REPORT OF THE BLUE-RIBBON PANEL
on MTA Fare and Toll Evasion

**May 2023**

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The evidence is alarming: Fare and toll evasion have reached crisis levels in New York – with revenue losses approaching record levels of nearly $700 million – threatening the public transit system, and tearing at the social fabric of New York.

It is time to take action to forcefully combat evasion before its impacts become irreversible. Based on consultation with dozens of stakeholders, this report recommends fresh thinking, targeted investment, and a comprehensive new approach that balances community needs, equity concerns and enforcement priorities to tackle a worsening challenge.

All New Yorkers urgently need to get back on track, paying fares and tolls as a matter of course – and as a civic duty. Evasion hurts everyone – and it will take everyone working together to fix it.

A Message from the Blue-Ribbon Panel

Our panel came together with a mandate to lead a deep and strategic review of fare and toll evasion. We are a diverse group of committed New Yorkers, bound by a strong sense of civic duty and years of experience in a wide range of relevant fields. Our backgrounds include law, transportation, education, social justice, criminal justice, and community work.

We are all MTA customers who regularly ride the buses, the subways, Metro-North, and the Long Island Rail Road. We drive over the MTA's bridges and through its tunnels. Many of us grew up in New York City and have used the transit system all our lives. We have seen the evasion problem getting worse – and we know we are not alone in our concerns.

MTA leadership created this panel to hit the reset button on how we approach fare and toll evasion in New York. Our mandate was to move beyond stale debates and one-off solutions, taking a deeper dive into modern-day facts and bringing fresh thinking to bear.

> **How bad has evasion become in New York?** *Very bad.*
>
> **How important is it to tackle evasion now?** **Critically** *important.*

We have spent the past year working diligently to learn more about fare and toll evasion and considering future policies.

We have watched at subway stations while people from all walks of life streamed in through the emergency exit gates, as if that has become an acceptable thing for New Yorkers to do. We have stood at bus stops, watching as people breezed past the farebox – boarding without paying even while uniformed MTA security teams were issuing evasion summonses in plain sight. On the commuter railroads, we have regularly seen people employing various tactics to get a free ride.

At the Verrazzano Bridge, we saw the many ways drivers block and forge their license plates to avoid paying the toll. We saw an MTA lot just below the bridge, full of expensive cars that had just been interdicted by officers – in some cases, because their registrations had been suspended due to massive amounts of toll non-payment, into the tens of thousands of dollars.

> **MTA Customer:** "Fare evasion is demoralizing. I will always pay my fare, but people are encouraged to evade when it's so easy and so many people are doing it."

We consulted with leaders and members of the Riders Alliance, a leading transit advocacy group, as well as the Permanent Citizens Advisory Committee to the MTA, another group of everyday New Yorkers who are passionate about the transit system. We met with social justice advocates to discuss how we can ensure that evasion policies address inequities in our public transit system.

We dug deeply into the enforcement challenges, reviewing extensive data and meeting with the NYPD's Transit Bureau, the MTA's own police department, the senior leadership of all five New York City district attorneys' offices, and legal aid advocates.

We sought to hear from New Yorkers about how evasion affects their lives and their sense of community. We reviewed hundreds of comments from MTA customers about their frustrations with evasion. We met with high school students to hear about their experiences. Members of the public also reached out to us directly. We talked with other major transit systems across the country and overseas. All of these perspectives informed our recommendations.

It is now time for us to report out to our fellow New Yorkers. How bad has evasion become? Very bad. How important is tackling evasion now? Critically important. What should be done? We are urging action and investment in a number of key areas, including:

- **Modernizing the subway entrance experience with 21st-century faregates** – a long term capital project that will, in time, make it both easier to pay the fare and harder to evade it, while increasing accessibility and ease of use for all New Yorkers.

- **Better supporting low-income bus and subway riders** by expanding and improving the Fair Fares program. We urge the City of New York to double income standard to make another 500,000 New Yorkers eligible. We also propose making the Fair Fares program much better known and making the enrollment process much more user-friendly.

- **Improving enforcement through a new commitment to "precision policing."** New data sources and technology tools can help focus criminal justice resources on the limited number of fare evaders who either pose serious threats to public safety (fare evaders who also commit serious crimes) or who act as evasion enablers (vandalizing MetroCard machines and running fare collection schemes at the exit gates).

- **Reducing the well-documented impact of fare evasion enforcement on New Yorkers of color.** A new commitment to more equitably distributing enforcement efforts can reduce this. Together, precision policing and more equitable enforcement can build public confidence in and support for the necessary enforcement efforts.

- **Shifting to civil enforcement for most evaders** – training and deploying more civilian personnel, and moving to a new paradigm. For offenders who do not present a public safety concern, enforcement generally should begin with documented, formal warnings on first offense, followed by summonses and fines on subsequent offenses, with enforcement agents using handheld technology to track repeat offenses.

There is an enormous amount of evasion on all modes of the MTA system: buses, subways, commuter railroads, and bridges and tunnels. **We urge all stakeholders across government to set a goal of reducing both evasion rates and evasion dollar losses by half within three years _across the entire MTA._**

The common thread tying all our recommendations together is that **_remedies must respond to reasons_**. As the report explains, people evade for different reasons – opportunism, frustration, economic stress, and simple bad behavior. This "all of the above" problem needs "all of the above" solutions. Where previous responses to evasion have been framed almost exclusively as a policing problem, instead we frame all our proposed responses through the more comprehensive "Four E's" strategy: Education, Environment, Equity, and Enforcement.

We love New York and its public transit system. We hope these recommendations will help to drive urgent action by government to combat evasion. But if there is one big idea that we would like New Yorkers to take from our work, it is that **_we all need to get back to paying our fares and tolls as a matter of course – and as a civic duty that strengthens our bonds of community._**

All New Yorkers depend on a well-functioning, well-funded transit system – and evasion is a problem we all must solve together. At our request, today the MTA is opening an online portal for public comments on this report. We look forward to receiving this important feedback.

We hope New Yorkers will embrace these ideas – and support urgent action to implement them . Together, we can make sure that the nation's largest public transit system continues to be its best.

The Blue-Ribbon Panel

David Banks	Melva M. Miller
Kirk Burkhalter	Richard Ostrander
Lisa Daglian	Rosemonde Pierre-Louis (Co-Chair)
Matthew Fishbein	Natalia Quintero
Elizabeth Glazer	Kate Slevin
Michael Hardy	Michael Sonberg
David Jones	Zachary Tumin
Roger Maldonado (Co-Chair)	Jo-Ann Yoo

Key Takeaways

The fiscal losses caused by fare and toll evasion are staggering.

• The MTA's dollar losses to fare and toll evasion for 2022 were $690 million. That includes $315 million in evasion losses on the buses; $285 million on the subways; $46 million at the bridges and tunnels; and $44 million on commuter rail. On the buses and subways in particular, evasion levels have spiked since the pandemic. They show no signs of dropping.

Fares and tolls are crucial to the MTA's bottom line – and to all MTA services.

• The farebox – all fares paid on the subway, bus, LIRR, Metro-North Railroad, and Staten Island Railway – currently supplies *24% of the MTA's budget, amounting to $4.6 billion annually.*

• *Tolls supply another 13% of the budget, amounting to $2.4 billion.* Those dollars are paid at the MTA's nine tolled bridges and tunnels.

• Toll revenue is *a significant source of support for mass transit*. The MTA collects more in toll revenue at the bridges and tunnels than it costs to run them. The revenue above cost is allocated by law to buses, subways, and commuter railroads. Toll evasion tactics also threaten the future revenues from congestion pricing – another key revenue source for mass transit.

> Every dollar lost anywhere in the MTA system **damages the transit system's health.** Every act of evasion anywhere in the system **damages our civic culture.**

Fare and toll evasion tear at the social fabric of New York.

• The magnitude of evasion happening on subways, buses, trains, and bridge and tunnel crossings is shocking.

• It is difficult to avoid the impression that a growing number of people who could radily pay instead feel *entitled to evade – a brazen and deeply upsetting attitude that diminishes New Yorkers' sense that we are all in this together.*

• Those who do pay are justifiably upset by those who evade. As one rider put it at an MTA Board meeting, for those who do pay, *it feels like "an insult"* to watch those who do not.

• *Evasion creates division.* New Yorkers have put it best in their comments to the MTA:

"I feel like a chump for paying the fare when other riders don't."

"So, if I am paying my fare, why won't everyone also do the same? Not fair."

"Fare evasion is demoralizing. I will always pay my fare, but people are encouraged to evade when it's so easy and so many people are doing it."

Fare evasion is more than upsetting – as evasion grows, it can actually breed more evasion.

• Psychologists have documented a phenomenon of behavior in public settings: The more that people see others getting away with bad behavior, the more likely they are to behave badly themselves.

> As one fare evader recently told a police officer: *"My dad told me not to pay. He said nobody else is, so I shouldn't either."*

• This is why a rider, MetroCard in hand and ready to pay, will instead join a line of people evading through the emergency exit gate.

• This is also why, as the data show, fare evasion spikes around school dismissal hours. As one high school student told us, *"When I'm [going through the emergency exit gate] with a group of my friends, I feel powerful and anonymous."*

• And this is why one fare evader recently told a police officer: *"My dad told me not to pay. He said nobody else is, so I shouldn't either."*

EXECUTIVE summary

This is about the entire MTA.

- The public conversation about evasion has usually focused on "turnstile jumping" in the subways. The evasion problem is far larger and *more pervasive across the entire public transit system in New York*, including buses, commuter railroads, bridges, and tunnels.

- *Buses actually have the highest evasion rate*, and also are the single biggest source of dollar loss to evasion: about $315 million in 2022, with subways close behind at about $285 million.

- In 2022, the MTA estimates that *evasion at bridge and tunnel crossings alone resulted in $46 million in lost revenue*. Evasion on *commuter rail* caused *another $44 million in lost revenue*.

- Every dollar lost anywhere in the MTA system damages the bottom line. Every act of evasion anywhere in the system damages our civic culture.

Enforcement needs to be both firmer and fairer, doing more to actually reduce evasion – and to *reduce disproportionate impacts on New Yorkers of color*. Criminal enforcement should focus squarely on those who pose the greatest threat:

- Individuals who commit robberies, assaults, and other serious crimes.

- **Evasion enablers:** those who, for their own financial gain, cause or profit from evasion by others – for example, by vandalizing MetroCard machines or selling license plate blockers.

All five New York City district attorneys share these priorities for evasion prosecutions. The panel also recommends that, on a case by case basis, the district attorneys should consider cases of significant evasion recidivism for prosecution. All prosecutions, regardless of basis, are always matters for each DA to pursue in their discretion.

Enforcement reform and equity must be a priority. The panel calls for a range of other reforms to make enforcement both more effective and more equitable, including:

- *Shifting the enforcement model for New York City Transit from a "summons first" approach to a "warnings first" approach*. Enforcement for first-time evaders on the subways and buses, especially for younger evaders, generally should begin with *an official warning on the record*, rather than a summons or arrest. This warning should include information about resources available to help pay the fare; a message about the importance of fare payment; and a clear statement that the warning is a one-time event, with future evasion stops leading to additional sanctions.

- The "warnings first" model serves two key purposes: it builds in increased fairness at the outset, while also building the rationale for a tougher approach towards those who disregard the warning and continue evading. *The goal should be to create customers, not criminals.*

- *More enforcement by civilian personnel, and less by police.* There should be a shift over time toward more civilian enforcement and away from enforcement through police-involved encounters. Moving toward an all-OMNY system will help the MTA rely more on civilian-led proof of payment checks and less on police stops.

- **Enforcement on the buses and subways should be more equitably distributed across New York City.** Evasion happens in neighborhoods all across the city and enforcement efforts should be consistently applied. The risk of a summons or arrest should be just as great for evasion on the Upper East Side as it is in East New York.

- **Targeted enforcement efforts should begin with education and outreach in affected communities of all demographics and income levels.** The MTA and NYPD should work to identify neighborhoods where evasion is highest. The first order of business would then be to work with the communities around these subway stations and bus stops: promoting the importance of fare payment, and connecting customers who need help paying with the available resources like Fair Fares. Only then would focused enforcement follow.

- **Enforcement should be data-driven**. Technology will increasingly allow the MTA to locate evasion "hotspots" by the numbers, and to dispatch enforcement resources more effectively.

- **Enforcement should model a new, "every mode matters" mindset:** Evasion on commuter rail, and at the bridges and tunnels, should receive increased attention from MTA management, the MTA Board, and the public.

- This should include improving the **measurement of fare evasion on commuter railroads** and passing new state legislation to **crack down on drivers who use fraudulent and blocked license plates** to evade tolls, or who persistently ignore toll bills.

Modernizing fare arrays - turnstiles, exit gates, and other physical barriers – is the single most important thing the MTA can do to reduce fare evasion in the subway, saving hundreds of millions of dollars over time.

- **About 400,000 riders enter the subway each day without paying** – a problem so big that enforcement alone cannot solve it.

- 21st century fare arrays greatly reduce the possibility of evasion, while increasing accessibility and improving overall customer experience.

- These fare arrays would replace the aging turnstiles with motorized swinging doors or panels. They will also enable the MTA to get rid of the existing emergency gates - the single biggest source of evasion in the subways.

- Implementing these changes will require a priority effort to identify the best options that industry has to offer; a commitment of capital funds; close cooperation with the fire code authorities, whose approval will be required; and testing to ensure that the new technologies meet the needs of all riders in the New York City environment. This work will not be completed overnight – far from it. **But the work should begin today.**

What public transit and the MTA mean to New York

The Metropolitan Transportation Authority runs the city's subway systems and buses, two major commuter railroads, and bridges and tunnels – moving millions of people each day across New York City's five boroughs and seven suburban counties. New York City's public transportation system is, by far, the largest transportation system in the United States. Approximately **40% of all transit use in the entire country** happens on the MTA system.

The MTA's operating units are:

- New York City Transit, which runs America's largest bus and subway systems within the five boroughs as well as the Staten Island Railway

- MTA Bridges and Tunnels, which runs the RFK Bridge, the Verrazzano-Narrows Bridge, and seven other tolled crossings

- America's two largest commuter railroads - the Long Island Rail Road, serving Manhattan, Brooklyn, Queens, and Long Island; and Metro-North Railroad, serving Manhattan and points north

Public transit is New York's engine of opportunity, growth, and mobility.

Using the MTA system, New Yorkers of all backgrounds can connect to a world of educational and economic opportunity. As one commentator has said, the transit system originally was what "[tied] together the modern city and enabl[ed] it to become a place where anything is possible." Today, the transit system remains the key to "an inclusive and competitive future."

THE FOUR E'S STRATEGY:
Responding to the Reasons for Evasion

Driving down evasion means going beyond enforcement measures and adopting a 360-degree strategy based on the Four E's:

• **Education** – communicating the importance of payment to the general public, and responding to the particular needs of students in the five boroughs.

• **Environment** – using new technologies and changes to the physical entry experience, to make payment easier and evasion harder.

• **Equity** – better supporting low-income New Yorkers who need help paying transit fares, and embedding equity principles in enforcement policies.

• **Enforcement** – increasing the focus on recidivists, serious criminals, and evasion enablers, while also expanding the use of civil tools to handle most evasion and applying precision policing and criminal justice tools to deter and respond to the most serious evaders across all MTA services.

The Four E's strategy is based on the idea that new anti-evasion strategies should respond to the reasons why people evade in the first place.

For example, evaders (particularly on the subways) typically fall into several general categories:

• ***The opportunistic evader*** – the person who approaches the subway turnstile with MetroCard or OMNY in hand but evades when they see others entering through an open emergency exit gate. Remedies should focus on taking away the opportunity – the open gate.

> **Response: Environment** Moving aggressively in the short and medium term to secure existing emergency exit gates against evasion, using a combination of civilian guards and simple mechanical fixes.
>
> Moving in the long term to replace aging and outdated turnstiles, and emergency exit gates, with 21st century fare arrays that are both more accessible and harder to evade, providing a better commuting experience for everyone.

• ***The frustrated evader*** – the person who walks up to a MetroCard machine, cash in hand and ready to pay, but finds the machine's cash slot has been vandalized. Unable to pay the MTA with cash, they reluctantly resort to evasion through the emergency exit gate – sometimes being forced to pay someone illegally controlling gate entry.

> **Responses: Environment, Enforcement**
> In the short term, reducing frustration by decreasing the downtime of MetroCard vending machines and other fare payment hardware such as MetroCard readers and OMNY readers.
>
> Sharply increasing riders' use of OMNY.
>
> Working with the NYPD and the district attorneys to increase enforcement against evasion enablers – such as the people who vandalize MetroCard machines, which drives people who would otherwise be paying customers to evade the fare instead.

• ***The economically stressed evader*** – the person who evades the fare because paying it is a true hardship. The panel heard from New Yorkers who feel as if they have to choose between paying the fare and paying for other necessities. They told us they would much rather be paying customers and they find evasion painful and embarrassing.

> **Response: Equity**
> Dramatically expand Fair Fares, the city government program that provides low-income New Yorkers with a 50% subsidy for subways and buses.
>
> Increase Fair Fares eligibility from 100% of the Federal Poverty Level to 200%, allowing another half-million New Yorkers to access Fair Fares.
>
> A major effort should also be made by City agencies to better publicize Fair Fares, and to streamline the process for obtaining and using Fair Fares.
>
> Build equity options into the enforcement process for individuals who get summonsed for fare evasion – by giving hearing officers the ability to consider inability to pay, and by returning a portion of fare evasion fines to the individual in the form of a pre-paid OMNY card.

- **The student evader** – the young person who evades the fare when their <u>student discount is unavailable.</u> Currently, most students get three free rides a day on New York City Transit, but these rides are limited to weekdays and to certain hours. As a result, students are tempted to evade when their activities, including after school jobs, athletics, and internships, exceed three rides or the assigned hours. Some students also adopt an "it's free anyway" mentality, failing to swipe even when they are carrying a valid and free MetroCard. This behavior facilitates evasion by others (as when adults follow students through the emergency gate). It also embeds the attitude that it is okay to evade.

  Response: Education
  Subject to full funding, <u>expand free rides for students to five rides per day, 24/7</u>.

  Full funding requires all city and state stakeholders to come to the table and <u>renegotiate the out-of-date financial arrangements that govern students' use of the subways and buses today.</u> The MTA currently bears well more than its fair share of the cost of student rides.

- **The determined evader** – this category includes the person who simply is determined not to pay, regardless of subsidies, educational messages or other nudges. This category also includes those who are determined to facilitate and profit from evasion by others. Social media chatter makes clear that many see fare evasion as outright cool or somehow socially justified. It is neither.

- For the determined evader, the focus must be on <u>deterrence and enforcement.</u>

The Old Approach

The Panel's Approach
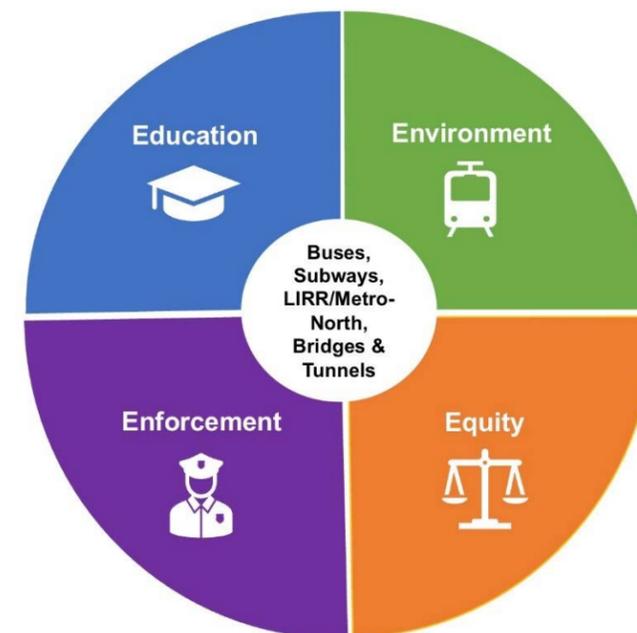
Response: Enforcement
Criminal enforcement should focus primarily on determined evaders across the transit system.

The trend toward "civilianized" fare evasion enforcement - with most evasion stops on the subways and buses resulting in a civil summons - should continue.

At the same time, for priority cases "precision policing," along with targeted responses by the district attorneys' offices, will be an important part of evasion reduction strategies going forward.

Experiment, Experiment, Experiment

To make progress across the Four E's, a fifth "E" will be needed: the need for data-driven *experiments* to learn which interventions really work. We are calling in this report for a host of new approaches, including using control groups, test groups, pre-defined measures of success, and consistent tracking of success. For each initiative, the MTA and the public should ask: Does this reduce evasion? Is it a smart use of resources? How does it affect transit service for all? And is it fair and equitable? Experiments that yield "yes" answers to all these questions can then be built out to scale across the MTA system.

Panel members made it a point to get out and about: seeing all elements of the MTA system, observing evasion first-hand, and talking with community members and the front-line personnel who respond to evasion.

MTA Bridge & Tunnel Officer Jason Vazquez shows panelist Elizabeth Glazer the technology in patrol cars that supports interception of toll evaders.

Panelist Lisa Daglian touring Penn Station with LIRR personnel.

At Jamaica Center, MTA police liaison Joseph Nugent explains the "MVM all-out" to panelists Kirk Burkhalter, Hon. Michael Sonberg, and Melva M. Miller. In an all-out, vandals disable the cash slots on all MetroCard vending machines. Then the vandals take payment at the nearby turnstiles, taking advantage of customers who could not pay cash to the MTA due to the vandalism.

Panelist Matthew Fishbein, panelist Michael Hardy and panel co-chair Rose Pierre-Louis at the 86th Street and Lexington Avenue subway station.

Panel co-chair Rose Pierre-Louis and panelist Hon. Michael Sonberg talk with MTA Bridges and Tunnels personnel at the Verrazzano-Narrows Bridge. A few minutes earlier, the cars at right were interdicted by MTA Bridge & Tunnel officers based on suspended registrations resulting from toll evasion.

Riders Alliance members and leadership visit MTA headquarters in Manhattan to meet with panel co-chairs Roger Maldonado and Rose Pierre-Louis, panelists David Jones, Melva M. Miller, Kate Slevin and Jo-Ann Yoo, and MTA leadership

Public high school students share their transit experiences with MTA officials and panel staff at New York City Public Schools headquarters in Manhattan. The meeting was organized by Schools Chancellor David Banks, a member of the Blue-Ribbon Panel.

Panelist David Jones talks with NYPD Transit Bureau officers at 14th Street-Union Square in Manhattan.

Panelist Matthew Fishbein, panelist Michael Hardy, and panel co-chair Roger Maldonado speak with MTA Eagle Team members at the St. George bus terminal in Staten Island

Panelist Elizabeth Glazer speaks with MTA Eagle Team members at Hunts Point Avenue in the Bronx.

This report illustrates the magnitude of the evasion crisis and analyzes the problem across the entire transit system. It proposes a new strategy responsive to the many reasons people evade, with a focus on education, enforcement, environment (technology and physical design), and critically, equity: the Four E's.

Each section focuses on one of the four major MTA modes – buses, bridges and tunnels, commuter railroads, and subways. We provide a general overview of each mode, followed by an analysis of how much evasion is occurring, how it happens, how it is measured, and how evasion is currently enforced. Each section concludes with recommendations for responses framed by the Four E's.

This report paints a stark picture of the evasion crisis – but points the way toward practical solutions that benefit all New Yorkers.

Evasion and the Bottom Line

Fares and tolls are crucial to the MTA's bottom line. *Every dollar not paid in fares and tolls puts pressure on the MTA's budget* – increasing the need for significant alternative revenue sources, including fare and toll increases, and the potential for reductions in service.

