File No. 120317 Committee Item No. 1
Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

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Committee: Land Use and Economic Development **Date** May 7, 2012

Board of Supervisors Meeting **Date** _____

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Completed by: Alisa Miller **Date** May 4, 2012
Completed by: _____ **Date** _____

An asterisked item represents the cover sheet to a document that exceeds 25 pages.
The complete document can be found in the file.

FILE NO. 120317 ORDINANCE NO.

[Transportation Code - Fare Evasion and Clipper Card Regulations]

Ordinance amending San Francisco Transportation Code, Division I, Article 7 (Transit Violations) Sections 7.2.101 and 7.2.104 to eliminate restrictions on rear exit boarding of Municipal Railway transit vehicles in revenue service and clarify that failure to tag a Clipper Card transponder or card reader is a violation of Section 7.2.104; and making environmental findings and technical corrections.

NOTE: Additions are *single-underline italics Times New Roman*; deletions are *~~strike-through italics Times New Roman~~*. Board amendment additions are double-underlined; Board amendment deletions are ~~strikethrough normal~~.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The Planning Department has determined that the actions contemplated in this ordinance comply with the California Environmental Quality Act (California Public Resources Code Section 21000 et seq.). Said determination is on file with the Clerk of the Board of Supervisors in File No. 120317 and is incorporated herein by reference.

Section 2. Article 7 of the San Francisco Transportation Code is hereby amended by amending Sections 7.2.101 and 7.2.104, to read as follows:

SEC. 7.2. INFRACTIONS.

In addition to public offenses created by the Vehicle Code, the actions listed in this Section 7.2 are prohibited, and each and every violation of a prohibition listed below shall be an infraction, except as otherwise provided in: (a) this Code; or (b) the Vehicle Code; or (c) as necessary to comply with the direction of a Police Officer or Parking Control Officer; or (d) with respect to a Municipal Parking Facility, upon the direction of an authorized parking attendant; or (e) with respect to any other Public Property, except with the permission of, and subject to

such conditions and regulations as are imposed by the agency that owns the property that are available for public inspection at the agency's offices.

SEC. 7.2.101. FARE EVASION REGULATIONS.

(a) For any passenger or other person in or about any public transit station (including an outdoor high-level boarding platform or station operated by the Bay Area Rapid Transit District), *light rail vehicle,* streetcar, cable car, motor coach, trolley coach or other public transit vehicle to evade any fare collection system or proof of payment program instituted by the Municipal Transportation Agency.

(b) For any person to board or ride a *light rail vehicle,* streetcar, motor coach, trolley coach without prior or concurrent payment of fare.

(c) ~~*For any person to board a streetcar, motor coach, trolley coach through the rear exit except: (i) when a representative of the transit system is present at such exit for the collection of fares or transfers or the inspection for proof of payment; (ii) when the streetcar, motor coach, trolley coach or other transit vehicle is operating at a station or boarding platform where fares are collected prior to boarding the transit vehicle; (iii) when necessary for access by persons with disabilities on wayside boarding platforms; (iv) when the streetcar, motor coach, or trolley coach is operating in a Proof of Payment Zone; or (v) on lines, routes or at locations designated by the SFMTA.*~~

~~(d)~~ To fail to display a valid fare receipt or transit pass at the request of any authorized representative of the transit system or duly authorized peace officer while on a transit vehicle or in a Proof of Payment Zone.

(~~e~~d) To misuse any transfer, pass, ticket, or token with the intent to evade the payment of any fare.

(~~f~~e) To knowingly use or attempt to use any illegally printed, duplicated, or otherwise reproduced token, card, transfer or other item for entry onto any transit vehicle or into any transit station with the intent of evading payment of a fare.

(*gf*) For any unauthorized person to use a discount ticket or fail to present, upon request from a system fare inspector, acceptable proof of eligibility to use a discount ticket. (127)

SEC. 7.2.104 CLIPPER CARD REGULATIONS.

(a) To fail to display a valid Clipper card at the request of any authorized representative of the transit system or duly authorized peace officer while on a transit vehicle or in a Proof of Payment Zone.

(b) To misuse any Clipper card with the intent to evade the payment of any fare, *or to fail to tag a Clipper card transponder or card reader while on a transit vehicle or in a Proof of Payment Zone*.

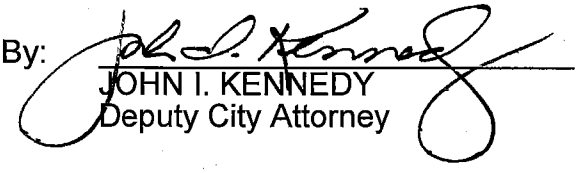
(c) To knowingly use or attempt to use any illegally printed, duplicated, or otherwise reproduced Clipper card for entry onto any transit vehicle or into any transit station with the intent of evading payment of a fare.

(d) For any unauthorized person to use a discount Clipper card or fail to present, upon request from a system fare inspector, acceptable proof of eligibility to use a discount Clipper card.

Section 3. Effective Date. This ordinance shall become effective 30 days from the date of passage.

