

Appendix

Supplemental Data Tables

Table A.1

**SFMTA TFI Staffing,
January 2007 to March 2009**

Month	TFI FTEs
Jan-07	27
Feb-07	29
Mar-07	27
Apr-07	Not Available
May-07	Not Available
Jun-07	Not Available
Jul-07	37
Aug-07	37
Sep-07	36
Oct-07	35
Nov-07	39
Dec-07	37
Jan-08	35
Feb-08	35
Mar-08	35
Apr-08	34
May-08	48
Jun-08	51
Jul-08	51
Aug-08	51
Sep-08	51
Oct-08	50
Nov-08	50
Dec-08	49
Jan-09	49

Source: Budget Analyst calculations based on SFMTA POP Program data.

Table A.2
Average Monthly Contact and Evasions,
January 2007 to January 2009

Average Contacts/Month	TFI Count	Average Evasions/Month	TFI Count
<1000	0	<25	3
1000-2000	1	25-50	5
2000-3000	6	50-75	6
3000-4000	13	75-100	12
4000-5000	21	100-125	14
5000-6000	8	125-150	6
6000-7000	7	150-175	3
7000-8000	2	175-200	3
8000-9000	0	200-225	4
		225-250	1
		250-275	1
		> 275	0

Source: Budget Analyst calculations based on SFMTA POP Program data.

Table A.3
Citation and Warning Rate Variances among Transit Fare Inspectors,
January 2007 to January 2009

Issuance Rate Range	TFI Count	
	Warning Rate	Citation Rate
0 to 0.25 percent	6	0
0.25 percent to 0.5 percent	7	0
0.5 percent to 0.75 percent	10	5
0.75 percent to 1.0 percent	10	4
1.0 percent to 1.25 percent	6	17
1.25 percent to 1.5 percent	5	7
1.5 percent to 1.75 percent	5	9
1.75 percent to 2.0 percent	4	7
2.0 percent to 2.25 percent	2	4
2.25 percent to 2.5 percent	2	0
2.5 percent to 2.75 percent	1	1
2.75 percent to 3.0 percent	0	0
3.0 percent to 3.25 percent	0	1
3.25 percent to 3.5 percent	0	1
3.5 percent to 3.75 percent	0	0
3.75 percent to 4.0 percent	0	0

Note: Outliers have been remove from this table

Source: SFMTA POP Program

Source: Budget Analyst calculations based on SFMTA POP Program data.

POP Statutory History

Part 1, Title 15, Chapter 2, Section 640 of the California Penal Code establishes the authority for jurisdictions to impose penalties under criminal infraction filings for fare evasion and passenger conduct violations. Under Section 640, each criminal infraction is punishable by both a not to exceed \$250 fine, and a total not to exceed 48 hours of community service to be completed within 30 days.

California Senate Bill No. 1749, approved by the Governor on September 14, 2006, amended Section 640 of the State Penal Code to permit both the City and County of San Francisco and the Los Angeles County Metropolitan Transportation Authority to enact ordinances providing that violations of Section 640, committed by persons at least 18 years of age, would be subject only to an administrative penalty imposed in a civil proceeding. The criminal provisions of Section 640 continue to regulate violations committed by minors. The amended legislation established that the California Public Utilities Code, rather than the California Penal Code, would govern ordinances imposing and enforcing such administrative penalties.¹

The San Francisco Board of Supervisors amended Traffic Code Section 127, *Fare Evasion Regulations*, Section 128, *Passenger Conduct Regulations*, and related *Penalty and Other Fare Evasion and Passenger Conduct* regulations in September of 2007.² The amendments clarified the definition of *Proof of Payment* and, for offenders at least 18 years of age, replaced the fare evasion and passenger misconduct criminal penalties with administrative penalties and fees, in accordance with the authority provided by the Public Utilities Code.

The City's electorate passed Proposition A, titled *Transit Reform, Parking Regulation and Emissions Reductions*, on November 7, 2007. Proposition A amended the San Francisco Charter to provide the San Francisco Municipal Transportation Agency with significantly enhanced authority in administering the operations of the Agency, including setting parking and traffic regulations and approving contracts. Proposition A required that the Board of Supervisors enact implementing legislation to repeal all provisions of the Traffic Code that were inconsistent with Proposition A. Subsequent to the Board of Supervisors adopting Division I and the Municipal Transportation Agency enacting Division II, the San Francisco Transportation Code, comprised of the two Divisions, replaced the former Traffic Code in its entirety, effective July 2, 2008.