MTA 2023 Adopted Budget
Baseline Revenues and Expenses <u>After</u> Below-the-Line (BTL) Adjustments

Where the Dollars Come From …

New Government Funding 3%
Other Funding Agreements 4%
State & Local Subsidies 3%
FEMA/ARPA 11%
Farebox Revenue 27%
Toll Revenue 13%
Other Revenue 4%
Taxes 38%

By Revenue Source ($ in millions)	
Farebox Revenue	$4,647
Toll Revenue	2,397
Other Revenue	776
Taxes	7,150
State and Local	579
Other Funding Agreements	837
Other [1]	213
New Government Funding	600
FEMA/ARPA	2,035
Total [2]	$19,235

- *Fares currently supply 24% of the MTA's budget*, amounting to *$4.6 billion*. The farebox here refers to all fares paid on the subway, bus, Long Island Rail Road, Metro-North Railroad, and Staten Island Railway, combined.

- *Tolls supply another 13% of the budget, amounting to $2.4 billion.* Those dollars are paid by drivers crossing at the MTA's nine tolled bridges and tunnels.

- *Toll revenue is a critical source of financial support for mass transit.* The MTA collects more from the bridges and tunnels than it costs to run them. By law, the revenue above cost is allocated to the buses, subways, and commuter rail.

- Continued evasion increases the pressure on the MTA's budget, *increasing the threat of significant fare and toll hikes*.

- Evasion rates at current severe levels also increase the chances of *service cuts* that would impact everyone who relies on the transit system to travel to employment and other opportunities. *Evasion hurts everyone.*

Every dollar not paid in fares and tolls directly increases the pressure on the MTA's budget

The MTA operates the *largest municipal bus fleet in the United States*. There are several kinds of MTA bus routes:

A Note About "Free" Transit

"Free" transit is shorthand for the idea of shifting costs away from MTA customers and onto taxpayers generally. Transit, of course, is never free – the question is who pays for it. An important public debate is now proceeding, in New York and nationally, about the extent to which taxpayers rather than transit customers should bear the cost.

That debate is not the topic of this report. Rather, our approach has been to take the MTA system as we find it. For well over 100 years, customers have paid by the trip to cover part of the cost of keeping the system afloat.

The recently enacted state budget is based on the premise that this will continue. While significant new revenues have been allocated to the MTA, the authority's budget only balances going forward based on the ongoing collection of billions in fares and tolls. (The budget also provides for a small pilot of one fare-free bus route per borough – but even this is conditioned by statute on an assessment of fare evasion impacts, and the pilot is intended in part to help bus riders connect with other parts of the system where they would have to pay.)

We have done our work on the basis that fares and tolls will continue to be central to the solvency of the transit system. So long as the MTA is charging fares and tolls, it will be critical to actually collect that revenue.

Evasion across the MTA system
BUSES

Type of Bus	Service	# of Routes	How to Pay	Current Fare
Local buses	Make all stops on their routes; generally 24/7	~230	At front of bus with MetroCard, OMNY, or cash	$2.75
Select Bus Service	Priority routes with limited stops; generally 24/7	~20	On street, by purchasing paper ticket from vending machine; or on the bus at any door with OMNY	$2.75
Limited	Local buses making limited stops with frequent service along high demand corridors.	~45	At front of bus with MetroCard, OMNY, or cash	$2.75
Express	Interborough routes; many run only during weekday rush	~75	At front of bus with MetroCard or OMNY; buses have a front door and also a lift for customers with disabilities	$6.75

There are about 5,900 buses in the MTA fleet. On average, about 4,900 MTA buses are on the streets of New York City at any given time. **Annual bus ridership was about 425 million in 2022**. Daily ridership fluctuates but is currently running in the range of 1.5 million paid riders on weekdays – about two-thirds of pre-pandemic levels.

MTA bus routes run in all five boroughs. In many neighborhoods, bus and subway routes have substantial overlap. In certain other neighborhoods, known as "subway deserts," buses are the primary public transportation option.

How much evasion is there and how does it happen?

The MTA estimates that for 2022 it lost **$315 million to evasion on buses**. This makes buses the **single largest source of evasion cash loss in the MTA system.**

The MTA calculates an evasion rate for local buses (including limited), a rate for SBS, a rate for express buses, and a weighted average for local buses, SBS and express buses all together. The MTA recently began publishing these rates (and many other key metrics) on a new beta site, **metrics.mta.info**. The metrics site is now the MTA's key means of conveying evasion data to the public. Here is the latest bus data:

Bus Fare Evasion

Bus fare evasion is measured by the percentage of bus riders that did not pay the fare. This chart presents four measures: one for SBS, one for local buses, one for Express buses, and one for overall fare evasion.

Bus Fare Evasion Rate
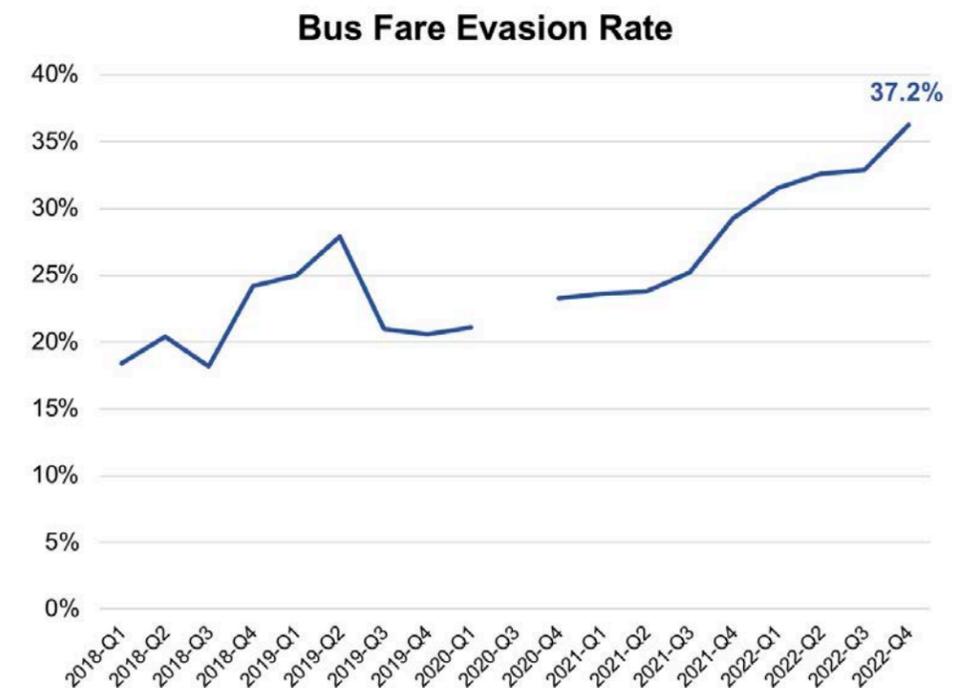
Note: Bus fares were not collected in 2020 Q1-Q2

As shown here, the evasion rate was about **37%** in the last quarter for which data are available (Q4 2022). This represents an **increase of about 16 percentage points** from just before the pandemic.

In looking at the historical figures, it should be noted that the MTA made buses fare-free from March to August 2020. Rear-door boarding on local buses was also temporarily adopted during this time. These were COVID-19 safety measures to help maintain physical distance between riders and drivers.

At a 37% evasion rate, that means *about 700,000 bus riders do not pay the fare on an average weekday*.

700,000 Daily Unpaid Riders — Would Fill Citi Field 16x
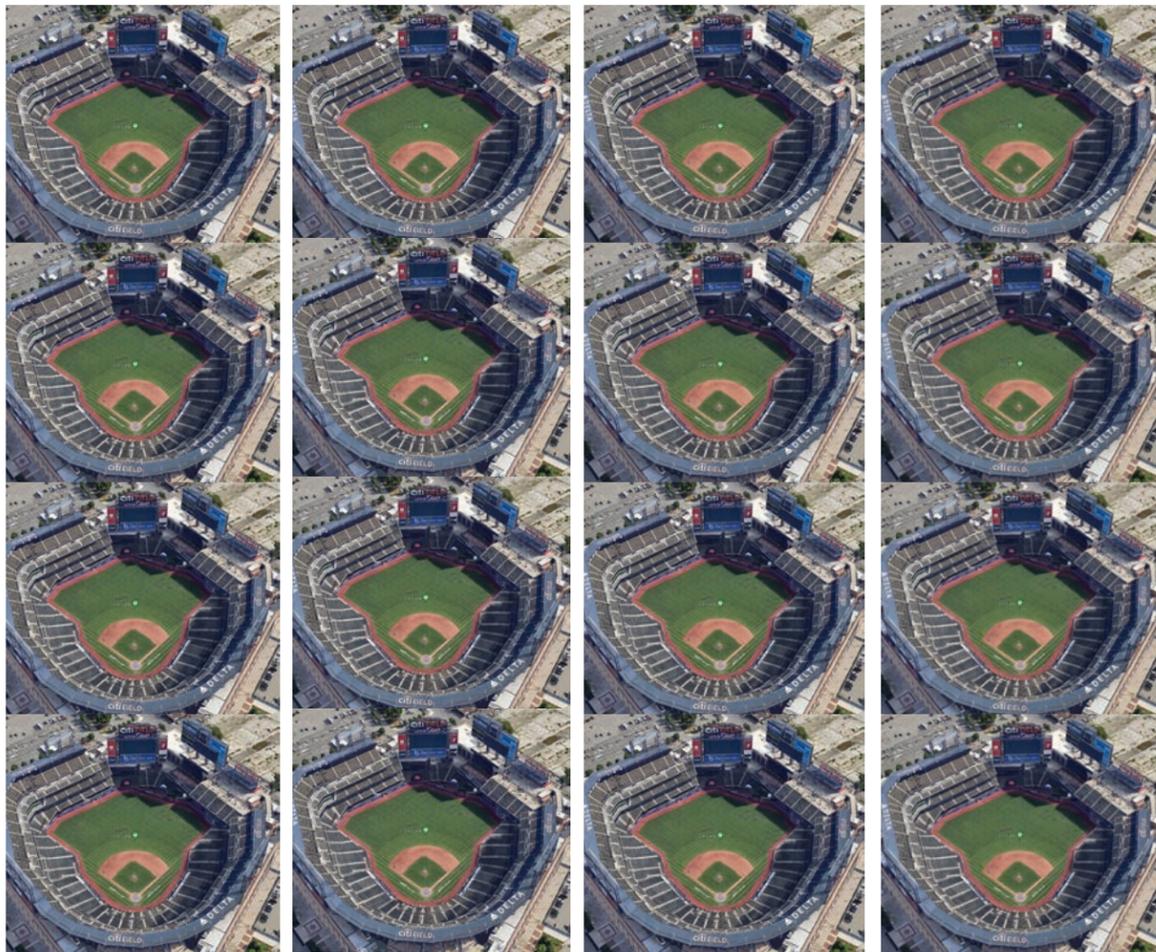
Evasion on the buses is as simple as walking on and not paying. On local buses, riders generally evade the fare in these ways:

- Walking in the front door and past the farebox and OMNY reader without making any payment at all.

- Boarding through the back door, where there currently is no option to pay.

- "Short dropping" – depositing cash in the farebox, but less than the full fare.

On SBS buses, evasion is also a matter of just walking on the bus. An evading rider simply does not buy a paper ticket from the MTA vending machine on the street. Nor do they tap the OMNY reader when they board.

When riders evade the fare, drivers are instructed by the MTA not to intervene for their own safety. **In a recent incident**, one MTA bus driver who did ask a passenger to pay the fare was met with a pointed firearm and a death threat.

How is evasion measured and enforced?

Measurement

Measurement of evasion on local buses is straightforward. **Most buses now have automated passenger counters, or APCs**. These are sensors above the doors that count the number of people on the bus at any given time. APCs are the same technology that lets riders see **on the MTA app**, in real time, how many passengers are on an approaching bus.

Buses also have automated fare counters, or AFCs. AFCs keep count of the number of fares paid. The evasion count is the difference between the APC count and the AFC count. Data from SBS sidewalk vending machines is also considered in the count.

As an example, suppose that the APC counts 50 people on a bus, and the AFC counts 35 paid fares. The evasion rate on that bus is 30%. The systemwide evasion rate is calculated by repeating this exercise across the MTA's thousands of APC-equipped buses.

Enforcement

Regular Bus Service: There is very little fare evasion enforcement on local buses*. Fare evasion on local buses historically has not been a priority for the MTA's Eagle Teams, the NYPD, or the MTA's own police force (MTAPD).*

• The *Eagle Teams* are part of the MTA'S security department. Currently there are about 150 Eagle Team members, called "Special Inspectors" or SIs, dedicated to fare enforcement. About 75 new Eagle Team members also are in the hiring pipeline.

• SIs are not police officers. *They do not carry weapons, and they cannot make arrests.* Eagle Teams issue *civil summonses that carry up to a $100 fine* for violation of MTA rules.

It should be noted that Eagle Teams occasionally work jointly with the NYPD. In these joint operations, police officers provide a security presence while Eagle Team SIs do their work. The need to protect Eagle Teams' safety is made clear by a **recent incident** in which a fare evader shot at the SIs. Fortunately, no one was seriously hurt.

• *Eagle Teams have focused almost exclusively on SBS evasion enforcement*. Summonses issued on SBS make up virtually all of the Eagle Teams' enforcement activity.

The Eagle Teams also do a *small number of local bus patrols*. Eagle Team members position themselves at the front door and watch as passengers board. If an SI sees a passenger board the bus (more specifically, cross the white line on the floor just past the driver) without paying, they ask the passenger to step off and write them a summons. This approach is used because of a *legal requirement that Eagle Team members must personally observe the evasion in order to write a summons.*

Figure 3 Eagle Team Special Inspector (at right) conducts a fare evasion check at a local bus in St. George, Staten Island

NYPD: The Eagle Teams and the NYPD run joint operations on a limited basis from time to time. Other than that, the NYPD generally has not been involved in responding to bus fare evasion. The NYPD's Transit Bureau works only in the subways, not on the buses.

MTAPD: The MTA's own police force, the MTAPD, has about 1,150 officers. The MTAPD is focused primarily on commuter rail, with some responsibility also for the subways and for the Staten Island Railway. The MTAPD runs a limited amount of fare evasion patrols on local buses.

Select Bus Service

Evasion enforcement on *SBS buses is handled principally by the Eagle Teams*. When the Eagle Team does an enforcement check, a group of Special Inspectors positions themselves at an SBS stop. When a bus pulls in, some of the SIs board the bus and ask passengers for proof of payment. Others position themselves at the back door.

Riders who say they paid at the SBS kiosk on the sidewalk must produce their paper ticket. The SI will check the ticket to make sure it is valid. One known evasion tactic is to present an expired ticket from a different trip.

Riders who say they paid with OMNY must **produce their OMNY payment medium**: smart device, OMNY card, or contactless credit card. The SI checks for proof of payment with an onboard validation device, or OVD. The OVD is a handheld device consisting of an iPhone with special software and a rubber "sled" that holds the phone. The sled contains an optical reader that "pings" the rider's OMNY payment medium to indicate whether the fare was paid.

Figure 4 Eagle Team Special Inspector uses Onboard Validation Device to check an OMNY customer for proof of payment

Figure 5 Eagle Team Special Inspectors conducting proof of payment check with an exiting passenger

If the rider cannot produce either a valid paper ticket or proof of OMNY payment, then the SI will ask them to step to the sidewalk. There the SI will write a civil summons that carries up to a $100 penalty. The legal basis for the summons is violation of the MTA's fare payment rules.

Figure 6 Eagle Team Special Inspector writing a TAB summons to a bus passenger who could not produce proof of payment
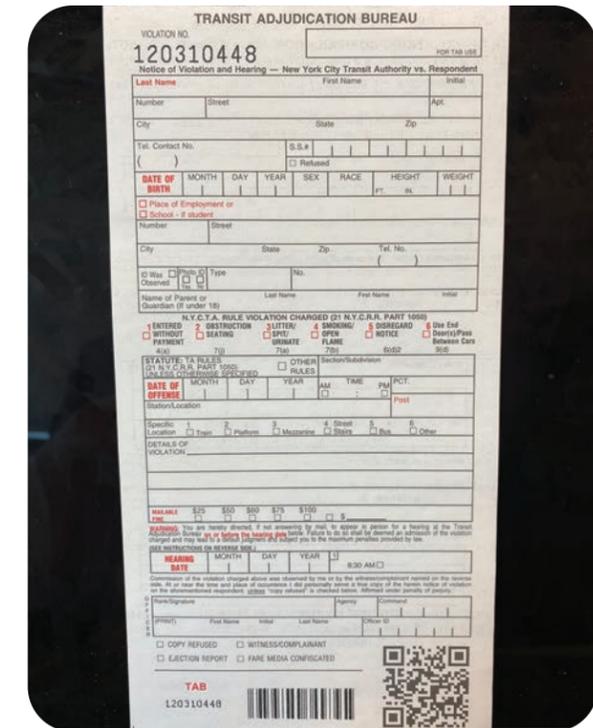
Figure 7 A blank "TAB summons" – the form used for fare evasion summonses given by MTA Eagle Teams on the buses and by NYPD in the subways. These summonses can be paid, or challenged, at the MTA's Transit Adjudication Bureau, or TAB.

Recommended Changes

Education

Fare evasion on buses has spiked since the brief period during 2020 when the MTA told riders, for COVID safety reasons, not to pay and to enter through the **back** door. Plainly, it has proven hard to unring that bell with the riding public.

The MTA urgently needs to launch a new messaging campaign. Ads should be directed specifically at bus passengers, reminding them that fare payment is required.

The messaging campaign should *promote awareness of the Eagle Teams*, and of the risk of being summonsed. Because the Eagle Teams work almost exclusively on SBS, they are not well known around the city. The *low profile of the Eagle Teams contributes to riders' sense that fare evasion on the buses currently is essentially risk-free.*

Equity

While poverty is certainly not the only reason people evade, research and common sense confirm that there is indeed a *connection between poverty and fare evasion*. Panelists heard about this connection from members of the Riders Alliance, who shared personal stories of being forced to choose between paying the fare or saving those dollars for groceries or other needs. Many noted that Fair Fares has helped spare them that impossible choice.

No New Yorker should be cut off from opportunity because they cannot pay the fare.

To help low-income riders pay the fare rather than evade it, the City of New York should undertake a *major expansion of the Fair Fares program on both buses and subways. The eligibility standard should be broadened from 100% of the Federal Poverty Level to 200%*. This would make another half-million New Yorkers eligible for Fair Fares. The City and the MTA also should double down on efforts to enroll eligible New Yorkers, and to encourage them to use the benefit once enrolled. When a low-income New Yorker is summonsed for evading the fare, they should be given an opportunity to enroll in Fair Fares and have their summons dismissed on that basis.

Environment

- **Improving handheld technology carried by Eagle Team SIs.** As noted above, the recommended "warnings first" approach requires enabling Eagle Teams to run a database check on their handhelds to see if the person they have stopped is a fare evasion repeat offender. This information is essential to an appropriate response, and both NYPD and MTAPD officers already carry phones with enhanced technology. Improvements should include:

  - *Enabling mobile access to the MTA's evasion database.* Eagle Teams currently lack such access.

  - *Enabling SIs to scan people's IDs with an optical reader* and to print summonses on the spot. MTA commuter rail conductors already carry this technology on their belts.

- **Better OVDs.** The Onboard Validation Devices used by Eagle Team inspectors are the *future of fare evasion enforcement.* The MTA is moving away from MetroCard and toward an *all-OMNY system within two years.* Once the system is all-OMNY, these handheld devices can be used to *check proof of payment* from all passengers on all buses (and subways).

  - *Technical issues:* As with any young technology, there are bugs to be worked out with the OVDs. One issue is that the OVDs do not always quickly and reliably connect to the bus's Wi-Fi system, which is necessary for the Eagle Teams to get real-time data on payments by the passengers currently on board. Another issue is that recent payments by passengers are not always consistently detected by the OVDs. *The MTA should set a goal to clear up known technical issues with the OVDs within one year*.

- **Counting express bus evasion.** The MTA historically has not published data regarding evasion on express buses. The MTA has the same ability to measure evasion on express buses as it does on local buses – that is, measuring the difference between individual riders on the bus (as measured by APCs) and fares paid on that bus (as measured by AFCs). The MTA has advised the panel that the evasion rate for express buses is about 8%. At the panel's suggestion, the MTA has now added express buses to its calculations of the bus evasion rate (shown at www.metrics.mta.info), and to its calculations of the cash losses from bus evasion.

Enforcement

The Eagle Teams are an underused resource in the effort to tackle evasion. As noted by the panel, SIs are not police officers and do not make arrests, but issue civil summons based on direct experience of evasion. Panelists observed the teams do their work coolly and professionally on the buses and the sidewalks, de-escalating situations when riders react badly to being summonsed.

The MTA should expand Eagle Teams and pilot a range of creative new strategies to fight evasion on buses.

• **Expansion:** There are currently about 225 SIs, with a hiring process underway to add 75 more. ***To begin making a dent in bus evasion, at least another 100 SIs dedicated to fare enforcement are clearly needed.***

• **Local bus, local bus, and more local bus:** The recently enacted state budget provides funding to begin the needed expansion of Eagle Teams. We recommend a ***significant shift of Eagle Team resources from SBS to local buses***. At present there is essentially ***zero enforcement*** of the fare on local buses despite the significant evasion rate.

• **Data-driven and equitable deployment.** The MTA has data showing which local bus routes have the highest evasion rates. Currently that data is not used consistently as an enforcement tool. ***The MTA should begin using that data as a key factor in Eagle Team deployments***, while also being sure to ***distribute deployments equitably*** across the city and not simply target the highest-evasion routes.

• **Nudges, not just summonses.** The Eagle Teams should experiment with ***new strategies to promote fare payment without the issuance of summonses.*** For example:

  • ***"Warnings first" approach***: Eagle Team members would, for the first time, be equipped with handhelds that can ***check whether the rider has previously been summonsed*** for fare evasion. People being stopped for the first time would receive a documented warning. ***Fines would begin on the second offense***, as would be made clear in the written warning. This would require giving Eagle Teams access (on handhelds) to the database of persons who have received TAB summonses.

  • ***Fair Fares Program***: Equip Eagle Team members with information about the Fair Fares program that they could distribute to riders.

  • Eagle Team SIs also could be ***deployed outside buses to encourage payment*** of the fare without issuing summonses for non-payment. For example, Eagle Team SIs could simply ask that riders board the bus with their MetroCard or OMNY payment visible in hand. This would be a useful non-enforcement "nudge," where it can be done without slowing down boarding or service.

> **No New Yorker should be cut off from opportunity because they cannot pay the fare.**

Supporting our low-income neighbors is an area where New York should lead, not trail behind. Expanding and improving [Fair Fares](#) is a critically important lever to help increase equity and reduce fare evasion.

The panel worked in close consultation and cooperation with the New York City Department of Social Services (NYC DSS), the agency that administers and funds Fair Fares, to explore how this critical program could be expanded to reach more New Yorkers. [Note: MTA's main role in the Fair Fares program is limited to providing the physical MetroCards to NYC DSS, and invoicing NYC DSS for the unpaid portion of rides. The City pays the 50% share of the fare that the cardholder does not pay.]

From this work, three clear opportunities for improvement emerged:

1. **Double the income threshold for Fair Fares.**

   Fair Fares eligibility today is pegged to the Federal Poverty Level. The Federal Poverty Level is a measure set in Washington, DC based on national conditions. The Federal Poverty Level for a family of four is about $24,000, whether that family lives in the South Bronx or South Dakota.

   That ***$24,000 figure is simply too low for New York City***, where the cost of living is more than 150% higher than South Dakota. By limiting eligibility to 100% of the Federal Poverty Level, Fair Fares currently excludes vast numbers of low-income New Yorkers who have a need to move around the city for jobs, education, and life in general. At 100% of the Federal Poverty Level, Fair Fares also provides considerably less support than [comparable transit subsidy programs](#) in other major U.S. cities.

