



Metro

Los Angeles County
Metropolitan Transportation Authority

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SYSTEM SAFETY AND OPERATIONS COMMITTEE
May 16, 2013

SUBJECT: TRANSIT COURT UPATE

ACTION: RECEIVE AND FILE TRANSIT COURT UPDATE

RECOMMENDATION

Receive and file this report concerning Transit Court.

ISSUE

This report provides an update regarding the status of Metro's Transit Court. The information highlights significant accomplishments and benefits achieved and addresses some potential areas for improvement.

DISCUSSION

Metro Transit Court began conducting parking citation hearings in October 2011 and fare evasion and other patron transit system misconduct citations appeal hearings in March 2012. Since that time a number of significant achievements have been reached including:

- Increased LASD deputy "field" time through reduction of deputy "court" time
- Development and operation of a paperless Transit Court
- Revenue capture through direct receipt of fines
- Reduced case load and burden for Los Angeles Superior Courts
- Established diversion program – Metro Transit School
- Improved service through patron feedback
- Improved tracking of transit related incidents and fines
- More affordable fines for persons with an "inability to pay" in our economic times

1. Increased LASD Deputy "Field" Time/Reduced Deputy "Court" Time

The decriminalization of fare evasion and minor passenger misconduct offenses has resulted in an extraordinary savings and the opportunity for more effective deployment of law enforcement for better safety and security of our system. This savings results from the decriminalization of fare evasion and minor passenger misconduct offenses. Los Angeles Sheriff Department (LASD) Deputies who previously attended appeal hearings in Superior Court are no longer required to do so, and can instead spend those hours policing the Metro system.

Hours Recovered/Savings Realized From Decriminalization

Transit Court Initial reviews 2012	Avg. Travel & hearing time	Reduced Hours in Superior Court	Savings to Metro for 9 mo. 2012
3,870 (430 avg. per mo. x 9 mo.)	3 hours per case	11,610 (3,870 x 3)	\$1,323,540 (11,610 x \$114 LASD rate)

By eliminating LASD Deputies time in Superior Court we estimate a savings of eliminated charges of over \$1.3 million for 9 months in 2012 or 11,600 hours for redeployment of Deputies to field time protecting patrons in our system.

2. Facilities and Staffing

The Transit Court facility located on the Plaza level at Gateway facility houses the Citation Administration function as well as the Hearing Unit.

- This location provides easy access for the public without intruding into agency work space at Gateway. Transit Court is open for hearings Tuesday through Thursday. Telephonic customer service is available 8 to 5 Monday to Friday.

- Transit Court provides a cash payment kiosk as well as an on-line computer for customers to pay fines. The average cash payments received per month is \$15,000. The monthly cost of the kiosk (\$1,400). This cost is incurred due to the reality that many of our patrons live on a cash basis. **Challenges:** We will seek options for reduction of this cost.

- Citation Administration is staffed by a Chief Administrative Analyst and an as needed assistant. The Hearing Unit employs one Principal Hearing Officer and as needed Hearing Officers are scheduled to conduct hearings as necessary. An Ethics Officer may appear as a representative on the Agency’s behalf at 3rd level Superior Court hearings. **Challenges:** As attrition of as needed Hearing Officers occurs new hearing officers must be recruited and trained to ensure continued flexibility as Transit Court continues to experience an increasing volume of hearings.

3. Alternative Programs

- Metro Transit School is an on-line educational option available to educate patrons about compliance and promote behavior change. Over 400 patrons completed our Transit School in 2012. Certificates of completion may be submitted once per year to reduce fines by \$15.00. **Challenges:** We are working to promote awareness of Transit School, such as in the citations letters mailed to patrons and on our web site, to increase education and compliance.

- Transit Court staff have pursued creation of a community service program through Volunteer LA, in order to give patrons a non monetary alternative to resolve their violations. Agency staff has reviewed a Memorandum of Understanding and County Counsel has reviewed and approved the draft MOU. **Challenges:** Individuals participating in community service must be insured. The costs of insurance to the participant are high compared to the fine for a single transit citation. Therefore only

persons with multiple citations would likely be interested in this alternative. In addition Metro would be required to pay a fee to Volunteer LA for assignment of the patron to work at a Metro community service program such as graffiti removal. These issues negatively affect the feasibility of this alternative.

4. Operating Costs/Budget

- Operating costs are coming down in FY14 for Transit Court. The Hearing Unit is reducing its budget for Hearing Officers and interpreter services. Our actual expenditures in FY 2013 have been less than budgeted due to lean but adequate scheduling of Hearing Officers and procurement of a reasonable cost telephone interpretive service vendor.
- The Citation Administration Unit is maintaining its same budget for FY14. Its principle expense is the processing vendor ACS/Xerox Corporation. **Challenges:** The volume of citations continues to rise and the collection rate for fare evasion citations is low rendering the recovery of costs marginal. Although Metro's Board and the California legislature made it clear that revenue generation is not the goal of this program, we intend to attempt to keep expenses down and increase revenue collection so that the fines collected continue to equal or exceed the costs of the program.