The Municipal Transportation Agency in Section 302, *Transportation Code Penalty Schedule*, set a fine of \$50 each for violations of both fare evasion regulations and

¹ California Public Utilities Code, Division 10, Part 11, Chapter 3, commencing with Section 99580.

² Ordinance No. 224-07, File No. 070680.

passenger conduct regulations. In Section 301, *Late Payment, Collections and Boot Removal Fee*, the Municipal Transportation Agency established late fees of \$25 and \$35 for failure to pay by the first and second due dates, respectively, which are affixed to the notice of violation.

Definitions

Division I, Article 1, Section 1.1, Part (b) of the San Francisco Transportation Code defines “Proof of Payment or Proof of Payment Program,” and “Proof of Payment Zone,” as follows:

Proof of Payment or Proof of Payment Program. A fare collection system that requires transit passengers to possess a valid fare receipt or transit pass upon boarding a transit vehicle or while in a Proof of Payment Zone, and which subjects such passengers to inspections for proof of payment of fare by any authorized representative of the transit system or duly authorized peace officer.

Proof of Payment Zone. The paid area of a subway or boarding platform of a transit system within which any person is required to show proof of payment of fare for use of the transit system.

Violations and Penalties

Fare Evasion

Division I, Article 10, Section 10.2.49 of the Transportation Code lists violations of *Fare Evasion Regulations*, as follows:

- (a) For any passenger to evade any fare collection system or Proof of Payment Program instituted by the Municipal Transportation Agency.
- (b) For any person to board or ride a MUNI transit vehicle without prior or concurrent payment of fare.
- (c) For any person to board or ride a MUNI transit vehicle through the rear exit except:
 - (1) When a representative of the transit system is present at such exit for the collection of fares or transfers or the inspection of proof of payment;
 - (2) When the MUNI transit vehicle is operating at a station or boarding platform where fares are collected prior to boarding the transit vehicle;
 - (3) When necessary for access by persons with disabilities on wayside boarding platforms;
 - (4) When the MUNI transit vehicle is operating on a transit line³ or in a Proof of Payment Zone.

³ Transit line in this context means operating as a part of the MUNI Metro System.

- (d) To fail to display a valid fare receipt or transit pass at the request of any authorized representative of the transit system or duly authorized Peace Officer while on a transit vehicle or in a Proof of Payment Zone.
- (e) To misuse any transfer, pass, ticket, or token with the intent to evade the payment of any fare.
- (f) To knowingly use or attempt to use any illegally printed, duplicated, or otherwise reproduced token, card, transfer or other item for entry onto any transit vehicle or into any transit station with the intent of evading payment of a fare.
- (g) For any unauthorized person to use a discount ticket or fail to present, upon request from a system fare inspector, acceptable proof of eligibility to use a discount ticket.

Passenger Conduct Regulations

Division 1, Article 10, Section 10.2.50 of the Transportation Code lists violations of *Passenger Conduct Regulations*, as follows:

- (a) Playing sound equipment on or in a system facility or vehicle;
- (b) Smoking, eating, or drinking in or on a system facility or vehicle in those areas where those activities are prohibited by that system;
- (c) Expectorating upon a system facility or vehicle;
- (d) Willfully disturbing others on or in a system facility or vehicle by engaging in boisterous or unruly behavior;
- (e) Carrying an explosive or acid, flammable liquid, or toxic or hazardous material in a system facility or vehicle;
- (f) Urinating or defecating in a system facility or vehicle, except in a lavatory. However, this paragraph shall not apply to a person who cannot comply with this paragraph as a result of a disability, age, or a medical condition;
- (g) Willfully blocking the free movement of another person in a system facility or vehicle;
- (h) Skateboarding, roller skating, bicycle riding, or roller blading in a system facility, vehicle, or parking structure. This restriction does not apply to an activity that is necessary for utilization of the transit facility by a bicyclist, including, but not limited to, an activity that is necessary for parking a bicycle or transporting a bicycle aboard a transit vehicle as permitted by the Municipal Transportation Agency.

As previously stated, Division II, Article 300, Section 302, *Transportation Code Penalty Schedule*, provides a fine amount of \$50 for violations of both fare evasion regulations and passenger conduct regulations.

