

Baker calls for lower fines for MBTA fare evasion

As the MBTA plans to switch over fare collection technology, it will depend more on a proof-of-payment model that has some advocates worried about people of color and low-income riders being unfairly targeted for enforcement.

By [Laura Crimaldi](#) Globe Staff, Updated February 1, 2020, 7:20 p.m.



If approved by lawmakers, the new fare evasion fines could start at \$10 and progress up to \$250, down from \$100 to \$600. PATRICIA MCDONNELL

Governor Charlie Baker has set forth plans to overhaul how the MBTA handles fare evaders by seeking to slash fines and making it illegal to arrest scofflaws, provisions that have been pushed by advocates concerned about people of color and low-income riders being unfairly targeted for enforcement.

Baker put his proposals in a supplemental budget plan Friday that also seeks to impose fines up to \$200 for private motor vehicles that drive in bus-only lanes and to limit the disclosure of personal data collected by the Massachusetts Bay Transportation Authority during fare collection.

If approved by lawmakers, the new fare evasion fines could start at \$10 and progress up to \$250. Currently, fines start at \$100 and rise to \$600 for repeat offenders. Transit Police have said they issued 2,300 fare evasion citations in 2018. Today, only transit officers and some in-station personnel can issue the fines.

A group of social justice and transit advocacy organizations has been pushing for lower fines, especially as the MBTA prepares to move to a cashless fare collection system that will give riders the freedom to board through back doors on buses and Green Line trains. But they will also be asked more regularly to show they paid for their tickets.

The new system, expected to be fully in place by 2024, has sparked some fears among transit advocates that people of color riding on public transportation will be confronted disproportionately by police for spot checks, potentially creating tension. Advocates also worry about the fines being too high for poor riders to afford.

María Belén Power, associate executive director at GreenRoots, Inc., a community organization in Chelsea, praised the bill Saturday for explicitly making it illegal to arrest riders for fare evasion. Even though the punishment for fare evasion is a noncriminal citation, under current law, riders stopped for not paying may be arrested if they refuse to show personal identification.

“It would be a game changer for low-income communities and communities of color who have been criminalized for being poor,” she said.

Some advocates, however, said the \$250 maximum fine proposed by Baker is still too high.

“We will be pushing to say that \$250 should not be the ceiling. It should be lower,” said Lee Matsueda, executive director of Community Labor United, which advocates for low- and moderate-income working families in Massachusetts.

Mela Bush-Miles, director of Transit-Oriented Development and the T Riders Union at Alternatives for Community and Environment, said fare evasion fines shouldn't exceed \$10. She said she wished Baker had not included language in his proposal that makes riders ineligible to renew their driver's licenses if they accumulate two or more outstanding fare evasion citations.

Baker's proposal is less stringent than current law, which allows the Registry of Motor Vehicles to block renewal of a driver's license for failure to pay a single citation. Baker's plan would also eliminate a provision that lets the Registry refuse to issue driver licenses to MBTA users who didn't pay fines for fare evasion citations issued before they were eligible to drive.

Still, Bush-Miles said it is unfair to link the punishment for fare evasion to driving eligibility.

“There's no reason to connect those two things,” she said. “They don't have anything to do with each other.”

Other measures in the bill would make it possible for the MBTA to designate a civilian workforce to check fares, establish alternative ways for riders to pay fines, and create a more flexible appeals process. Baker is proposing the MBTA use a regulatory process to work out the details for its fare evasion policy and prepare annual reports on how many citations and warnings are issued.

A Baker spokeswoman on Saturday referred a request for comment to the MBTA.

In a statement, the T said it “seeks to continue the strong working relationship with community partners on this important topic.”

“Any regulatory process will build on these relationships and will create more opportunity for public input on important policy decisions weighed in the context of public transit,” said spokesman Joe Pesaturo.

Even with these changes, the T is also trying to boost fare collection on the commuter rail this year by installing fare gates at its busiest stops: North, South, and Back Bay stations. Advocates have urged the MBTA to focus on the commuter rail, citing the transit agency’s belief that those customers are responsible for the largest portion of funds lost to fare evasion. In 2017, the T estimated it loses as much as \$30 million a year when commuter rail conductors run out of time — or give up trying — to check tickets.

Other cities have been rethinking their approach to fare evasion, in some cases going in opposite directions. Seattle, for example, lowered its fare evasion fines a couple years back, from \$124 to \$50. But New York has been cracking down on subway fare evasion; the news outlet Vice recently reported that the fines were coming down more heavily in minority neighborhoods.

Baker on Friday also filed for a new form of citation against motorists who drive in or block the bus-only lanes that have quickly spread in Greater Boston. The fines would be up to \$200 on weekdays between 7 a.m. and 7 p.m. and up to \$100 overnight and on weekends.

MBTA Transit Police Superintendent Richard Sullivan said the agency has designated staff to monitor bus lanes across the region. But he could not immediately say how many relevant violations have been issued, because there is not a specific violation for bus lane enforcement.

Stacy Thompson, executive director of the LivableStreets Alliance, said some drivers simply ignore signs designating bus-only lanes and there should be consequences.

“It’s a really important first step,” she said.

Baker's bill would also shield personal information gathered by the MBTA for fare collection from being publicly disclosed in most cases. Transit Police, however, could access the information in situations involving imminent and immediate threats to the public. Under the current system, customers who use a credit or debit card to buy transit passes on the MBTA's website must provide personal contact and financial information.

In a statement, Kade Crockford, who directs the Technology for Liberty Program at the ACLU of Massachusetts, said information collected to process transit fares shouldn't be used by police to track where and when people are traveling, absent a warrant or an emergency.

"This language is important, and could be strengthened by clarifying that MBTA passenger data will never be disclosed to police — including MBTA police — absent a judicial warrant," she said.

Adam Vaccaro of the Globe staff contributed to this report.
