

News **State Government**

Legislators close to a deal on Metro Transit fare enforcement

Legislators from both parties worked over the summer and fall to learn about how Metro Transit enforces fare collection — and to seek some common responses. Metro Transit also used that time to implement changes in response to GOP complaints about crime and safety on the system.

By [Peter Callaghan](#) | Staff Writer



Fare evasion is mostly a problem on light rail and bus rapid transit lines where fares are collected at stations, not by drivers.

MinnPost photo by Peter Callaghan

March 4, 2021 Implementing a change in how Metro Transit enforces fare collection

had once been yet another reason for legislative Republicans and DFLers to disagree.

Getting rid of criminal citations and the \$180 fine for evading a \$2 fare was seen as either a more efficient and fair way of responding to non-payment — or a way of coddling lawbreakers and exacerbating unsafe conditions on buses and trains.

Yet [lawmakers who disagreed a year ago](#) might be coming together in 2021. A bill in the Minnesota House, HF 1306, was approved by the House Transportation Committee 15-1 last week. And a companion bill in the state Senate, while still not fully resolved, was greeted by that chamber's Transportation Committee with little partisan rancor.

Sen. Scott Newman, the Hutchinson Republican and chair of the Senate Transportation Committee, said Monday he has modified his position. “Last year, when this came forward I have to admit I was rather intransigent in my belief that we had to maintain the criminal penalties,” Newman said. “I have changed my mind on that.”

The difference between then and now is that legislators from both parties worked over the summer and fall to learn about the issue — and seek some common responses to it. Metro Transit also used the interim between sessions to implement changes that responded to GOP complaints about crime and safety on the system.

“I think this is a case where time and information and conversation have brought well-meaning people closer to agreement and that's a beautiful thing,” said Will Schroer, the executive director of the business and government transit advocacy organization East Metro Strong.



State Sen. Scott Newman

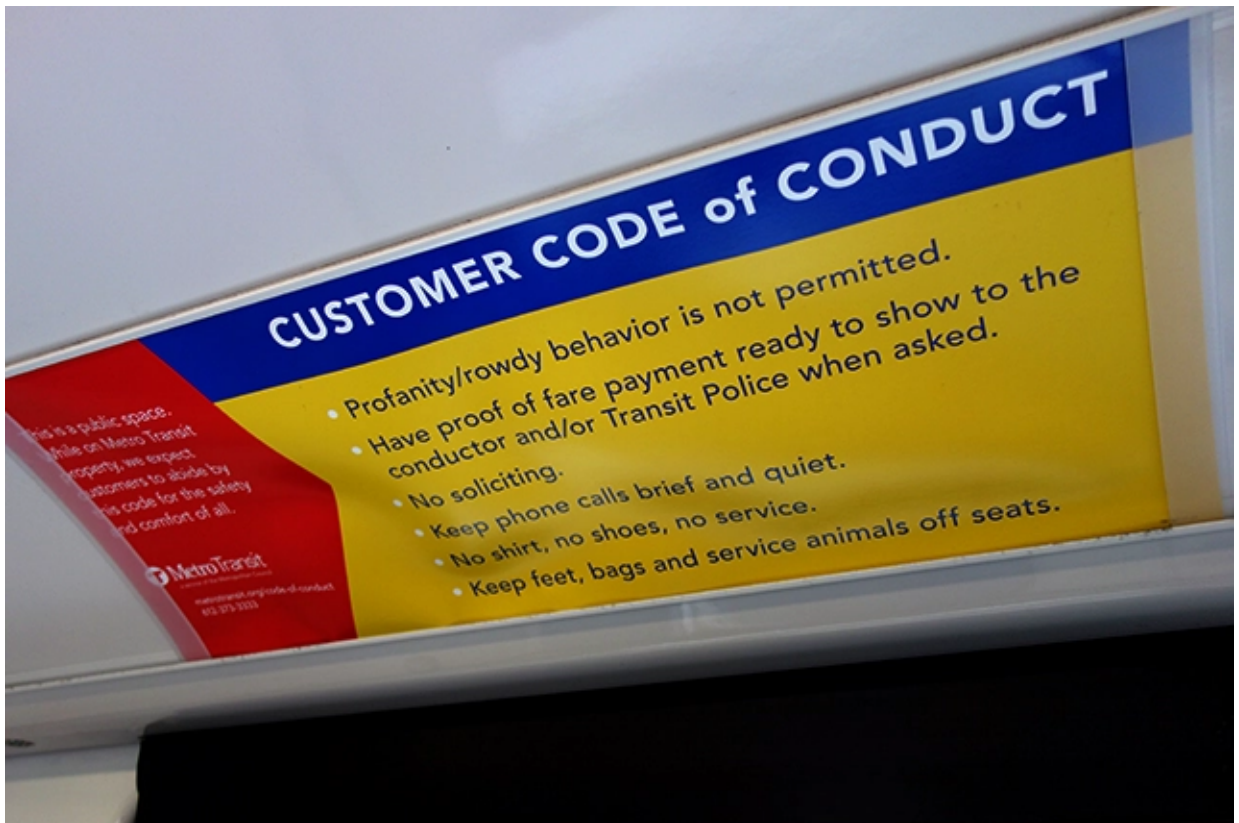
The group has been advocating for the change in enforcement as a way to increase safety — both actual and perceived — on trains and buses, with [Schroeer co-authoring a study](#) of how other cities [have used non-police fare enforcement](#).

