



**Metro**

April 17, 2018

Randy Chinn  
Chief Consultant, Senate Committee on Transportation and Housing  
State Capitol, Room 2209  
Sacramento, California 95814

RE: LA Metro Fifth Year Transit Court Report for 2014 – 2017

Dear Mr. Chinn:

I am pleased to submit the enclosed report, “LA Metro Fifth Year Transit Court Report for 2014 – 2017,” as required by Section 99580 subsection (g) of the Public Utilities Code. That code section provides that:

If an entity enacts an ordinance it shall after five years report certain information concerning the operations relative to the ordinance.

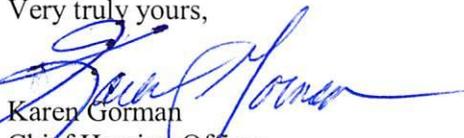
Section 99580 was effective in 2012. The ordinance in question, entitled the Metro Customer Code of Conduct, was enacted in July 2011. Metro Transit Court was not fully functional until March 2012. The first report was filed in 2014. This is the second report, which covers the years 2014 through 2017.

This report responds to the topics outlined in the legislation and provides an overview of the Metro Transit Court operations, accomplishments, and challenges.

Metro is distributing the report to the Legislature pursuant to Government Code section 9795. This report can be found at <http://www.metro.net/about/oig/>.

If you have any questions or comments, please contact me at my direct number, (213) 922-2975 or you may email me at [gormank@metro.net](mailto:gormank@metro.net).

Very truly yours,

  
Karen Gorman  
Chief Hearing Officer  
Metro Transit Court

Attachments



**Metro**

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April 17, 2018

Daniel Alvarez  
Secretary of the Senate  
California State Senate  
State Capitol, Room 3044  
Sacramento, California 95814

E. Dotson Wilson  
Chief Clerk of the Assembly  
State Capitol, Room 3196  
Sacramento, California 95814

Diane F. Boyer-Vine  
Legislative Counsel  
State of California  
State Capitol, Room 3021  
Sacramento, California 95814

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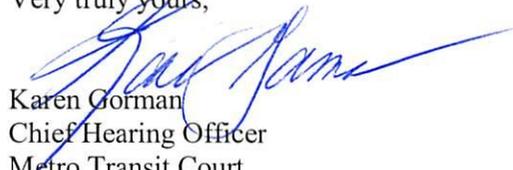
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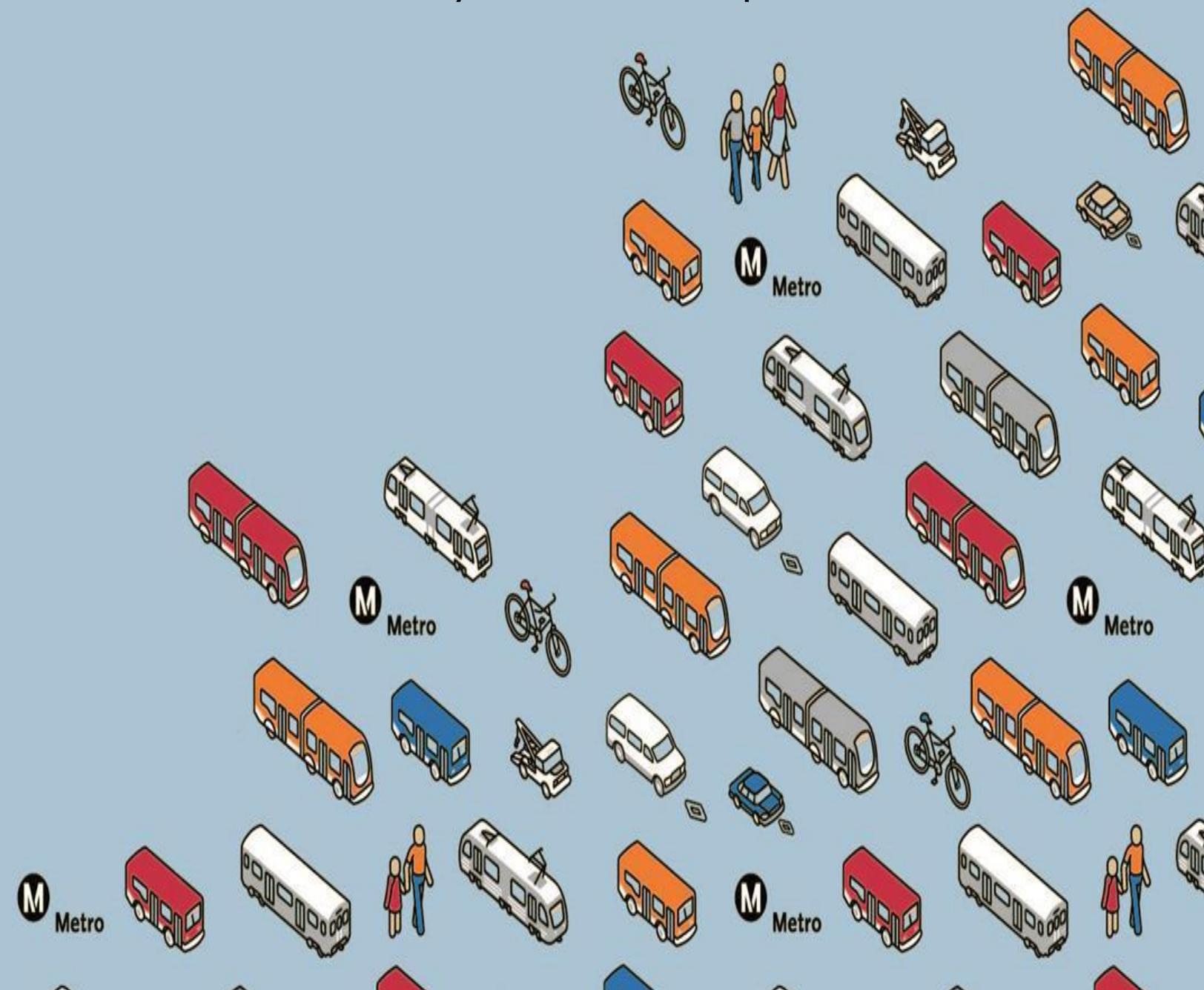
# LA METRO FIFTH YEAR TRANSIT COURT REPORT FOR 2014 – 2017