Many New Yorkers who qualify for Fair Fares at 100% of Federal Poverty Level report to NYC DSS that they have little active need for mass transit. They may work hyper-locally in their own neighborhoods or not be in the workforce at all. This may explain why, even among currently enrolled Fair Fares participants, usage of the cards is low.

In contrast, *expanding Fair Fares to 200% of Federal Poverty Level would give half a million more New Yorkers subsidized access to public transportation,* including a sharp increase in eligible New Yorkers living near subway stations.
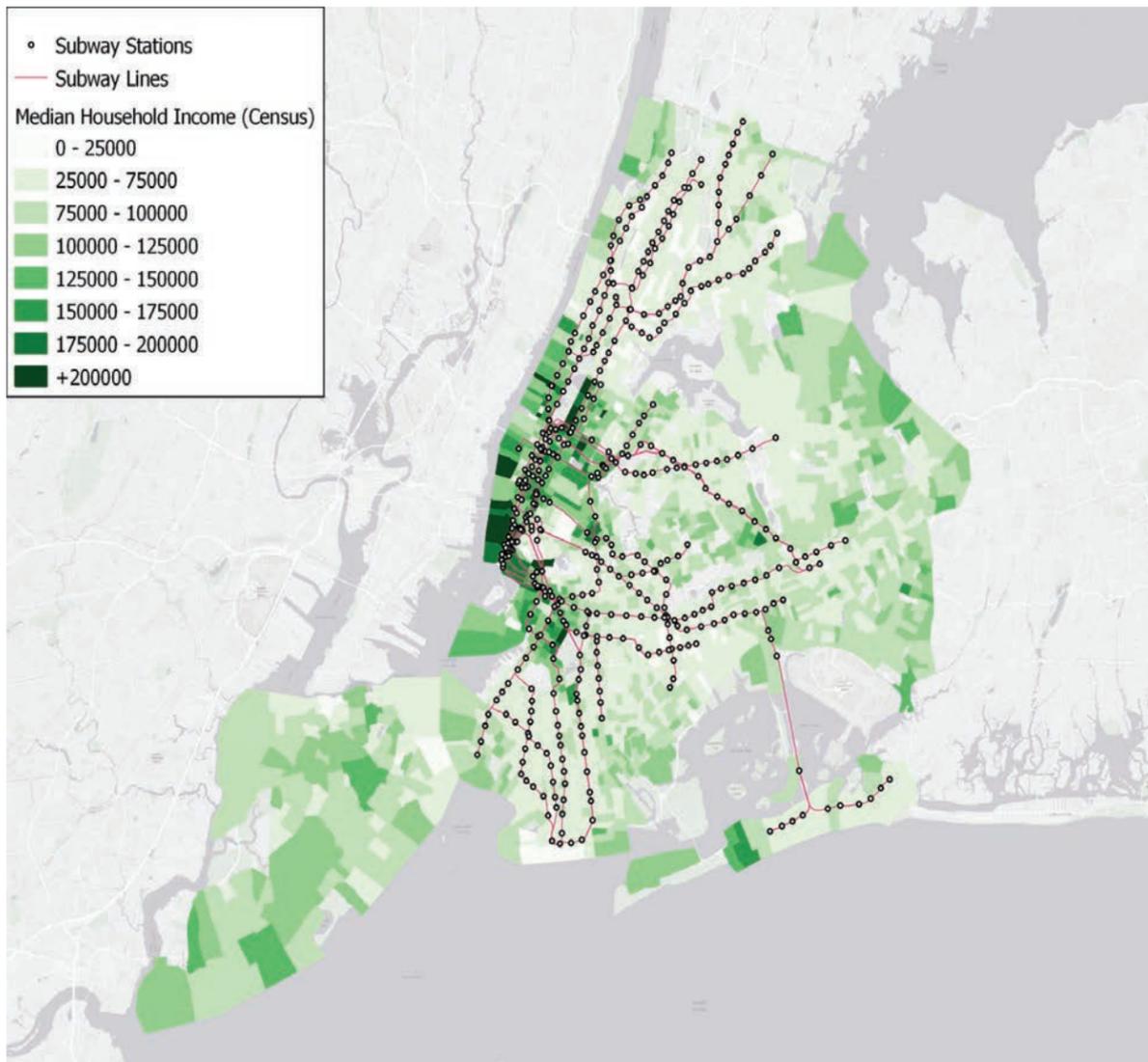
Research conducted for the panel shows concentrations (in darker greens) of New Yorkers living in transit-adjacent areas who would become able to use Fair Fares if the eligibility standard were increased to 200% of FPL.

The case for expanding the eligibility standard to 200% of Federal Poverty Level has been made extensively **elsewhere**. From a fare evasion perspective, this expansion of Fair Fares would be a significant win-win.

Low-income New Yorkers would get significantly improved access to buses and subways, becoming much better connected to the life of the city in every way. And for every rider who participates in Fair Fares rather than fare evasion, the MTA would *receive revenue that is crucially needed to keep the system alive and well for riders of all income levels.*

Early in 2022, the City of New York "baselined" Fair Fares in its budget for the first time. Prior allocations to Fair Fares were one-shot expenditures. "Baselining" means that the 2022 allocation is assumed to continue in subsequent budgets, subject to the results of each year's budget process. *Thanks to the leadership of Mayor Adams and Council Speaker Adams, the baseline allocation for 2022 was $75 million.*

Assuming 50% enrollment among eligible New Yorkers, and an increase in the eligibility threshold to 200% Federal Poverty Level, *The Fair Fares program would – according to the City Council – require an additional $61.5 million in funding.* (For its part, the Mayor's Office has noted that the ultimate cost would depend on various factors, and could exceed the Council's estimate. For example, a substantial increase in the percentage of eligible New Yorkers who actually use Fair Fares would drive an increase in cost.)

2. **Greatly increase awareness of the Fair Fares program.**

Only around one third of the eligible population is enrolled in the Fair Fares program today – about **300,000** enrolled out of about 900,000 eligible. NYC DSS advises that, based on its research, a key reason for this is that *too many low-income New Yorkers simply do not know about the program.* Awareness of the program and its eligibility requirements appears to be particularly low in certain communities and especially among immigrants. The MTA and DSS have advised the panel that they began a significant effort to build awareness over the last year or so. Enrollment has gone up through this commendable effort, but it needs to go up further. Key ways to increase awareness of Fair Fares include:

- **Double down on community outreach and publicity efforts.** These should be targeted to zip codes where there is shortfall between those eligible and those enrolled. Neighborhood outreach through local nonprofits, faith-based organizations, and local media is especially effective, especially when it is **conducted in the languages target populations speak.**

- **Simplify enrollment and initial use.** NYC DSS has worked hard to make connecting with Fair Fares relatively simple. For New Yorkers who are enrolling in other benefit programs through NYC DSS, enrolling in Fair Fares is as easy as checking one more box, but there is significant room for improvement.

  The panel conducted journey mapping exercises to see what low-income New Yorkers experience when trying to sign up outside of other NYC DSS benefit enrollment processes. We found some potentially significant challenges, which we have reported to DSS and MTA and encourage them to work together to address:

- **Increase "pop-up" one-stop-shopping community events across all five boroughs.** The consistent advice from nonprofits that work with low-income New Yorkers and have substantial experience with Fair Fares is that enrollment works best when low-income New Yorkers can walk in to a pop-up event with their questions and their documents and walk out with an actual Fair Fares MetroCard.

- **Bring signup tables directly into subway stations and at bus stops**. Now that the MTA has moved station agents out of their booths and out among the riding public, there is a ready-made team available to help distribute Fair Fares information in the subways. The MTA's initiative to create new customer service centers in subway stations will help as well.

- **Assess feasibility of issuing Fair Fares cards on the spot at signup events**, with eligibility checks to be completed afterwards. Some cost would be incurred on cards that are used in the interval between card issuance and completion of an eligibility check. In some cases the applicant might prove to be ineligible and the card would have to be cancelled remotely. The fiscal risk of this is one issue among others to be evaluated in a pilot.

- **Assess feasibility of issuing new Fair Fares cards** with some cash value already on them. Cards today are issued with zero value.For example, issuing a card with 3 to 5 rides pre-loaded would allow Fair Fares users to immediately become paying customers. It would also spare them having to travel to another location to load value on the card – a particular challenge for MTA riders who live in subway "deserts." (Note: OMNY should make this, and many other things, much easier to deal with.)

3. **Increase ease of signup for Reduced Fare MetroCard and OMNY.**

   Fair Fares is not the only subsidy program for New York City Transit. The MTA itself provides reduced fares for seniors and for riders with a qualifying disability. **Anything that can be done to encourage uptake among eligible riders who face economic challenges is likely to reduce fare evasion.**

   The City has proposed that the **IDNYC card should be accepted by the MTA as proof of identity.** This is a good idea, since IDNYC is widely used by lower-income New Yorkers, immigrants and others who need help connecting to the life of the city. Implementing this change could make a difference.

The Poverty-Evasion Connection

BUS
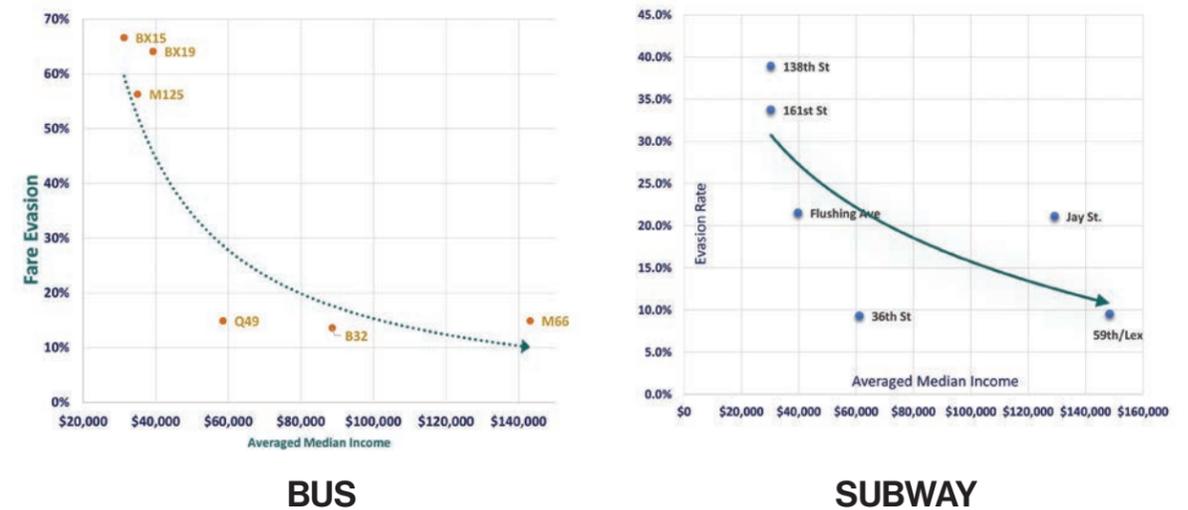
SUBWAY

Initial research conducted for the blue-ribbon panel shows a correlation: the lower the median income levels in the surrounding area, the higher the fare evasion rates at neighboring subway stations and on neighboring bus routes.

Both **research** and common sense suggest a connection between **poverty and fare evasion**. More work remains to analyze the extent and the strength of the connection, but the data show that many New Yorkers struggle to afford MTA fares.

Panelists heard vividly about this connection from members of the Riders Alliance. They shared personal stories of being forced to choose between paying the fare or ducking through the emergency gate and saving those dollars for groceries or other needs. Many noted that Fair Fares has helped spare them that choice.

The panel's work included what may be a **first-of-its-kind research project on the poverty-evasion connection** in New York City. The MTA supplied the panel with fare evasion data for certain bus routes and subway stations. Experts working for the panel then mapped that evasion data against income levels in the communities served by those routes and stations.

It is important to note that that this research project was just a start. The dataset available for this project was limited. In particular, at this point the MTA has station-by-station evasion measurements for only a handful of individual subway stations. There are also various constraints on the data available for buses. For example, the MTA currently is able to provide evasion data for an entire bus route, but not for portions of a route. This is a limitation when trying to assess evasion on a route that crosses neighborhoods with different income levels. Further research along these lines is advisable as more data becomes available, so that a more definitive analysis can be developed over time.

Nonetheless, as shown in the charts above, this initial research exercise does point towards a correlation: as community incomes increase, evasion rates decrease, and vice versa.

The MTA operates the largest subway system, by far, in the United States. There are 472 stations with about 1,000 fare arrays (sets of turnstiles). There are 665 miles of track.

Annual paid subway ridership was about 1 billion in 2022. Daily ridership fluctuates, but is currently running in the range of 3.4 million on weekdays – about 60 percent of pre-pandemic levels.

The subways run in the Bronx, Brooklyn, Manhattan, and Queens. Paying customers get one free transfer to local or SBS buses within two hours of payment. The fare is payable at the turnstile using a MetroCard or OMNY.

MetroCards are slated to be phased out in favor of OMNY in the near future. For now, MetroCards can be bought or refilled at vending machines in most subway stations. They are also available at local retailers around the city at MTA customer service centers and through MTA mobile sales vans. Many employers also make MetroCards available as an employee benefit. The MTA is moving toward system-wide installation of OMNY machines. It is also working to expand the network of retailers who handle OMNY cards.

How much evasion is there and how does it happen?

The MTA estimates that for 2022 it lost about $285 million to evasion on subways.

The website at **metrics.mta.info** is now the MTA's key means of conveying evasion data to the public. Here is the latest subway data from the metrics site:

Subway Fare Evasion

Subway fare evasion is an estimate of the fraction of subway riders that did not pay the fare.

Subway Fare Evasion Rate
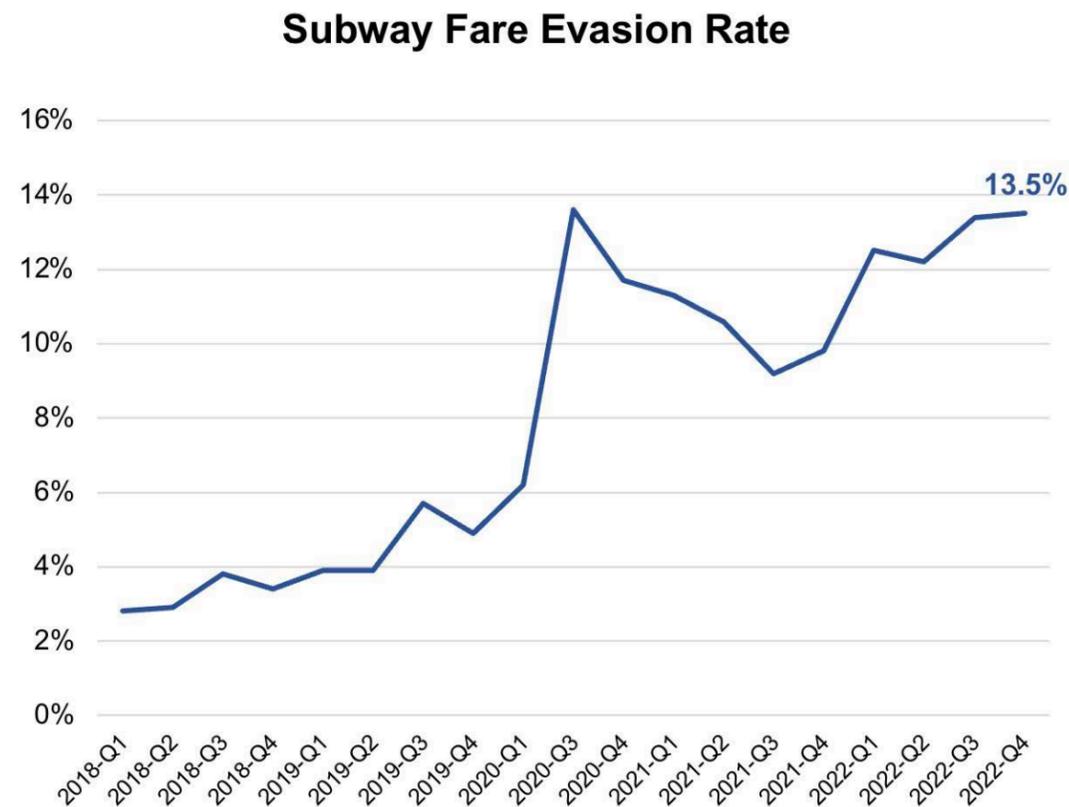
As the chart shows, the evasion rate was **13.5%** in the last quarter for which data are available (Q4 2022), up from 12.5% in the first quarter of 2022. **There has been a sharp jump from before the pandemic**, when evasion rates were in the range of 3 to 6%. About 400,000 riders do not pay the fare on an average weekday.

On both the subways and the buses, the spike in evasion rates has persisted even as ridership has risen sharply with the fading of the pandemic. This confirms that the MTA is experiencing is a real increase in evasion levels, not simply a decrease in the number of paying riders.

400,000 Daily Unpaid Riders — Would Fill Yankee Stadium 8x

Evasion across the MTA system
SUBWAYS

Evasion in the subways occurs either at the emergency exit gates or at the turnstiles.

At the emergency gates: At the emergency exit gates, evasion is as simple as walking through an open gate. Anyone can do it regardless of age or physical condition. The following list is based on the observations of the panel, MTA staff, and engineering consultants:

- Most evasion starts when an exiting passenger leaves through the emergency exit gate.

- The gates are opened constantly by exiting passengers who have no apparent need to use them: no stroller, no wheelchair, no big suitcase, no emergency.

- It is common to see customers approaching the turnstiles with their MetroCards or OMNY devices in hand, only to walk through an open emergency exit gate without paying the fare. These are the classic "opportunistic" evaders. The open gate acts like a magnet, drawing people who are otherwise prepared to be paying customers.

- Some people will wait patiently on the unpaid side until an exiting passenger opens the gate. Others will call out for someone on the paid side of the fare array to open the gate.

- The MTA confirms that too many keys to the gates have gotten into circulation. Over the years keys have been given to first responders, contractors, and others with a legitimate need. Over time, the keys have been widely duplicated and have fallen into unauthorized hands. It is not uncommon to see a random person walk up to the gate and unlock it from the unpaid side.

- Some of the emergency exit gates are located so close to the turnstiles that a person on the unpaid side can reach around the turnstile cabinet, press the push bar and open the gate from the paid side.

At the turnstiles: At the turnstiles, the common methods of evasion are jumping over, ducking under, "back-cocking" (pulling back the triwheel, then squeezing through) and piggybacking (two people going through the triwheel at once). All require a high degree of intention. Some require athleticism.

How is evasion measured and enforced?

Measurement

The MTA has worked to build a system for estimating subway fare evasion systemwide. With 472 stations and about 1,000 fare arrays, it would be cost-prohibitive to have human checkers do a hard count of all evasion across the system.

Instead, **each quarter the MTA deploys a team of about 10 human checkers across the system**. Stations and fare arrays for deployment are randomly selected and rotated over time. About **600 one-hour surveys are conducted each quarter**. The checkers make a count of all unpaid entries during each hour that they spend at a fare array.

Paid ridership is tracked by the MTA's Automated Fare Collection system, or AFC. An evasion rate is calculated by comparing the checkers' counts of evasion to AFC paid rider counts. The result is a single, system-wide estimate (i.e., not evasion rates for individual stations). The margin of error is about 1%.

This methodology results from an updated process developed with the assistance of a Columbia University data science expert. The current version of the methodology was developed in 2020 and initially used in the first quarter of 2021. The MTA had acknowledged issues with the prior methodology, including criticisms by the MTA's inspector general. The inspector general's office was involved in the development of the new methodology, and has stated its confidence in the updated approach.

Another data source for evasion measurement is the **MTA's experiment with the use of computer technology.** Across seven stations and eight fare arrays, the technology counts the number of unpaid entries. An evasion rate can then be calculated by comparing the number of unpaid entries to the number of paid entries recorded by the AFC system.

Across the stations where this technology is currently in place, the evasion rate measured to be about 16% – roughly 2 to 3 percentage points higher than the systemwide estimate reached through the Columbia process. This is a useful cross-check on the systemwide estimate, and tends to confirm its validity.

Importantly, this technology counts the number of fare evaders by method of evasion. This is a first for the MTA. As the chart below shows:

- ***More than 50% of subway evasion consists of people walking in through the emergency exit gates.***

- Jumping or climbing over the turnstile is about 20%

- Back-cocking (pulling the tri-wheel back and slipping through the gap) is about 16%

- Ducking under the turnstile is about 12%
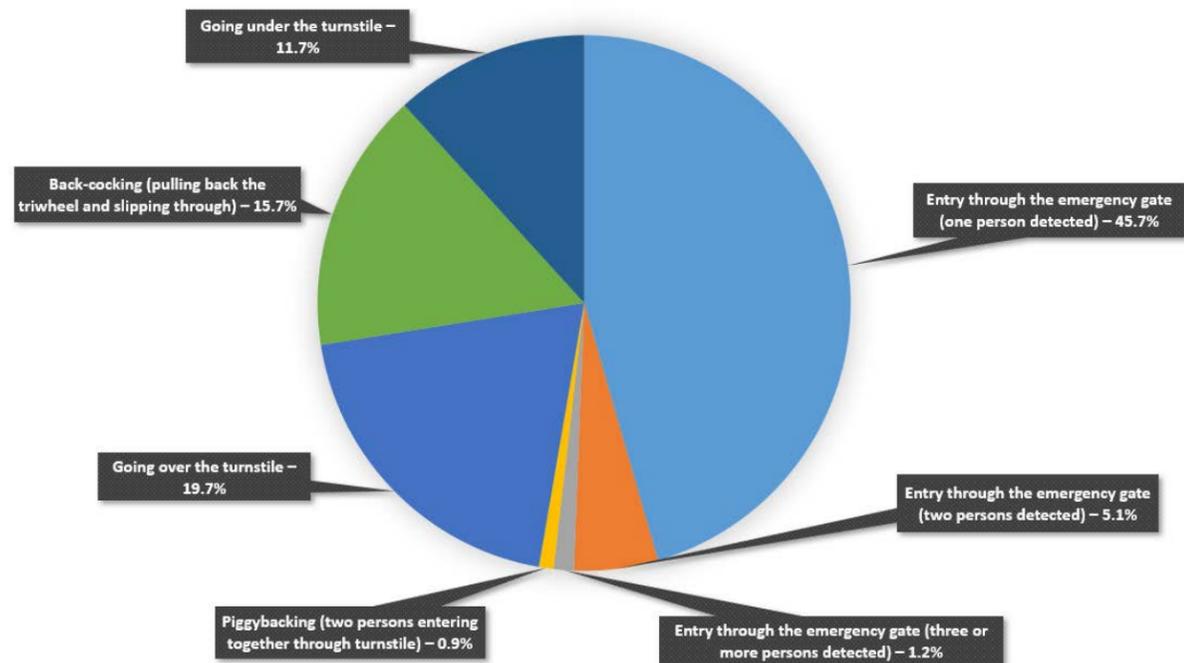
2023 YTD Fare Evasion Alerts by Time of Day

Peak from 3-4 PM

- Going under the turnstile – 11.7%
- Back-cocking (pulling back the triwheel and slipping through) – 15.7%
- Going over the turnstile – 19.7%
- Piggybacking (two persons entering together through turnstile) – 0.9%
- Entry through the emergency gate (one person detected) – 45.7%
- Entry through the emergency gate (two persons detected) – 5.1%
- Entry through the emergency gate (three or more persons detected) – 1.2%

Because this technology operates 24/7, it also provides data on how evasion goes up and down by time of day. The ***largest spike is typically from 3 to 4 p.m***., with smaller spikes during the morning rush hours. (This obviously coincides with school dismissal time - confirming the need to focus on encouraging students to swipe with their free transit passes).