Fare evasion is mostly a problem on light rail and bus rapid transit lines where fares are collected at stations, not by drivers. Enforcement therefore requires people — currently, police officers — to board vehicles and ask riders to show proof that they paid for the ride.

Metro Transit has tried to make the point that while citing fare evaders with tickets might satisfy legislators who prefer a tougher approach, the result is something different. Because county attorneys don't consider prosecuting such cases a good use of time and because they think the sanctions are overly harsh — violations equate to a gross misdemeanor and result in a criminal record — fewer than 5 percent of tickets result in convictions.

“We believe this harsh penalty for a relatively minor offense contributes to the hesitancy to allocate limited prosecutor time to the adjudication of evasion citations,” Metro Transit general manager Wes Kooistra told the House committee.

Using non-sworn staff to enforce fares and issuing administrative tickets comparable to parking tickets, the \$35 fine would have a better impact on fare payment. Some have called these staffers “transit ambassadors” because their duties resemble similar staff in the downtowns of Minneapolis and St. Paul who help tourists and direct homeless people and those with mental health and addiction issues to services. Hired by downtown business groups, the ambassadors wear identifiable uniforms but don’t resemble police and are trained in de-escalation techniques.



A Metro Transit code of conduct sign displayed on a Green Line train.

MinnPost photo by Peter Callaghan

But the move to create ambassadors for Metro Transit while at the same time decriminalizing fare evasion led some GOP members to consider the program to be a soft-on-crime measure at a time when offenses were increasing.

The movement toward a compromise was led by former DFL Rep. Brad Tabke of Shakopee and GOP Rep. Jon Koznick of Lakeville, [though their compromise was not voted on last year](#). Rep. Steve Elkins, DFL-

Bloomington and a former member of the Met Council, has taken the lead for his caucus this year.

The approach was to simplify the bill: [HF 1306](#) now authorizes transit agencies to shift to administrative tickets but does not require them to do so. Kooistra told both committees the agency would use the federal CARES Act and other federal pandemic response money to pay for 24 fare enforcement staffers for the first two year, eliminating the funding issue from legislative consideration for now.



Wes Kooistra

MinnPost photo by Peter Callaghan

Kooistra said crime was down in 2020 but so was ridership, dramatically, due to pandemic restrictions. The agency thinks problems will return when ridership recovers. Kooistra said that the Met Council has already done on its own some of the mandates that GOP versions of the bill included last year.

Those changes include preparing annual reports on safety, posting a rider code of conduct, placing new cameras on vehicles and platforms, increasing police presence via overtime and implementing real-time monitoring of video feeds and texted safety alerts. The transit agency has also begun more thorough and more frequent cleaning of vehicles and has switched from cloth seats to plastic to make them easier to clean.

The agency continues to face issues caused by homelessness and the lack of systems to help people with mental health and substance abuse problems, Kooistra said. Many people facing those challenges resort to transit vehicles for shelter, and Metro Transit has created a homeless action team to help people find accommodations but it continues to seek partners to deal with those underlying issues.

“As with unsheltered homelessness, having mental illness and chemical addiction is not a crime,” Kooistra said. “These are diseases of the brain that require treatment and healthcare. And until community strategies and resources are better aligned with these needs, transit and the communities it serves will continue to face challenges.”

In the Senate, Newman and DFL Sen. Scott Dibble of Minneapolis said they would work to resolve final differences. “Just wish us luck,” Newman said.



State Sen. Scott Dibble

Among the unresolved issues are GOP lawmakers’ desires to put some of their concerns into the bill – and not leave them to the Met Council to implement. Those issues include the posting a code of conduct on vehicles and at stations, a requirement that Metro Transit not reduce the number of police officers, increasing penalties for repeat offenders and banning anyone who commits more serious crimes.

Dibble said he could support some, but not all, of the GOP proposals.