Prepared by:

Los Angeles County Metropolitan Transportation Authority  
Karen Gorman, Chief Hearing Officer

Submitted to:

Senate Committee on Transportation and Housing and  
Assembly Committee on Transportation





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## LEGISLATIVE REPORTING REQUIREMENTS

Pursuant to the provisions of California Penal Code section 640, certain entities, including the Los Angeles County Metropolitan Transportation Authority (“Metro”), may enact and enforce an ordinance providing that infractions listed in that code section concerning fare evasion and passenger misconduct shall be subject only to an administrative penalty imposed and enforced in a civil proceeding. Penal Code section 640 further provides that the ordinance shall be governed by Chapter 8 (commencing with Section 99580) of the Public Utilities Code.

California Public Utilities Code section 99580(g), enacted in the 2011 legislative session and effective on January 1, 2012, provides that if an entity such as Metro enacts an ordinance to impose and enforce administrative penalties for infractions concerning fare evasion and passenger misconduct, the entity shall report, two years and five years after enactment of the ordinance, the following information to the Senate Committee on Transportation and Housing and to the Assembly Committee on Transportation:

***Reporting Requirement #1:*** A description of the ordinance, including the circumstances under which an alleged violator is afforded the opportunity to complete the administrative process.

***Reporting Requirement #2:*** The amount of the administrative penalties.

***Reporting Requirement #3:*** The number and types of citations administered pursuant to the ordinance.

***Reporting Requirement #4:*** To the extent available, a comparison of the number and types of citations administered pursuant to the ordinance with the number and types of citations issued for similar offenses and administered through the courts both in the two years prior to the ordinance and, if any, since enactment of the ordinance.

***Reporting Requirement #5:*** A discussion of the effect of the ordinance on passenger behavior.

***Reporting Requirement #6:*** A discussion of the effect of the ordinance on revenues to the entity described in subdivision (a) and, in consultation with superior courts, the cost savings to the county courts. The superior courts are encouraged to collaborate on and provide data for this report.

The Metro Board approved a Customer Code of Conduct (“Customer Code”) on July 22, 2010 to be effective at a future date. The Customer Code was initially amended on June 23, 2011 and again on January 26, 2012, becoming effective at the same time full operation of Metro Transit Court began in March 2012. The first report filed with the legislature therefore covered the years 2012 and 2013.<sup>1</sup> This second report covers the years 2014 through 2017.