This technology is slated to be ***expanded this year to approximately two dozen more stations***, with more to follow. The MTA thus will develop – for the first time – a much ***increased ability to pinpoint evasion spikes*** by station, by day of week, and by time of day. This in turn will support data-driven experiments with new enforcement strategies. With the technology providing reliable "before" and "after" evasion counts, it will be increasingly possible to test new approaches in search of what really works.

The Need For A Balanced Response

Per the Blue Ribbon Panel's mandate, this report focuses intensely on the need to reduce evasion. But evasion considerations must be balanced against other needs as well.

For example, subway emergency gates pose a huge problem as an entry point for fare evasion, but they cannot simply be locked or eliminated. The gates were put there for good reasons, including access for customers with disabilities, code compliance, and use by first responders. These needs must be addressed in any alternative approach.

Planning must also account for the different types of emergency gates. The type that simply pushes open from the unpaid side may be most familiar. But the MTA also has about 200 "AutoGates," mostly in accessible stations. These are motorized emergency gates that can be opened from either side with a MetroCard swipe or OMNY tap. No fare is charged in the exiting direction. When Autogates swing open, they can be used for unpaid entry – yet they provide an important, legitimate means of paid entry for customers with disabilities and others.

Figure 35 AutoGate in use at the Whitehall Street station

Similarly, this report calls for a range of new anti-evasion measures focused on buses. It should also be noted that a major priority, both for the MTA and for transit advocates, is to improve and speed up bus service. This will include the eventual rollout of all-door boarding on local buses. New anti-evasion strategies for buses should be assessed for possible impacts on service.

The manager of Washington, D.C.'s transit system put it well: "If we want to have a gate that (prevents all) fare evasion, that's called a wall and we will never run service." The MTA has always assessed fare evasion concerns together with service needs, and should continue to do so.

Enforcement

Today, almost all subway fare evasion stops result only in a civil summons and not an arrest, if they result in enforcement at all. That is a big change from past practice, and a welcome one that should be continued. Going forward, what is also needed is a balanced approach that consistently focuses criminal enforcement on the most serious evasion cases.

NYPD Transit Bureau

Evasion enforcement in the subways is handled primarily by the NYPD's **Transit Bureau**. The Transit Bureau is organized into three borough commands: one each for Manhattan and Brooklyn, and one for both the Bronx and Queens. The borough commands oversee 12 transit districts. Each district covers a defined **geographical area**.

The Balance Between Summonses and Arrests

There has been a big-picture change in recent years from arrests for fare evasion to civil summons. In the past, the NYPD made large numbers of arrests for fare evasion in the subways – around 10,000 in 2016, for example. Typically, the legal violation charged was theft of service ("TOS") under section 165.15(3) of the New York State Penal Law.

Concerns grew over time about these arrests:

- TOS cases were seen as **cluttering the criminal justice system for no good reason**. The cases were often dropped once they reached the district attorneys' offices.

- **Significant equity concerns were documented.** The Community Service Society published a substantial **analysis** of TOS arrests showing a **disproportionate impact on people of color. Concerns** were also raised about the potential impact on immigrants, possibly up to and including deportation.

Changes began in 2017 when the Manhattan District Attorney's office stated that it generally would **divert rather than prosecute theft of service cases**, unless the person arrested also posed a public safety threat. The **Brooklyn** and **Bronx** District Attorneys' offices subsequently announced similar policies.

NYPD practice has evolved to match these policies, resulting in the current practice of overwhelming reliance on civil summonses

Officers also have discretion to take no action; to give a verbal warning; or to instruct the evader to exit and pay to re-enter. The NYPD tells us that **discretion is often exercised for younger evaders, and for people who can state a credible and compelling reason for evasion, such as a lost wallet.** The NYPD has **no written policy** on these discretionary non-enforcement encounters. It does not document them or keep metrics on them, making it impossible to know for sure which New Yorkers benefit from the discretion.

NYPD Procedure 209-39

Current NYPD policies and procedures for evasion stops are spelled out in **Procedure 209-39** of the NYPD Patrol Guide. An evader who is stopped will be detained and asked to produce identification. The officer will then run the person's details through the NYPD's Domain Awareness System – a database of criminal justice information.

Figure 8 An NYPD Transit Bureau officer demonstrates to panel members how a Domain Awareness System check is carried out on a person stopped for fare evasion.

What happens next depends on the results of the **database check**. Most often, the **evader receives a civil summons** returnable at the MTA's Transit Adjudication Bureau – a "TAB summons." The NYPD only escalates to criminal-law responses if certain criteria are met. No TAB summons can be issued if the database search indicates that the person has an active warrant or investigation card. Likewise, no TAB summons can be issued if the person is – in the terminology of the Patrol Guide - a **"TAB Recidivist"** (essentially, a person with three or more civil summonses) or a **"Transit Offender"** (essentially, a person on parole or probation or who has been arrested for certain crimes, notably serious crimes committed in the transit system).
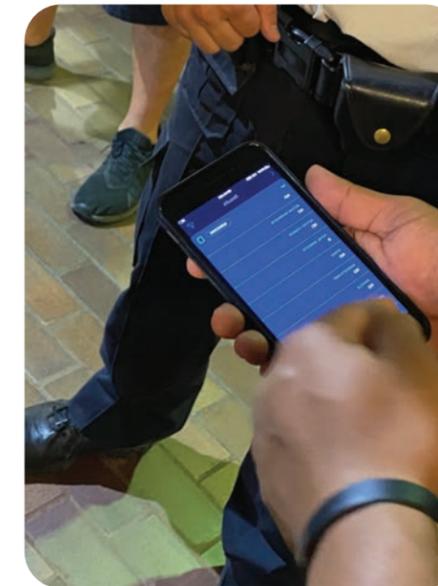
Figure 9 Pictured here are the results of a Domain Awareness System check, conducted for us as a demonstration during one of the blue-ribbon panel's visits to the subway. As shown, the categories reported back to the officer include Active Warrants, Active Investigation Cards, Total Arrests, and Parole.

Protocol is for the officer to enforce under criminal law in these cases. **The criminal enforcement can take the form of a desk appearance ticket (a/k/a "DAT"), a criminal summons (a/k/a "C-summons"), or a custodial arrest.**

- Under a state law enacted in 2020, a **DAT is generally the required measure for most misdemeanor arrests**. NYPD procedure for DATs calls for the person to be brought to a local precinct and fingerprinted. The person is then given the DAT, which instructs them when and where to appear at court, and released. A C-summons likewise typically involves handing the arrestee the summonsing document and letting them go.

- **A full custodial arrest typically results from a fare evasion stop only if the person is wanted for a more serious offense**. A custodial arrest also could occur if cause arises during the evasion stop itself, such as if the person is found to a have an illegal weapon.

- **Individuals stopped for evasion generally are not searched**, unless there is cause to escalate the stop to an arrest or the familiar legal test for a "Terry stop" is met.

NYPD Enforcement Practices

Officers may make fare evasion stops when they are on general patrol in the subway. How much enforcement happens on general patrol depends on a number of factors. These include:

- How much of the officer's shift is spent near the fare array versus other parts of the station.

- How much evasion is observed during a given tour and what other activities in the station call for the officer's attention.

- The number of officers on general patrol in a given station gets shifted over time based on various factors. Community complaints, 311 data, and requests from the MTA are examples of what might influence deployments.

- Officers also may be assigned to a fixed post at the fare array. At a fixed post, the officers' main mission is to make fare evasion stops. Fixed posts are carried out at stations flagged by the NYPD or the MTA as having a particularly high level of evasion.

The chart below distills current NYPD practice into visual form. On the left and in the middle, it summarizes NYPD policies and procedures. On the right, the pie chart summarizes actual enforcement data published online by the NYPD.
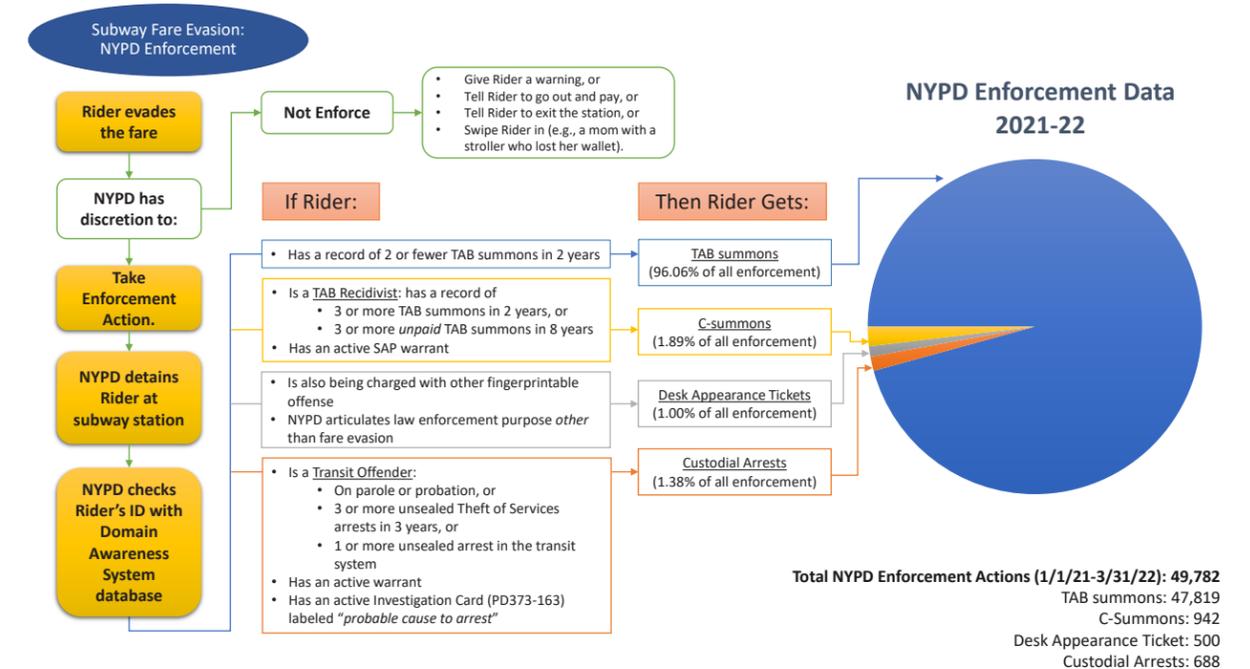
As the pie chart shows, under current NYPD practice, **more than 95% of persons stopped for subway evasion get only a TAB summons** – if they get any enforcement at all. Of those who do get charged with a TOS misdemeanor, two out of three are not subject to custodial arrest.

In March 2022, the NYPD declared a **policy** of r**enewed vigor in enforcing against "quality of life" offenses.** As a result of the NYPD's new policy, enforcement against fare evasion (as well as certain other low-level offenses) has ticked up significantly year over year.

In all of 2022, the NYPD issued about 80,000 TAB summonses for fare evasion, an increase over 2021. While the number of evasion arrests also went up year over year, arrests remained a very small percentage of evasion stops.

District Attorney policies and practices

Panelists spoke with senior staff in the offices of all five of New York City's district attorneys about evasion. To our knowledge, this was the first time anyone has tried to systematically learn how fare evasion is currently handled across all five boroughs.

Public chatter commonly holds that some of the City's DAs are "for" evasion enforcement and others "against" it, or that there is literally no enforcement of fare evasion through the justice system. The panel found that these are both myths.

It is true - and commendable - that active prosecution of routine, one-off fare evasion cases has largely become a thing of the past. But there is strong alignment across all five DA offices that more serious evasion-related cases should, and do, get serious consideration for prosecution:

- Evasion linked to more serious crimes. These are offenders who are charged both with fare evasion and also with offenses such as robbery or assault.

- Evasion enabling. These are offenders who cause or profit from evasion by others – for example, through vandalism of MetroCard machines.

- The panel also has explored with the DAs the issue of how an offender's history is considered in charging decisions. A particular concern of the panel is evasion recidivism - offenders who have been summonsed or arrested multiple times for theft of service. Each office has its own approach, but all confirmed that they make case-by-case assessment of how to factor an offender's history (both evasion-related, and more generally) into charging decisions.

Recommended Changes: The Four E's

Education

The panel's Education workstream looked at two distinct issues:

- **Messaging:** How to better convey to the general public the need to pay fares and tolls.

- **Students:** How to address the particular concerns affecting students in New York City's schools.

Messaging to the Public at Large

We cannot rebuild the norm of paying fares and tolls without talking about it, more often and more effectively. The panel recommends a **public education campaign** on the importance of all customers paying their transit fares, rail fares, and bridge and tunnel tolls. The recommended messaging plan is built on feedback from transit riders and student groups. These ideas also leverage behavioral science insights from the MTA's customer team and its work with ideas42, a nonprofit behavioral science consultancy. Moving forward, the MTA should continue to incorporate behavioral science learnings into its messaging.

- **Concentrate messaging at the turnstiles and particularly at the emergency exit gates**, right where the majority of subway fare evasion happens. (Credit to the Riders Alliance for this suggestion.)

If you don't need the gate, exit through the turnstiles

Unauthorized Use Prohibited

Help keep the subway secure

Your fares keep New York *going* MTA
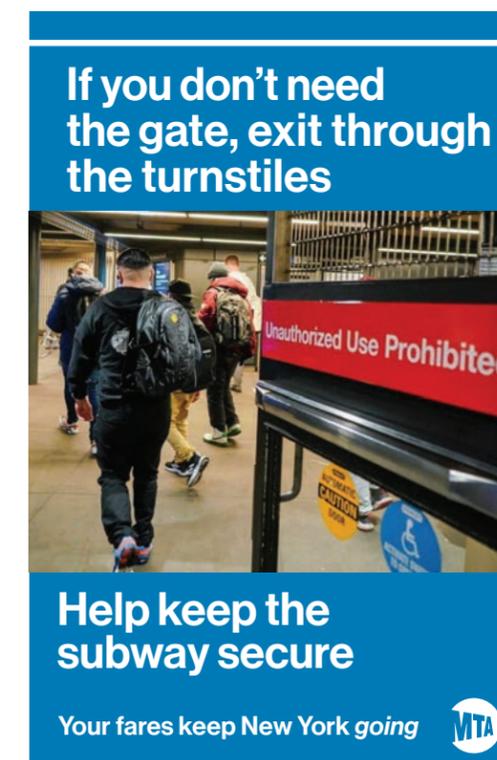
Figure 10 Proposed new anti-evasion messaging

• **Mix carrots and sticks**

  • Positive messages about the benefits of fare payment: We're all in this together; paying is the right thing to do and everyone should do it.

  • Messages aimed at shaming the opportunistic evader who can plainly afford to pay – intended to deter by heightening their embarrassment or discomfort with evasion. These messages might best be targeted at places where opportunistic evasion is highest.

• **Speak in the rider's voice, not just the MTA's** – ads featuring riders saying, "I Pay My Fare" and why.

• **Make it local:** "Stand Up for Your Stop" messages that convey the specific benefits of fare revenue to a particular station or stop.
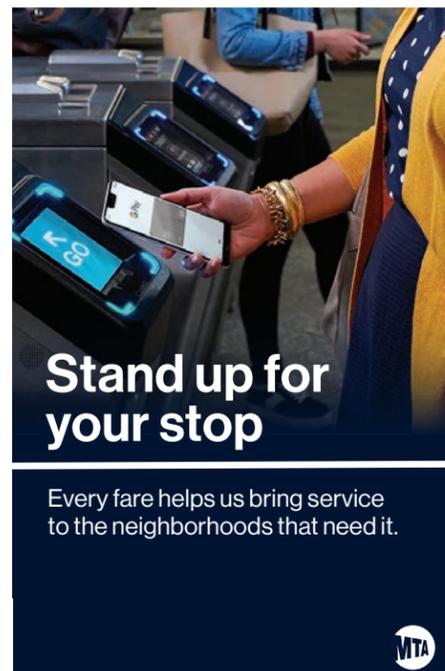
Figure 11 Proposed new anti-evasion messaging

• **Use anti-evasion messaging to simultaneously drive uptake of OMNY**
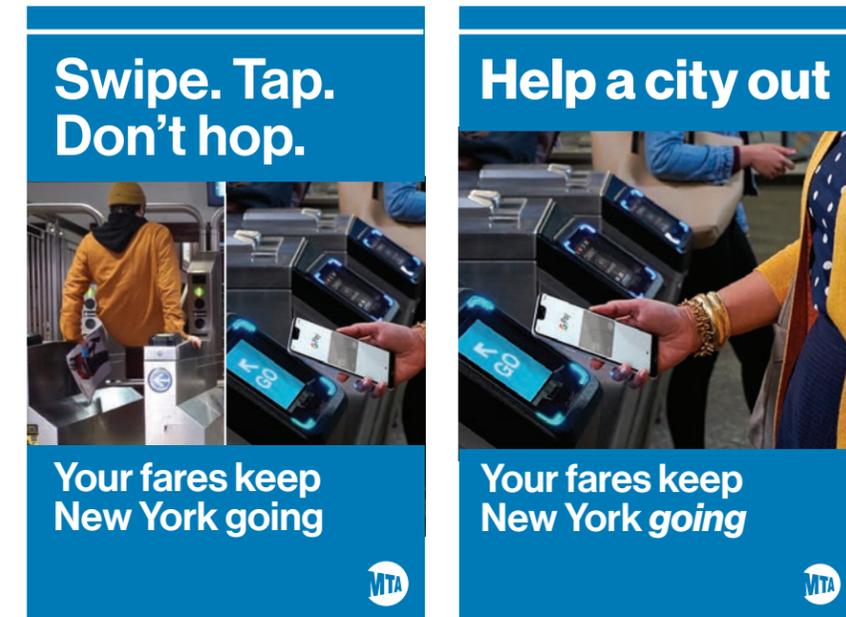
Figure 12 Proposed new anti-evasion messaging

• **Stress that evasion hurts the evader** – the MTA uses paid fares to measure service demand by location; by evading the fare, you actually increase the chances of service reductions at your own station. (On this point we thank the MTA's Transit Riders Council, which has long made this argument.)

• **Personalize the messaging** by identifying MTA employees who work in the neighborhood.

• **Tag physical improvements with "Your Fares at Work" signage**. The Riders Alliance suggests directly connecting fare revenue with customer benefits like new subway cars and buses, newly painted gates, deep-cleaning of stations, and service improvements. This signage should specifically link fare payment to the MTA's ability to provide more and faster service.

New signals,
and a better ride.

Thanks to
your fares.

Your fares help us pay for system
upgrades and better service.
Thanks for helping New York go.
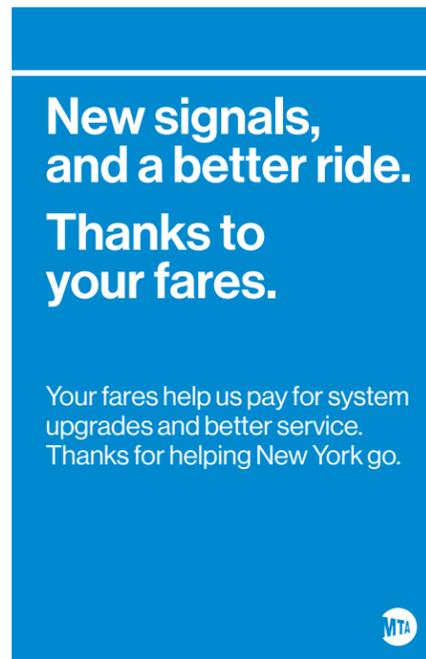
Figure 13 Proposed new anti-evasion messaging

- **Ensure messaging campaigns are translated in multiple languages and designed with cultural sensitivity.**

  All these new messaging campaigns should be measured for their impact – specifically on evasion, and more broadly on customer satisfaction with the transit system. To its credit, New York City Transit has made clear that customer satisfaction is its **"north star."** Customer complaints show that paying riders are deeply disturbed by the prevalence of fare evasion. The MTA's customer team should make additional efforts to better understand:

- **Who is evading and why.** The MTA should make a further effort over the next year to canvass riders who are not paying the fare. The goal should be to develop a richer dataset on the reasons for evasion, then to use those learnings to further improve the toolkit of remedies.

- **How reduced evasion affects customers' sense of safety and their willingness to ride mass transit.** Just as leading companies use **"attribute mapping"** to figure out what, precisely, about them is attracting customers (or not), the MTA can and should integrate perceptions around fare evasion into its customer service strategies.

Equity

New York's public transit system – especially its subways and buses – provides a vital link to economic and social opportunity. Helping more low-income New Yorkers take advantage of these opportunities is not just relevant from an evasion perspective. It is also critically important to New York City's economic and social progress. At the same time, efforts to tackle evasion and enforce compliance with the law should be carried out in a way that does not disproportionately target low-income New Yorkers and communities of color.

Please see the detailed discussion at page 29 of the recommendations for expanding and improving the Fair Fares program.

Enforcement

Evasion in the subway is a serious, costly problem that calls for a multi-faceted response. It is also a unique problem, owing to the special nature of the subways. When committed underground, even smaller offenses cause deep unease among the riding public. As a leading commentator aptly puts it, "in the subway, even if the small offenses don't lead to more serious ones, these things still matter greatly. The subway is a unique place with its own fragilities." As a response to fare evasion, "precision policing," conducted fairly and effectively, can help reduce that unease and *increase the all-important sense of public safety – and social cohesion – in the subways.*

The panel recommends that the MTA, working with the NYPD, the district attorneys and other stakeholders, implement the following approaches:

- Prioritizing prosecution of serious offenders. Criminal prosecution generally should be reserved for situations that go beyond random individual acts of evasion. Arrest and prosecution are appropriate for those who commit more serious crimes, and for individuals who cause or profit from evasion by others, such as by vandalism of MetroCard vending machines. All five district attorneys expressed to the panel their commitment to continue prioritizing these areas. The panel also recommends that the district attorneys consider, case by case, potential prosecution of individuals who repeatedly evade.

- **A new "warnings first" approach as the initial rung on the enforcement ladder.** First-time fare evaders generally should receive a documented warning rather than a summons or arrest. This form of warning would make clear to customers that the warning is the first step on an enforcement "ladder" where subsequent offenses would result in fines and/or prosecution.

  The adoption of a warnings-first approach will involve significant work, including changes to the governing legal structure and various improvements to enforcement technology. There are at least two useful models for the MTA and NYPD to watch as they move toward this approach. The transit system in Massachusetts has just adopted regulations for a warnings-first approach to fare evasion. Likewise, for street vending violations, New York City's Sanitation Department recently announced an intention to issue **"written warnings for first offenses whenever possible."**

  A new "laddering up" system of summonses. Summonsing should begin on the second offense with a TAB summons at the current $100 level. Half that amount should be returned to the violator in the form of a $50 pre-loaded OMNY card. This approach has been taken in the Netherlands, and supports the effort to turn a fare evader into a paying customer. The third offense should be $150, and the fourth offense should be $200, with the full amount payable to the MTA (and no OMNY card provided except at the $100 fine level). From a fifth offense on, the response should move from a civil summons to a theft of service charge.

- **The panel recommends that the DAs also consider, case by case, when it might be appropriate to charge someone based on significant evasion recidivism.** Each office takes its own approach to assessing recidivism. As a framework, the panel suggests that from a fifth offense on, the DAs should consider moving from a civil summons to a theft of service charge. That is, the panel would support the DAs considering this as a next step on the enforcement ladder after an individual has received one warning and three summonses. The panel appreciates that specific charging decisions will always be discretionary and individualized.

