

PAPD Fare Evasion and Enforcement Policy

PURPOSE AND SCOPE

The purpose of this Policy is to establish uniform procedures of Port Authority Police Department (PAPD) Fare Enforcement Officers (FEOs) for the conducting of Fare Enforcement activities to ensure that all system users are in compliance with proof of payment requirements. FEOs will conduct impartial inspections while instilling a sense of security and encouraging continued use of Port Authority's public transportation system and services.

POLICY

It is the policy of the Port Authority Police Department to ensure, in a fair and non-discriminatory manner, that members of the public utilizing Port Authority's public transportation system and services pay the appropriate fare. The purpose of this policy is to define the role of Port Authority Police officers as it relates to fare enforcement and inspection.

Enforcement of the "Cashless Proof of Payment" fare collection process will be accomplished by Port Authority Police officers. The role of FEOs is to educate customers on the proof-of-payment system; take enforcement action against fare evaders; and establish a clear presence aboard transit vehicles and throughout the Port Authority's transit system to deter fare evasion. These steps are implemented in an attempt to gain compliance within the established system and, when warranted, issue citations to individuals evading the "Cashless Proof of Payment" system, as set forth herein. Port Authority Police Officers will be the primary point of contact with passengers. As such, the highest standards of integrity, fairness, impartiality, and professionalism are expected of them. In terms of public acceptance and enforcement of the proof-of-payment system, the fare inspections are essential to the success of the system. The philosophy for fare enforcement will be high visibility, with pleasant, yet firm enforcement. This philosophy dictates that Port Authority Police Officers apply interpersonal relationship skills and law enforcement authority to gain acceptance of and compliance with the proof-of-payment system.

It is intended by the Port Authority Police Department that the presence of Port Authority Police officers, while conducting fare inspections, will provide added security and visibility to passengers and Authority personnel throughout the Light Rail System.

It shall be the policy of the Port Authority Police Department to vigorously enforce transit specific crimes, including fare evasion. All members of the public utilizing Port Authority's public transportation system and services must pay the appropriate fare. Persons having contact with members of this department shall be treated in a fair, impartial, equitable, and objective manner in accordance with law and without consideration of their individual demographics. It is incumbent upon all employees of this department to make a personal commitment to equal enforcement of the law and equal service to the public. Confidence in this commitment will increase the effectiveness of the Department in protecting and serving the entire community.

FARE EVASION DEFINED

Fare evasion occurs when an individual travels or attempts to travel on the Port Authority system without payment of the required fare.

FARE EVASION ENFORCEMENT

In general, there are three (3) relevant provisions of PENNSYLVANIA STATUTES, TITLE 18 CRIMES AND OFFENSES that are used by officers of the PAPD for fare evasion.

§ 3503. Criminal Trespass

§ 3926. Theft of Services

§ 4106. Access Device Fraud

FEOs are responsible to review each of these statutes and conduct fare enforcement activities in accordance with the provisions of this policy. For purposes of this section, fare evasion includes *entering an enclosed area of a public transit facility beyond posted signs prohibiting entrance without obtaining valid fare, in addition to entering a transit vehicle without valid fare.*

FEOs are also required to comply with the Port Authority's Title VI Policy guidelines published on Port Authority's public website and aboard various Port Authority transit vehicles.

Persons attempting to evade payment of fare are subject to issuance of summary citation for Theft of Services under §3926. Flagrant or repeat violations established through PAPD records or database checks may result in arrest under §3503 Criminal Trespass. Persons in possession of a counterfeit or fraudulent fare card or pass are subject to citation or arrest under §4106 Access Device Fraud.

CASHLESS PROOF OF PAYMENT/AREAS OF COVERAGE

PAPD FEOs will conduct fare enforcement activities by proactively monitoring and scanning the fare instruments of Port Authority patrons who have entered into a Paid Fare Zones and/or onboard light rail vehicles to verify payment and compliance with Port Authority's Cashless Proof of Payment fare collection system. Patrons in these areas will be required to have, and provide to the FEO for inspection upon request, a valid fare instrument.