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<sup>1</sup> The first full years after the effective date of the Public Utilities Code section 99580 and after commencement of operations by Metro Transit Court.

## **INTRODUCTION – METRO TRANSIT COURT ACTIVITIES AND ACCOMPLISHMENTS DURING 2014 – 2017**

In July 2010, Metro’s Board authorized staff to move forward with development of a plan for the creation of Metro Transit Court. The purpose of the Court is to better serve Metro customers by providing a system that permits those cited for transit violations an opportunity to resolve citations through a civil administrative process rather than as criminal infractions under the California Penal Code. The Transit Court began processing citations and conducting appeal hearings for fare evasion and other patron transit system misconduct citations in March 2012. Since that time a number of significant achievements have been reached, which include the following:

- Reduction of the burden on the Los Angeles County Superior Court (“LACSC”) by decreasing their transit related case load volume by 171,282 citation cases in 2014 through 2017;
- Savings of time and resources in 2012 of approximately \$1,297,956, of approximately \$2,003,436 in 2013, and of approximately \$991,800 from fiscal year 2014 through 2017 by the Los Angeles County Sheriff’s Department (“LACSD”) through reduction of hours officers spent testifying in transit violation cases. Less time spent in court allowed officers to be redeployed to other transit related duties;<sup>2</sup>
- Improved quality of citation writing through feedback from Transit Court to LACSD Deputies, thereby decreasing the number of invalid tickets;
- More affordable \$75 fines (in place of LACSC fines and fees of over \$220), which benefit all patrons, but particularly low income members of the community;
- Improved service and safety through the use of feedback from customers in Transit Court hearings;
- Creation of Metro Transit School, an on-line, short free diversion program that educates the public on passenger safety issues, other passenger conduct, and on how to use the transit electronic fare media payment system (“TAP”);
- We allow a \$15 reduction in outstanding fines for persons completing our Transit School;
- We have instituted a payment plan program and community service program for resolution of fines; and

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<sup>2</sup> Calculated by multiplying number of court hours saved per citation (3) times the average hourly pay of a Sheriff’s Deputy (\$114) times the number of initial citation reviews processed between fiscal year 2014 and 2017 (2,900).

- Recent state legislation changes allowing minors to be included in the Metro ordinance in lieu of criminal penalties under the California Penal Code. The Metro Board instructed us to take over the handling of minors' cases from the County Probation Department to avoid minors' interaction with law enforcement-related personnel.

### ***REPORTING REQUIREMENT #1 – DESCRIPTION OF METRO CUSTOMER CODE OF CONDUCT***

Metro's ordinance implementing California Public Utilities Code section 99580, *et seq.* was enacted July 22, 2010 and amended June 23, 2011, January 26, 2012, February 28, 2013, and May 1, 2017. The ordinance is contained in Chapter 6-05 of the Metro Administrative Code, Metro's Customer Code. The Customer Code may be found at: [http://media.metro.net/about\\_us/ethics/images/codeofconduct\\_customer.pdf](http://media.metro.net/about_us/ethics/images/codeofconduct_customer.pdf). Metro began operating under the Administrative Code in late 2012.

The purpose of the Customer Code is to provide the public with the relevant transit rules and information in one place<sup>3</sup>, and to promote public safety and enjoyment of the Metro system. The ordinance sets forth the rules for use of Metro facilities and riding Metro vehicles. It explains the enforcement of the rules occurs through a fair, impartial administrative procedure with due process in Metro Transit Court, affording resolution of transit violation citations through appeals, payment of fines, and diversion programs such as Transit School or community service. It provides notice that repeated violations resulting in multiple citations that the patron continually fails to resolve may result in suspension from use of the system for a short period.

The Customer Code is comprised primarily of Penal Code section 640 transit offenses that have been decriminalized such as fare evasion, smoking, eating, and drinking in Metro vehicles and facilities. The Customer Code also includes regulations such as those concerning proper safe use of escalators on Metro property, lost and found procedures, and littering.

Metro believes that Transit Court is fulfilling its purpose in providing customers with a forum where they can be heard and receive fair and unbiased treatment. Metro's administrative adjudication procedures consist of an initial review of the citation (Level 1 review) by transit security staff. If the customer disputes the results of the initial review, the customer may, within 21 days, request an administrative hearing by declaration or in-person with a hearing officer (Level 2 review). The fine must be paid before the hearing unless the customer demonstrates they are unable to do so. If a citation is upheld at the Level 2 hearing, the customer may, within 30 days, appeal the Transit Court hearing decision to the LACSC (Level 3 review).