- **Giving TAB hearing officers some authority to consider economic circumstances.** Observers have questioned the wisdom of giving $100 fare evasion summonses to people who claim they lack the ability to pay a $2.75 fare. Under today's legal regime, a hearing officer at the TAB has no basis for

taking the rider's economic circumstances into account. We propose that TAB be given the legal authority to advise riders about Fair Fares, and to suspend a case for 30 days to allow riders to apply for the subsidy. Riders who returned to TAB in that time period with proof of Fair Fares enrollment could then have their summonses dismissed. ***The goal should be to convert the TAB from being simply a "pay your fine" agency to also being a "pay your fare" agency.***

- **Moving toward "civilianization" of routine enforcement activity.** The move to an all-OMNY system presents an opportunity to transition from 100% police enforcement at the faregates to a larger percentage of enforcement handled instead by civilian staff.

  Already today, MTA Eagle Teams use handheld devices to check for proof of OMNY payment on SBS buses. With the advent of an all-OMNY system, it will become possible to have Eagle Teams (or other civilian staff) conduct proof-of-payment checks, and issue summonses, on subway platforms and entrance areas as well.

  This would have a number of advantages. For the police, it would ***free up resources*** to focus on more serious safety concerns. For the public, it would ***reduce the number of police-involved*** encounters. Most importantly, proof-of-payment checks should increase fare compliance by increasing both the perception and reality that evasion will result in a summons. The literature, and common sense, say that fare payment rates tend to go up as the perceived likelihood of enforcement goes up.

- **Using new data sources to pinpoint the deployment of police resources.** The "where" of fare evasion enforcement today is based on a loose mix of factors. The NYPD Transit Bureau bases deployment on factors that include, for example, community complaints, general crime statistics, and advice from MTA station employees.

  - Deployments should be based on hard data. With the expansion of its fare evasion measurement technology, the MTA is rapidly gaining the ability to pinpoint when fare evasion is highest – both by station and by time of day.

  - The MTA and the NYPD should collaborate on an entirely new system of deployment where fare evasion summonsing is based mostly on this dataset. This approach should both reduce evasion and concerns that enforcement is based on racial or socioeconomic factors. Success should be measured by reductions in evasion, and not only by increases in summonsing.

- **Working with prosecutors to make criminal cases in targeted, impactful ways.** All five New York City district attorneys' offices told the panel that when the facts support it they are fully prepared to – and will – bring criminal cases against:

  - Individuals who also commit more serious crimes; and

  - Individuals who encourage or profit from evasion, through activities like vandalism of MetroCard machines.

The panel also encourages the DAs to consider, in appropriate cases, potentially charging theft of service based on significant evasion recidivism.

- **A community-based approach to creating "zero evasion stations."** Modern criminal justice theory says the way to tackle a big problem is to start by building a small-scale model of success – attacking the problem first at one or a few locations of manageable size. Experts also stress the need to involve, rather than confront, the affected community. There are 472 subway stations, all of them experiencing some amount of fare evasion. No feasible policing approach could address all 472 at once.

  - *Establish community partnerships with local nonprofits, faith organizations, elected officials, neighborhood media outlets and others.* These partnerships would be used to get the word out about the importance of fare payment and the availability of Fair Fares and other subsidies. A key goal would be to identify credible community figures to lead these messaging efforts.

  - *Move the messaging from the community directly into the subway stations.* The initial message would be that "as of [date], this is a zero-evasion station:" fare payment is required and enforcement is just around the corner. This could be accomplished through signage, leafleting, and Fair Fares signup tables. NYPD community service officers – in their standard-issue NYPD polo shirts – would also be present to help drive the message home.

- On the publicly announced date, ***shift public messaging to enforcement via formal warnings and summonses.*** We recommend that this "zero evasion station" model be tested in selected stations. Based on the results, the model would be adjusted, and – if it succeeds – expanded on a broad scale to the highest-evasion stations across the 472-station system.

A related challenge is that some stations with high levels of evasion likely will be in marginalized or low-income communities. The traditional "police first" approach can exacerbate inequities. The new approach we propose therefore sequences enforcement *after* community-focused educational efforts.

It should be noted that there can also be high-evasion stations in any neighborhood, regardless of demographics; this approach should be tried in a range of different locations.

- **Setting specific objectives to address the disparate impact of fare evasion enforcement on marginalized groups and communities of color.** It has been well documented for years that subway evasion enforcement falls too heavily on people of color. The most recent NYPD **public data on enforcement demographics** are too similar to the data from 2017, when the Community Service Society first published its analysis of this issue.

All stakeholders oppose disparate impact in enforcement of evasions. The ***missing piece is an action plan*** with numerical goals and target dates. The familiar saying, "what gets measured, gets done" applies here.

The panel recommends that the NYPD and MTA:

- Collaborate to set specific numerical objectives for a reduction in disparate impacts, with a report out to the MTA Board and the public within one year; and

- Collaborate on a plan to deploy enforcement efforts equitably across the city, including targeted enforcement efforts in neighborhoods of all demographic makeups.

The Public Safety Connection

As should be clear by now, this report argues first and foremost for enhancing the toolkit of non-police responses to evasion. Remedies like improved faregates for all, larger subsidies for low-income riders, securing the emergency exit gates with civilian guards, and driving higher usage of OMNY are aimed at the **opportunistic** fare evader, the **frustrated** fare evader, and the **economically stressed** fare evader. For these evaders, future strategies should focus on helping them return to being **paying customers**.

At the same time, there is plainly a need to preserve safety and the sense of safety - especially in the tight sometimes fraught public space of the subways. Keeping police presence in the mix of responses can contribute to that sense.

The panel strongly endorses precision policing as the way forward for the criminal justice component of fare evasion enforcement. This means focusing law enforcement resources on evaders who also commit serious crimes, and on the determined fare evader, the person who will keep on evading, no matter how many "nudges," subsidies, or other supports are offered. Research indicates that the determined evader makes up a small percentage of all evaders, but a large portion of total evasion.

We also note the steady flow of incidents where fare evasion has been linked to more serious crimes and public safety threats. The statistical significance of these incidents should not be overstated, but neither should they be ignored. In tandem with the many non-policing initiatives recommended in this report, there is a common-sense case for some continued police presence at the faregates:

• In 2022, approximately 2,100 subway fare evasion stops resulted in escalation beyond a TAB summons to a DAT, C-summons, or custodial arrest – meaning there were 2,100 instances in which the NYPD found cause for escalation such as an open warrant for serious offenses or I-card, a weapon, or substantial fare evasion recidivism.

• The NYPD regularly conducts fare evasion stops that lead to full custodial arrests – such as in situations involving open warrants or seizure of dangerous weapons. Recent examples include:

  • February 13, 2023: Officers at the 42nd Street/Port Authority station observed an individual entering through the emergency gate. The individual refused to pay the fare or to exit the station. A search incident to arrest yielded a loaded 9 mm pistol with make and model scratched off.

• January 4, 2023: Officers at the 161st Street station on the D line observed an individual manipulate the turnstile to avoid paying the fare. They stopped him, ran a database check, and determined that he had an active warrant. They arrested him on the warrant. While searching him incident to the arrest, the officers recovered a loaded firearm.

• December 21, 2022: Officers at the 14th Street/Union Square station observed an individual jump the turnstile. A database check revealed an open warrant, leading to an arrest. A search revealed the individual was in possession of stolen credit cards, leading to a charge for grand larceny.

• December 6, 2022: Officers at the Broadway Junction station observed an individual entering through the emergency gate. The individual was stopped but would not cooperate or produce ID. While the individual was being cuffed, his shirt lifted up and a semi-automatic pistol was found in his waistband. A second firearm dropped to the ground.

• December 2, 2022: Officers at the 125th Street station on the 6 Line observed an individual entering through the emergency gate. They recognized him from a wanted flyer for a prior complaint for knifepoint robbery and stabbing. An inventory search incident to arrest led to two knives being discovered on the suspect.

• February 13, 2023: Officers at the Port Authority-42nd Street station on the A observed an individual entering through the emergency gate. The officers instructed him to pay the fare and he refused. The officers then attempted to eject him from the station and he resisted, leading to his arrest. An inventory search incident to the arrest yielded a loaded 9 mm firearm with make and model scratched off.

• March 13, 2023: Officers at the Far Rockaway-Mott Avenue station on the A stopped an individual for entering without payment of the fare. The database check identified the individual as having an open investigation card, or "I-card", for a robbery committed at the same station days before. He was arrested for the robbery.

• April 28, 2023: Officers at the 72nd Street station on the Q observed an individual entering without paying the fare. A fare evasion stop led to the individual being identified as having an open warrant. A search incident to arrest then led to the recovery of a loaded, defaced .38 caliber pistol from the individual's backpack, and a charge of unlawful weapons possession.

Further indication of the public safety linkage comes from NYPD review of security footage from the subway fare arrays. 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.

Civilian Guard Initiatives

The MTA has begun to experiment with *civilian guards at the emergency exit gates*. The protocol is simple:

The guard, an unarmed civilian contractor, stands in a safety vest on the paid side of the fare array.

If a customer approaches who has an apparent reason to exit via the emergency exit gate – a wheelchair, a stroller, a large suitcase – then the guard stands aside and lets the customer exit, closing the gate as soon as the passenger has exited.

If the customer does not have an apparent reason to exit through the gate, then the guard asks the customer to step over to the turnstile and exit there instead. The emergency exit gate stays closed.

The fewer people who use the gate without an actual need, the less the gate is open, and the less opportunity there is for people to evade the fare by entering through the gate. The gate guards pilot is a way of *deterring fare evasion with a civilian nudge* rather than a police intervention.

The *MTA is actively assessing the "return on investment" (ROI) for the gate guards initiative*. Preliminary analysis is favorable, showing an increase in paid swipes at the turnstiles nearest to the guard posts and an increase in sales at the nearest MetroCard vending machines. Anecdotally, the guards are also reported to be well received by customers; *people feel safer.* Further analysis is needed, including measurement of the impact on unpaid entries.

> It has been well documented for years that subway evasion enforcement falls too heavily on people of color. **A new, community-engaged approach can help redress these inequities.**

The gate guard pilot should be continued and expanded to more stations where the fare evasion measurement system is in place. This will allow for more precise assessment of the impact of the pilot. The technology can provide "before" and "after" counts of evasion through the emergency exit gate. Because it also counts evaders at the turnstiles, the technology can help the MTA assess the extent to which the gate guards initiative is reducing evasion, or perhaps redirecting some evaders to the turnstiles rather than confront the guards at the gates.

The scope of the vandalism problem is startling. On any given day, about 180 MetroCard vending machines are out of service due to vandalism. Average downtime is over ten hours. Repairs require a two-person team: a repair technician and, given the cash inside the machine, an armed guard. The MTA spends almost $4 million per year responding to MVM vandalism. That vandalism directly contributes to "frustration evasion" by denying well-meaning customers the ability to pay with cash.

To be clear, the civilian guards initiative is only one part of the solution. The MTA and the NYPD also should be making a concerted effort to identify, arrest, and prosecute vandals who damage fare payment equipment and run fare collection scams at the emergency gates.

Figure 14 Civilian contract guard stationed on paid side of faregate at 59th and Lex

Armed Guards Pilot

As has been widely discussed, the MTA also has begun to experiment with a separate pilot where armed contract guards are posted at MetroCard vending machines in selected stations. Just as the unarmed guards initiative targets evasion through the emergency exit gates, the armed guards initiative targets a different specific aspect of evasion.

There is a well-known scheme where vandals knock out the cash slots on all the MetroCard vending machines at a subway station. The MTA refers to this as an "MVM all-out." Frustrated customers who wanted to pay for their rides in cash are then unable to do so. The vandal then moves over to the fare array and collects cash from these customers to let them in.

The impact of all-outs is especially severe for "unbanked" MTA customers in lower-income areas. When the cash slots are knocked out in the vending machines at their stations, these customers cannot buy or reload their MetroCards. They need to get to work or school and have no choice but to evade the fare. Instead of paying their fare to the MTA, they pay cash to the vandal, who is now positioned at the fare array selling cash access to the system.

The armed guards pilot aims to attack this scheme by keeping the MetroCard vending machines *up and running in the first place*. The protocol is simply to have the armed guard present at the MetroCard vending machine, in order to deter the vandalism. (Armed guards are used at the MVMs, whereas unarmed guards are used at the gates, because of the presence of cash inside the MVMs.)

Figure 15 An "MVM all-out" in progress at a subway station in the Bronx

Initial signs are that the pilot has been a success and should be continued and expanded. Where the armed guards are posted, the data tend to show that machine downtime is reduced and sales at these machines are increased. This means that the honest customers who need to pay with cash have the option to do so. Thus far, the additional fare revenue and reduced repair expense together appear to exceed the cost of the guards. The MTA intends to carefully track these metrics going forward in order to determine the return on investment over the longer term.

Physical Fare Arrays

Existing physical fare arrays contribute significantly to fare evasion.

Data generated by the MTA's fare evasion measurement system show that *over 50% of evasion in the subways consists of people going in through the emergency exit gates*. The rest of the problem, in order of frequency, is people jumping the turnstiles, people back-cocking the turnstiles, and people ducking under. Another problem, less frequent, is people "piggybacking," or going through the turnstiles in twos.

Physical interventions must be designed to respond to each of these problems, keeping in mind the huge scale of the system. The panel recommends that the MTA proceed on two tracks.

• **Full replacement of existing fare array equipment:** The MTA should begin planning, and budgeting, for the complete replacement of the fare arrays as soon as it is feasible to do so in an orderly way. To be clear, this will be a multiyear project, starting with significant planning and budgeting efforts. The panel's outside engineering consultants as well as the MTA's Construction and Development team have been hard at work on this: studying best practices from other transit systems, talking to leading manufacturers, and beginning to identify solutions that would work in the MTA environment.

The work of these experts thus far points in a clear direction: *The state-of-the-art solution is to get rid of the turnstiles altogether and replace them with tall, motorized plexiglass doors.* This should both improve the customer experience and reduce fare evasion. Variations on this approach have been implemented already in major transit systems around the world, from Amsterdam to Paris to New Jersey to San Francisco.

There are many advantages to such arrays that are not limited to fare evasion mitigation:

• Done right, these doors are too high to jump over, too low to duck under, and too strong to push open. Based on conversations with peer systems, the current thinking is that the **doors will have to be five feet tall or higher at the top, and no more than six inches off the ground at the bottom.** No form of faregate, of course, is totally immune to evasion – but these gates do promise to be a major improvement for New York.

• The door mechanisms can be **paired with sensors** overhead that detect the oncoming passenger and adjust the doors' action in response. Some of the possible adjustments have a **fare evasion focus.** For example, the AI can be programmed to detect passengers attempting to piggyback and prevent the doors from opening.

• Other adjustments have a **customer service/ accessibility focus**. For example, the AI also can be programmed to detect an approaching passenger in a wheelchair, or with a stroller or large suitcase, and cue the doors to stay open longer. This can increase accessibility, system-wide.

• The **sensors and the motorized door arrays together can generate a wide range of useful information about ridership**, revenue, and passenger behavior, all of which in turn can be used to improve subway service.

> **The movement toward these "faregates of the future" is the single most important and exciting recommendation the panel can make for the subways.**

Figure 16 Rendering of double-door faregates as they might look at Jay Street station. Cabinets have OMNY readers where customers tap to enter.

Figure 17 Rendering of double-door faregates at Jay Street station showing ADA functionality.

• The sensors also can **detect traffic patterns in the station and adjust the gates accordingly – for example, switching gates** from entry to exit mode if a large number of exiting passengers is detected approaching the gate.

• **Wide gates can be placed in the middle of the fare array.** From an accessibility and customer service perspective, this could potentially be a major improvement. Today, passengers entering with wheelchairs or strollers must always go to the far edge of the fare arrays to use the emergency gate or autogate. While some customers may find it advantageous to be away from the bulk of the foot traffic, others may feel marginalized.
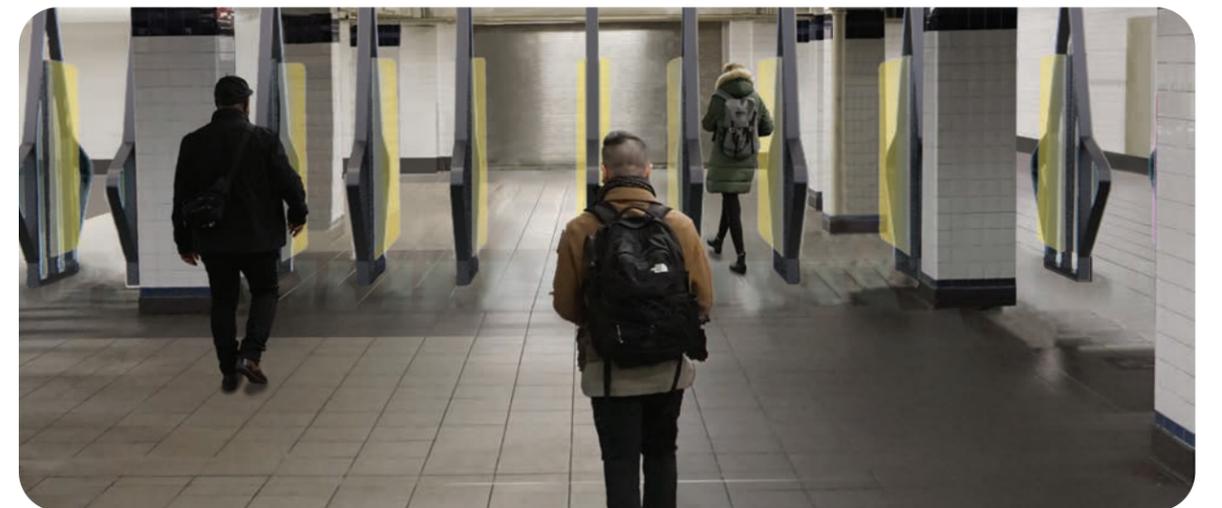

Figure 18 Rendering of double-door faregates in the Jay Street station – shown here with all doors open to support emergency exit.

- Crucially, from a fare evasion perspective: ***Provided that the fire code authorities approve of the actual future design, this type of fare array should allow for the complete abolition of the emergency exit gates.*** This is because the door mechanisms themselves serve as emergency egress, as they are programmed to open automatically in emergency situations.

Figure 19 Hudson Yards station - existing conditions including the ADA + emergency exit gate and large turnstile entry/exit consoles.

Figure 20 Rendering: Hudson Yards with potential "faregates of the future," including motorized swinging plexiglass entry/exit doors in place of turnstiles; overhead array combining sensors (green lights), digital customer service and fare payment messaging; and clear plexiglass fencing where emergency exit gates are today.

The movement toward these "faregates of the future" is the ***single most important and exciting recommendation the panel can make for the subways.*** These gates could:

- ***Eliminate the current physical pathways to evasion***, the emergency exit gates and the turnstiles.

- ***Reduce evasion with design and technology rather than law enforcement.***

- ***Substantially improve the customer experience***, above and beyond evasion reduction.

- Modern gates turn necessity into opportunity. As existing turnstiles begin to approach the end of their useful life. This is a chance not just to replace them, but to g***ive New Yorkers a true 21st century subway entry and exit experience.***

- The panel urges the MTA to ***move forward with design and feasibility studies as soon as possible***, with a request issued to industry within six months and a progress report to the MTA Board and to the public within six months after that.

- **Shorter-term retrofits to existing emergency exit gates and turnstiles.** People going past the turnstiles without paying – over, under, back-cocking, and piggybacking – make up about **48% of subway evasion**. Within 2023, the MTA should begin to pilot simple retrofits to the existing fare arrays that hold promise for reducing evasion.

- A remedy does not need to be fancy to be effective. The panel's engineering consultants have suggested some ideas that are well worth piloting:

- **Adding panels to current turnstile cabinets.** The concept shown below adds panels on both sides of the triwheel. Jumping the turnstile requires planting the hands on the turnstile cabinets on both sides of the triwheel. These panels should make that harder.
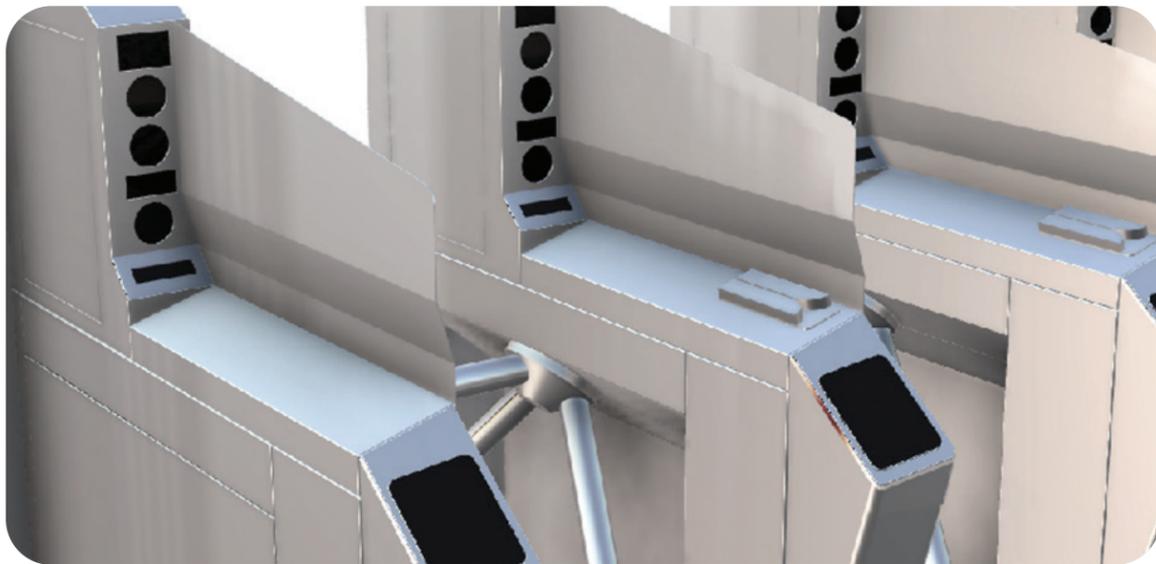
Figure 21 MTA rendering - potential anti-evasion panel for piloting at existing fare arrays

Figure 22 MTA rendering of fins added to existing triwheel turnstiles to deter jumping over or back-cocking

• **Adding fins or bulk to the triwheel:** Adding fins or bulk to the triwheel should make it harder to jump or step over the turnstile, harder to duck under it, and harder to back-cock it.
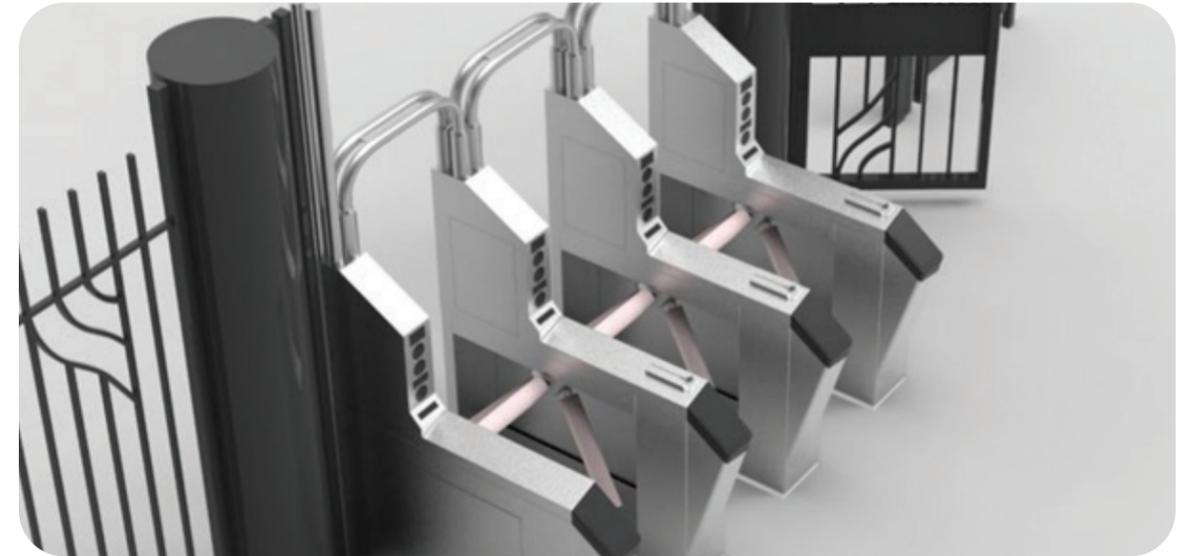
Figure 23 MTA rendering of bulk added to triwheel

• ***These shorter-term interventions should be piloted at subway stations where the MTA has fare evasion measurement technology in place.*** This will allow for easy measurements of "before" and "after" impacts on fare evasion levels.

