section 6-05-050(A)-(I) are listed in the Penalty Schedule to the Code as a fineable offense. Section 6-05-050(E)-(G) are listed in the Penalty Schedule as a warning and/or ejection remedy.

*A. In the Penalty Schedule, replace section “6-05-050.A-I” with “6-05-050.A-E, H, I”*

The proposed amendment will change the Penalty Schedule for section 6-05-050 of the Code to delete the strikethrough words below and add the bolded underlined words as follows:

6-05-050	<b><u>Blocking</u></b>				
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6-05-050.A-E, H, I	Blocking, operating or obstructing Metro vehicle, occupying more than one seat, impeding safe boarding	> Notice of violation \$75 fine > Ejection	> Notice of violation \$75 fine > Ejection	> Notice of violation \$75 fine > Ejection > Exclusion for 30 days	> Notice of violation \$75 fine > Ejection > Exclusion for 60 days
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The effect of this change would delete subsections (F)-(G) as fineable offenses from the Code. These subsections would include (F) reclining on, placing objects on, or blocking a seat, and (G) occupying more than one seat. Security and enforcement personnel would no longer issue citations associated with a fine for those offenses, however, they would still be able to issue warnings to ask individuals to comply when possible (e.g. sit up to enable others to sit down, place their belongings under their seat, etc.).

We recommend approval of this amendment.

We are aware that there is substantial consensus within the Agency that persons who do not have a home, do not need to be incentivized to obtain one via the receipt of a citation and a fine. In such a circumstance, the citation will not likely accomplish its intended purpose of compliance.

This amendment would address the issuance of these citations to the groups of persons currently most affected by the pandemic and the serious economic impact that the pandemic has had on the low-income public without adding to that financial burden with a citation.

*B. In the portion of the Schedule concerning Violations of The Customer Code That Will Be Addressed Through Ejection, replace section “6-05-050.E-G” with “6-05-050.E”*

The proposed amendment will change the Schedule for section 6-05-050 of the Code to delete the strikethrough words below as follows:

6-05-050	Blocking				
6-05-050.E-G	Obstruction of doors and seats	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection

The effect of this change would delete two subsections “(F) reclining on, placing objects on, or blocking a seat,” and “(G) occupying more than one seat as a warning and/or ejection.” Subsection (E) preventing a door from closing would remain. Security and enforcement personnel would be able to ask for voluntary compliance pursuant to amendment C below, but not ejection alone as is currently the remedy.

We recommend this amendment.

This section may be replaced with other alternatives that may be more compassionate and aimed at addressing the impacted community more effectively at this time, as discussed in Section A above, by its replacement with Section C below.

*C. In the Schedule insert a new section “Violations of the Customer Code That Will Be Addressed Through Alternative Means,” and insert thereunder section “6.05-050.F, G Obstruction and occupying more than one seat First Offense or Greater, Warning, referral placement preconditioned removal,*

and/or other remedy Placement or Other Remedy”.

The proposed amendment will change the Schedule for section 6-05-050 of the Code to delete the strikethrough words and add the bolded underlined words as follows:

6-05-050	Blocking				
6-05-050.E-G	Obstruction of doors and seats	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection

6-05-050	Blocking				
6-05-050.F, G	Obstruction of and occupying more than one seat	Warning, referral placement preconditioned removal, and/or other remedy placement or other remedy	Warning, referral placement preconditioned removal, and/or other remedy placement or other remedy	Warning, referral placement preconditioned removal, and/or other remedy placement or other remedy	Warning, referral placement preconditioned removal, and/or other remedy placement or other remedy

The effect of this change would create a new remedy in the Schedule for section (F) reclining on, placing objects on, or blocking a seat, and (G) occupying more than one seat in the form of a warning, referral placement preconditioned removal, and/or other remedy such as to a safe bed, bath, and breakfast location, instead of just an unsafe ejection to nowhere. Subsection (E) preventing a door from closing would remain as a warning or ejection. Security and enforcement personnel would be able to give warnings for all these subsections with a new Schedule remedy addressing violations through alternative means.