A standard valid fare instrument will include a Port Authority-issued ConnectCard or ConnectTix with a valid period pass product (i.e., a ConnectCard loaded with a monthly or a weekly period pass product) or a minimum amount of stored value (currently \$2.50 for one ride or \$1.00 for a transfer) on same that has been validated on a Station validator or onboard a light rail vehicle farebox.

Other acceptable fare instruments include the following:

- U-Pass Card participants (University of Pittsburgh, Carnegie Mellon University and Chatham University) issue employee and student identification cards that are compatible with Port

Authority's automated fare collection system. If a University of Pittsburgh identification card cannot be validated, then the cardholder should be instructed to obtain a Connectix to pay the fare and/or visit PantherCentral to have the subject identification card updated or replaced; if the identification cardholder cannot pay the fare, then the cardholder should be instructed to leave the Paid Fare Zone or light rail transit vehicle at its next stop. For Carnegie Mellon University and Chatham University identification cardholders whose identification cards cannot be validated, the identification card should be visually inspected to verify a valid expiration date. To the extent that the identification cardholder has not already done so, the cardholder should then also be directed to a farebox for an operator to manually record the cardholder's ride. If the identification card does not have a valid expiration date, then the identification cardholder should be instructed to obtain a fare instrument to pay the fare or to leave the Paid Fare Zone or light rail transit vehicle at its next stop;

- Riders with disabilities using a valid ACCESS ConnectCard are permitted to have a companion ride with them without the companion having to possess a valid fare instrument or pay an additional fare. FEOs should have the ACCESS ConnectCard holder confirm the individual with the cardholder is the cardholder's designated companion rider;
- Seniors with a valid Senior Pass or Medicare card can ride for free. FEOs should visually inspect the Senior Pass or Medicare card to confirm validity; and
- Pittsburgh Public Schools are issued a limited amount of flash monthly passes. FEOs should visually inspect these flash passes to confirm validity.

To the extent that there are any changes, temporary or permanent in nature, in Authority's acceptable forms of fare instruments or related fare policies or procedures, Police Command Staff and/or Police Dispatch will promptly advise FEOs of such changes.

Paid Fare Zones include clearly marked station locations, boarding areas, or travel from Station Square to the end of the line on both the Red and Blue Lines (South Hills Village and Library), and on the Port Authority-owned and operated Monongahela Incline. Downtown and North Shore light rail service will remain free to the public; however, the free fare zone area may be reduced or expanded in the Port Authority's discretion in the future.

COMPLIANCE MONITORING AND INSPECTIONS

Port Authority FEOs will inspect passenger fare instruments both while on board the Light Rail Vehicles and off board at applicable light rail Stations while located in a "Paid Fare Zone." Port Authority will clearly sign and mark "Paid Fare Zones" so that patrons will be on notice that crossing into such "Paid Fare Zones" and on board Port Authority light rail vehicles will subject patrons to fare inspection activities being carried out by FEOs. Officers shall announce their intent to inspect fares by stating something such as, "Fare Inspection" or "Please display your ConnectCard, Connectix or Other Fare Instrument for Fare Inspection."

When inspections are to take place, FEOs will inspect fares in a non-discriminatory manner in accordance with this policy and Port Authority's Title VI Policy published on its public website and onboard various Port Authority transit vehicles.

In conducting compliance monitoring and inspections, FEOs are strictly prohibited from engaging in “selective enforcement” or other conduct that could be perceived as unfairly targeting or discriminating against any class of persons based upon race, color, national origin, immigration status, religious beliefs, physical or mental disabilities, sexual orientation or gender identification. FEOs should not require persons to show identification unless reasonable suspicion or probable cause of criminal activity has been established, through either the fare enforcement compliance monitoring and inspections action, or by independent circumstances.