• **Changing locks:** The MTA has begun an initiative to replace approximately 5,000 locks on the emergency exit gates. The new locks will have keys with the highest level of security available, capable of being copied only by the manufacturer. ***The panel urges the MTA to complete this initiative as quickly as possible.***

Figure 24 At Jamaica Center-Parsons Archer station, typical emergency exit gate locks as seen from the unpaid side. All these locks are in the process of being replaced across the subway system because excessive unauthorized duplication of keys has made the locks a pathway to fare evasion.

Exploring the elimination of the current emergency exit gates at selected stations – where they are not required by code, and where the purposes of the gates can be met in other ways. Unsecured emergency exit gates are required at most subway stations under code, but there are some stations where emergency exit gates may not be a code requirement. These include newer stations that have extensive fire suppression systems, certain outdoor stations, and certain stations with smaller passenger loads.

Given that the exit gates currently are the main pathway to subway fare evasion, the MTA should move as quickly as possible to *identify any stations where the gates are not required, and to lock or eliminate the gates at those stations* – where that can be done safely, and consistent with accessibility needs, first responder access, and other concerns.

- **Exploration of delayed egress locking or other mechanisms to discourage unnecessary use of the emergency gate:** Delayed egress locking is a technology that puts a brief time lock on the panic bar. An exiting passenger has to wait for the prescribed locking period before the gate will open. This is a **common technology in institutional settings**. The MTA has recently begun to run limited experiments (a few hours each) to test delayed-egress locking in the subways. It seems well worth continuing to explore this technology, to see if the

delay will incentivize some passengers to exit through the turnstiles instead of waiting at the gate.

In some locations, the MTA may be able to implement delayed egress locking as of right. In others, approval of the fire code authorities may be needed.

The MTA should move as quickly as possible to *identify as-of-right locations and experiment with the technology there within one year*, while also moving as quickly as possible to secure any necessary fire code approvals for other locations.

- **Consideration of new anti-evasion features for the Wide Area Gate pilot:** The MTA has begun to pilot new Wide Area Gates, or WAGs, at certain stations to improve accessibility. These are the MTA's first experiment with any form of motorized gates with double swinging doors. *The panel supports this exciting initiative, and urges the MTA to assess the impact of the WAGs on evasion as they are rolled out, and to consider adding additional evasion-resistant features to future WAGs.*

- **Realigning emergency gates at select stations:** In some fare arrays, the emergency gate is located in the most natural path out of the station – what designers of public space would call the "desire path." The panel recommends that the MTA continue efforts to relocate the gates out of the desire path, particularly when other capital work is planned at the fare array and when this can be done consistent with the range of access needs. This would make turnstiles the more attractive exit path, and should reduce the amount of time that the emergency exit gates are open to evaders.

A Note About the Staten Island Railway

The Staten Island Railway (SIR) is the MTA's smallest transit service. It runs outdoors at ground level, from Tottenville in the south to the St. George ferry terminal in the north. There are 21 stations, all on one line.

Like the subway, the SIR runs 24/7 and the current fare is $2.75. ***Annual ridership is about 2.8 million – less than the buses or subways see in a single day.*** Average paid weekday ridership is about 14,000. The SIR is run by New York City Transit, the same MTA unit that runs the subways and buses.

The SIR has fare control at only two of its 21 stations: St. George at the northern terminus, and one station up the line at Tompkinsville. At St. George and at Tompkinsville, passengers must pay both when entering southbound and – uniquely in the MTA system – also when exiting northbound. The same sort of turnstiles found in the subways are located at both St. George and Tompkinsville.

The current setup was adopted originally because most northbound passengers ride to the end of the line at St. George. Asking these passengers to pay at the St. George exit therefore captures most riders. Turnstiles were later added at Tompkinsville. It was observed that some St. George-bound passengers were hopping off at Tompkinsville and walking to nearby St. George in order to avoid paying there.

The other 19 SIR stations, from Tottenville to Stapleton, have no fare control. The MTA has researched this in years past and concluded that it would not be cost-effective to add turnstiles at the other stations, given the SIR's ridership levels. The MTA has not calculated a fare evasion rate on the SIR.

Panelists visited the St. George station and spoke with MTA staff there, as well as with the Richmond County District Attorney's office.

On their visit to St. George, the panel saw similar evasion as in the subways: exiting passengers going through the slam gates without paying, and also jumping over and ducking under the turnstiles. MTA staff report that the same evasion tactics also occur at Tompkinsville. The District Attorney's office advised that there is also some amount of local free riding (passengers who ride only within the 19-station stretch of SIR where there is no opportunity to pay).

Policing responsibility for the SIR rests with the MTAPD. The MTAPD recently has begun running fare evasion posts intermittently at St. George and Tompkinsville. 130 fare evasion summonses were issued at those two stations in 2022. Those are criminal summonses for theft of service under the Penal Law. ***The Transit Adjudication Bureau currently lacks legal authority to process summonses from the SIR; accordingly, civil summonses are not issued.***

Figure 37 Panel members and MTA staff at the SIR St. George station

More data is needed to support an action plan. The panel recommends that the MTA should:

- **Take steps to measure the evasion rate on SIR,** with human checkers and/or by installing the AI measurement system at St. George;

- **Develop a plan to reduce evasion,** with attention to all of the "4 E's";

- **Experiment in the interim with tools like civilian guards** at the emergency exit gates at Tompkinsville and St. George; Fair Fares sign-up efforts, educational "pay the fare" messaging; and continued summonsing by the MTAPD; and

- **Report out to the MTA Board and the public on these efforts within one year.** While that work is in progress, the MTA need not wait to plan for some new approaches:

  The MTA should explore the feasibility of replacing C-summonses with civil TAB summonses. The "C-summons" currently given to a fare evader on the SIR passenger represents a criminal charge for theft of service, returnable at court. As discussed above, subway and bus fare evaders today generally receive civil summonses returnable at the Transit Adjudication Bureau. The civil summons approach should be implemented on SIR as well if feasible.

Figure 37 Panel members and MTA staff at the SIR St. George station

  The MTA should plan to begin making proof-of-payment spot checks along the full 21-station route. The move to an all-OMNY system should make spot checks possible. Eagle Teams or other civilian staff should be deployed with handheld technology that would allow them not just to check for fare payment, but to collect fares along the 19-station stretch that has no fare control.

The SIR does not present the MTA's biggest fare evasion challenges. But it cannot be ignored either. As this report has made clear, ***when it comes to combating payment evasion at the MTA, every mode matters.***

Issues Affecting New York City School Students

Under an interagency agreement made many years ago, **most K-12 students in the city's schools are eligible for free subway and bus rides**, subject to day and time limitations.

The **current system clearly needs improvement**. From a fare evasion perspective, the main issues are:

- **Students are failing to swipe their transit passes at a high rate.** Data show that the **highest evasion rates by time of day are school dismissal hours.** The students who spoke with the panel readily agreed with this. Students talked openly about how evading after school with a group of friends can feel fun and risk-free – "anonymous and powerful," as one student put it.

- **Revenue is lost. When students open the emergency exit gate, adults follow** – and each adult who does so costs the MTA one fare. Students' failure to swipe therefore causes financial loss to the MTA. (The MTA is paid a flat fee by the City and State for all student cards, rather than being paid by the ride. So the student's own failure to swipe does not have an immediate revenue impact to the MTA.)

- **Fraud:** Students have been known to enter the system without swiping because the card they "lost" has actually been given, or sold, to an adult friend or relative. (In one recent incident, a 41-year-old man was stopped for using a student card - and was found to have a knife, a baton, and an open warrant for assault.) The MTA loses one fare every time an adult uses a student card.

- **The system of student cards is so complicated that it encourages evasion.** Currently, there are no fewer than nine distinct types of student MetroCards as shown in the image below. (Some of the cards in the image look identical, but all tie back to different levels of rides.).

    - The basic card given to most eligible K-12 students provides for three rides a day between 5:30 a.m. and 8:30 p.m. on school days. This card doesn't cover students who participate in sports, clubs, internships, jobs and other non-school activities.

    - All the students and public school staff we met with knew only of the basic card. For example, one student who plays interscholastic basketball said that he "hops" after away games because his regular card is no good after 8:30 p.m. There are options among the nine existing cards that would cover just this situation. NYC Public Schools works to make students and parents aware of these options. But the student, and apparently his school and coaches too, were unaware. Confusion leads to evasion.
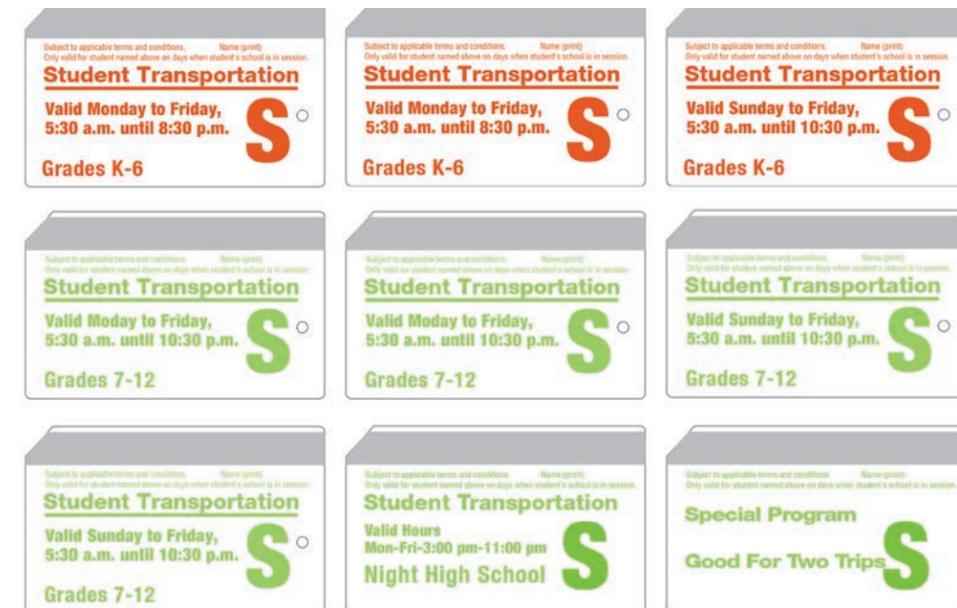
Evasion across the MTA system
ISSUES FOR K-12 STUDENTS

The basic card benefits are so limited that they encourage evasion. Students talked about how eager they are to join fully in the life of the city through activities like internships, after-school jobs, and cultural events. Many pointed out that these opportunities often occur on evenings, weekends or during the summer. The students noted that *70% of New York City public school students come from low-income households.* The limitation to three rides on school days, they said, leaves them with no choice but to either evade the fare or give up these opportunities.

To reduce student related fare evasion, the MTA should consider taking the following actions:

1. **Urgently prioritize the transition to OMNY for students – especially to OMNY on smartphones.**

   OMNY promises a path to solving many of the current problems. OMNY presents two huge opportunities to streamline the system and reduce evasion at the same time:

   • Taking the system from nine types of card to one. In the future, any adjustments to a student's allocation of rides should be made centrally by computer, rather than by distributing yet another physical card. Every physical card not distributed is one less card for the MTA to print, for the schools to administer – and for students to sell or give away.

   • Moving away from physical cards altogether in favor of smartphone-based rides. Students may sell or give away their cards, but they can be counted on to hang on to their phones. (We note that physical cards will always be needed to some extent, because not every student has a smartphone.)

   Current plans call for initially giving students physical OMNY cards. That is a good first step away from MetroCard. The MTA and NYC Public Schools should build on this, implementing smartphone-based student OMNY accounts as broadly as possible within the 2024-25 school year. Progress on this should be reported to the MTA Board and the public within six months.

2. **Issue warnings to student fare evaders**, with notice where feasible to their parents or guardians and to their principals.

3. **Put student-directed anti-evasion messaging, delivered by credible messengers, directly at subway stations and bus stops at dismissal time.** As noted, school dismissal time is the peak hour for fare evasion, so messaging should be concentrated where the problem is. A principal or a parent with a bullhorn, yelling "you better swipe!", may be even more impactful than a police officer with a ticket book.

4. **Help students understand why fare payment matters.** Students who shared their ideas and concerns with the panel were eager to know more about the MTA. They were full of questions about how the transit system works and what the fare pays for. They felt students are more likely to swipe if they know more about why swiping matters.

   For example, we saw one student jump the turnstile and asked him why. He cheerfully pulled out a student MetroCard and announced it was "unlimited" – suggesting he had no idea why he was supposed to swipe it.

   The MTA and NYC Public Schools should work together to develop a curriculum on this. The students suggested that the curriculum be delivered through social media. The students also volunteered to help the MTA develop student-directed messaging about fare payment. Such collaboration could yield big results.

   Finally, students will be adults soon enough, without free MetroCards and with fare payment obligations. It is never too soon to begin building the habit of paying your fare.

5. **Expand the basic card benefit to provide 5 rides every day, without time or date limitations.** Students made a compelling case for why three rides on weekdays are not enough. The default benefit should be 5 rides per day, any time of day, 365 days a year.

   To implement this recommendation, the following must occur:

   • **Press ahead with the transition to putting student rides on phone-based OMNY accounts**. With any expansion of student rides, there must be an expanded effort to be sure it is only students who are using them. It is well-known that student cards are regularly, and wrongfully, used by parents or other adults. This is another form of fare evasion. Putting students' rides on

their phones should substantially reduce this risk; students may pass on their MetroCards to the adults in their lives, but they will hold on to their phones.

* Reopening the discussion with the State and City around student funding. The cost allocation for student MetroCards was fixed among the City, State and MTA in [year] when the governing agreement was signed. It has not been revisited since.

Under that agreement, each year the MTA receives a set contribution from NYC Public Schools and a set contribution from the New York State Education Department. But these contributions cover only a fraction of the cost of student rides. At current levels, the effective cost of those rides to the MTA is about $150 million per year. This far exceeds the contributions of the other agencies.

• All stakeholders should come to the table in an effort to update the cost-sharing arrangement. Especially given the many fiscal challenges the MTA faces, it should not continue to carry this financial burden based on an outdated agreement. Non-governmental funding sources such as private-sector contributions and foundations should also be explored.[1]

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[1] NYC Public Schools Chancellor David Banks is a member of the blue-ribbon panel. Chancellor Banks played no role in the development or consideration of the recommendations regarding funding of student rides.

The MTA runs America's two largest commuter railroads:

• The **Long Island Rail Road** serves Nassau and Suffolk Counties as well as Manhattan, Queens, and Brooklyn within New York City. Monthly ridership recently has been in the range of 4.7 million.

• **Metro-North Railroad** provides service east of the Hudson River in New York, Bronx, Westchester, Putnam, and Dutchess Counties in New York, and in Fairfield and New Haven Counties in the State of Connecticut. Monthly ridership recently has been in the range of 4.6 million.

Fare policies and procedures are similar on both railroads:

Riders are instructed to board with a valid ticket already purchased. This can be either a paper ticket, purchased from a ticket window or a vending machine, or an e-ticket on the rider's phone. Customers with e-tickets are instructed to activate their tickets prior to boarding.

Customer ***use of the mobile app is currently around 60% on both railroads.*** That percentage is expected to keep going up.

2022 LIRR Ticket Sales
8.1% 1.7% 2.0% 29.4% 58.7%
■ Ticket Vending Machines ■ Mobile App ■ Station Sales ■ Mail & Ride ■ Conductor Sales

2022 MNR Ticket Sales
2.3% 2.0% 7.2% 25.0% 63.5%
■ Ticket Vending Machines ■ Mobile App ■ Station Sales ■ Mail & Ride ■ Conductor Sales
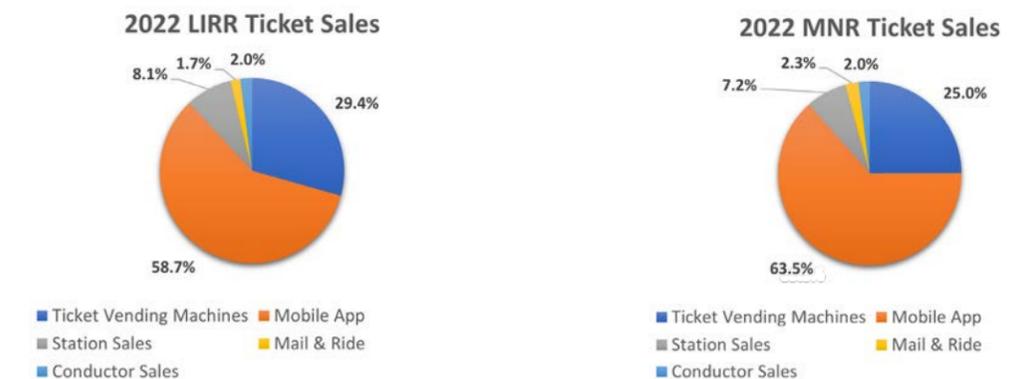
• Riders also may purchase tickets on board; an on-board service charge is added to the cost of the ticket.

• There is a wide range of ticket types, including one-way tickets, ten- and twenty-trip tickets, monthly passes, and discounted options such as Atlantic ticket (for travel between Jamaica and stations in Southeast Queens and Brooklyn) and the newly expanded City Ticket for day-of-travel purchase within the five boroughs.

- Fares vary according to a number of factors, including distance traveled and peak vs. off peak times. **The tariffs at both railroads are complex – maybe too complex.** They include peak and off-peak timing (which require a "step-up" to be sold for customers who board peak trains with off-peak tickets); distance-based zones (which require ride extensions to be sold); and certain discounts by ticket type and customer type. New fare pairings between the LIRR and Metro-North, with the opening of Grand Central Madison, adds to the number of ticket types. This complexity slows down the on-board conductor fare collection process and increases the risk of collection error.

- **Sales of monthly passes have dropped significantly since the pandemic,** given the rise of hybrid work and working from home. Monthlies and other commutation tickets were **once a majority of sales**. Today, as the chart below shows, commutation tickets represent only 30 to 35% of sales. This too adds to the fare collection challenge: conductors today have to check a much greater variety of ticket types.

2022 LIRR Types of Tickets Sold

0.1% | 9.3% | 0.2%
3.1% | | 25.6%
| | 1.9%
| | 6.9%
52.9%

■ Monthly ■ Weekly ■ Twenty Trip ■ One-Way
■ City Ticket ■ Family ■ Ten Trip ■ Other
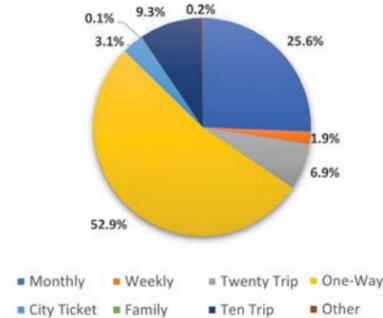
2022 MNR Types of Tickets Sold

0.1% | 10.8% | 0.6%
0.9% | | 18.9%
| | 1.7%
| | 8.7%
58.2%

■ Monthly ■ Weekly ■ Twenty Trip ■ One-Way
■ City Ticket ■ Family ■ Ten Trip ■ Other
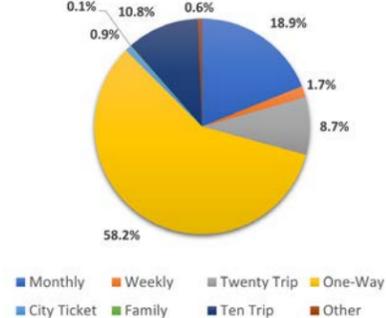
- The commuter rail system is physically open, with multiple entry points to platforms. **There are no turnstiles or other physical barriers** to restrict passengers from boarding commuter rail trains.

- On the train, all riders are expected to present their ticket to a conductor. (Note: Throughout this report, all on-board personnel engaged in fare collection are simply called "conductors;" the railroads use a variety of job titles.) Riders are reminded by conductor announcements about ticketing requirements and the need to activate e-tickets. **Railroad policy is to check 100% of customers on every train.**

- **Both railroads have staffed "gating" programs to address the potential for fare evasion** associated with certain special events. In some instances, these gating programs are in addition to on-board ticket servicing by conductors. Examples include after baseball games at Metro-North's Yankees/East 153rd St. station and the LIRR's Mets-Willets Point station, or on major holidays at Penn Station and Grand Central Terminal. **When gating is in effect, railroad personnel require passengers to display their tickets before entering the platform and boarding the train.**

- The railroads each have a **Conductor Compliance Function** which is responsible for oversight of all conductor duties, including fare collection. These managers routinely ride trains to evaluate conductor performance as well as follow up on MTA Audit Services reports, analyze ticket sales and scanning reports, monitor conductor feedback, and provide materials and training on fare collection policies and practices.

How much evasion is there and how does it happen?

The MTA estimates that for 2022, it lost approximately $40 million to evasion on commuter rail. The MTA estimates that the evasion rate for commuter rail was in the range of 5 to 6% for 2022.

It should be noted that **"fare evasion" does not look the same in the commuter rail environment as it does in the subway and bus environments.** As noted, commuter rail (1) is an open system and (2) railroad personnel ordinarily inspect tickets after the customer boards. By contrast, subway and bus customers enter via gated entries and are required to swipe, tap, or (on buses) pay cash as they enter, and fare evasion is normally detected in stations, not on board. On subways and buses there is no employee tasked with checking on board for payment by every passenger.

The MTA breaks down commuter rail fare losses into two categories: "Fare Not Collected" and "Incorrect Fare Collected." "Fare Not Collected" is an estimate of how much revenue is lost when riders do not present a ticket to the conductor. "Incorrect Fare Collected" is an estimate of how much revenue is lost when riders present the wrong ticket – for example, an off-peak ticket on a peak train – and the conductor does not collect the difference. Incorrect Fare Collected can also occur when the conductor sells a ticket with the incorrect fare amount, gives incorrect change back, or other miscellaneous reasons.

Evasion estimates for 2022 across the two railroads break down as follows:

	LIRR	Metro-North	Revenue Loss
Fares Not Collected	6.3%	5.7%	$40,500,000
Incorrect Fare Collected	26.7%	9.1%	$3,900,000
Revenue Loss	$24,400,000	$20,000,000	
			$44,400,000

As the chart indicates, for Fare Not Collected, the Audit Services process indicates that **about 6% of passengers are not paying at all**. For Incorrect Fare Collected, the Audit Services process indicates a rate of about 27% of the time on the LIRR, while the rate is about 9% on Metro-North – these percentages reflecting how often the auditors bought the wrong fare, but the conductor did not ask for or charge the difference. (The sample size is quite small and, therefore, not much weight should be put on the apparently large difference between railroads with regard to Incorrect Fare Collected.)

A particular problem noted by the MTA's commuter rail team is **delayed activation of e-tickets.** Evasion via delayed activation happens when the rider boards with a valid but unactivated e-ticket on their phone. The rider waits to see a conductor approaching. If the conductor does not reach the rider, then the rider simply does not activate the e-ticket – saving it for another day and riding that day for free. The customer may also claim to be having trouble with their phone and ask the conductor to come back to them, with the hope that the conductor will not return.

