

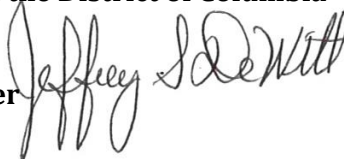
Government of the District of Columbia  
Office of the Chief Financial Officer



Jeffrey S. DeWitt  
Chief Financial Officer

**MEMORANDUM**

**TO:** The Honorable Phil Mendelson  
Chairman, Council of the District of Columbia

**FROM:** Jeffrey S. DeWitt  
Chief Financial Officer 

**DATE:** October 4, 2018

**SUBJECT:** Fiscal Impact Statement – Fare Evasion Decriminalization Amendment Act of 2018

**REFERENCE:** Bill 22-408, Draft Committee Print as shared with the Office of Revenue Analysis on October 1, 2018

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**Conclusion**

Funds are sufficient in the fiscal year 2019 through fiscal year 2022 budget and financial plan to implement the bill.

**Background**

It is unlawful to fail to pay fares for any public or private passenger service, including bus and rail services operated by the Washington Metropolitan Area Transit Authority (WMATA).<sup>1</sup> Failure to pay a fare is punishable by a fine of up to \$300, imprisonment of up to ten days, or both.<sup>2</sup>

It is also unlawful to do any of the following activities on a public passenger vehicle,<sup>3</sup> including bus and rail services operated by WMATA: smoke; eat or drink; spit; litter; play music without earphones; bring flammable or combustible liquids; bring non-service animals that are not small and properly contained; or park, operate, wheel, carry, or chain to any object not designed for that activity any noncollapsible bicycles, tricycles, mopeds, motorbikes, skateboards, or rollers skates.<sup>4</sup> Any of these violations carry a penalty of a fine up to \$50 for a first offense and up to \$100, 10 days imprisonment, or both for a subsequent offense.<sup>5</sup>

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<sup>1</sup> Effective February 22, 1978 (D.C. Law 2-40; D.C. Official Code § 35-216).

<sup>2</sup> Act to Regulate Public Conduct on Public Passenger Vehicles, effective September 23, 1975, (D.C. Law 1-18; D.C. Official Code § 35-253).

<sup>3</sup> These are public passenger vehicles that carry twelve or more passengers.

<sup>4</sup> D.C. Official Code § 35-251(b).

<sup>5</sup> D.C. Official Code § 35-253.

The Honorable Phil Mendelson

FIS: Bill 22-408, "Fare Evasion Decriminalization Amendment Act of 2018," Draft Committee Print as shared with the Office of Revenue Analysis on October 1, 2018

The bill eliminates the criminality associated with these activities<sup>6</sup> and authorizes law enforcement to issue civil fines of up to \$50 for these infractions. The bill also makes it legal to carry or wheel a bicycle on a WMATA Metrorail train to the extent authorized by WMATA.<sup>7</sup>

### **Financial Plan Impact**

Funds are sufficient in the fiscal year 2019 through fiscal year 2022 budget and financial plan to implement the bill. From 2015 through 2017, approximately 100 individuals arrested for fare evasion pleaded or were found guilty of fare evasion.<sup>8</sup> Many of those people received suspended jail sentences, probation, and suspended fines. The bill's decriminalization of fare evasion changes the penalties from criminal to civil in nature and reduces fine revenue potential from up to \$300 to up to \$50 per infraction. Since the fines are often suspended during adjudication, any impact to the revenue collected by the District is expected to be de minimis.

WMATA enforcement officers will continue to enforce these violations as they do today, but the violations will be civil, rather than criminal, infractions.

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<sup>6</sup> Except for the carrying of flammable or combustible liquids, explosives, acids, or similar items. Penalties for these activities can be a fine of \$300, imprisonment of up to 90 days, at least 30 hours of community service, or any two of these penalties (imprisonment and community service cannot both be used).

<sup>7</sup> <https://www.wmata.com/about/contact/faq.cfm#faq11>

<sup>8</sup> Over this same time period, approximately 2,560 people were arrested for fare evasion and the Attorney General has only prosecuted 31 percent of those cases.