5. Hearing Due Process

- We conduct 430 to 500 initial citation reviews, and 113 to 125 2nd level appeal hearings, per month in Transit Court. Typically 1 citation per month proceeds to 3rd level appeal at Superior Court. Most 3rd level appeal decisions have upheld Metro's findings. **Challenges:** Congestion pricing HOT ExpressLane citation appeals will modestly increase hearing volume, and the volume of hearings will increase further if Transit Court assumes responsibility for adjudicating red light camera citations.
- Transit Court is fulfilling its purpose in providing our customers with a forum where they can receive fair, unbiased treatment. Patrons evidence and defenses are being seriously considered by unbiased Hearing Officers. Metro customers who disputed their fare evasion tickets were successful at initial review 10% of the time and at second level in person appeal hearings 30% of the time. Parking appeals are dismissed at a slightly lower percentage. These rates are consistent with San Francisco MTA and other entities with which we have benchmarked. The Quality Assurance Hearing Officer, Steve Carnevale, has regularly reviewed the work of the Transit Court Hearing Officers and found them to be effective in terms of courtesy, timeliness, information provided, fairness, and competency. **Challenges:** Mr. Carnevale has found the hearing officers to be consistently satisfactory, but did recommended some manual clarifications such as expanding our conflicts of interest policy to ensure procedures exist for recusal if a conflict or challenge arises, so we are revising our manual at this time.

6. Enforcement

Metro and LASD continue to discuss issues of enforcement particularly with respect to repeat offenders. Enforcement through exclusion from the system is a viable effective enforcement method being successfully utilized by other agencies. Transit Court

personnel in cooperation with Transit Security have developed and implemented a Service Exclusion Program as a tool of progressive discipline for the most recalcitrant patrons. The purpose of the program is to:

- 1) Increase the safety and security of agency employees and patrons by identifying and removing disruptive passengers from transit services; and
- 2) provide a method of behavior modification for the most disruptive passengers through a reasonable, progressive system, that complies with the tenets of constitutional due process.

Challenges: Effective service of exclusion orders on repeat offenders continues to be a challenge. Frustration with repeat offenders also existed under the criminal system. Presently repeat offenders are identified on a “hot list” that identifies persons eligible for exclusion. Violators must be personally served with a Notice of Exclusion specifying the reasons for exclusion, the places from which the individual is excluded, the period of exclusion, and the consequences for failure to comply.

Once the Notice of Exclusion is served, the “hot list” identifies the excluded persons. If the excluded person uses transit services in violation of the exclusion order, he or she may be arrested and criminally charged with trespassing. Since implementation of the program, Transit Court staff have provided LASD with a “Hot List” identifying persons eligible for exclusion.

During recent agency benchmarking with Denver Regional Transportation District (“Denver RTD”) the Denver RTD enforcement staff report their program, which is essentially the same as Metro’s, to be an effective tool for fare enforcement. Denver RTD reports issuing 7 to 10 suspensions per week, and arrests for trespass as well.

Challenges: Metro provides Hot Lists to LASD but does not at this time offer Deputies the same technological assistance that is available to officers in Denver. Metro’s TAP device, unlike the device used in Denver, is not a smartphone. It does not scan a license, write the citation on a template, or inform the officer that the person is a repeat offender who is eligible for exclusion from the system. This difference, that exists whether Metro has a criminal or administrative program, may affect LASD’s effectiveness to utilize the Service Exclusion Program. Later this year TAP will move to a smartphone and add the Metro Hot List information to the device that LASD Deputies carry, which is a step toward the technology Denver is utilizing. We will monitor success with the improved TAP device and continue to work with TAP and LASD to improve this process and consider other agencies successful methods.

7. Metro HOT ExpressLanes

Congestion Pricing citation processing is now added to Transit Court operations. Hearing officers have received training on the law and software of the vendor to hear these cases. We anticipate only a small additional case load as a result of these citations based on the opportunities for alternative resolution of these citations that is part of the HOT ExpressLane program. **Challenges:** The Metro web page for these new lanes has excellent short educational videos. We are discussing with the Congestions Pricing staff whether to add certifications at the end of each video and

allow a citation fine discount if the patron provides certifications for having watched all or some of the videos.

8.Fine Collection

- Parking citation fines are being successfully collected on 75% to 85% of all citations each month. This high collection rate is assisted by our ability to refer to DMV for collection any unpaid fines. This rate and practice is consistent with other agencies with whom we have benchmarked.
- Fare evasion citations are being collected at a lower rate as discussed below, but not a significantly different rate than the Los Angeles Superior Court or San Francisco MTA which is also administering a decriminalized fare evasion system.
- Transit Court net revenue, not including the savings from LASD reduced court time, is about equal to what Metro received from Superior Court remittances, so it is paying for itself.
- When Superior Court was adjudicating Metro fare evasion and passenger misconduct tickets fines were collected and remitted to Metro, with no breakdown information on the calculation of the funds. We were unable to verify if we were receiving correct amounts. This is still occurring for those tickets that continue to go to Superior Court (juveniles and other criminal Penal Code violations).