Another form of fare evasion occurs when the **customer does not purchase a ticket before they board,** taking the chance that the conductor will not come by to collect their ticket. Occasionally customers also will **hide in on-board bathrooms** to avoid paying the fare.

Short-hop stretches, the MTA advises us, present two fare collection challenges:

- **Proximity of stations**. Within the five boroughs, multiple stations are located very close together. This creates the possibility that **a rider can board at one station, then disembark at a nearby station before the conductor reaches them.**

- Volume of passengers. Both railroads have short-hop stretches where the trains are frequently very crowded: on the Long Island Rail Road, the stretch between Penn Station and Jamaica, and on Metro-North, the stretch between Grand Central Terminal and 125th Street. **Even the most diligent conductor may find it hard to check all passengers.**

How is evasion measured and enforced?

Measurement

The Audit Services Process: MTA's Audit Services team sends its own personnel out to do fare control checks on a daily basis. Audit Services staff ride both the LIRR and Metro-North anonymously, generally about 200 to 225 times a month on each railroad. Compared to ridership, the sample size of this process is small.

On each ride, Audit Services staff keep notes as to whether their ticket was checked and, if so, whether the conductor collected any amount still due on the ticket – for example, for an off-peak ticket on a peak hour train.

The MTA's finance group then uses an algorithm to extrapolate the test results across overall ridership.

Onboard Invoicing

Another fare collection challenge on commuter rail is **onboard invoicing for payment by mail.** Although strictly speaking the onboard invoicing challenge does not factor into the estimation of Fare Not Collected or Incorrect Fare Collected, it deserves mention here.

As has been noted earlier, all passengers are supposed to have a ticket before boarding. Customers who do not are given the option of paying onboard, with a service charge. Some passengers pay at that point. But some claim they cannot – for example, citing a lost wallet, not enough cash, or no credit card.

In such situations, the current MTA rules permit **riders to then ask the conductor for an invoice to be paid by mail.** MTA policy is for the conductor to check the rider's ID against a list of known chronic fare evaders. If the rider is not on the list, the conductor will issue the customer an invoice.

If the rider is carrying a New York State driver's license, the conductor can download their contact details by scanning the barcode on the license with a handheld optical reader. The conductor then prints the invoice in hard copy using a handheld printer, and hands it to the rider with instructions to mail payment back to the MTA with a check

The collection rate on these invoices is low. In 2022, about 100,000 onboard invoices were issued on the LIRR and about 23,000 were issued on Metro-North. Yet the payment rate was only about 5% on the LIRR and about 10% on Metro-North. The total value of these invoices across the two railroads was about $1.7 million – and the amount unpaid was about $1.6 million.

Because this invoicing procedure is considered an authorized method of paying the fare, the MTA does not include these unpaid amounts in its estimate of Fare Not Collected. But whether these are called "evaded" fares or simply unpaid ones, they represent a substantial revenue loss to the MTA . This process also takes time away from conductors' ability to collect other passengers' tickets and perform their other duties.

Enforcement

When a rider does not have a ticket, or does not request an invoice, or is ineligible to receive one, the conductor's instructions are to turn matters over to the MTA Police Department. This is the MTA's own force of approximately 1,150 officers. MTAPD officers may be on the train already, or in patrol cars along the train route. The officers come to the relevant train car and give the passenger a last opportunity to pay.

If the passenger does not pay, the officers' protocol is to escort the rider off the train and issue a criminal summons. The officers carry different summons forms to be used depending on where they are when the summons is issued.

Such enforcement efforts are rare: In 2022, MTAPD officers only wrote about 50 summonses for non-payment on Metro-North and about 280 summonses for non-payment on the LIRR. The MTAPD also made about 50 arrests for theft of service on each railroad in 2022.

Once a summons is written, **enforcement becomes the sole responsibility of the local courts along the train routes.** Revenue from paid summonses goes to those local courts and not to the MTA. The MTA gets no information on these court dispositions. Accordingly, it is not possible to estimate how much revenue the local courts receive from summonses written by MTAPD officers.

Recommended Changes: The Four E's

Education

The commuter railroads have run campaigns focused on deterring delayed ticket activation, like this one for Metro-North:

Don't forget to **activate your ticket** BEFORE boarding the train.

It will help create a smoother ride and keep you and your fellow passengers on the move.

MTA eTix® / MTA Metro-North Railroad

Those campaigns should be refreshed and revived, but with stronger emphasis on the importance of paying the fare and the *consequences for non-payment.*

These campaigns are crucial reminders to the riding public. They tell paying riders that the issue of fare evasion is taken seriously. At the same time, they tell non-paying riders – without a police encounter or a difficult conversation with a conductor – that they need to start paying. Riders also will benefit from the MTA explaining why timely activation of e-tickets is so important to the smooth operation of the railroads.

There are *signage opportunities* everywhere – including on board commuter trains, in stations, in physical mailings to pass holders, and on customers' phone screens. Given the problem of delayed activation, an on-screen prompt reminding customers to activate may be the best messaging tool of all.

Enforcement

- **Both railroads should pilot programs to check for tickets before customers board.**

  - This is the practice of requiring riders to display their tickets at a checkpoint before they reach the platform. Both railroads currently have limited "gating" programs. Currently, gating is only used in connection with sports events, holidays, or other major ridership spikes. Traditional full-scale gating can include setting up physical barriers, having the MTAPD present, and conducting ticket sales at the checkpoint.

  - We recommend the railroads explore whether a simpler, less staff-intensive version of gating should also occasionally be made part of the experience of everyday riders. In this approach, civilian employees (conductors, railroad "ambassadors," or others) posted at the head of the platform would instruct riders to have their tickets (physical or already-activated e-ticket) out for display. This would add a firm "nudge" to the pre-boarding process that would discourage delayed activation of e-tickets as well as boarding without at ticket. This approach should be piloted at one or more of the major commuter rail terminals within New York City.

- **Validity periods and the tariff structure should be reviewed for opportunities to simplify them.**

  - The complexity of some of the railroads' basic ticket policies may actually encourage evasion, including by increasing the time conductors must spend checking any given customer's ticket, in turn increasing the risk that they will not reach all customers, as well as the risk that fares will be assessed incorrectly.

  - MTA and the railroads should review the validity periods of tickets for opportunities to reduce fare evasion.

    For example, the current CityTicket and Atlantic Ticket are valid on the date of purchase only. The railroads should explore whether this same-day-only validity period should be extended to other ticket types. For e-tickets, other options such as automatic activation upon purchase should also be reviewed.

• MTA and the railroads also should review their tariff structure to identify opportunities to streamline and simplify the on-board fare collection process. A simplified tariff could speed up the on-board conductor fare collection process.

Update the evasion estimation process.

• Reliable evasion estimates are critical. They help leadership know how much time to spend on the evasion problem, and what sort of resources to direct at it.

• As discussed elsewhere in this report, a few years ago, New York City Transit faced criticisms of its evasion estimation process for the subways. It responded by redesigning the process with help from an outside statistics expert.

• The MTA should undertake a similar re-evaluation effort for commuter rail. It seems timely to review the estimation process, especially considering that it was designed for a pre-pandemic world where most customers rode on monthly passes and fare collection was accordingly easier. A review of the estimation process should help generate better evasion estimates, better responses to evasion, and higher public confidence that evasion on commuter rail is being addressed.

• **Update performance assessment procedures for onboard staff**

• Conductors who shared their experiences with the panel described tough and wide-ranging job duties – including general customer service, oversight of onboard safety, opening and closing the doors at stations, and de-escalating situations where passengers may grow difficult or disruptive.

• Both the LIRR and Metro-North are already attending to oversight of conductors' fare-checking responsibilities. Both railroads have conductor compliance functions and are engaged in oversight of the fare collection and other responsibilities of conductors. Conductors are instructed about the importance of their fare collection responsibilities. Reviews are undertaken in the normal course by conductor compliance managers.

• There is also a process where the results of Audit Services test rides are matched up to the specific conductors who were on duty when the tests were conducted. Additional training, warning letters and other procedures (all consistent with applicable collective bargaining agreements) are followed if the Audit Services tests show that a particular conductor's trains have notably high rates of Fare Not Collected or Incorrect Fare Collected. Rail leadership, working with the conductors, should set a goal of identifying measurable further improvements in conductor fare collection performance and report out to the MTA Board and the public within one year.

• **Develop modifications or alternatives to the on-board invoicing process, including a pilot where on-board invoices would no longer be offered.**

Allowing customers to receive invoices for payment by mail is one of the most difficult and challenging evasion issues for the LIRR and Metro-North.

On-board invoicing procedures were created for good reasons. They keep the trains and customers moving. They reduce the number of rider-police encounters and rider-conductor conflicts. The numbers alone show the challenge: The two railroads together issued about 123,000 onboard invoices last year. It would not be practical to call the MTAPD to the train in every such case.

Yet the on-board invoicing system is unquestionably flawed for a number of reasons:

• *Allowing customers to receive invoices on board for payment by mail may enable or even encourage fare evasion.* The list of customers with a documented history of fare evasion is lengthy, particularly on the LIRR. This suggests that some customers have become aware of the on-board invoicing option and are deliberately exploiting it to effectively ride for free.

• *The process is inefficient.* The collection rates on invoices issued onboard are so poor – 5% on one railroad, 10% on the other – that it hardly seems worth the effort. The time spent by conductors issuing these invoices arguably could be better spent checking other passengers or performing other duties.

- ***The contrast to how evasion is handled on New York City Transit is striking.*** Exact similarity in the response to evasion across MTA modes is not the goal. Unlike the subways, for example, fare evasion stops on commuter rail generally occur on-board and therefore can affect on-time performance, overall service, and the safety of those onboard. Nonetheless, some have asked: Why should a fare evader on commuter rail get the option to pay by mail, when a fare evader on the buses or subways gets no such option and is handed a $100 summons? It is a fair question.

In short - the current invoicing process is clearly ineffective and frustrating for all concerned. The MTA's train crews need clear direction on how to handle these challenging situations safely and effectively. Riders, too, need clear communication about what payment options are and are not available.

Accordingly, the panel recommends that both railroads undertake to identify and implement alternatives to current practice. A report on these efforts should be shared with the MTA board and the public within six months. One of the options pursued should be the elimination, on a pilot basis, of the on-board invoicing option. Such a pilot could be pursued on one of the two railroads or even on just one line.

Any pilot should put a priority on clear communication to customers that the option of on-board invoicing is being eliminated. As with all other pilots recommended in this report, goals for success should be defined up front, and outcome should be carefully measured – including outcomes for fare evasion, on-time performance, and safety.

The main goal of any fare enforcement regime should be to make **customers, not criminals.** Applying these principles to commuter rail, the MTA – acting as needed in partnership with local and county authorities –should take the following steps:

- **Generally, shift away from criminal summonses to civil summonses.** Civil summonses are the norm on buses and subways today. Rail customers should be treated the same. Just as in the buses and subways, criminal responses should only kick in after multiple civil summonses.

  Having a universal form of summons would reduce the burden on MTAPD officers. It would also shorten riders' encounters with the police: no more flipping through ticket books to find the right summons, in turn also increasing officer safety.

- **Centralize enforcement of civil summonse**s. For bus and subway evasion today, summonses are administered by the MTA's Transit Adjudication Bureau, or TAB. For rail, handling of the summonses is dispersed to local courts along the rail lines. The MTA gets no revenue and no information about dispositions. A TAB-like system should be created for rail so that the MTA gets the revenue and the information. This will require state legislation.

- **Create a laddering-up system.** Recidivist offenders should pay more. The MTA and the railroads should develop a new, appropriate schedule of fines where the dollar amounts escalate as the number of offenses goes up.

- **Work with the district attorneys to pursue criminal prosecution of fare evasion in the most serious cases**. In general, people should be criminally prosecuted only if they are evasion recidivists or if they also commit more serious crimes. Town and village courts would continue to be responsible for these cases, but with reporting back to the MTAPD so there is data on dispositions.

Environment

- **Explore automatic penalties for delayed activation.** As noted above, delayed activation of e-tickets is one of the biggest evasion challenges. At best, every minute a conductor spends watching someone fiddle with their phone is a minute not spent checking other passengers. At worst, delayed activation is a deliberate effort to evade the fare. A strong response is needed.

The railroads also should consider an increase in the service charge for purchase of tickets on-board.

- **Develop a technology-based solution.** Ideally, the same scan by the conductor that checks the ticket would trigger a surcharge if the customer was late in activating. An automated approach would avoid slowing down fare collection for other passengers. It also should reduce the risk of assaults or other difficult encounters for conductors. This technological change would be accompanied by a change in both railroads' fare policies, stating that failure to activate an e-ticket prior to boarding is a form of fare noncompliance.

- **Improve handheld technology for the MTAPD.** The handheld technology carried by LIRR and Metro-North conductors features optical readers that can scan a rider's ticket on their phone. These devices also can scan a driver's license, inputting the rider's contact details directly into an invoice. Conductors also have mobile printers that can print a clear and legible invoice on the spot.

  MTAPD officers doing enforcement on the rails also should carry devices that can scan IDs and print summonses. This should shorten police encounters and reduce the number of bulky forms that officers have to carry. It also should reduce the risk of summonses being dismissed because they are incomplete or illegible, which is common for any sort of handwritten summonsing process.

- **Explore the feasibility of physical gating on a selective basis.** Some commuter rail operators around the country have begun to experiment with adding physical faregates to their previously open systems. (See **Boston**; **New Jersey**; **St. Louis**.) The MTA should consider investigating the cost effectiveness and efficacy of adding physical fare control at a limited number of heavily trafficked stations or platforms. This could potentially reduce evasion, improve customer experience, reduce personnel costs, and bolster safety and crowd control.

Equity

The MTA today has little information about why people do not pay the fare on commuter rail. Common sense and academic research suggest a mix of factors. One is that low-income riders can find it genuinely difficult to pay the fare while also meeting other basic life needs.

The MTA already provides various forms of fare assistance on commuter rail. Reduced fares (half the one-way peak fare) are available to commuter rail travelers 65 and older, as well as customers with qualifying disabilities. Both the LIRR and Metro-North offer various discounts to riders within the five boroughs, including a $4 off-peak fare for riders within the LIRR's Zone 3 in Queens and a $3 fare for certain Metro-North trips within the Bronx.

The MTA should commit to:

- **Studying the economic needs of commuter rail ridership**

- **Considering any potential need for expansion of fare assistance**

- **Reporting back on this work to the MTA Board and the public within one year.**

A Note About AI: Opportunities and Risks

AI technology has the potential to help reduce fare evasion. This report calls for exploring its applications further, including:

• Expanded use of AI to measure fare evasion and to plan effective and equitable interventions

• AI-enabled sensors as a component of the "faregates of the future" in the subways

• Automated license plate readers and other AI-powered toll collection technology at bridges and tunnels now, and expanding to congestion pricing systems in the future.

But AI also creates risks , both which have been well documented elsewhere.

Recommendation: The MTA should create an internal working group, including consultation with outside experts and thought leaders, to develop policies and procedures for the use of AI across the entire organization.

• Policies and procedures should govern, at a minimum, the use of AI for any purpose related to fare or toll evasion. These new policies and procedures for AI should be integrated as appropriate with other MTA policies and procedures on technology governance. This panel's mandate is limited to evasion issues – but the lessons learned from AI governance on evasion should benefit the MTA as it utilizes AI across the organization.

• The policies and procedures should include best practices for assessing new AI use cases and technologies; the designation of a senior official or group of officials to approve new uses; and provisions for periodic review by outside eyes, such as a board of advisers or outside auditors.

• Any expanded uses of AI should require approval under these new processes, based on a determination that the expansion would have a substantial benefit and that the risks described above have been considered and are well mitigated. The details of these new processes should be sorted by MTA management and the board, and then reported out to the public.
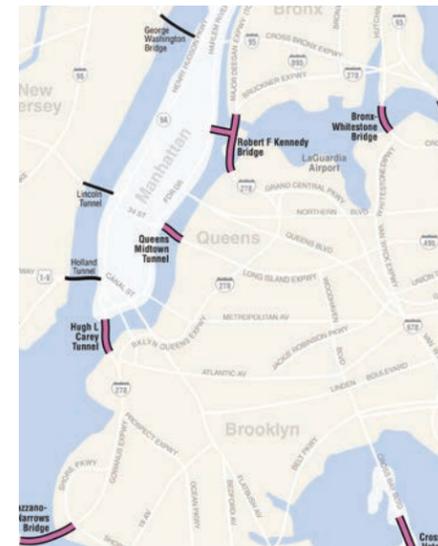
The MTA operates the nine tolled crossings shown on the map. On an average day, **more than 900,000 vehicles cross these seven bridges and two tunnels;** in a year, the total is about 330 million. The number of vehicles today is similar to pre-pandemic levels.

Toll rates vary depending on the nature of the vehicle and how the toll is paid. It can cost as little as $3 to cross the Henry Hudson Bridge in a car with E-ZPass, or almost $80 to cross the RFK Bridge in a seven-axle truck with the toll billed by mail. Currently, the E-ZPass toll for a passenger car at most of the crossings is $6.55.

Figure 25 Toll gantries (the arched metal structures over the roadways) at the Verrazzano-Narrows Bridge

Since 2017, all MTA crossings have used cashless **open-road tolling**. Vehicles drive under a toll gantry and are either charged via E-ZPass or billed by mail. The toll gantries are equipped with E-ZPass readers and automated license plate readers. Tollbooths have been eliminated.

More than 90% of vehicles have E-ZPass and are charged that way. If a vehicle does not have E-ZPass, then tolling is effectuated by photographing the license plate with an automated camera. MTA Bridges and Tunnels then issues a toll bill by mail, based on a cross-check with the issuing state's DMV. Billing by mail accounts for 5 to 7% of toll transactions.

Bridge and tunnel tolls are a key funding source for mass transit. In 2022, for example, **total toll revenue was $2.3 billion. Of this, $1.4 billion went to support New York City Transit and the MTA's two commuter railroads**.

Notably, the **MTA Bridges and Tunnels team is slated to be responsible for toll collection in the pending Central Business District Tolling Program**, popularly known as congestion pricing. Provided that congestion pricing goes forward, it is safe to assume that the same evasion issues occurring today at the bridges and tunnels will soon be occurring at the entry points to Manhattan's central business district – threatening the revenue stream that congestion pricing is intended to provide for the MTA's all-important capital program.

With **congestion pricing projected to supply billions of dollars for the MTA capital program**, it is all the more important to understand and respond to the toll evasion problems of today.

## How much evasion is there and how does it happen?

MTA Bridges and Tunnels estimates that for 2022, it collected over 94% of tolls owed, with an evasion rate of 5 to 6%. **The cash loss to evasion for 2022 was estimated to be about $46 million.**

> The MTA estimates that for 2022, it lost approximately **$46 million** to evasion on bridges and tunnels.

MTA Bridges and Tunnels measures toll evasion in two categories: the obscured or covered license plate and the fraudulent license plate.

Obscured or covered license plates: Some drivers apply commercial products to their license plates, aiming to defeat toll cameras by making the plates impossible to read. These products include plate covers, sprays, and roll-down shutters, among others. These products are widely sold online by the major e-commerce platforms and other retailers. The same products are also marketed for defeating speed cameras and red-light cameras, like those operated by the City of New York.
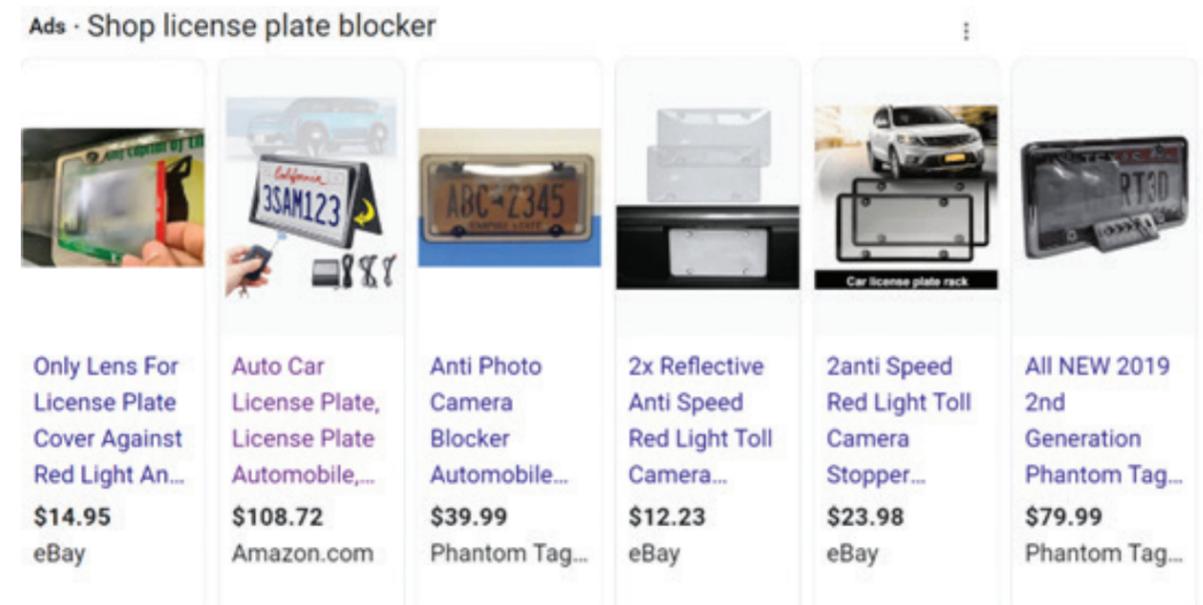
Figure 26 A Google search for "license plate blocker" brings up over 2.8 million hits, including many products for sale on major e-commerce platforms

Drivers also engage in a wide range of "DIY" techniques to conceal their plates. These include covering over their license plates with face masks; covering certain letters or digits on the license plates with duct tape; tearing or bending the license plates; installing bulky bike racks; and scraping the paint off the digits. When the license plate is concealed, the MTA's camera systems cannot capture a license plate number to share with the DMV. No bill can be generated.


Figure 27 Roll-down, shutter-style cover sliding down to block the license plate. The roll-down shutter is activated by a remote held by the driver.

Fraudulent license plates: These are license plates that are clear and legible, but either fake or not legitimately assigned to the vehicle. The MTA's cameras get a clear image of the license plate and send it off to the DMV of the apparent issuing state. But the DMV then reports back that no such license plate exists for the vehicle on which it is displayed. The MTA is unable to issue a bill. According to the Bridge and Tunnel Officers we spoke with, fake temporary license plates purportedly from New Jersey or Texas are especially common.

Figure 28 A few of the many fraudulent temporary license plates seized by MTA Bridge & Tunnel Officers

Figure 29 Sample of obscured and (bottom right) fraudulent license plates that have been spotted by Bridge and Tunnel Officers at MTA tolled crossings

License plate flippers are devices that combine the obscurity problem with the fraud problem. The car has both a legitimate license plate and a fake plate mounted on the flipping device. As the car approaches a tolling zone, the driver pushes a remote to activate the flipper. The device rotates: the legitimate license plate is concealed, and the fake one is displayed to the license plate reader on the overhead gantry. The MTA cannot photograph the legitimate license plate and cannot send a bill.


Figure 30 Legitimate license plate rotates... to display fake plate

Non-payment: There is a third problem besides obscured and fraudulent license plates: drivers who are issued bills by mail, but do not pay them. Drivers pay about 51% of the dollar value of these bills. ***About 49% of the billed amounts go unpaid, pending further action such as referral to collection.***

The MTA does not classify failure to pay a bill as "evasion" per se. Billing by mail is a legitimate option, and some portion of these amounts is in fact collected over time. But consistent with state regulations, the MTA does classify certain bill-by-mail recipients as "Persistent Toll Violators," or PTVs: if they have at least 3 unpaid toll violations on different days accumulated within 5 years, or for commercial vehicles registered in New York State, unpaid tolls of $200 or more.