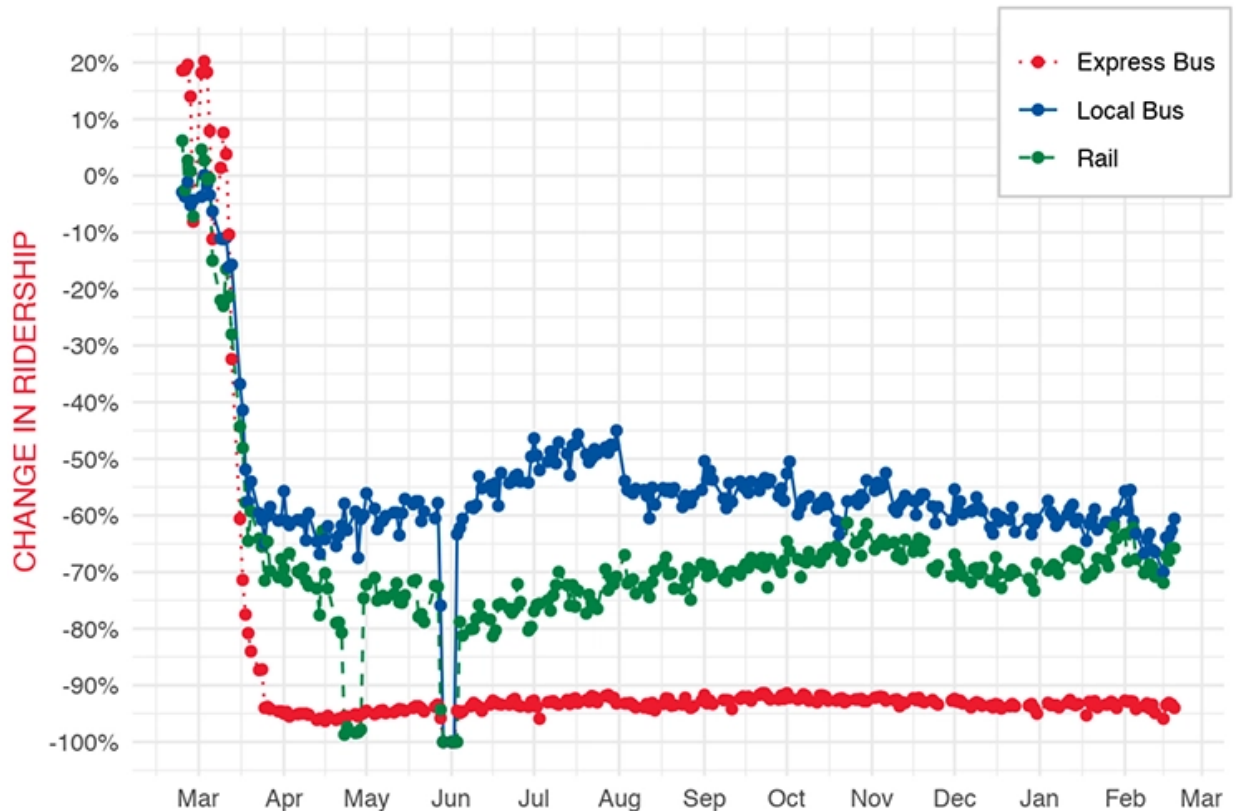
Another unresolved issue is to create a way for Metro Transit to work with community groups trained in de-escalation techniques that could be used to help reduce crime and disruptions on trains and buses. Dibble said these would cover duties of the transit ambassadors that caused divisions last year. “They would have the ability to approach individuals who are either in crisis or otherwise engaging in behaviors that make other riders uncomfortable with the skills of connecting those folks with services, de-escalate and call in additional support police if need be,” Dibble said.

Transit advocates support the shift to administrative citations, but also want to eliminate the current legal authority to issue misdemeanor tickets. While current proposals say riders could not receive both a ticket and an administrative citation, it leaves open the possibility that some riders could get a \$180 ticket from a police officer while others could receive a \$35 ticket.

Amity Foster of the Twin Cities Transit Rider Union said that could lead to discrimination against some riders, especially people of color. “What will be the structures in place to prevent white riders from getting administrative citations and Black riders from Minneapolis getting misdemeanors,” Foster asked.

Percent Change in Weekday Ridership

(Compared to average weekday ridership 2/24–2/28)



Metro Transit

And Finn McGarrity, a community organizer for Move Minnesota, said such a dual system of enforcement would be unique. “We could not think of another example where the exact same action carries the potential for two wildly different consequences,” McGarrity said.

Kooista said Metro Transit would shift completely to administrative citations and stop issuing the misdemeanor tickets should the bills pass. “We see it as opt in/opt out,” he said. Nothing in the bill currently would prevent the agency from reinstating the tickets in the future.



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