Citations will be dismissed if customers present valid defenses with credible evidence. Hearing Officers are independent attorneys, working for Metro mostly on a part-time and

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<sup>3</sup> Metro publishes the Customer Code both online and in a convenient booklet available to the public in multiple languages.

as-needed basis. They are paid for the hours they work and not based on the outcome of hearings. Metro employs a Quality Assurance Hearing Officer who periodically reviews a sampling of hearings. Metro's Quality Assurance Hearing Officer has found the hearings and Hearing Officers to be effective regarding courtesy, timeliness, information provided, fairness, and competency.

### ***REPORTING REQUIREMENT #2 – PENALTY SCHEDULE***

Public Utilities Code section 99580(e) provides that transit agencies shall establish penalties that do not exceed the maximum amount set forth in Penal Code section 640, which is \$250 for a first offense and \$400 for a third or subsequent offense.

Under Metro's Customer Code, the fine is \$75 per violation. Violations subject to a fine include fare evasion, playing loud sound equipment, smoking, eating or drinking, expectorating, willfully disturbing others by engaging in boisterous or unruly behavior, carrying a hazardous material, urinating or defecating, willfully blocking the free movement of another person, riding a bike on a rail platform, obstruction of seats and doors, and improper use of carts and strollers.

The \$75 penalty is modest and consistent with penalties assessed by other large transit agencies such as New York (\$100 fine for fare evasion) and Chicago (\$200). It is substantially lower than the total amount of bail and fees assessed by the LACSC.<sup>4</sup>

Violators may also be subject to short periods of exclusion from the system for unresolved, numerous offenses. Notice and due process is provided prior to imposing these last resort consequences. Typically exclusion orders have only been imposed in cases where a violator had accumulated numerous unpaid, unresolved citations with no attempt to pay a fine or request an appeal. We estimate that short term exclusions orders issued amounted to less than 200 per year during this five (5) year reporting period with an annual boarding number of 1,760,904,815 riders.

For the previous three (3) years, transit citations were issued by LACSD Deputies, LA Metro Transit Security Officers and unsworn Security Assistants employed by the LACSD.<sup>5</sup> Beginning July 1, 2017, citations began to be issued by non-sworn LA Metro Transit Security personnel in addition to officers in the Los Angeles and Long Beach Police Departments. Although LACSD, LAPD, and LBPD are under contract to Metro to provide transit security and enforcement, officers use their own judgment in deciding whether to cite violators, are supervised day-to-day by their non-Metro management, and are not compensated based upon how many tickets they write.

Metro has a free diversion program called Metro Transit School, a twenty-minute, online interactive program designed to help educate the public and raise awareness of the rules and safety issues on Metro buses and rail. A \$75 fine may be reduced by \$15 by

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<sup>4</sup> Although the LACSC sets bail for transit violations at \$25, additional fees typically bring the total to an amount over \$220.

<sup>5</sup> Transit Security personnel employed by Metro have authority to write citations, but rarely do so.

completing Metro Transit School. The program may be completed on any personal computer, and a computer is made available to patrons in the Transit Court lobby. In addition, an installment payment plan may be arranged to pay fines where a customer meets financial eligibility criteria. Metro also maintains a community service diversion program whereby the \$75 transit violation penalty may be satisfied if the violator is eligible and completes a requisite number of community service hours. We are exploring a program for minors where hours spent reading in a local library could be used to eliminate fines for minors.

***REPORTING REQUIREMENT #3 – NUMBER AND TYPES OF CITATIONS  
ADMINISTERED PURSUANT TO THE ORDINANCE***

Types

Metro Transit Court processed citations for both fare evasion and fare media misuse violations, as well as other transit violations, sometimes referred to as “quality of life” violations. Examples of quality of life violations include smoking, eating, or drinking where prohibited, playing loud sound equipment and willfully disturbing others by engaging in boisterous or unruly behavior.

2014

For the 2014 fiscal year, Metro issued 82,892 citations (75,158 fare evasion citations and 7,734 for other Metro Code violations) and 3,828 written warnings for violations of the Metro Customer Code.

