



**OPAL**  
Environmental Justice Oregon

opalpdx.org

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March 25th, 2019

House Committee on Judiciary  
Oregon State Legislature  
900 Court Street NE  
Salem, OR 97301

Re: HB 3335, HB 3336 and HB 3337

Chair Williamson, Vice-Chair Gorsek, Vice-Chair Sprenger and Members of Committee,

As an Environmental Justice organization that prioritizes community empowerment and self-determination through grassroots organizing, OPAL responds to the needs and priorities of our constituents in low-income communities and communities of color. A just transportation system that provides access to opportunity is fundamental to livability and prosperity in our communities.

On behalf of OPAL's members of Bus Riders Unite, Portland's transit riders union, who are primarily transit-dependent riders who are unable to access other forms of mobility due to their economic status, disability, age or legal ability to attain a driver's license, **I write in strong support of HB 3335, HB 3336 and HB 3337.**

Like many communities of color and individuals with lower incomes, our communities are exposed to poor air quality, transportation disinvestments, are displaced to rural areas by rising rents, record evictions and stagnant wages, but are also exposed to greater barriers in accessing the public transportation system. Such barriers include affordability, safety, and reliability, especially in areas where service is limited such as Southeast Portland, Gresham, and rural areas where our members end up because of the already high cost of living.

Stagnant wages and inflation effectively mean fares have risen. Transfers and service have become less sufficient as congestion has worsened. This dynamic forces more riders to make challenging choices, including taking the risk of evading fare in order to complete necessary transit trips. Simultaneously increased policing and other fear-based protective measures increase the criminalization of poverty while failing to protect the transit-riding public. Instead these measures only increase the historical burdens weighted upon the shoulders of communities of color and low income.

We have concerns about racial disparities in transit enforcement and resulting prosecution or punishment. In particular, we were dismayed to learn in 2016 and 2018 of data showing significant racial disparities in which riders who are caught without a ticket on MAX trains face being excluded from TriMet.



From 2015 to 2017 (20 months), 33,298 citations for fare evasion were issued. Of those, 90% of resulted in a conviction. In 2017 OPAL supported SB 357 and HB 2777. SB 357 sought what HB 3335 would accomplish, and demonstrated that our decision makers prioritize the safety and well-being of transit users by decriminalizing the charge of interfering with public transit (IPT) when one boards or unlawfully remains on a public transport vehicle or station. The bill changed fare evasion from a Class A misdemeanor, equivalent to a DUI, to a Class C misdemeanor, equivalent to impeding traffic or obstructing cross traffic. The law reads that a after three Class C citations, an IPT will automatically qualify as Class A.

HB 2777 provided options for individuals cited for fare evasion to avoid the criminal system through creating a new administrative process within transit agencies. Since the implementation of this program in July 2018, 5,723 citations have been issued. Many have been resolved by those cited paying fines or performing community service, or were dismissed through appeal. Still, the majority are referred to prosecution in the court system.

Individuals receiving citation who experience referrals to court and potential arrest are faced with constant fear and financial burden, Many transit-dependent riders come from communities of color and low income, and this criminalization of fare evasion further perpetuates long-standing racial and socioeconomic inequality. Criminalized IPT charges cost the tax-paying public greatly, as IPT charges made up a large portion of the caseload in Multnomah County's Community Court until a recent decision to cease their prosecution. This change at the DA indicates that our communities face the unjust charge of IPT far too often. Our state must further reform IPT statutes, and create alternative pathways for communities to avoid prosecution for the victimless crime of lacking a \$2.50 fare. Therefore we strongly support HB 3335. This will remove fare evasion as entering or remaining unlawfully in or on public transit vehicle or public transit station as manner of committing crime of interfering with public transportation. This is something that OPAL seek to changed in 2017<sup>1</sup> and we want to see this address more so this session.

Low-income riders who already find it difficult to pay for transit should not be set back further with an IPT charge. Riders, transit agencies and law enforcement need a permanent policy solution which addresses the root causes of the issue. SB 3336 is part of this solution. The bill acknowledges that one should not be criminalized for providing a "preferred name." HB 3337 keeps law enforcement focused on true threats to public safety, enabling fare enforcement personnel to focus on their role in ensuring transit riders are paying fare without involvement of police, whose presence on public transit threatens the safety of our communities which face over-policing.

HB 3335, HB 3336 and HB 3337 are examples of legislation to prioritize the safety and well-being of all transit users. These bills advance public transportation as a desirable mode of

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<sup>1</sup> <https://www.opalpdx.org/2017/06/changing-the-rules-for-transit-justice/>



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mobility for our communities, remove barriers to access, and ultimately benefit climate, education, and economic outcomes for our state.

These bills present opportunities to move our state toward a community-defined vision of transportation justice. Communities impacted by over-policing, over-prosecution, and targeting call for legislation to reduce the burdens we face in accessing public transit.

Thank you for your consideration.

Sincerely,

Maria Hernandez Segoviano  
Policy and Advocacy Manager