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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 1322

02/06/2023

Authored by Tabke

The bill was read for the first time and referred to the Committee on Transportation Finance and Policy

1.1 A bill for an act

1.2 relating to public transit; authorizing Metropolitan Council to issue administrative

1.3 citations for transit fare evasion; requiring Metropolitan Council to implement

1.4 transit safety measures; imposing civil penalties; making technical and clarifying

1.5 changes; requiring a report; amending Minnesota Statutes 2022, sections 473.407,

1.6 by adding a subdivision; 609.855, subdivision 7; proposing coding for new law

1.7 in Minnesota Statutes, chapter 473.

1.8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.9 Section 1. 473.4065 TRANSIT SAFETY.

1.10 Subdivision 1. Code of conduct. The council must adopt a rider code of conduct for

1.11 transit passengers. The council must post a copy of the code of conduct in a prominent

1.12 location at each light rail transit station and each park-and-ride station.

1.13 Subd. 2. Paid fare zones. The council must establish and clearly designate paid fare

1.14 zones at each light rail transit station where the council utilizes self-service barrier-free fare

1.15 collection.

1.16 Subd. 3. Light rail transit facility monitoring. (a) The council must implement public

1.17 safety monitoring and response activities at light rail transit facilities that include:

1.18 (1) placement of security cameras and sufficient associated lighting that provide live

1.19 coverage for (i) the entire area at each light rail transit station and (ii) each light rail transit

1.20 vehicle;

1.21 (2) installation of a public address system at each light rail transit station that is capable

1.22 of providing information and warnings to passengers; and

2.1 (3) real-time active monitoring of passenger activity and potential violations throughout  
 2.2 the light rail transit system.

2.3 (b) The monitoring activities must include timely maintenance or replacement of  
 2.4 malfunctioning cameras or public address systems.

2.5 **EFFECTIVE DATE; APPLICATION.** This section is effective August 1, 2023, and  
 2.6 applies in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

2.7 Sec. 2. Minnesota Statutes 2022, section 473.407, is amended by adding a subdivision to  
 2.8 read:

2.9 Subd. 7. **Staffing complement.** The council must not reduce the staff complement of  
 2.10 peace officers under this section to below the average staffing level for the most recent three  
 2.11 calendar years.

2.12 **EFFECTIVE DATE; APPLICATION.** This section is effective the day following  
 2.13 final enactment and applies in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey,  
 2.14 Scott, and Washington.

2.15 Sec. 3. **[473.4075] TRANSIT ENFORCEMENT AND ADMINISTRATIVE**  
 2.16 **CITATION PROGRAM.**

2.17 Subdivision 1. **Definitions.** (a) For purposes of this section, the following terms and the  
 2.18 terms defined in section 609.855, subdivision 7, have the meanings given.

2.19 (b) "Program" means the transit enforcement and administrative citation program  
 2.20 established in this section.

2.21 (c) "Transit agent" means a uniformed transit safety official under this section, a  
 2.22 community service officer, or a peace officer as defined in section 626.84, subdivision 1.  
 2.23 For purposes of section 609.855, a transit agent is an authorized transit representative.

2.24 (d) "Uniformed transit safety official" means authorized transit representatives who are  
 2.25 not peace officers or community service officers.

2.26 Subd. 2. **Program established.** (a) The council may implement the transit enforcement  
 2.27 and administrative citation program as provided in this section. If the council decides to  
 2.28 implement the program, the council must consult with interested stakeholders on the design  
 2.29 of the program and must establish policies and procedures to implement the provisions of  
 2.30 this section. The policies and procedures must govern:

2.31 (1) uniformed transit safety officials;

- 3.1 (2) the process of issuing an administrative citation;
- 3.2 (3) the process for contesting an administrative citation; and
- 3.3 (4) the uniform to be worn by all uniformed transit safety officials. The uniform must  
 3.4 be designed so that the individual wearing the uniform is readily identifiable as a uniformed  
 3.5 transit safety official.
- 3.6 (b) The council may provide training for uniformed transit safety officials on the  
 3.7 following topics:
- 3.8 (1) early warning techniques, crisis intervention, conflict de-escalation, and conflict  
 3.9 resolution;
- 3.10 (2) identification of persons likely in need of social services;
- 3.11 (3) locally available social service providers, including services for homelessness, mental  
 3.12 health, and addiction; and
- 3.13 (4) policies and procedures for administrative citations.
- 3.14 Subd. 3. **Uniformed transit safety official duties.** (a) The duties of a uniformed transit  
 3.15 safety official are prescribed by this section. The council must not assign any additional  
 3.16 duties to uniformed transit safety officials. A uniformed transit safety official:
- 3.17 (1) must perform fare payment compliance inspections;
- 3.18 (2) must issue administrative citations for fare violations;
- 3.19 (3) must monitor and respond to passenger activity, including:
- 3.20 (i) educating passengers and explaining expectations related to the council's rider code  
 3.21 of conduct; and
- 3.22 (ii) assisting passengers in obtaining social services, including through information and  
 3.23 referrals;
- 3.24 (4) must provide information and assistance to passengers in navigating the transit  
 3.25 system;
- 3.26 (5) must obtain assistance from peace officers upon identifying passenger activity that  
 3.27 threatens public safety; and
- 3.28 (6) may obtain assistance from peace officers, community service officers, or other  
 3.29 appropriate resources upon identifying passenger activity that violates the code of conduct.