Section 4. This section is uncodified. In enacting this Ordinance, the Board intends to amend only those words, phrases, paragraphs, subsections, sections, articles, numbers, punctuation, charts, diagrams, or any other constituent part of the Transportation Code that are explicitly shown in this legislation as additions, deletions, Board amendment additions, and Board amendment deletions in accordance with the "Note" that appears under the official title of the legislation.

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: 
JOHN I. KENNEDY
Deputy City Attorney

FILE NO. 120317

LEGISLATIVE DIGEST

[Transportation Code - Fare Evasion and Clipper Card Regulations]

Ordinance amending the San Francisco Transportation Code, Division I, Article 7 (Transit Violations) Sections 7.2.101 and 7.2.104 to eliminate restrictions on rear exit boarding of Municipal Railway transit vehicles in revenue service and clarify that failure to tag a Clipper card transponder or card reader is a violation of Section 7.2.104; and making environmental findings and technical corrections.

Existing Law

Under current law, Municipal Railway passengers are prohibited from boarding a street car, motor coach, or trolley coach through the rear exit except when:

- a Municipal Railway representative is present at the exit to collect fares or transfers, or inspect proof of payment;
- the transit vehicle is operating at a station or boarding platform where fares are collected prior to passengers boarding the vehicle;
- necessary for persons with disabilities to board;
- the transit vehicle is operating in a Proof of Payment Zone; or
- the SFMTA has indicated that rear exit boarding is permitted on a designated transit line, route or location.

In addition, the misuse of any Clipper card with the intent to evade the payment of any fare is a violation of existing Clipper card regulations.

Amendments to Current Law

This ordinance eliminates existing restrictions on rear exit boarding of Municipal Railway transit vehicles in revenue service, and clarifies that failure to tag a Clipper card transponder or card reader is a violation of Section 7.2.104.

Background Information

The SFMTA seeks to permit Municipal Railway passengers to board transit vehicles from the rear exit in order to speed up passenger boardings, increase on-time performance levels, and reduce travel times. Since a large percentage of customers now use Clipper cards, these passengers can utilize Clipper card transponders located near the rear exit to record payment. Random fare inspection enforcement on transit vehicles will help ensure that increased levels of fare evasion will not result. In addition, the SFMTA seeks to clarify that failure to tag a Clipper card transponder or card reader is a violation of Section 7.2.104.

BOARD of SUPERVISORS

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Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
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TDD/TTY No. 554-5227

April 11, 2012

File No. 120317

Bill Wycko
Environmental Review Officer
Planning Department
1650 Mission Street, 4th Floor
San Francisco, CA 94103

Dear Mr. Wycko:

On April 3, 2012, Supervisor Chiu introduced the following proposed legislation:

File No. 120317

Ordinance amending the San Francisco Transportation Code, Division I, Article 7 (Transit Violations) Sections 7.2.101 and 7.2.104 to eliminate restrictions on rear exit boarding of Municipal Railway transit vehicles in revenue service and clarify that failure to tag a Clipper card transponder or card reader is a violation of Section 7.2.104; and making environmental findings and technical corrections.

This legislation is being transmitted to you for environmental review, pursuant to Planning Code Section 306.7(c).

Angela Calvillo, Clerk of the Board

By: Alisa Miller, Committee Clerk
Land Use & Economic Development Committee

Attachment

c: Monica Pereira, Environmental Planning
Joy Navarrete, Environmental Planning
Nannie Turrell, Major Environmental Analysis
Brett Bollinger, Major Environmental Analysis

Exempt from CEQA per CEQA Guidelines Sections 15060 (c)(3) and 15378. Not a project.
Nannie Turrell
April 11, 2012

SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY
BOARD OF DIRECTORS

RESOLUTION No. 12-063

WHEREAS, The San Francisco Municipal Transportation Agency (SFMTA), on July 1, 2012, will become the first bus and rail provider in the United States to institute All-Door Boarding on rail vehicles and buses systemwide, permitting customers with valid fare media to enter through the rear door; and,

WHEREAS, Expediting loading through All-Door Boarding can significantly improve overall travel times and improve reliability; and,

WHEREAS, San Francisco Transportation Code Sections 7.2.101 and 7.2.104 currently address fare evasion regulations and use of the Clipper Cards and require amendments to accommodate All-Door Boarding and clarify the requirements for when to properly validate a Clipper Card; and,

WHEREAS, Amending San Francisco Transportation Code Section 7.2.101 would eliminate existing restrictions on rear-door boarding of Municipal Railway transit vehicles in revenue service; and,

WHEREAS, Amending San Francisco Transportation Code Section 7.2.104 would clarify that failure by customers to tag a Clipper Card transponder or card reader upon boarding is a violation; and,

WHEREAS, It has been determined that the proposed change to eliminate restrictions on rear exit boarding of Municipal Railway transit vehicles in revenue service, and require customers to tag their Clipper cards on card transponders or readers upon boarding an SFMTA transit vehicle or entering through a station fare gate is not subject to environmental review because these activities will not result in a direct or reasonably foreseeable indirect physical change in the environment pursuant to Title 14 of the California Code of Regulations section 15060(c)(2)that; and

WHEREAS, Said CEQA determination is on file with the Secretary to the SFMTA Board of Directors and are incorporated herein by this reference; now, therefore, be it

RESOLVED, Recommending that the Board of Supervisors approve amendments to San Francisco Transportation Code, Division I, Article 7 (Transit Violations), Section 7.2.101 to eliminate restrictions on rear exit boarding of Municipal Railway transit vehicles in revenue service, and Section 7.2.104 to clarify that failure to tag a Clipper Card transponder or card reader is a violation in order to support the implementation of All-Door Boarding.

