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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 3740

02/24/2020 Authored by Koznick, Scott, Novotny, Torkelson, Pelowski and others
The bill was read for the first time and referred to the Transportation Finance and Policy Division

1.1 A bill for an act
1.2 relating to transportation; governing transit safety, fare payment compliance, and
1.3 administrative citations; requiring grants and allocation of funds; establishing
1.4 penalties; requiring a report; amending Minnesota Statutes 2018, sections 473.4051,
1.5 by adding a subdivision; 473.407, by adding a subdivision; 609.855, by adding
1.6 subdivisions; proposing coding for new law in Minnesota Statutes, chapter 473.

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

1.8 Section 1. Minnesota Statutes 2018, section 473.4051, is amended by adding a subdivision
1.9 to read:

1.10 Subd. 2a. Operating costs; transit safety. (a) Annually by March 31, each county in
1.11 which light rail transit service is operated must remit an amount to the council such that the
1.12 total provided under this subdivision equals:

1.13 (1) the total expenditures of the council in the previous calendar year for public safety
1.14 monitoring and reporting under section 473.4065, subdivisions 3 and 4, and fare payment
1.15 inspection and enforcement activities under section 473.4085; less

1.16 (2) the total administrative fine revenue collected under section 473.4085 in the previous
1.17 calendar year.

1.18 (b) The amount remitted by each county must be in proportion to that county's share of
1.19 total light rail transit ridership in the previous calendar year, as determined by the council.

1.20 EFFECTIVE DATE; APPLICATION. This section is effective the day following
1.21 final enactment. This section applies in the counties of Anoka, Carver, Dakota, Hennepin,
1.22 Ramsey, Scott, and Washington.

2.1 Sec. 2. **[473.4065] TRANSIT SAFETY.**

2.2 **Subdivision 1. Code of conduct.** The council must adopt a rider code of conduct for
 2.3 transit passengers. The council must post a copy of the code of conduct in a prominent
 2.4 location at each light rail transit station and each park-and-ride station.

2.5 **Subd. 2. Paid fare zones.** The council must establish and clearly designate paid fare
 2.6 zones at each station or stop where the council utilizes self-service barrier-free fare collection.

2.7 **Subd. 3. Light rail transit facility monitoring.** (a) The council must implement public
 2.8 safety monitoring and response activities at light rail transit facilities, which must include:

2.9 (1) placement of security cameras and sufficient associated lighting that provide live
 2.10 coverage for (i) the entire area at each light rail transit station, and (ii) each light rail transit
 2.11 vehicle;

2.12 (2) installation of a public address system at each light rail transit station that is capable
 2.13 of providing information and warnings to passengers; and

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

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

2.18 **Subd. 4. Legislative report.** By November 15 annually, the council must submit a report
 2.19 on transit safety and fare compliance to the members and staff of the legislative committees
 2.20 with jurisdiction over transportation policy and finance and to the members of the Legislative
 2.21 Commission on Metropolitan Government. At a minimum, the report must:

2.22 (1) provide an overview of transit safety issues and actions taken by the council;

2.23 (2) describe public safety monitoring and response activities as required under subdivision
 2.24 3;

2.25 (3) review the policies and procedures related to fare payment inspection and enforcement
 2.26 as required under section 473.4085; and

2.27 (4) provide data and analysis of violations and citations, including but not limited to
 2.28 information on fare compliance, criminal activity, administrative citations, and incident
 2.29 reports submitted by council employees.

2.30 **EFFECTIVE DATE; APPLICATION.** This section is effective June 1, 2020. This
 2.31 section applies in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and
 2.32 Washington.

3.1 Sec. 3. Minnesota Statutes 2018, section 473.407, is amended by adding a subdivision to
3.2 read:

3.3 Subd. 7. **Staffing complement.** The council must not reduce the staff complement of
3.4 peace officers under this section to below the average staffing level for 2017 to 2019.

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

3.8 Sec. 4. **[473.4085] TRANSIT FARES; ADMINISTRATIVE CITATIONS;**
3.9 **PENALTIES.**

3.10 Subdivision 1. **Definitions.** (a) For purposes of this section, the following terms have
3.11 the meanings given.

3.12 (b) "Fare medium" has the meaning given in section 609.855, subdivision 7.

3.13 (c) "Proof of fare payment" has the meaning given in section 609.855, subdivision 7.

3.14 (d) "Transit enforcement official" means a person authorized by the council to perform
3.15 fare inspection and enforcement under this section.

3.16 (e) "Transit service" includes but is not limited to (1) entering or riding upon a transit
3.17 vehicle, and (2) presence in a paid fare zone designated by the council.

3.18 Subd. 2. **Fare payment requirements.** (a) No person may intentionally obtain or facilitate
3.19 transit service from the council, whether for oneself or another, through any of the following:

3.20 (1) occupying a transit vehicle without paying the applicable fare or otherwise obtaining
3.21 the consent of the council; or

3.22 (2) using or attempting to use a fare medium for fare payment or proof of fare payment
3.23 that is invalid under the prevailing conditions, including but not limited to presenting:

3.24 (i) a falsified, counterfeit, or otherwise deceptively manipulated fare medium; or

3.25 (ii) a document that is not a fare medium.

3.26 (b) In any location where the council utilizes self-service barrier-free fare collection, it
3.27 is a violation of this subdivision to intentionally fail to exhibit proof of fare payment upon
3.28 the request of a peace officer or transit enforcement official when entering, riding upon, or
3.29 leaving a transit vehicle, or when present in a paid fare zone designated by the council.

3.30 Subd. 3. **Transit enforcement officials; duties.** Duties of a transit enforcement official
3.31 include:

- 4.1 (1) performing fare payment compliance inspections;
4.2 (2) issuing administrative citations for a fare violation under subdivision 2; and
4.3 (3) obtaining assistance from peace officers upon identifying passenger activity that
4.4 threatens public safety or violates the code of conduct.