MTA Bridges and Tunnels – Persistent Toll Violators (2022)	
# of NYS PTVs Plates	17,264
Total Toll Amount Owed	$29.5M
Average Toll Amount Owed	$1,712

How is evasion measured and enforced?

Measurement

Measurement of evasion at the bridges and tunnels is, for the most part, simple math. The MTA gets a ***hard count from its gantry technology*** of how many vehicles are crossing. It also gets a hard count, via the E-ZPass system, of how many tolls are paid ***automatically. There is also reliable data on how many toll bills are issued by mail and how many are paid.***
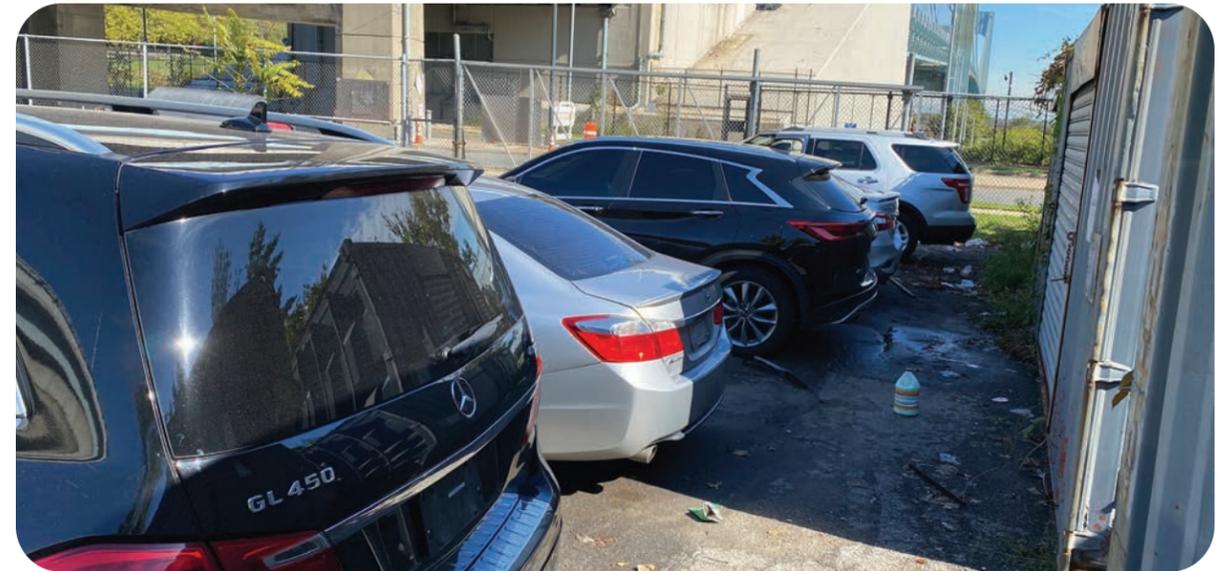
Figure 31 In a holding area below the Verrazzano-Narrows Bridge: cars interdicted for having suspended registrations due to fraudulent or obscured license plates or for Persistent Toll Violation

The net result is a reliable measurement system showing that more than 95% of tolls are paid. But ***evasion losses nonetheless rise into the tens of millions of dollars*** every year because even with a low evasion rate, the comparatively high toll charge adds up to considerable red ink: nearly $50 million last year.

Enforcement

MTA Bridges and Tunnels has a force of almost 400 sworn peace officers. These Bridge and Tunnel Officers run regular operations where vehicles crossing with obscured or fraudulent license plates are spotted and stopped for further action. ***Persistent toll violators are also spotted using automated license plate readers, and their vehicles are regularly intercepted as well.*** The MTA cooperates closely in these efforts with the New York State Police, the NYPD, the New York City Sheriff and other agencies.

Depending on the circumstances, the vehicle may be towed and civil or criminal summonses may be issued. If the level of accumulated unpaid tolls exceeds the statutory minimum, the driver could be subject to ***prosecution for grand larceny.***

Obscured license plates are relatively straightforward to spot. If the license plate is not clear and readable as required by law, then the officer has cause to

pull the vehicle over. With regard to fraudulent license plates, Bridge and Tunnel Officers are trained to spot them *as explained by one of the officers in this video*. Remarkably, the officers often can spot a fraudulent license plate by eye and move to stop the vehicle even as it drives by at high speed.


Figure 32 In this video, MTA Bridge & Tunnel officer Jason Vazquez explains how a vehicle with a fake New Jersey "temp" license plate was intercepted at the Verrazzano-Narrows Bridge

In 2022, about 1,800 vehicles were impounded, about 3,800 summonses were issued for covered/obscured plates, and 39 arrests were made for possession of a forged instrument (license plate). *In a single 24 -hour period in February 2023, Bridge and Tunnel Officers intercepted 32 vehicles associated with more than $900,000* in tolls and fees. That included a one-day record of 28 vehicles at the Bronx-Whitestone Bridge alone.

In one high-profile recent enforcement effort, MTA officers stopped a late-model Mercedes attempting to cross the Verrazzano-Narrows Bridge when they spotted a fake Georgia plate on the vehicle. The driver was arrested and charged with possession of a forged instrument.

Recommended Changes: The Four E's

Education

MTA Bridges and Tunnels makes regular efforts to remind vehicle owners and drivers of the importance of toll payment. There is signage at the bridges and tunnels, and messaging in E-ZPass mailings. Vivid **press events** have alerted the public to the enforcement risk if they dodge their tolls.

All of these efforts should continue and should be enhanced. It is especially important to publicize the results of enforcement crackdowns, including the number of drivers and vehicles sanctioned. For subway systems, **research** shows that *evasion goes down as the perceived risk of enforcement goes up*. The same should be true for the bridges and tunnels. Regular, high-profile reporting of the enforcement results to the MTA Board and to the public is essential.

Equity

The **MTA historically has not collected data on driver demographics and income levels**. Without data, it is difficult to know what portion of toll evasion might be caused by genuine economic need. It is also difficult to know what sort of policy response, if any, might be in order.

The MTA should undertake to study this issue and report back to the board and the public within one year on the results of the study and any policy recommendations – including possible adjustments to the enforcement approach based on financial hardship.

Environment

A key issue with technology is the **need to stay ahead of the toll evaders**. The evaders will no doubt be endlessly creative. For example, today's simple plexiglass distorter lenses will surely be succeeded by more sophisticated forms of license plate blockers.

The **MTA is working with the vendor community towards a next generation of technology**. Particularly with the prospective need to **protect congestion pricing revenue in years ahead**, MTA Bridges and Tunnels should make it a **regular practice** to consult with vendors and peer agencies keep pace with needed **technological improvements that may defeat the evasion tactics of vehicle drivers and owners.**

Enforcement

Legislative Changes: The MTA should continue to work with the New York State Legislature to make it significantly easier to crack down on toll evasion. Toll evasion as we know it today has only been around since tollbooths were eliminated in 2017. The law needs to catch up to the problem.

The MTA has asked the State Legislature for the following changes:

- **Expanding the authority to link suspended registrations to the Vehicle Identification Number.** Current law allows for a registration to be suspended based on toll violations. The MTA has advised us there is a known problem with family members or friends simply re-registering the offending car under a different name. Linking registration suspension to the VIN would allow for enforcement in these situations.

- **Empowering law enforcement officers to confiscate devices that obstruct the license plates.** As of today, officers can issue summonses for obstructed plates, but the driver then typically drives away with the license plate-blocking device still on the vehicle. This change would allow the officer to physically remove the obstruction in addition to issuing the summons.

- **Increasing the monetary penalties for obscured and fraudulent license plates.** These summonses currently carry a potential fine of between $50 and $300. The proposed legislation would increase this to between $100 and $500 – a step that is clearly needed, given the scope of the problem.

- The MTA should also **pursue expanded agreements with more states for enforcement reciprocity**, and work with the region's district attorneys to support coordinated investigation and prosecution of more complex evasion cases, such as defendants whose evasion crimes touch mutiple counties.

Addressing the retailer problem: The MTA should also take steps to **engage directly with the e-commerce retailers who profit from these license plate blocking products.** Staff acting incognito at our direction have been able to readily purchase these products from a wide range of retailers, including sellers acting through major e-commerce platforms such as Amazon, eBay, Etsy, Facebook and Walmart.com. **Demand letters** from the MTA to these platforms are in order, as is **appropriate follow-up action** if the platforms do not crack down on the sale of these improper products.

The City of New York announced an agreement with Amazon in August 2022 to limit sales in New York State – a positive step forward. Yet these products remain widely available on Amazon. Panel staff was able to purchase plate blockers from Amazon, for shipment to a New York State address, as recently as January 2023.

THE WORK OF THE
BLUE-RIBBON PANEL

In May 2022, MTA leadership appointed this Blue-Ribbon Panel, comprised of 16 New Yorkers from a wide range of personal and professional backgrounds who care passionately about New York City and the entire MTA service area.

The full panel met five times for extensive factual briefings, discussion of the issues, and vigorous debate.

Workstreams: The panel also met in smaller working groups corresponding to the panel's four workstreams: Education, Enforcement, Environment, and Equity.

- The **Education** workstream focused on developing public messaging about evasion, and on issues around evasion that uniquely affect public school students in New York City.

- The **Enforcement** workstream focused on how law enforcement has responded to evasion in the past and how those responses should change in the future.

- The **Environment** workstream focused on how evasion might be mitigated by changes to physical spaces, equipment, and technology.

- The **Equity** workstream focused on the connection between poverty and evasion, with a particular focus on how an improved and expanded Fair Fares program could reduce evasion, and in some cases serve as an alternative to enforcement.

Fact-finding: Panelists visited transit stations and stops across the city, traveled to the Verrazzano-Narrows Bridge, and rode both the Metro-North Railroad and the Long Island Rail Road to experience evasion issues first hand and to talk with the front-line personnel who respond to it. The panel also sought to hear the voices of New Yorkers across the city.

- NYC Schools Chancellor David Banks convened a focus group of diverse high school students from across the five boroughs to discuss evasion and ideas for addressing the problem.

- Panelists met with members of the **Riders Alliance**, a leading transit advocacy group, to hear about their personal struggles to pay the fare and to talk about how to incorporate their lived experiences in to policy decisions.

- Panelists also met with members of the **Permanent Citizens Advisory Committee** to the MTA, another group of everyday New Yorkers who are passionate about the transit system.

- The panel also reviewed many of the comments MTA customers submit to the agency about fare evasion and heard directly from other members of the public.

Benchmarking: The panel and its staff reviewed the literature on evasion in New York in other cities, spoke to experts . Panel staff also spoke with representatives of many other transit systems, including Bay Area Rapid Transit; the Massachusetts Bay Transportation Authority; PATH; the Southeastern Pennsylvania Tranportation Authority; Transport for London; and the Washington Metropolitan Area Transit Authority. Other systems reported experiences similar to MTA's: post pandemic spikes in evasion rates; an increased sense of entitlement to evade; and significant dollar losses to evasion.

Support: Support for this report was provided by staff from the **Partnership for New York City** and from the MTA. **Guidehouse**, a leading consulting firm with significant depth in government affairs, assisted the panel in looking at the equity issues affecting users of the subways and buses. **Arup**, a leading engineering firm, assisted the panel in looking at the physical fare control environment in the subways.

A Note About ROI

The cost of implementing the recommendations of this report will be calculated over time. In many cases, this report calls for pilots and controlled experiments to ensure that our suggestions actually work before they are implemented across the massive MTA system. We encourage it to pay close attention to the "return on investment", or ROI, for these experiments: Is the cost of the initiative reasonable, when measured against the reductions in evasion – or other benefits – being achieved?

At the same time, we note that ROI is not always easily assessed. A good example is the MTA's experiment with civilian guards at the subway exit gates. One measure of success for this experiment is the dollar impact, in terms of paid swipes at the adjacent turnstiles and sales at the adjacent MetroCard machines. But the guards also can have important benefits that are not easily quantified. The initial report from the MTA is that, according to customers, the guards simply make them feel safer. That sense of safety is important in and of itself. It can also contribute to increased ridership, driving up revenue in a way that cannot be tied directly to the initiative.

Likewise, anyone advocating for increased civilianization of evasion enforcement – as we do – should not expect it to lower the cost of policing. Even as enforcement responsibilities shift to civilians, the NYPD Transit Bureau will still be responsible for underground safety. The MTAPD will still be responsible for safety on commuter rail. The "ROI" from civilianization is that police can spend more time addressing serious crime when they spend less time on evasion enforcement.

The MTA and all stakeholders should carefully consider such issues going forward, and look for meaningful ways to measure "ROI" in all its complexities.

David Banks	Chancellor, NYC Public Schools
Kirk Burkhalter	Professor, New York Law School and Director, 21st Century Policing Project; retired NYPD Detective, First Grade
Lisa Daglian	Executive Director, Permanent Citizens Advisory Committee to the MTA
Matthew Fishbein	Lecturer in Law, University of Pennsylvania Law School; Former Executive Assistant DA, Kings County; former partner, Debevoise & Plimpton LLP; former Chief of Criminal Division, USAO/SDNY and First Assistant US Attorney, USAO/EDNY
Elizabeth Glazer	Founder of Vital City, a project in residence at Columbia Law School "committed to the idea that our social fabric is our safety"; former Director, New York City Mayor's Office of Criminal Justice; former Deputy Secretary for Public Safety for New York State; former Assistant U.S. Attorney, SDNY

THE WORK OF THE
BLUE-RIBBON PANEL

Michael Hardy — EVP & General Counsel, National Action Network

David Jones — President & CEO, Community Service Society; MTA Board member

Roger Maldonado (Panel Co-Chair) — Partner, Smith Gambrell LLP; former President, New York City Bar Association

Melva M. Miller — CEO, Association for a Better New York; Former Queens Deputy Borough President; Board Member, New York City Economic Development Corporation and Greater Jamaica Development Corporation

Richard Ostrander — General Counsel, Federal Reserve Bank of New York; former Managing Director, Legal and Compliance, BlackRock

Rosemonde Pierre-Louis (Panel Co-Chair) — Executive Director, McSilver Institute for Poverty Policy & Research, NYU
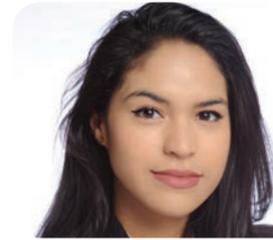
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Education

Bridges and Tunnels	• Enhance existing efforts including signage at bridges and tunnels, messaging in EZ-Pass mailings, and press events. • Publicize the results of enforcement crackdowns.
Buses	• Launch a new messaging campaign directed specifically at bus passengers, promoting the importance of fare payment and the connection between fare payment and a well-running bus system.
Commuter Rail	• Refresh and revive campaigns focused on deterring delayed ticket activation. • Utilize signage opportunities and create an on-screen prompt reminding customers to activate.

Subways	• Run a public messaging campaign that promotes the need to pay and the benefits of fare payment:
	  • Concentrate messaging at the turnstiles and particularly at the emergency exit gates.
	  • Mix carrots - positive messages about the benefits of fare payment - and sticks - messages targeted at shaming the opportunistic evader who can afford to pay.
	  • Speak in the rider's voice, not just the MTA's – ads featuring riders saying, "I Pay My Fare" and why.
	  • Make it local: "Stand Up for Your Stop" messages that convey the specific benefits of fare revenue to a particular station or stop.
	  • Use anti-evasion messaging to simultaneously drive uptake of OMNY.
	  • Stress that evasion hurts the evader.
	  • Personalize the messaging by identifying MTA employees who live and/or work in the neighborhood.
	  • Tag physical improvements with "Your Fares at Work" signage.
	  • Ensure messaging campaigns are translated in multiple languages and designed with cultural sensitivity.
	• Make additional efforts to better understand:
	  • Who is evading and why. Canvass riders who are not paying the fare and develop a richer dataset on the reasons for evasion.
	  • The impact of evasion on paying riders and how reduced evasion affects customers' sense of safety and their willingness to ride mass transit. Integrate perceptions around fare evasion into the MTA's customer service strategies.

NYC K-12 Students	• Urgently prioritize the transition to OMNY for students – especially to OMNY on smartphones. • Implement smartphone-based student OMNY accounts for the 2024-25 school year. • Issuing warnings to student fare evaders – with notice to their parents and their principals. • Put student-directed anti-evasion messaging, and credible messengers, directly at subway stations and bus stops at dismissal time. • Work with MTA Public Schools to develop a curriculum on why fare payment matters. • Expand the basic card benefit to provide 5 rides every day without time or date limitations. • Reopen the discussion with all stakeholders in State and City government around updating the cost-sharing arrangement for Student MetroCards.

Enforcement

Bridges and Tunnels	• Work with the Legislature to make it easier for Bridge and Tunnel Officers to crack down on toll evasion. • Establish the ability for MTA to link registration suspensions to the Vehicle Identification Number (VIN). • Empower law enforcement officers to confiscate devices that obstruct the license plates. • Increase the monetary penalties for covered or obscured license plates. • Engage directly with the e-commerce retailers to crack down on the sale of license plate blocking products.

summary of all recommendations

Buses

- Hire at least 100 new Eagle Team special inspectors in addition to the 225 existing SIs and 75 currently being hired.
- Significantly shift Eagle Team resources from SBS to Regular Bus Service (RBS).
- Use evasion data for Eagle Team deployments, while distributing deployments equitably across the city.
- The Eagle Teams should experiment with new strategies to promote fare payment without the issuance of summonses. For example:
  - Adopt the "warnings first" approach for summonses for bus evasion.
  - Give Eagle Teams access, via their handheld devices, to the database of persons who have received TAB summonses.
  - Eagle Teams should distribute info on Fair Fares to riders.
  - Deploy Eagle Team SIs outside busses to encourage payment of the fare without issuing summonses for non-payment.

Commuter Rail

- Explore adding automatic penalties for delayed activation of e-tickets.
- Consider an increase in the service charge for purchase of tickets on-board.
- Pilot a modified version of gating during regular commuting:
  - Traditional full-scale gating - require riders to display their tickets at a checkpoint with physical barriers and the MTAPD present.
  - A simpler version of gating - civilian employees posted at the head of the platform would instruct riders to have their tickets out for display.
- Review the validity periods of tickets for opportunities to reduce fare evasion.
- Review tariff structures to identify opportunities to streamline and simplify the on-board fare collection process.
- Update the fare evasion estimation process.
- Update performance assessment procedures for onboard staff.
- Assess improvements to onboard invoicing, including a pilot to end invoicing by mail on one of the two railroads.
- Explore a shift from criminal summonses to civil summonses on railroads.
- Centralize the enforcement of civil summonses and create a TAB-like system for commuter rail.
- Develop a schedule of fines for railroad summonses where the dollar amounts escalate as the number of offenses goes up.
- Work with district attorneys to reserve criminal prosecution of fare evasion for the most serious cases.

Subways

- Adopt a "warnings first" approach to summonses for first-time evaders.
- Implement a new "laddering up" system for the cost of summonses.
- Work with the district attorneys and police to prioritize prosecution in three categories:
  - Individuals who commit serious offenses (e.g. robbery, assault) and also evade the fare
  - Evasion enablers – those who cause, profit from or facilitate evasion by others, e.g. by vandalizing MetroCard machines and running collection scams at the fare arrays.
  - Serious recidivists – those who repeatedly commit fare evasion; on a fifth offense, move from civil summonses to misdemeanor charges.
- Give TAB hearing officers some authority to consider economic circumstances and dismiss a case if an evader applies for Fair Fares within 30 days.
- Transition from 100% police enforcement at the faregates to some enforcement handled instead by civilian MTA staff.
- Collaborate with the NYPD on a new system of deployment and summonsing based on hard data sources.
- Take a community-based approach to creating "zero evasion stations:"
  - Establish community partnerships with local nonprofits, faith organizations, elected officials, neighborhood media outlets, and others.
  - Move community messaging into the subway stations through signage, leafleting, Fair Fares signup, and NYPD Community Service Officers.
  - On the publicly announced date, shift from messaging to enforcement via formal warnings and summonses.
- Collaborate with NYPD to set targets for a reduction in disparate impacts.
- Collaborate on a plan to deploy enforcement efforts equitably across the city.
- Continue, assess, and expand the civilian gate guard pilot.
- Work with the NYPD to identify, arrest, and prosecute vandals who damage fare payment equipment and run fare collection scams at the emergency gates and turnstiles.
- Continue and expand the armed guard pilot at MetroCard Vending Machines.

Environment

Bridges and Tunnels

- Regularly consult with vendors and peer agencies to keep pace with needed technological improvements.

summary of all recommendations

Buses	• Improve the handheld technology carried by Eagle Team SIs:
	
	   • Enable mobile access to the MTA's evasion database.
	
	   • Enable SIs to scan people's IDs with an optical reader.
	
	• Clear up known technical issues with the Onboard Validation Devices.

Commuter Rail	• Explore penalties for delayed activation. • Explore technology-based solutions to delayed ticket activation. • Improve handheld technology for the MTAPD with devices that can scan IDs and print summonses. • Consider investigating the cost effectiveness and efficacy of adding physical fare control at a limited number of heavily trafficked stations.

Subways	• Begin planning for the complete replacement of the fare arrays. Move forward with design and feasibility studies with a request for proposal.
	
	   • Pilot changes to the emergency exit gates and turnstiles:
	
	   • Pilot short-term initiatives at subway stations that have the AI fare evasion measurement system:
	
	   • Add panels on the turnstile cabinet targeted to jumping the turnstile.
	
	   • Add bulk to the triwheel similar to existing advertising "sleeves" found on some fare arrays.
	
	   • Complete the initiative to replace approximately 5,000 locks on the emergency exit gates.
	
	   • Identify stations where the emergency gates are not required by fire code, and locking or eliminating the gates at those stations.
	
	• Explore of delayed egress locking to discourage unnecessary use of the emergency gate.
	
	   • Identify as-of-right locations and experiment with the technology there.
	
	   • Secure any necessary fire code approvals for other locations.
	
	• Assess the impact of the Wide Aisle Gates (WAGs) on evasion as they are rolled out and consider adding additional evasion-resistant features to future WAGs.
	
	• Continue efforts to relocate the emergency gates out of the most natural path out of the station.

Equity

Bridges and Tunnels	• Study economic and demographic data of toll evaders, and consider possible adjustments to the enforcement approach based on financial hardship.

Buses, Subways	• Double the income threshold for Fair Fares from 100% of the federal poverty level to 200%.
	
	• Greatly increase awareness of the Fair Fares program:
	
	   • Double down on community outreach and publicity efforts through local nonprofits, faith-based organizations, and local media in local languages.
	
	   • Target to zip codes where there is shortfall between those eligible and those enrolled.
	
	   • Simplify the enrollment and initial use of Fair Fares.
	
	   • Increase "pop-up" one-stop-shopping signups at community events.
	
	   • Bring signup tables directly into subway stations and to bus stops.
	
	• Explore feasibility of issuing Fair Fares cards on the spot at signup events, with eligibility checks to be completed afterwards.
	
	• Explore feasibility of issuing new Fair Fares cards with some rides already pre-loaded on them.
	
	• For Reduced Fare MetroCards, increase ease of signup and promote uptake; accept IDNYC cards as proof of identity.

Commuter Rail	• Study the economic needs of commuter rail ridership. • Consider any potential need for expansion of fare assistance.

Other Recommendations

Staten Island Railway	• Take steps to measure the evasion rate on SIR. • Experiment with civilian guards at the emergency exit gates. • Explore the feasibility of replacing C-summonses with civil TAB summonses. • As OMNY expands, plan to begin making proof-of-payment spot checks along the full 21-station route.

Artificial Intelligence

	• Create an internal working group to develop policies and procedures for the use of AI, including a fares on risk mitigation.