4.1 (b) A uniformed transit safety official must wear the uniform established by the council  
4.2 at all times when on duty.

4.3 Subd. 4. **Administrative citations; authority; issuance.** (a) Upon implementation of  
4.4 the program, a transit agent has the exclusive authority to issue an administrative citation  
4.5 to a person who violates section 609.855, subdivision 1, clause (1). Transit fare compliance  
4.6 must be enforced by a transit agent.

4.7 (b) An administrative citation must include notification that the person has the right to  
4.8 contest the citation, basic procedures for contesting the citation, and information on the  
4.9 timeline and consequences for failure to either contest the citation or pay the fine.

4.10 (c) The council must not mandate or suggest a quota for the issuance of administrative  
4.11 citations under this section.

4.12 (d) Issuance of an administrative citation prevents imposition of a citation under section  
4.13 609.855, subdivision 1, clause (1), or any criminal citation arising from the same conduct.

4.14 Subd. 5. **Administrative citations; disposition.** (a) A person who violates section  
4.15 609.855, subdivision 1, clause (1), and is issued an administrative citation under this section  
4.16 must, within 90 days of issuance, pay the fine as specified or contest the citation. A person  
4.17 who fails to either pay the fine or contest the citation within 90 days is considered to have  
4.18 waived the contested citation process and is subject to collections.

4.19 (b) The council may adopt an alternative resolution procedure under which a person  
4.20 may resolve an administrative citation in lieu of paying a fine by complying with terms  
4.21 established by the council for community service, prepayment of future transit fares, or  
4.22 both. The alternative resolution procedure must be available only to a person who has  
4.23 violated section 609.855, subdivision 1, clause (1), for the first time, unless the person  
4.24 demonstrates financial hardship under criteria established by the council.

4.25 (c) The council must provide a civil process for a person to contest the administrative  
4.26 citation before a neutral third party. The council may employ a council employee not  
4.27 associated with its transit operations to hear and rule on challenges to administrative citations.

4.28 (d) The council must attempt to collect fine debts imposed under this section. If the  
4.29 council is unable to collect the debt, the council must contract with credit bureaus, public  
4.30 and private collection agencies, the Department of Revenue, or other public or private  
4.31 entities providing collection services as necessary for collection of fine debts under this  
4.32 section. As determined by the council, collection costs are added to the debts referred to a  
4.33 public or private collection entity for collection. Collection costs include the fees of the

5.1 collection entity and may include, if separately provided, skip tracing fees, credit bureau  
 5.2 reporting charges, and fees assessed by any public entity for obtaining information necessary  
 5.3 for debt collection. If the collection entity collects an amount less than the total due, the  
 5.4 payment is applied proportionally to collection costs and the underlying debt.

5.5 Subd. 6. **Administrative citations; penalties.** (a) A person who is issued an  
 5.6 administrative citation under this section must pay a fine of no less than \$35. The council  
 5.7 may establish an escalating fine structure for persons who fail to pay administrative fines  
 5.8 or repeatedly violate section 609.855, subdivision 1, clause (1).

5.9 (b) A person who is issued an administrative citation or written warning under this  
 5.10 section for a third or subsequent offense within 12 months of a previous administrative  
 5.11 citation or written warning is prohibited from accessing transit service provided by the  
 5.12 council for 60 days from the date of issuance.

5.13 Subd. 7. **Use of funds.** Fines collected under this section must be maintained in a separate  
 5.14 account that is only used to cover the costs of (1) the program established by this section  
 5.15 and (2) facility monitoring under section 473.4065, subdivision 3. The council must  
 5.16 separately identify revenue and expenditures from the account in its budget and financial  
 5.17 statements.

5.18 **EFFECTIVE DATE; APPLICATION.** This section is effective August 1, 2023, and  
 5.19 applies in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, Sherburne, and  
 5.20 Washington.