We recommend this change.

It is our understanding that there is considerable consensus at Metro that alternative means are desirable and should be utilized as much as possible to assist unhoused persons. Courts have often instructed municipalities not to enforce “no camping” rules on their public property if and until they can offer the campers alternative shelter. While such rulings may not have application to a transit agency, they do serve as instructive in terms of making efforts to link notice of legitimate alternative resources as a precursor to removals.

We understand that Metro is making efforts, in conjunction with the cities, County, and nonprofit entities, to identify, create, communicate, and develop alternatives such as missions and tiny home villages.

This amendment would enable Metro to continue to ask for voluntary compliance via administrative (not criminal) enforcement and provide new alternatives to individuals rather than an unsafe ejection from the system. The use of ambassadors, social workers, and other personnel trained to assist mentally ill or unsheltered persons should be used whenever possible before resorting to law enforcement. Alternatives include referrals to a safe alternative environment. It provides for the development of alternative means to engage with the unhoused population, considering different persons have different needs and reasons for their lack of housing. It embodies the concept that no one should be turned away with no safe alternative remedy.

This amendment would enable Metro to continue to ask for voluntary compliance via administrative (not criminal) enforcement and provide new alternatives to individuals rather than an unsafe ejection

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from the system. Alternatives include referrals to a safe alternative environment. It provides for the development of alternative means to engage with the unhoused population, considering different persons have different needs and reasons for their lack of housing. It embodies the concept that no one should be turned away with no safe alternative remedy.

Transit Court has been adaptive in this regard as we have persistently sought to provide our patrons with alternative methods of resolving citations through our Transit School tutorial, installment payment plan programs, and through community service in lieu of the payment of fines. Enforcement personnel may also develop alternative administrative avenues and use these methods if a warning is ineffective, such as through referral or other means.

*D. In the Values section of the Code add a new section “6-05-010.C Metro and its representatives shall enforce the Code of Conduct with fairness, equity, civility, compassion and without bias.”*

### Values

The Customer Code of Conduct was written to communicate with patrons and therefore the Values section was written only to address Metro’s aspirational goals for patrons. Metro has an Employee Code of Conduct for its employees; therefore such remarks are vacant in the Customer Code of Conduct. However, in these times, it may be worthy to note to our patrons that we do have values and expectations for persons enforcing the Code, not just patrons, and so we suggest an insert in the Code to inform about employees, 3<sup>rd</sup> party law enforcement or security personnel, and any other persons who might be assigned enforcement duties (collectively “Others”), of the values applicable to these Others.

The proposed amendment will change section 6-05-010 of the Code to add a new subsection C. which is the bolded underlined words below:

#### 6-05-010 Values

- A. Patrons shall use the Metro system in a responsible manner to preserve and protect the aesthetics, and promote the longevity, of this essential public resource for greater mobility in LA County.
- B. Patrons shall treat other patrons and Metro representatives with consideration, patience, respect, and civility to allow use, operation, and enjoyment of the Metro system in a safe and gratifying manner for all persons.
- C. **Metro and its representatives shall perform its duties hereunder with fairness, equity, civility, respect, compassion and without bias.**

The effect of this change would add subsection (C) to the Values section of the Customer Code of Conduct and make a statement to directly address that Metro and its representatives will utilize the Code consistent with the Employee Code of Conduct values.

We recommend this addition to the Code.

We believe Metro personnel embrace this concept of values and that there is substantial consensus on this matter.

*E. In the Code deleting section “6-05-050.F, G” and relevant sections on the Schedule*

The proposed amendment will change section 6-05-050 of the Code to delete the strikethrough words as follows:

6-05-050 Blocking

The following acts are prohibited in Metro facilities and vehicles:

- A. [.....]
- ~~F. Reclining on, placing objects on, or blocking a seat.~~
- ~~G. Occupying more than one seat. [.....]~~

6-05-050	Blocking				
6-05-050.A-E, H, I	Blocking, operating or obstructing Metro vehicle, <del>occupying more than one seat</del> , impeding safe boarding	> Notice of violation \$75 fine > Ejection	> Notice of violation \$75 fine > Ejection	> Notice of violation \$75 fine > Ejection > Exclusion for 30 days	> Notice of violation \$75 fine > Ejection > Exclusion for 60 days

6-05-050	Blocking				
6-05-050.E-G	Obstruction of doors and seats	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection

The effect of this change would delete two subsections; “(F) reclining on, placing objects on, or blocking a seat,” and “(G) occupying more than one seat entirely from the Code and relevant Schedules.”

