



COUNCIL OF THE DISTRICT OF COLUMBIA
OFFICE OF COUNCILMEMBER BROOKE PINTO
THE JOHN A. WILSON BUILDING
1350 PENNSYLVANIA AVENUE, N.W., SUITE 106
WASHINGTON, D.C. 20004

June 8, 2023

Nyasha Smith, Secretary
Council of the District of Columbia
1350 Pennsylvania Avenue, NW
Washington, DC 20004

Dear Secretary Smith,

Today, I, along with Chairman Mendelson and Councilmember Gray, am introducing the “Metro Safety Amendment Act of 2023.” Please find enclosed a signed copy of the legislation.

When the Council voted in 2018 to decriminalize fare evasion, the Washington Metropolitan Transit Authority (WMATA) beseeched the Council to retain some enforcement mechanism to go along with to the civil fine that was proposed as a replacement to existing criminal penalties. The Council did not do so. Since then, WMATA has repeatedly expressed concerns about the lack of an effective means to deter people from skipping the fare. There is little to incentivize individuals who are issued a fine for fare evasion to actually pay the fine; in many cases, individuals who are stopped for fare evasion simply refuse to provide their name, making enforcement all but impossible.

In an effort to address these concerns, this bill proposes a change to put teeth behind the existing \$50 civil fine for fare evasion. **The Metro Safety Amendment Act of 2023 would require individuals who are stopped for fare evasion to provide their true name and address to the officer who stops them in order for the officer to enforce the civil fine. Individuals who fail to do so could be detained and would be subject to a fine of up to \$100.**

Fare evasion is a significant concern for WMATA for a number of reasons. Most urgently, WMATA has repeatedly stressed the correlation between fare evasion and other, more serious crimes committed in the Metro system. As WMATA General Manager Randy Clarke put it recently, not everyone who fare evades commits criminal activity in the system, but “99.9% of people that commit criminal acts in our system fare evade.”¹ It’s worth noting that other major city transit agencies have similarly stressed the connection between fare evasion and more serious crime.² And crime is up significantly in the Metro system: in 2022, Metro Transit Police reported 195

¹ Luke Garrett, *Metro CEO: DC’s Fare Evasion Law Needs Changing*, WTOP News (Apr. 24, 2023), [available here](#).

² See Report of the Blue-Ribbon Panel on MTA Fare and Toll Evasion (May 2023), at 65 (“Matches are regularly made by the NYPD between descriptions of individuals wanted for serious crimes and images of what appears to be the same individual caught on camera evading the fare.”), [available here](#).

aggravated assaults, up from 105 in 2018,³ and this year, as of May, there have already been 104 aggravated assaults.⁴ Recent violent incidents like these and worse clearly have led to an increasing sense of unease among Metro riders.⁵ Some of the uptick in crime undoubtedly stems from pandemic-related social issues, but whatever the cause, it is important to ensure WMATA has the tools to address these problems.

Aside from public safety concerns, fare evasion poses direct and indirect financial risks for WMATA as the transit agency approaches a “fiscal cliff” when federal pandemic aid runs out. WMATA has estimated that fare evasion costs it \$40 million a year in lost revenue. (Notably, while WMATA lacks comprehensive data on fare evasion, it has increased significantly in recent years. Metrobus drivers recorded a 9% fare evasion rate in 2018; in 2022 the rate was 34%.⁶) And aside from the direct revenue losses, fare evasion has broader potential financial implications. It was the second-largest concern raised by a group of 100 Metro riders interviewed by WMATA’s Riders’ Advisory Council between November 2022 and February 2023.⁷ As the Advisory Council noted, the frustration people feel when they see frequent fare evasion “makes it easier for riders to justify alternatives to public transportation and diminishes riders’ motivation to support increased funding” for public transportation.⁸

I appreciate that fare evasion is a complex problem that involves significant racial and economic equity issues. That is why I support initiatives that aim to make public transit more affordable to our most vulnerable residents—initiatives like Metro Lift (the half-price fare program WMATA is launching later this month for low-income riders) and Kids Ride Free (which, today, colleagues and I sent a letter urging the relevant agencies to work together improve participation in).

But as with most policy issues, this one is multi-faceted. Maintaining a robust, safe public transit system that residents feel safe riding—and letting their children ride unattended⁹—is itself a vital way to support low-income residents. Lost revenues from fare evasion could lead to service cuts, which would harm those residents the most. And when residents don’t feel safe using the system, they will have to turn to more expensive modes of transit, like driving or ride-hailing. Low-income residents are the least able to afford these alternatives.