I certify that the foregoing resolution was adopted by the San Francisco Municipal Transportation Agency Board of Directors at its meeting of May 1, 2012.

R. Boomer

Secretary to the Board of Directors
San Francisco Municipal Transportation Agency

Edwin M. Lee | Mayor

Tom Nolan | Chairman
Cheryl Brinkman | Vice-Chairman
Leona Bridges | Director
Malcolm Heinicke | Director
Jerry Lee | Director
Bruce Oka | Director
Joél Ramos | Director

Edward D. Reiskin | Director of Transportation

MEMORANDUM

Date: April 3, 2012

To: Honorable Members of the Board of Supervisors

From: Edward D. Reiskin
Director of Transportation

Subject: Request to Amend San Francisco Transportation Code, Division I, by amending Sections 7.2.101 and 7.2.104 to accommodate All-Door Boarding on SFMTA vehicles and clarify Clipper card regulations

The San Francisco Municipal Transportation Agency (SFMTA) requests that the Board of Supervisors approve amendments to San Francisco Transportation Code, Division I, by amending Sections 7.2.101 and 7.2.104 to accommodate All-Door Boarding on SFMTA vehicles effective July 1, 2012, and clarify that failure to tag a Clipper card transponder or card reader while on a transit vehicle or in a Proof of Payment zone with the intent to evade fare payment is a violation of Section 7.2.104.

Background

In July 2012, the SFMTA will become the first bus and rail provider in the United States to permit customers with valid fare media to enter through the rear door of any rail vehicle or bus systemwide. Because San Francisco has one of the highest bus boarding rates in the United States at approximately 70 customers per hour, expediting loading through All-Door Boarding can significantly improve overall travel times and improve reliability. Faster service will improve the customer experience and enable the SFMTA to reinvest its existing resources into better frequency and increased capacity.

To facilitate fare payment, the SFMTA has also adopted the Clipper card, a regional smart card that can store passes, transfers, and other fare products as well as an electronic cash account. To ensure that Clipper card fares are properly processed, customers must tag a transponder or card reader upon boarding an SFMTA transit vehicle or entering through a station faregate. Failure to tag may result in the SFMTA not receiving the appropriate fare revenue for a ride taken.

Proposed Legal Changes to Accommodate All-Door Boarding

Under current law, Muni customers are prohibited from boarding a streetcar, motor coach, or trolley coach through the rear exit except when:

- An SFMTA representative is present at the exit to collect fares or transfers, or inspect proof of payment;

- the transit vehicle is operating at a station or boarding platform where fares are collected prior to passengers boarding the vehicle;
- necessary for persons with disabilities to board;
- the transit vehicle is operating in a Proof of Payment Zone; or
- the SFMTA has indicated that rear exit boarding is permitted on a designated transit line, route or location.

This ordinance would eliminate existing restrictions on rear-door boarding of Muni transit vehicles in revenue service as long as customers have valid proof-of-payment.

In addition, this ordinance would clarify that the failure to tag a Clipper card transponder or card reader while on a transit vehicle or in a Proof of Payment zone with the intent to evade fare payment is a violation of Section 7.2.104.

Edwin M. Lee | Mayor

Tom Nolan | Chairman
Cheryl Brinkman | Vice-Chairman
Leona Bridges | Director
Malcolm Heinicke | Director
Jerry Lee | Director
Bruce Oka | Director
Joél Ramos | Director

Edward D. Reiskin | Director of Transportation

April 2, 2012

Angela Calvillo, Clerk of the Board
Board of Supervisors
City and County of San Francisco
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102-4689

Subject: Transportation Code Legislative Changes to Accommodate All-Door Boarding

Dear Ms. Calvillo:

The San Francisco Municipal Transportation Agency respectfully requests that this Ordinance be heard at the earliest possible meeting of the San Francisco Board of Supervisors.

Attached please find an original and four copies for proposed ordinance for Board of Supervisors consideration. The ordinance requests approval of changes to the Transportation Code Division I, Sections 1.1, 7.2, 7.2.101 and 7.2.104. These modifications would eliminate restrictions on rear-door boarding so that SFMTA customers with valid proof-of-payment can board streetcars and buses through any door.

In addition to the resolution, please find enclosed the following attachments:

1. Briefing Memorandum
2. Proposed Ordinance

Please contact Sonali Bose at (415) 701-4617 if you have any questions regarding this matter.

Sincerely,

Edward D. Reiskin
Director of Transportation

cc: Board of Supervisors