5.21 Sec. 4. **[473.4077] LEGISLATIVE REPORT; TRANSIT SAFETY; TRANSIT**  
 5.22 **ENFORCEMENT AND ADMINISTRATIVE CITATION PROGRAM.**

5.23 (a) Annually by February 15, the council must submit a report on transit safety measures  
 5.24 required by section 473.4065 and the transit enforcement and administrative citation program  
 5.25 established in section 473.4075 to the chairs and ranking minority members of the legislative  
 5.26 committees with jurisdiction over transportation policy and finance. At a minimum, the  
 5.27 report must:

5.28 (1) provide an overview of transit safety issues and actions taken by the council to  
 5.29 improve safety, including improvements made to equipment and infrastructure;

5.30 (2) provide an overview of the transit enforcement and administrative citation program  
 5.31 established in section 473.4075 and the program's structure and implementation;

5.32 (3) provide an overview of the activities of transit safety agents, including specifically  
 5.33 describing the activities of uniformed transit safety officials;

6.1 (4) provide a description of all policies adopted pursuant to section 473.4075, the need  
6.2 for each policy, and a copy of each policy;

6.3 (5) if the council adopted an alternative resolution procedure pursuant to section 473.4075,  
6.4 subdivision 5, provide:

6.5 (i) a description of that procedure;

6.6 (ii) the criteria used to determine financial hardship; and

6.7 (iii) for each of the previous three calendar years, how frequently the procedure was  
6.8 used, the number of community service hours performed, and the total amount paid as  
6.9 prepayment of transit fares;

6.10 (6) for each of the previous three calendar years:

6.11 (i) identify the number of fare compliance inspections that were completed, including  
6.12 the total number and the number as a percentage of total rides;

6.13 (ii) state the number of warnings and citations issued by the Metropolitan Transit Police  
6.14 Department and transit agents, including a breakdown of which type of officer or official  
6.15 issued the citation, the statutory authority for issuing the warning or citation, the reason  
6.16 given for each warning or citation issued, and the total number of times each reason was  
6.17 given;

6.18 (iii) state the number of administrative citations that were appealed pursuant to section  
6.19 473.4075, the number of those citations that were dismissed on appeal, and a breakdown  
6.20 of the reasons for dismissal;

6.21 (iv) include data and statistics on crime rates occurring on public transit vehicles and  
6.22 surrounding transit stops and stations;

6.23 (v) state the number of peace officers employed by the Metropolitan Transit Police  
6.24 Department;

6.25 (vi) state the average number of peace officers employed by the Metropolitan Transit  
6.26 Police Department; and

6.27 (vii) state the number of uniformed transit safety officials and community service officers  
6.28 who served as transit agents;

6.29 (7) analyze impacts of the administrative citation program on fare compliance and  
6.30 customer experience for riders, including rates of fare violations; and

6.31 (8) make recommendations on the following:

7.1 (i) changes to the administrative citation program; and

7.2 (ii) how to improve safety on public transit and transit stops and stations.

7.3 (b) The definitions in section 473.4075 apply to this section.

7.4 **EFFECTIVE DATE; APPLICATION.** This section is effective August 1, 2023, and  
 7.5 applies in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

7.6 Sec. 5. Minnesota Statutes 2022, section 609.855, subdivision 7, is amended to read:

7.7 Subd. 7. **Definitions.** (a) The definitions in this subdivision apply in this section.

7.8 (b) "Public transit" or "transit" has the meaning given in section 174.22, subdivision 7.

7.9 (c) "Public transit vehicle" or "transit vehicle" means any vehicle used for the purpose  
 7.10 of providing public transit, whether or not the vehicle is owned or operated by a public  
 7.11 entity.

7.12 (d) "Public transit facilities" or "transit facilities" means any vehicles, equipment,  
 7.13 property, structures, stations, improvements, plants, parking or other facilities, or rights that  
 7.14 are owned, leased, held, or used for the purpose of providing public transit, whether or not  
 7.15 the facility is owned or operated by a public entity.

7.16 (e) "Fare medium" means a ticket, smart card, pass, coupon, token, transfer, or other  
 7.17 medium sold or distributed by a public transit provider, or its authorized agents, for use in  
 7.18 gaining entry to or use of the public transit facilities or vehicles of the provider.

7.19 (f) "Proof of fare payment" means a fare medium valid for the place or time at, or the  
 7.20 manner in, which it is used. If using a reduced-fare medium, proof of fare payment also  
 7.21 includes proper identification demonstrating a person's eligibility for the reduced fare. If  
 7.22 using a fare medium issued solely for the use of a particular individual, proof of fare payment  
 7.23 also includes an identification document bearing a photographic likeness of the individual  
 7.24 and demonstrating that the individual is the person to whom the fare medium is issued.

7.25 (g) "Authorized transit representative" means the person authorized by the transit provider  
 7.26 to operate the transit vehicle, a peace officer, or any other person designated by the transit  
 7.27 provider as an authorized transit ~~provider~~ representative under this section.

7.28 **EFFECTIVE DATE.** This section is effective the day following final enactment.