Superior Court Remittances for
Fare Evasion Citations, Red Light Camera Citations and Others

	2010	2011	2012
Fine Amount Received	2,372,372	2,124,050	2,026,640

Transit Court began processing fare evasion and other decriminalized citations in March 2012. At that time we ceased sending decriminalized citations violations to Superior Court. Consequently the fines collected on behalf of Metro by Superior Court began to decrease in 2012. The decrease in remittances from 2011 to 2012 was \$97,410. The offsetting gross amount received via Metro’s Transit Court for the same period was \$553,050.

Decrease Remittance from Superior Court in 2012	Gross Increased Revenue to Metro in 2012 via Transit Court	Positive Difference
\$97, 410	\$553,050	\$455,640

The primary reason for a positive difference in the amount of gross revenue collected by Metro is the rate of collection by Superior Court (an average of 12%) was of a bail amount for Metro of only \$22.25 (Metro’s portion of the approximate \$217.00 total fine). Metro’s average collection at the same or slightly better rate (15%) is on a fine of \$75. This lower fine (down to \$75 from \$217) is more likely to be paid by economically challenged Metro customers. This increased amount of revenue to Metro is mostly

consumed by the processing costs. The cost to Metro to process citations for 9 months in 2012 was primarily the citation administration vendor charges for processing, customer service and the cash kiosk (about \$412,000) and the cost of the part time as needed hearing officers and interpreter services (about \$28,500), for a total of 440,500. These costs do not include any savings from reduced LASD Deputy Court time.

Challenges: Metro will continue to consult with San Francisco MTA and other agencies to improve the citation fine recovery such as with legislation to require persons cited to produce some form of proof of address and other avenues of fine recovery.

9. Customer Feed Back and System Improvements

- We have provided to TAP and Operations customer feedback received in hearings that have resulted in a review of the placement of its TAP readers, including those located at transfer points and sporting events. We have also shared feedback from customers about signage. Improvement in these areas may improve our system.

- We look forward to seeing a drop in citations when gates are latched at many Metro stations as this latching may improve customers' understanding where and when to TAP.

- The attached log taken during the first two months of 2013 of the defenses offered by patrons in one hearing room at Transit Court demonstrates the types of defenses offered by patrons in response to a citation. **Challenges:** We intend to formalize methods for recording and sharing customer feedback with appropriate persons in Metro to improve our system. Receiving this feedback is valuable and one of the advantages of Transit Court over sending our customers to Superior Court.

NEXT STEPS

During FY 2014 we will address the challenges identified in this report by analyzing, planning, prioritizing, and working with LASD, TAP, Operations, and others in the Agency to implement improvements in those areas.

ATTACHMENTS

Appellate Defense Log

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APPELLATE DEFENSE LOG

January and February 2013 Decisions

	Excuse	Total	Percentage
1	Admission	7	3.52%
2	Thought they tapped	12	6.03%
3	Forgot to tap / pay	4	2.01%
4	Purchased fare	17	8.54%
5	Thought sufficient funds on card	7	3.52%
6	Thought valid fare media	32	16.08%
7	Unfamiliar with system / need to tap	14	7.04%
8	Thought unlimited fare	1	0.50%
9	Lost / stolen TAP card	6	3.02%
10	Faulty TAP card	2	1.01%
11	Borrowed TAP card	1	0.50%
12	Provided wrong TAP card	2	1.01%
13	Holder of access pass	6	3.02%
14	Personal care attendant status	3	1.51%
15	Ticket vending machine not visible	2	1.01%
16	Machine malfunction	12	6.03%
17	Ticket vending machine difficult to use	2	1.01%
18	Defective citation	12	6.03%
19	No contest	4	2.01%
20	Correctable violation	2	1.01%
21	Deny violation	11	5.53%
22	No intent	3	1.51%
23	Intended to comply later	1	0.50%
24	De minimis Violation	3	1.51%
25	Financial hardship	9	4.52%
26	Medical	2	1.01%
27	In a rush	6	3.02%
28	Age	1	0.50%
29	Incorrect information given on how to comply with law	1	0.50%
30	Wrong person	2	1.01%
31	No signs or improper signs posted	5	2.51%
32	Problems with registration	1	0.50%
33	Paid / valid registration	2	1.01%
34	Plan to junk vehicle	2	1.01%
35	Temporary tags displayed / visible	1	0.50%
36	No red paint	1	0.50%

Total | 199

APPELLATE DEFENSE LOG CHART

January and February 2013 Decisions