Approval of this Item E by the Board in the recommendations would be in lieu of, not in addition to, approval of items A through D.

Security and enforcement personnel would no longer have apparent administrative authority to engage persons sleeping and transporting large bags of personal effects on seats from riding the system perpetually with no destination. There would presumably be no enforcement because there would be no Code section to enforce.

This is a topic that we do not find substantial consensus within Metro at this time.

Based on minimal outreach on this matter, the OIG received comments and questions ranging from:

- a desire to see Metro apply a tiered approach and first attempt more effective, appropriate alternative options and methods as discussed in sections A through D herein before resorting to this option.
- expressions of confusion about the purpose and impact on the system that might result from adoption of this option; and whether it abandons those in need.
- when will the Public Safety Advisory Council complete its deliberations and offer suggestions in regard to this matter.
- will it make Metro ineligible for funding to address alternative resources.
- is it contra to our efforts to create Tiny Villages or utilize other resources.
- delete the Code sections because we should not have provisions we don’t enforce.



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- delete the Code sections because they impact the most vulnerable or certain segments of the population unfairly.

The OIG has not had an opportunity to thoroughly study these questions.

It is the role of the OIG to consider, analyze, comment on, or make suggestions concerning policy (and write it when it concerns the Transit Court or the Code after laws change or input is received from an affected department) but the OIG does not decide and set significant policy on its own that is in dispute and we could not find consensus on this matter, this policy impacts many complex social ills of homelessness and affordable housing, and Metro and the community is experiencing an unprecedented volume of impacts due to the pandemic, therefore we could not recommend this change to eliminate subsections (F) and (G) unless and until the Board provides further instructions on this matter to enable staff to better know the will of and receive the leadership provided by the Board.

### **FINANCIAL IMPACT**

There is no financial or budgetary impact by accepting the report.

### **EQUITY PLATFORM**

In the OIG's opinion we anticipate that approving any of these amendments will promote improved methods of addressing the circumstances of low-income unhoused persons riding the Metro system. Approving Items 1 through D will ensure Metro continues to attempt to address root causes of non-transportation purposed use of the system and has programs for same. Item E may improve unhoused persons access to full time uninterrupted transportation services but may be offset by eliminating promotion of alternative offerings and referrals to those most in need and by impacts to other segments of the ridership. Further study may be necessary to ascertain the impacts as circumstances change, ridership returns, and the pandemic ceases.

### **IMPLEMENTATION OF STRATEGIC PLAN GOALS**

Recommendations support the following strategic plan goals:

- Goal 2.1: Metro is committed to improving security.
- Goal 2.2: Metro is committed to improving legibility, ease of use, and trip information on the transit system.
- Goal 3.4: Metro will play a strong leadership role in efforts to address homelessness in LA County.
- Goal 5.3: Metro will develop a transparent data management policy that addresses open data, data storage, and data protections.
- Goal 5.4: Metro will apply prudent commercial business practices to create a more effective agency.
- Goal 5.6: Metro will foster and maintain a strong safety culture.

### **NEXT STEPS**

Following Board approval of the amendments to the Code, Transit Court staff will continue to work with Metro departments to communicate the Code including amendments, in a simple marketing type of presentation as opposed to the ordinance language, to the public to promote awareness, compliance, and enforcement consistent with the Board's approved amendments and the Chief Executive Officer's instructions.

**ATTACHMENTS**

Attachment A: Code of Conduct Data

Attachment B: Code Amendments  
Presentation

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Inspector General/Chief Hearing Officer