2015

For the 2015 fiscal year, Metro issued 58,102 citations (51,792 fare evasion citations and 6,310 for other Metro Code violations) and 2,608 warnings for violations of the Metro Customer Code. This is a sharp decline from over 100,000 in 2013. This decline may be from latching our gates and more efforts to walk patrons to ticketing machines to purchase tickets instead of issuing citations by officers. This decline in citations exists notwithstanding that Metro has continued to expand its rail Expo and Gold Lines during this period.

2016

For the 2016 fiscal year, Metro issued only 29,524 citations (29,209 fare evasion citations and 315 for other Metro Code violations) and 1,899 warnings for violations of the Metro Customer Code.

2017

For the 2017 fiscal year, Metro issued 21,315 citations (20,655 fare evasion citations and 660 for other Metro Code violations) and 15,858 written warnings (warnings have no

fines) for violations of the Metro Customer Code. The decrease in citations is attributed to fare compliance education with our patrons favoring warnings. We have also hired new civil fare inspectors to replace the costly and highly-trained crime fighting law enforcement personnel who were transferred to crime deterrent activities and safety assignments.

Issuance		Initial Review			Administrative Appeals				Payments		
Year	Citation Count	Total	Valid	Dismissed	Total	Liable	Not Liable	Fail to Appear	# of Payments	Amt Paid	Collection Rate
FY14	82,892	1,329	1,325	4	1,325	1,088	168	69	10,324	\$719,919.76	12.5%
FY15	58,102	780	769	11	855	677	159	19	6,533	\$502,832.50	11.3%
FY16	29,524	319	319	0	300	252	34	14	3,543	\$274,682.00	12.0%
FY17	21,315	472	457	15	323	274	48	1	2,921	\$216,072.00	13.7%

**REPORTING REQUIREMENT #4 – COMPARISON WITH SUPERIOR COURT STATISTICS FOR 2010 THROUGH 2017**

Although we have contacted LACSC repeatedly, LACSC has not provided Metro with statistics or other information which would serve as a basis to compare the numbers for Penal Code section 640 citations heard in LACSC in 2010 through 2017 and the numbers of citations administered by Metro Transit Court for the same offenses since the last legislative report in 2013.<sup>6</sup>

2010 – 2017 LACSD Numbers

Metro obtained information from LACSD regarding citations issued by Sheriff’s Deputies during 2010 through 2017. In 2010 and 2011, citations issues by LACSD that went to LACSC were 106,470 and 117,394 citations, respectively, for fare evasion and other transit violations under Penal Code section 640. The LACSC was relieved of processing of these citations beginning in late 2012. In 2014 through 2017, LACSD and Metro Transit Security issued 171,282 citations, respectively, for fare evasion and other transit violations under Penal Code section 640.

2014 – 2017 Metro Transit Court Numbers

In comparison, 82,892 citations were issued by Metro in fiscal year 2014, 58,102 citations in fiscal year 2015, 29,524 citations in fiscal year 2016, and 21,315 citations in fiscal year 2017.

In 2018, we anticipate technology that can be used by Transit Security to allow persons who do not have evidence of fare on the system to pay the fare using Metro’s mobile technology fare checking devices on the spot. We understand that the collection rate we experience for these citations is similar to what LACSC experienced.

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<sup>6</sup> Pursuant to its request, Metro did not receive information from LACSC regarding statistics it believed would be helpful.

## ***REPORTING REQUIREMENT #5 -- THE EFFECT OF ESTABLISHMENT OF METRO TRANSIT COURT ON PASSENGER BEHAVIOR***

Metro believes that behavior of bus and rail passengers, and Metro itself, has been positively affected by Transit Court.

First, both violators and the public at large now have the opportunity to become educated and informed about public safety and other issues through Metro Transit School. Metro Transit School is a free, online interactive program designed to instruct the public on how to use the TAP system and to increase awareness of passenger safety issues. A sampling of Metro Transit School attendees shows that violators who attended Transit School were less likely to become repeat offenders than those not attending. Secondly, Metro receives valuable feedback from persons who appear in Metro Transit Court about inadequate or missing signage, issues regarding certain parking lots, and about malfunctioning or difficult to navigate ticket vending machines. We would not have received that information if the patron had proceeded directly to LACSC. As a result, Metro has taken action to improve customer satisfaction by correcting deficiencies which might otherwise have continued. Therefore, Metro behavior has also been positively improved.

Thirdly, Metro performs immediate reviews of citations and accommodates walk-in requests for same day appeal hearings. The in-person hearings are held in an intimate and less intimidating setting than cases heard in LACSC, where a 90 day or longer wait time is not unusual.

