

**Metro**Los Angeles County
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metro.net**EXECUTIVE MANAGEMENT AND AUDIT COMMITTEE
JANUARY 16, 2014****SUBJECT: AMENDMENT AND ADDITIONS TO THE CUSTOMER CODE OF
CONDUCT****ACTION: APPROVE AMENDMENT AND ADDITIONS TO THE CUSTOMER
CODE OF CONDUCT****RECOMMENDATION**

Approve amendment of Metro's Customer Code of Conduct (the "Code") (Chapter 6-05 of the Administrative Code), specifically section 6-05-230 for Fare Evasion, to clarify the definition of fare evasion and add the definition of fare-required zone, add reference of Penal Code section 19.8 in footnote 39, and add section 6-05-230(B) in the fare evasion penalty schedule, all as set forth in Attachment A to this Board Report. The amended Code will become effective February 1, 2014.

DISCUSSION

Transit Court has been successfully operating since September 2011, conducting hearings on transit, parking, and passenger misconduct violations of the Code.

1. Section 6-05-230 for Fare Evasion

Section 6-05-230 prohibits fare evasion and outlines the various ways a patron may evade fare. The current language of section 6-05-230(C)(1) prohibits the boarding of a Metro vehicle without adequate cash. To avoid a misinterpretation of the intent of the statute that a patron who does not pay the fare but boards a Metro vehicle with adequate cash is sufficient, a clarification of the language of the Code is warranted.

The current language of section 6-05-230(C)(1) is as follows:

- LACMTA Administrative Code section 6-05-230
C. Evading payment of a Metro fare is prohibited. Fare evasion includes the following:
1. Boarding a Metro vehicle or entering a Metro facility platform or other fare-required zone, without adequate cash or proof of valid fare media.

The proposed language of section 6-05-230(C)(1) is as follows:

- LACMTA Administrative Code section 6-05-230
C. Evading payment of a Metro fare is prohibited. Fare evasion includes the following:
1. Boarding a Metro vehicle or entering a Metro facility platform or other fare-required zone, without ~~adequate cash or~~ proof of valid fare media **or without paying the fare upon boarding a Metro bus.**

The proposed language would clarify the definition of fare evasion. The possession of adequate cash is replaced with paying the fare upon boarding a Metro bus. Fare evasion may not be avoided by the mere possession of adequate cash.

2. Section 6-05-230 for Fare Evasion

The Code does not currently define "fare-required zone". To clarify the area where fare media, or prior payment on a bus, is required for Metro patrons the Code is amended to add that definition to section 6-05-020 as follows:

"S. "Fare-required zone" includes 1) areas in any bus between the yellow line near the front of a bus to the rear of the bus, 2) areas in any Metro facility beyond any fare gate, standalone validator or fare tapping machine leading to a platform, 3) platform areas, or 4) areas where any sign indicates fares are required at or beyond that location.

3. Footnote 39

Section 6-05-200(C) on signage states that "Persons shall obey any sign that is intended to provide for the safety and security of transit passengers or the transit system." This section includes a footnote number 39. Footnote 39 references Public Utilities Code section 99170. Public Utilities Code section 99170 references Penal Code section 19.8 stating that a violation of section 99170 is an infraction under Penal Code section 19.8. The addition of Penal Code section 19.8 in Footnote 39 is added for clarification concerning the statutes that relate to obeying signs.

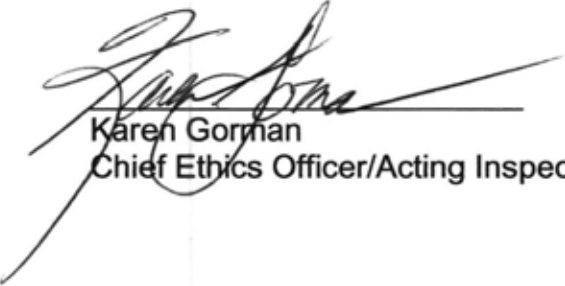
4. Section 6-05-230(B) Penalty Schedule

Section 6-05-230 prohibits fare evasion as discussed above. The penalty schedule currently includes fines for the offenses of fare evasion. The sections listed in the schedule for fare evasion include 6-05-230(A) and 6-05-230(C)(1-10). Section 6-05-230(B) should also be included. Section 6-05-230(B) states that "Patrons shall show proof of payment of fare upon request by a Metro representative." The addition of section 6-05-230(B) in the penalty schedule is added to include that provision in the penalty schedule.

NEXT STEPS

Following Board approval of the amendment to the Code, Metro will continue to work closely with the Los Angeles County Sheriff's Department to provide awareness of the amendment to ensure that violations are properly enforced.

Prepared by: Julie Chang, Principal Hearing Officer, Metro Transit Court



Karen Gorman
Chief Ethics Officer/Acting Inspector General

ATTACHMENT A

LACMTA Administrative Code section 6-05-230 Fares

C. Evading payment of a Metro fare is prohibited. Fare evasion includes the following:

1. Boarding a Metro vehicle or entering a Metro facility platform or other fare-required zone, without ~~adequate cash or~~ proof of valid fare media **or without paying the fare upon boarding a Metro bus.**

LACMTA Administrative Code section 6-05-020 Definitions

S. "Fare-required zone" includes 1) areas in any bus between the yellow line near the front of a bus to the rear of the bus, 2) areas in any Metro facility beyond any fare gate, standalone validator or fare tapping machine leading to a platform 3) platform areas, or 4) areas where any sign indicates fares are required at or beyond that location.

LACMTA Administrative Code section 6-05-200 Signs

C. Persons shall obey any sign that is intended to provide for the safety and security of transit passengers or the transit system .³⁹

³⁹ Public Utilities Code §99170; Penal Code §19.8

6-05-230 Fares									
6-05-230.A, B., C. (1-10)	Fare Evasion	>	Notice of violation \$75 fine	>	Notice of violation \$75 fine	>	Notice of violation \$75 fine	>	Notice of violation \$75 fine
		>	Ejection	>	Ejection	>	Ejection	>	Ejection
				>	Exclusion for 30 days	>	Exclusion for 60 days	>	Exclusion for 90 days