



PHOTO BY DIEGO DIAZ

Fare is fair, but this level of penalty is foul

TriMet – our region’s flagship public transportation system – provides an essential service in our community. In addition to its assets to the whole of Portland, it is even more so a lifeline for people who have no vehicle of their own; who work one or more jobs to stay afloat: People who have low or even no incomes.

There are always critics to any institution, particularly one that intersects with so many lives and is so depended

upon as transportation. But on the whole, the Portland metro area is fortunate to have such a reliable comprehensive system as TriMet.

So when we talk about changing the penalties around violations to people who are excluded, let’s first clarify what we’re not talking about.

This isn’t about easing up on people paying their fare when riding TriMet. It’s TriMet’s authority to require that people pay for the services provided. It also has the right to keep its vehicles safe, and to remove people causing problems and interfering with a vehicle’s operation.

But current law extends too far. The penalty for the charge of “interfering with public transportation,” or IPT, is a Class A misdemeanor – the most serious class in line with drunk driving and minor assaults. A Class A misdemeanor is punishable by up to one year in prison.

The sound of the offense is much different than how it’s applied, according to some public defenders in Multnomah County. “The overwhelming majority of IPT cases are for re-entry onto a bus or MAX train or platform after previously being excluded. It is very rare to see someone charged with this crime for actually interfering with the vehicle or stopping the vehicle,” says Chris O’Connor with

Metropolitan Public Defenders.

How does that happen? Confusion for one: Confusion around the start and stop dates for exclusions, and riders have reported that being part of the problem. And yes, no doubt some people knowingly get back on transit, despite an exclusion. They take the risk of getting caught because for some it’s the only way to get to work, to school, or to connect with vital services.

Regardless of the reasons, simply violating an exclusion does not merit a Class A misdemeanor. That’s oppressive when compared to the offense, and even more egregious when compared to the need. Attorneys who represent these cases report that many of their clients are homeless or mentally ill. And the heavy-handed charge can tarnish a record, jeopardizing work and housing options. It’s hard enough already.

So we support the effort by Rep. Lew Frederick to modify the state law removing the criminal act of unlawfully entering or remaining in or on a public transit vehicle or station. This still leaves plenty of leeway for authorities to remove people who are actually interfering with service, or engaging in disorderly conduct.

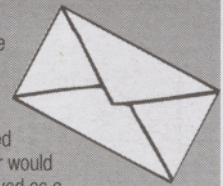
Frederick calls it out: IPTs are an example of regulations used to disproportionately target low-income people, immigrants and people of color.

In addition to removing the punitive nonsense, changing the law might also help release some of the pressure on our overburdened court system that is buried under a mass of misdemeanors, bench warrants and constant process. That’s something we all pay for.

It’s time we restore a little common sense to both ends of the process, and Rep. Frederick’s modest proposal will help. We hope fellow legislators support the proposal. Not all lines have to lead to the courts.

Write in

If you would like to have something that you’ve written published in our pages, or would like to get involved as a member of our reporting staff, contact Managing Editor Joanne Zuhl at 503-228-5657, joanne@streetroots.org. We ask that all submissions include the author’s name and contact information, if available.



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