The creation of Metro Transit Court is also part of a larger strategy by Metro to take greater responsibility for the safety and public protection enforcement issues inherent in a large metropolitan transportation system. Instead of imposing on the overburdened courts and law enforcement to carry the burden, Metro has taken steps to make the system more fair and open, mitigating legal action to accomplish compliance by:

- Assisting passengers by publishing all the relevant rules and information in one convenient Customer Code booklet;
- Reducing the \$75 fine for economically fragile violators by giving credit for completion of Metro Transit School, and by allowing violators to pay fines through a payment plan;
- Simplifying the system and making less confusion for riders as to when and where to pay for tickets and tap their cards by latching gates in nearly 50 stations;
- Relieving the LACSC of the burden of handling a significant number of low level transit violations;
- Fare Inspectors are now primarily civilians, Metro Transit Security, and not law enforcement personnel; and
- Increasing safety in the Metro system through more effective use of law enforcement resources; law enforcement personnel no longer spend three hours per citation appearing in court.

## ***REPORTING REQUIREMENT #6 – REVENUES AND COST SAVINGS***

Metro believes that the creation of Transit Court has been worth the time, effort, and resources invested.

### Metro Expenses and Revenues

Metro Transit Court posted a modest loss in 2012 and a small net gain of \$275,217 in 2013.<sup>7</sup> The small amount of fines collected from patrons, paid to Los Angeles County, offset some of the millions of dollars of payment Metro makes to the County for law enforcement services. The collection rate, approximately 17-23 percent (%), is very low, but in line with collection rates of LACSC and other transit agencies. The primary expenses for Transit Court are wages and benefits to staff, overhead. The citation processing outside vendor for Metro has been a large percentage of Transit Court's cost up until the end of 2016, when we transferred to a new vendor who just provides software and we took on the additional customer service work ourselves.

<b>Fiscal Year</b>	<b>Revenues</b>
2014	\$617,502.56
2015	\$374,238.70
2016	\$268,491.00
2017	\$217,881.70

Metro Transit Security has reduced the number of citations issued which results in a reduction in revenue to support the Transit Court operations. We reduced our overhead labor, we replaced our citation processing vendor with a much lower cost software solution, and we operate using on as-needed hearing officer bench of attorneys so we are nimble in reducing our labor costs overhead to match fluctuations in citation and appeals activity. Our collections from parking citations contribute more to offset Transit Court overhead than citations of patrons.

### Superior Court Processing Estimated Savings

Although Metro received no statistics from LACSC, Metro believes that the creation of Metro Transit Court has resulted in a substantial savings to LACSC. If Metro estimates that LACSC might spend 45 minutes of administrative staff time in the life of a ticket to process (data entry, answer questions, supervision, and collection), we further estimate 45 minutes of staff time to be an expense of \$15 (estimated salary at \$20 per hour not including benefits and overhead). Thus, LACSC avoided the cost to process 171,282

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<sup>7</sup> Prior to the creation of Transit Court, Metro received a portion of the bail amount collected by LACSC for all transit citations issued to both adults and minors and for citations issued for criminal violations under Penal Code section 640. Since the creation of Transit Court in 2012, Metro no longer receives remittances from LACSC for transit citations issued to adults. Thus, the remittances which Metro continues to receive from LACSC for citations issued to minors and for criminal violations are not included in Transit Court revenues.

citations processed by Metro Transit Court in fiscal year 2014 through 2017 of approximately \$1,926,922.50.

LACSC has also saved the expense of performing hearings. The number of hearings that Metro Transit Court unburdened the LACSC in that period is 2,900 Level 1 reviews for fiscal years 2014 through 2017. This number times the cost of the court clerk, bailiff, and judge, estimated conservatively at \$120 per hour, processing an average of four (4) hearings per hour, results in an additional saved expense of \$87,000.00. Assuming these costs and number of hearings, the total saved expenses for LACSC is \$2,013,922.50 (\$1,926,922.50 + \$87,000.00).

Thus, although the creation of Metro Transit Court has not resulted in significant revenues for Metro, it has resulted in many other benefits, including a substantial savings of resources by LACSC and redeployment of law enforcement from appearing at hearings in LACSC to transit lines where they can improve customer safety.

