



Baker bill would reduce penalties for MBTA fare evasion



BOSTON, MA – JANUARY 22: Gov. Charlie Baker speaks about his Fiscal Year 2021 budget proposal at the State House on January 22, 2020 in Boston, Massachusetts. (Staff Photo By Angela Rowlings/MediaNews Group/Boston Herald)

By [STATE HOUSE NEWS SERVICE](#) |

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Penalties for evading fares on the MBTA would be lowered and drivers could be cited for using bus lanes under changes Gov. Charlie Baker proposed in a spending bill filed late last week.

Baker's \$52.6 million fiscal year 2020 supplemental budget bill calls for reforms to how those who do not pay for rides are punished and greater protections on passenger data as the T prepares a new fare collection model.

The bill would create new penalties banning private motor vehicle operators from driving, standing or parking in designated bus lanes. Motorists would receive a fine of

up to \$200 for violations between 7 a.m. and 7 p.m. on a weekday and up to \$100 for violations at any other time.

“The need for stricter enforcement of bus only infrastructure has been elevated as more and more cities and towns implement bus priority infrastructure,” LivableStreets Alliance Executive Director Stacy Thompson said in an email. “While we are supportive of better bus lane enforcement we hope the State will also explore camera enforcement which is utilized in New York City.”

The bulk of the transit-related changes in the bill aim at MBTA fare collection and evasion.

Under the bill, police would be explicitly banned from arresting individuals who board or attempt to board the MBTA without paying, which they can do now if the individual fails to provide identification, according to the T.

Authorities will still issue non-criminal citations for evasion, but the fine structure would change from a statutory mandate to one set by MBTA regulations. The bill calls for lowering the fines from the current minimum of \$50 and maximum of \$500 to a new minimum of \$10 and maximum of \$250.

State law allows for the Registry of Motor Vehicles to decline renewing a driver’s license if a single fare evasion citation is unresolved, but Baker’s bill would only permit that step if a motorist has two or more outstanding citations.

The bill also strips out existing language that would require new drivers who received a fare evasion citation when they were 17 or younger to pay the outstanding fine before acquiring a license.

Jarred Johnson, chief operating officer of the advocacy group TransitMatters, said in a statement that decriminalizing fare evasion should accompany a low-income fare structure.

“Fair penalties consistent with the low-gravity nature of the infraction ought to be adopted as the Commonwealth moves away from today’s onerous approach,” he said.

Baker’s legislation calls for the MBTA to begin filing annual reports two years after passage detailing fare evasion warnings and citations issued by the agency. Commuter rail conductors could issue citations under the new language, and the MBTA would also be allowed to hire new civilian staff to handle the task rather than use transit police.

Keolis, which operates the commuter rail, in 2016 estimated losing about \$35 million annually in uncollected fare revenue. At the same time, T officials said fare evasion on the Green Line and on buses — where passengers can often board through rear

doors without stopping at the fare box — costs between \$2.3 million and \$6.9 million per year.

The company plans to install fare gates at North Station, South Station and Back Bay starting this year as part of a push to recoup uncollected revenue.

Baker's proposal comes less than two months after the MBTA reset its planned rollout of an automated fare collection 2.0 system.

The new system, set to be implemented in stages over the next four years, will allow riders to use a website and mobile app to track their fare balances. Larger changes such as all-door boarding on buses or tapping of a credit card — rather than a ticket or CharlieCard — at a fare gate are now three or four years away from implementation.