FEOs will be fully trained on Authority’s Fare Policy, this Fare Evasion and Enforcement Policy and relevant fare enforcement equipment and procedures before being assigned to engage in Fare Enforcement activities.

FARE ENFORCEMENT OFFICER (FEO) PROCEDURES

- (1) PAPD Officers are authorized to conduct two types of fare evasion compliance monitoring or inspection – Validator Based or Visual Based.
 - a. Validator Based – The PAPD has purchased handheld devices, currently Nautiz X5, to enable FEOs to routinely check that fare instruments presented by passengers are “valid” for use at the time of presentation. The use of the handheld device is preferred in the conduct of fare enforcement activities. FEOs are required to promptly report any defective validators with a repair request to their supervisor.
 - b. Visual Based – FEOs can conduct visual inspections. These typically would occur at stationary validation points at stations or boarding. FEOs would monitor whether an individual properly utilized their fare instrument at the validation point in the subject station or while boarding.
- (2) Enforcement. FEOs are to conduct a records check, through Police Dispatch, for every individual who does not have proper fare instrument.
 - a. First-time Fare Violators – When a records check determines that an individual has not had any prior contact with PAPD for fare evasion, the FEO will issue a verbal warning to the offender advising that any further violations will result in a summary citation. The offender’s name should be recorded in the PAPD records system. The FEO has the discretion to direct the fare evader to exit the paid fare zone or transit vehicle to pay the proper fare; or to allow the offender to ride to their destination for purposes of paying the proper fare at that time. An inability or unwillingness to pay the proper fare will be noted in the record, and the FEO should request that the offender immediately leave the Paid Fare Zone or be subject to arrest for criminal trespass.
 - b. 2nd Offense Fare Violators – If the FEO believes that fare payment was intentionally avoided upon a 2nd occurrence the individual will be issued a summary citation for §3926 Theft of Services and the offender’s name should be recorded in the PAPD records system. The officer shall issue a Theft of Services citation and issue an “Official Warning” for trespassing on Port Authority property. If FEO decides not to cite an offender who has been previously warned, the Officer is to document the circumstances. The FEO has the discretion to direct the fare evader to exit the Paid Fare Zone or transit vehicle, to pay the proper fare; or to

allow the offender to ride to their destination for purposes of paying the proper fare at that time. An inability or unwillingness to pay the proper fare will be noted in the record, and the FEO should request the offender to immediately leave the Paid Fare Zone or be subject to arrest for criminal trespass.

- c. 3rd Offense or Greater Fare Violators – Based on a 3rd violation, the FEO shall cite the offender for both §3926 Theft of Services and §3503 Criminal Trespass. At the discretion of the FEO, the offender is subject to a summary citation or arrest for the criminal trespass violation. If the FEO decides not to cite or arrest an offender, the Officer is to document the circumstances.
 - d. Fare Violator in Possession of Counterfeit or Fraudulent Fare Card/Pass –At the discretion of the FEO, the offender is subject to summary citation or arrest for violation of §4106 Access Device Fraud.
 - e. Other Criminal Activity – Persons observed to be committing additional crimes during the conduct of fare compliance monitoring or inspection are subject to a summary citation or arrest for the additional crimes. FEOs shall document in the report that the additional crime(s) occurred during the course of fare evasion activities.
- (3) All PAPD officers operating within the scope of this policy will document all incidents on the appropriate Police incident report form(s) and/or records management system, including patrol logs. Officers who cite/arrest offenders for violation of § 3503. Criminal Trespass, § 3926. Theft of Services or § 4106. Access Device Fraud, shall list the following in the report:
- a. Name and identifying information for the person;
 - b. Location;
 - c. Direction;
 - d. LRV Number;
 - e. How offender was identified; and
 - f. Explanation given for not having paid the required fare.
- (4) PAPD Officers assigned to fare enforcement detail are required to wear the Department’s high-visibility yellow/green traffic vests, which clearly identifies the wearer as a Port Authority Transit Police Officer.