4.5 Subd. 4. **Transit enforcement officials; staffing.** (a) The council must maintain a
4.6 minimum staff complement of transit enforcement officials that equals at least one full-time
4.7 equivalent per light rail transit station.

4.8 (b) In determining the schedules and patrol patterns for transit enforcement officials,
4.9 the council must give consideration to transit facilities with concentrations of criminal
4.10 activity and violations of the code of conduct.

4.11 Subd. 5. **Administrative citations; implementation; administration.** (a) By June 1,
4.12 2020, the council must implement enhanced transit safety measures that include fare payment
4.13 inspection and enforcement as provided in this section.

4.14 (b) As part of implementation, the council must establish policies and procedures that
4.15 address (1) designation and training of transit enforcement officials, and (2) issuance of
4.16 administrative citations.

4.17 (c) The council may contract with credit bureaus, public and private collection agencies,
4.18 the Department of Revenue, and other public or private entities providing collection services
4.19 as necessary for the collection of fine debts under this section. As determined by the council,
4.20 collection costs are added to the debts referred to a public or private collection entity for
4.21 collection. Collection costs include the fees of the collection entity and may include, if
4.22 separately provided, skip tracing fees, credit bureau reporting charges, and fees assessed
4.23 by any public entity for obtaining information necessary for debt collection. If the collection
4.24 entity collects an amount less than the total due, the payment is applied proportionally to
4.25 collection costs and the underlying debt.

4.26 Subd. 6. **Administrative citations; authority; issuance.** (a) A peace officer and a transit
4.27 enforcement official have the exclusive authority to issue an administrative citation to a
4.28 person who commits a violation under subdivision 2.

4.29 (b) A peace officer or transit enforcement official who issues an administrative citation
4.30 to a person must provide the person with notice of the penalties under subdivision 7.

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

5.1 (d) Issuance of an administrative citation prevents imposition of a citation under section
 5.2 609.855, subdivision 1, or any criminal citation arising from the same conduct.

5.3 Subd. 7. **Administrative citations; penalties.** (a) A person who is issued an
 5.4 administrative citation under this section must pay a fine of:

5.5 (1) \$50 for a first offense;

5.6 (2) \$75 for a second offense; or

5.7 (3) \$100 for a third or subsequent offense.

5.8 (b) A person who is issued an administrative citation under this section is prohibited
 5.9 from accessing transit service provided by the council as follows:

5.10 (1) for 30 days from the date of issuance of the administrative citation; or

5.11 (2) for a second or subsequent offense under this section within one year, for 60 days
 5.12 from the date of issuance.

5.13 (c) The council may adopt an alternative resolution procedure under which a person
 5.14 may resolve an administrative citation in lieu of a fine or prohibition on accessing transit
 5.15 service by complying with terms established by the council for community service.

5.16 Subd. 8. **Use of funds.** Fines collected under this section must be maintained in a separate
 5.17 account that is only used to cover the costs of (1) fare inspection and enforcement activities
 5.18 under this section, and (2) facility monitoring under section 473.4065, subdivision 3. The
 5.19 council must separately identify revenue and expenditures from the account in its budget
 5.20 and financial statements.

5.21 **EFFECTIVE DATE; APPLICATION.** This section is effective the day following
 5.22 final enactment, except that subdivision 2 is effective June 1, 2020. This section applies in
 5.23 the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

5.24 Sec. 5. Minnesota Statutes 2018, section 609.855, is amended by adding a subdivision to
 5.25 read:

5.26 Subd. 6a. **Mandatory ban.** (a) A person who is convicted of a misdemeanor violation
 5.27 under this section is prohibited from accessing Metropolitan Council transit service for 30
 5.28 days from the date of conviction.

5.29 (b) A person who is convicted of a gross misdemeanor violation committed in a transit
 5.30 vehicle or facility operated by the Metropolitan Council is prohibited from accessing
 5.31 Metropolitan Council transit service for six months from the date of conviction.

6.1 (c) A person who is convicted of a felony violation committed in a transit vehicle or
6.2 facility operated by the Metropolitan Council is prohibited from accessing Metropolitan
6.3 Council transit service for one year from the date of conviction.

6.4 (d) For purposes of this subdivision, Metropolitan Council transit service includes but
6.5 is not limited to (1) entering or riding upon a transit vehicle, and (2) presence in a paid fare
6.6 zone designated by the council.

6.7 (e) A person who intentionally violates the requirements under this subdivision is guilty
6.8 of a misdemeanor.

6.9 **EFFECTIVE DATE.** This section is effective August 1, 2020, and applies to crimes
6.10 committed on or after that date.

6.11 Sec. 6. Minnesota Statutes 2018, section 609.855, is amended by adding a subdivision to
6.12 read:

6.13 Subd. 8. **Notice on citation or arrest.** A peace officer who performs an arrest or issues
6.14 a citation to a person for a violation under this section must provide the person with notice
6.15 of the prohibitions under subdivision 6a.

6.16 **EFFECTIVE DATE.** This section is effective August 1, 2020.

6.17 Sec. 7. **TRANSIT PUBLIC SAFETY GRANTS.**

6.18 The Metropolitan Council must make grants from its transportation budget reserves
6.19 totaling at least \$2,000,000 to the Minneapolis Police Department, the St. Paul Police
6.20 Department, the Hennepin County Sheriff's Office, and the Ramsey County Sheriff's Office.
6.21 The grants are to provide enhanced public safety and enforcement activities in 2020 at light
6.22 rail transit facilities. The council must make grant payments in full by June 30, 2020.

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