I plan to use the public hearing and debate on this bill to look for ways to make this bill most effective and help mitigate any potential harms of enforcement.

³ Metro Transit Police, *Five Year Crime Report: 2018 – 2022*, [available here](#).

⁴ Metro Transit Police, *Monthly Crime Report: May 2023*, [available here](#).

⁵ Emily Davies and Justin George, *After Teen’s Killing, Activists Fear Metro Violence Becoming “Normal”*, Washington Post (May 30, 2023), [available here](#).

⁶ WMATA Finance and Capital Committee, *Quarterly Fare Evasion Update* (Feb. 10, 2022), at 44, [available here](#).

⁷ WMATA Riders’ Advisory Council, *Annual Report to the WMATA Board of Directors* (Apr. 27, 2023), [available here](#).

⁸ *Id.* at 8.

⁹ One resident recently expressed concern about her sons’ safety taking the Metro from their home in Anacostia to the D.C. International School in Northwest. Adam Tuss, *Mother Worried About Sons’ Safety Using Metro to Get to School*, NBC 4 (Mar. 29, 2023), [available here](#).

Should you have any questions about this legislation, please contact Michael Porcello, Committee Director for the Committee on the Judiciary and Public Safety, at mporcello@dccouncil.gov.

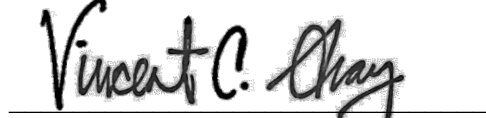
Thank you,

A handwritten signature in blue ink, appearing to read "BE R" followed by a stylized flourish.

Brooke Pinto

1 
2 Chairman Phil Mendelson


Councilmember Brooke Pinto

3
4 
5
6 Councilmember Vincent C. Gray

7
8 A BILL
9

10 _____
11
12
13 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
14
15 _____
16

17
18 To amend the Act to Regulate Public Conduct on Public Passenger Vehicles to require public
19 transit passengers stopped for certain violations, including fare evasion, to provide
20 officials with their true name and address for the purpose of issuing a notice of infraction,
21 and to provide that failure to comply is punishable by a fine of up to \$100.

22
23 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
24 act may be cited as the “Metro Safety Amendment Act of 2023”.

25 Sec. 2. The Act to Regulate Public Conduct on Public Passenger Vehicles, effective
26 September 23, 1975 (D.C. Law 1-18; D.C. Official Code § 35-251 *et seq.*), is amended as
27 follows:

28 (a) Section 3 (D.C. Official Code § 35-252) is amended as follows:

29 (1) The existing text is designated as subsection (a).

30 (2) A new subsection (b) is added to read as follows:

31 “(b) A person who is stopped by an individual authorized to issue notices of infractions
32 under section 5(a)(3) for violating subsection (a) of this section shall, upon request, inform that
33 authorized individual of his or her true name and address for the purpose of including that
34 information on a notice of infraction; provided, that no person shall be required to possess or

35 display any documentary proof of his or her name or address in order to comply with the
36 requirements of this section.”.

37 (b) Section 4 (D.C. Official Code § 35-253) is amended by striking the phrase “section 3”
38 and inserting the phrase “section 3(a)” in its place.

39 (c) Section 5 (D.C. Official Code § 35-254) is amended as follows:

40 (1) Subsection (a)(1) is amended by striking the phrase “section 3” and inserting
41 the phrase “section 3(a)” in its place.

42 (2) Subsection (b) is amended by adding a new paragraph (1A) to read as follows:

43 “(1A) A person who refuses to provide his or her name and address, or who
44 knowingly provides an incorrect name or address, to an authorized individual in violation of
45 section 3(b) shall, upon conviction, be fined not more than \$100.”.

46 Sec. 3. Fiscal impact statement.

47 The Council adopts the fiscal impact statement in the committee report as the fiscal
48 impact statement required by section 4a of the General Legislative Procedures Act of 1975,
49 approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

50 Sec. 4. Effective date.

51 This act shall take effect following approval by the Mayor (or in the event of veto by the
52 Mayor, action by Council to override the veto), a 30-day period of congressional review as
53 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
54 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
55 Columbia Register.