Misdemeanors

Division I, Article 10, Section 10.3.1 of the Transportation Code, *Other Fare Evasion and Passenger Conduct Regulations*, lists actions in or about a public transit station or a MUNI transit vehicle that are prohibited and which violation of constitutes a misdemeanor. Upon sentencing, the Court may reduce the charge to an infraction. The prohibited action in Section 10.3.1 concerning fare evasion is as follows:

- (a) Knowingly providing false identification to a peace officer, fare inspector, or other representative of the transit system when engaged in the enforcement of City or state laws regarding fare collection, fare evasion, passenger conduct or proof of payment of fare.

According to the City Attorney's Office, the court maintains penalty schedules for misdemeanors.

Metro Station Operations Unit Response to the 1996 Audit Report Recommendations

The Director of Public Transportation should:

- 1.5.1 Direct MUNI Metro Station Operations management to develop a plan for reducing absenteeism, and to closely monitor and manage staff absences in order to achieve at least 80 percent of paid time on the job.
- We issue a sick abuse list every quarter. Agents on the list would be brought in to have a conference with the superintendent, and a documented verbal warning would be placed in agent's personnel file. We also keep a Tardy/AWOL Record. When the agent is late reporting to assigned station booth, he or she would be written up by the supervisor on duty and a conference with the Superintendent would be scheduled. The agent would receive documented verbal warning for the first offence, written warning for the second offence and up to suspensions for additional offences. As a result of this aggressive campaign against absenteeism, we are able to achieve 95 percent of paid time on the job.
- 1.5.2 Staff the MUNI Metro Station Operations Unit at its authorized strength of 57 full-time positions, using existing resources authorized for the Department.
- Currently we have 60 agents and only two of them are on long-term worker's compensation leaves. With our successful absentee prevention program, we are able to staff all scheduled shifts including secondary coverage with our existing resources.
- 1.5.3 After regular full staffing has been achieved, investigate and report back to the Transportation Commission on the costs and benefits of installing electronic monitoring equipment at all of the station booths, taking into consideration the full benefits from more consistent staffing in the primary and secondary booths..
- After cost and benefit analysis, we decided to equip only the primary booth with CCTV monitors.
- 1.5.4 Request that the Department of Human Resources survey and classify the top management position in the MUNI Metro Station Operations Unit to determine whether it would be more appropriately staffed at the Transit Manager I level.
- Per your 1996 audit recommendation, the head of Station Operations is currently budgeted as a Transit Manager I position, and is being held by an acting Transit Manager II, who also manages Green Division

1.5.5 Conduct a study of the Metro Stations and report to the Transportation Commission on steps that can be taken at minor cost to improve operational and working conditions, and on those working and operational condition improvements that may require significant funding through a capital project. The Budget Analyst amplified recommendation 1.5.5 in the body of the report that the study should include all facts of the station environment, including:

- 1) Location of Monitors,
- 2) Removal of Rodents,
- 3) Lighting in Metro Tunnels,
- 4) Update of Station Agent Manual,
- 5) Air Conditioning Systems,
- 6) Bathroom Remodeling,
- 7) Change Machines,
- 8) Control of water flows in Church Station,
- 9) Public Address System,
- 10) Replacement of Chairs,
- 11) Security of Booth Doors, and
- 12) Metro Station Signage.

1) After thorough analysis, we relocated the CCTV monitors to a better location, although they are not on the front console (not feasible per stationary engineers) as some agent would prefer;

2) Pestec, a pest control company, was hired to remedy and control the rodent infestation. Pestec makes biweekly inspections in all stations;

3) The subway stationary engineers have determined that the lighting in Metro Tunnels is sufficient;

4) The Station Agent Manual aka SOP was last updated in May, 2001;

5) The stationary engineers are replacing existing air conditioning unit on as needed bases;

6) Bathrooms have been remodeled on as needed bases determined by stationary engineers;

7) Revenue Department has added change machines at Embarcadero Station. After cost and benefit analysis, Revenue Department decided not to add change machines at Montgomery, Powell, and Civic Center Stations;

8) Agents are instructed to be vigilant about clogged storm drains on the street during raining seasons, and to call the stationary engineer for assistance when needed. We have not experienced any flooding in Church Station in recent memories;

9) A better PA system was installed on both primary and secondary booth. West Portal Station agent is able to make system wide announcements through the subway, so is the train controller at Operations Central Control.

10) The latest system wide chair replacement took place in 2008;

11) Locks with better security features were installed on booth doors;

12) Station signage has been improved significantly due to the installation of flat panel screens at each station, displaying train movements and arrival time information throughout the metro subway system.