### **WHAT'S NEXT: PRIORITIES FOR METRO TRANSIT COURT IN THE COMING YEAR(S)**

Metro intends to build on the success of Transit Court and will continue to analyze, evaluate and improve its performance. Metro's Transit Court priorities include the following:

- In 2019, Metro expects to open a satellite office for Transit Court customers in South Central Los Angeles. We will offer court services at that location in addition to answering questions and processing payments.
- Promote awareness of Transit School so that more customers take advantage of this educational program.
- Continue to offer community service as a diversion program; the \$75 transit violation penalty is waived for those who are eligible and choose to perform community service.
- Plan for an anticipated increase in the number of hearings as public awareness of the advantages of Transit Court services and ridership increases notwithstanding the drop in citations issued.
- Add enhancements to the fare checking device that Law Enforcement and Metro Transit Security Officers now use in order to provide better information to the Deputies and Officers.
- Continue to benchmark with San Francisco Muni and other transit agencies for the best ways to improve Transit Court services and performance.
- Find more ways to control costs associated with Transit Court including:

- Reduce cost of cash payment kiosk (\$1400/month); and
- Encourage customers to utilize online resources.
- Explore opportunities to collaborate with other governmental entities to consider best methods to handling citations and violations by minors in the transit system.
- Metro recently made presentations to BART about Transit Court and also the Alameda/Contra Costa Transit Authority.
- Continue to refine the new citation processing and hearing software application that is much less expensive by approximately \$500,000 per year.
- Issuance of e-tickets via mobile devices operated by Law Enforcement and Metro Transit Security Officers.
- Enhancing mobile phone validators.
- Collaboration with the Los Angeles County Public Library and Los Angeles Youth Conservation Corps concerning diversion programs for minors.

## **CONCLUSION**

This report was prepared in accordance with Public Utilities Code section 99580(g) and provides a summary of the Metro Transit Court activities and accomplishments from 2014 through 2017. Metro believes that the Transit Court is fulfilling its purpose to promote a more fair and open system and to increase the safety and enjoyment of Metro customers.

Customers may now resolve transit citations through a civil administrative process rather than as criminal infractions through LACSC. Fines are more affordable and customers may take advantage of a payment plan and community service in lieu of paying the fine. Metro also continues to offer a diversion program, Transit School, which is a free online, interactive computer program which promotes passenger safety and helps educate the public on transit issues, such as the use of the transit electronic payment system known as “TAP.” Successful completion of Transit School results in a \$15 reduction of the \$75 fine.

Other continued important benefits of Metro Transit Court include reduction of LACSC’s transit related caseload with a corresponding cost savings estimated to be over \$500,000 per year. The LACSD has also enjoyed a savings of time and resources, allowing officers to be redeployed to other transit related duties such as security instead of appearing in LACSC appeals.

Metro’s goals for the future include improving Transit Court services and performance while continuing to control costs. Metro does not anticipate that Transit Court will ever produce significant revenues, but nevertheless views Transit Court as a worthwhile

endeavor and a means for Metro to better serve the public and enhance customer enjoyment of the Metro system.

Legislation to assist Transit Court enforcement might include requirements to show some form of identification and an address, such as a utility bill, for persons who receive citations, and other collection methods that would enable better enforcement through collection of fines and improve overall system security.

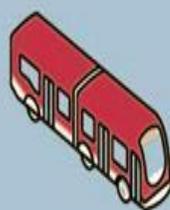
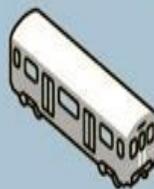
Questions or comments concerning this report may be directed to Karen Gorman, Chief Hearing Officer, One Gateway Plaza, MS 99-4-5, Los Angeles, California 90012, [gormank@metro.net](mailto:gormank@metro.net) or (213) 922-2975.



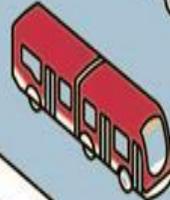
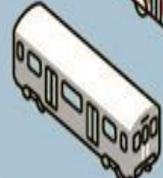
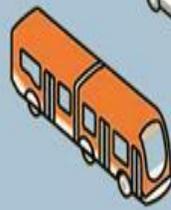
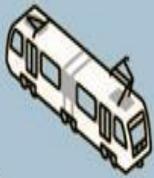
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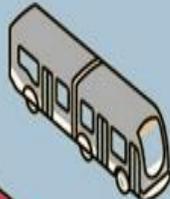
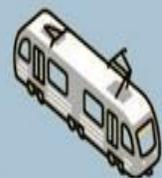
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