REPORT BRIEF | MAY 2025

BART FARE ENFORCEMENT
Balancing Goals, Community Concerns, and Human Costs

The Bay Area Rapid Transit agency (BART) partnered with the Center for Policing Equity (CPE) to investigate the impact of fare evasion enforcement on public safety, racial equity, and public access. A full cost-benefit analysis of BART's current fare enforcement operations was conducted to complement the scope of this work.

CPE aimed to provide a more comprehensive picture of community sentiment by amplifying the voices of individuals who may not have been adequately represented in other efforts, particularly members of marginalized groups and those most directly affected by BART's fare enforcement practices. To capture this information, CPE's qualitative research team conducted 14 focus groups composed of 95 Bay Area residents living in the five counties BART serves. The focus groups explored BART riders' perceptions of safety, fare affordability, contact with BART police and fare enforcement, and factors influencing their decisions to ride BART. Community participants also offered perspectives on ways to improve BART's public safety responses.

CPE requested financial, ridership, and BART Police Department (BPD) data, including information on arrests, calls for service, proof of payment, and citations. Additionally, publicly available data collected as part of the Racial and Identity Profiling Act (RIPA) was used. This project was a timely undertaking for both CPE and BART, as BART's revenue and public safety concerns are being addressed without a comprehensive understanding of community impacts and goals.

CPE's findings indicate that BART's $25 million estimate of lost revenue due to fare evasion is inflated, and misrepresents the actual financial impact. Additionally, BART's current enforcement strategy – which disproportionately affects marginalized groups, including Black and Brown riders, low-income individuals, people experiencing mental health challenges, and individuals who are unhoused – has not resulted in significant revenue recovery or improved public safety. Instead, punitive measures have contributed to community mistrust. The final report for this project recommends BART shift its focus to alternative, community-driven solutions to enhance fare recovery and public safety.

Recommendations

Based on these analyses, CPE and their research partners developed the following recommendations for the BART Board of Directors to improve BART's fare enforcement practices, policies, and impacts:

- Expand BART's Transit Ambassador and Crisis Intervention Team (CIT) personnel as non-police responses to public disorder and community concerns regarding unhoused individuals and people with mental health conditions.
- Establish BART's Transit Ambassador and CIT programs as independent entities, with separate budget and reporting structures from BPD.
- Establish and strengthen collaborative mechanisms between BART's non-police responders and community-based social service providers to improve access to health and human services, particularly at BART stations with high concentrations of people who are low-income, Black, unhoused and/or experiencing a mental health crisis.
- Partner with health organizations that utilize mobile health clinics and outreach workers to provide services to individuals who are unhoused and people with mental health conditions. These health services may include telehealth appointments, medically-assisted treatment, and prescription refills.
- Establish a Law Enforcement Assisted Diversion program within BPD to redirect riders who have had 12 or more fare enforcement interactions in the past two years to Transit Ambassadors and CIT personnel, who will collaborate with community service providers to develop a wrap-around service plan. This approach will reduce the personnel hours spent on fare enforcement for this high target group, as well as the high burdensome costs associated with repeat citations, arrests, and detention for riders with frequent fare enforcement interactions.
- Clarify BPD's warrant policy to eliminate discretion regarding arrests for misdemeanor warrants. The policy should mandate that officers arrest only for an outstanding misdemeanor warrant if required by California Penal Code § 827.1 or a specific BART policy, and that officers must issue a citation in all other instances.
- Partner with other agencies to establish warrant clinics that address outstanding warrants discovered through fare enforcement stops and reduce the fiscal burdens on government and social services caused by arrests for such warrants.
- Revise BPD policy to explicitly require warnings for individuals stopped for fare evasion for the first time. Additionally, update policies to mandate the use of civil proof-of-payment citations instead of criminal citations under California Penal Code § 640, except in specific circumstances.
- Implement data auditing procedures to ensure that all incidents are accurately and comprehensively recorded. At a minimum, this should include a review of data for accuracy and cross-referencing between datasets to ensure all aspects of an interaction are documented. Discrepancies between internal datasets and external mandated datasets, such as those required under RIPA, should be resolved before reporting.

- Implement an evidence-based operational strategy for BPD, based on a causal research design co-developed with BART and an academic partner.
- Improve access to discounted fares for riders who are low-income, youth, seniors, and people with disabilities by automating eligibility for and access to BART discounted cards for individuals with Medi-Cal Benefits Identification Card (BIC), Electronic Benefits Transfer (EBT) cards, Supplemental Security Income (SSI)/Social Security Disability (SSD) eligibility, and student or senior IDs. Discounted card availability should be expanded at BART stations, and more community partners should be formally engaged to assist with discounted card applications online.
- Improve lighting, sanitation, and aesthetics at BART stations through infrastructure development funds. Studies have shown reductions in crime based on changes to built environments (Painter & Farrington, 1999; Welsh & Farrington, 2008).
- Develop a comprehensive safety plan that includes specific goals, logic models, and both intermediate and long-term outcome measures. The plan should be made public to facilitate community feedback and accountability.
- BART should retract public statements about fare evasion that rely on unverified or unsubstantiated financial figures or claims regarding the connection between fare evasion and public safety. Moving forward, BART should avoid making statements that perpetuate these misrepresentations.
- End the enforcement of fare evasion under California Penal Code § 640(c)(1) as a misdemeanor to reduce the human and fiscal harm incurred by BART riders, as well as the impact on social service and criminal legal systems.
- Continue to implement the data collection recommendations accepted from the 2020 CPE Report.
- Establish an advisory board inclusive of community members and BART staff, in collaboration with an empowered entity like the BART Office of the Inspector General, to facilitate and monitor implementation of the recommendations accepted from this report. This advisory board should also address recommendations adopted from other reports generated by CPE and other external entities, such as the California Department of Justice.

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