

BOARD of SUPERVISORS



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MEMORANDUM

TO: Ed Reiskin, Executive Director, Municipal Transportation Agency

FROM: Andrea Ausberry, Assistant Clerk
Land Use and Transportation Committee

DATE: April 27, 2016

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Transportation Committee has received the following hearing request, introduced by Supervisor Mar on April 19, 2016.

File No. 160385

Ordinance amending the Transportation Code to consolidate and clarify existing fare evasion regulations, revise passenger conduct violations to make consistent with recent state law changes, and authorize the San Francisco Municipal Transportation Agency to establish separate fine amounts for fare evasion and passenger conduct violations committed by youth; and affirming the Planning Department's determination under the California Environmental Quality Act.

If you have comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102 or by email at: andrea.ausberry@sfgov.org

c:

Janet Martinsen, Municipal Transportation Agency
Kate Breen, Municipal Transportation Agency
Dillion Auyoung, Municipal Transportation Agency
Viktoriya Wise, Municipal Transportation Agency
Maria Cordero, Municipal Transportation Agency
Roberta Boomer, Municipal Transportation Agency

1 [Transportation Code - Fare Evasion and Passenger Conduct Regulations]

2
3 **Ordinance amending the Transportation Code to consolidate and clarify existing fare**
4 **evasion regulations, revise passenger conduct violations to make consistent with**
5 **recent state law changes, and authorize the San Francisco Municipal Transportation**
6 **Agency to establish separate fine amounts for fare evasion and passenger conduct**
7 **violations committed by youth; and affirming the Planning Department's determination**
8 **under the California Environmental Quality Act.**

9
10 **NOTE:** **Unchanged Code text and uncodified text** are in plain Arial font.
11 **Additions to Codes** are in *single-underline italics Times New Roman font*.
12 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.
13 **Board amendment additions** are in double-underlined Arial font.
14 **Board amendment deletions** are in ~~strikethrough Arial font~~.
15 **Asterisks (* * * *)** indicate the omission of unchanged Code
16 subsections or parts of tables.

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

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

23 Section 2. Findings.

24 1. During the 2015-2016 Legislative session, the State Legislature approved and
25 the Governor signed into law Senate Bill No. 413, which amended state law provisions
regarding passenger conduct violations on public transit vehicles.

2. These violations include penalties for a person failing to comply with a transit
official's warning regarding disturbing another person by loud and unreasonable noise, playing

1 unreasonably loud sound equipment on or in a system facility or vehicle, or failing to yield
2 seats reserved for an elderly or disabled person.

3 3. State law now also authorizes the Municipal Transportation Agency to impose
4 administrative penalties, as opposed to only criminal penalties, on minors who commit fare
5 evasion or passenger conduct violations.

6 Section 3. The Transportation Code is hereby amended by revising Sections 7.2.101,
7 7.2.102, 7.2.103, and 7.2.104, to read as follows:

8 **SEC. 7.2.101. FARE EVASION REGULATIONS.**

9 (a) To fail to display a valid fare receipt, transit pass, Clipper card, Limited Use ticket, or
10 electronic fare media at the request of any authorized representative of the transit system or duly
11 authorized peace officer while ~~For any passenger or other person~~ in or about any public transit
12 station (including an outdoor high-level boarding platform or station operated by the Bay Area
13 Rapid Transit District), Proof of Payment area, light rail vehicle, streetcar, cable car, motor
14 coach, trolley coach or other public transit vehicle to evade any fare collection system or proof
15 of payment program instituted by the Municipal Transportation Agency.

16 ~~(b) — For any person to board or ride a light rail vehicle, streetcar, cable car, motor coach,~~
17 ~~trolley coach without prior or concurrent payment of fare.~~

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

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

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

1 (cf) For any unauthorized person to use a discount ticket, Clipper card, or Limited Use
2 ticket, or fail to present, upon request from a system fare inspector, acceptable proof of
3 eligibility to use a discount ticket. If an eligible discount user is not in possession of acceptable
4 proof at the time of request, an issued notice of fare evasion or passenger conduct violation shall be
5 held for a period of 72 hours to allow the user to produce acceptable proof. If the proof is provided,
6 the notice shall be voided. If the proof is not produced within 72 hours, the notice shall be processed.

7 **SEC. 7.2.102 PASSENGER CONDUCT REGULATIONS.**

8 For any passenger or other person in or about any public transit station (including an
9 outdoor high-level boarding platform or station operated by the Bay Area Rapid Transit
10 District), Proof of Payment area, streetcar, cable car, motor coach, trolley coach or other public
11 transit vehicle to commit any of the acts described below:

12 (a) Playing unreasonably loud sound equipment on or in a system facility or vehicle,
13 or failing to comply with the warning of a transit official related to disturbing another person by loud
14 or unreasonable noise;

15 (b) Smoking, eating, or drinking in or on a system facility or vehicle in those areas
16 where those activities are prohibited;

17 (c) Expectorating upon or within a system facility or vehicle;

18 (d) Willfully disturbing others on or in a system facility or vehicle by engaging in
19 boisterous or unruly behavior;

20 (e) Carrying an explosive or acid, flammable liquid, or toxic or hazardous material in
21 a system facility or vehicle;

22 (f) Urinating or defecating in a system facility or vehicle, except in a lavatory.

23 However, this paragraph shall not apply to a person who cannot comply with this paragraph
24 as a result of a disability, age, or a medical condition;

1 (g) Willfully blocking the free movement of another person in a system facility or
2 vehicle.

3 (h) Skateboarding, roller skating, bicycle riding, or roller ~~balading~~blading in a system
4 facility, vehicle, or parking structure. This restriction does not apply to an activity that is
5 necessary for utilization of the transit facility by a bicyclist, including, but not limited to, an
6 activity that is necessary for parking a bicycle or transporting a bicycle aboard a transit vehicle
7 as permitted by the Municipal Transportation Agency.

8 (i) Selling or peddling any goods, merchandise, property, or services of any kind
9 whatsoever on transit facilities, vehicles, or property of the Municipal Railway without the express
10 written consent of the Municipal Railway or its duly authorized representatives.

11 (j) For any person to engage any operator of any streetcar, cable car, bus or trolley coach
12 in conversation, except for the purpose of procuring necessary information.

13 (k) Failing to yield seating reserved for an elderly person or person with disabilities.

14 **SEC. 7.2.103. FARE EVASION VIOLATIONS COMMITTED BY YOUTH.**

15 Any violation of Section 7.2.101 which is committed by a minor under the age of 18 shall be
16 subject to a separate fine established by the Municipal Transportation Agency.

17 **~~SEC. 7.2.103. CONVERSING WITH OPERATING PERSONNEL PROHIBITED.~~**

18 ~~For any person to engage any operator of any streetcar, cable car, bus or trolley coach in~~
19 ~~conversation, except for the purpose of procuring necessary information.~~

20 **SEC. 7.2.104. PASSENGER CONDUCT VIOLATIONS COMMITTED BY YOUTH.**

21 Any violation of Section 7.2.102 which is committed by a minor under the age of 18 shall be
22 subject to a separate fine established by the Municipal Transportation Agency.

23 **~~SEC. 7.2.104. CLIPPER CARD REGULATIONS.~~**

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

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

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

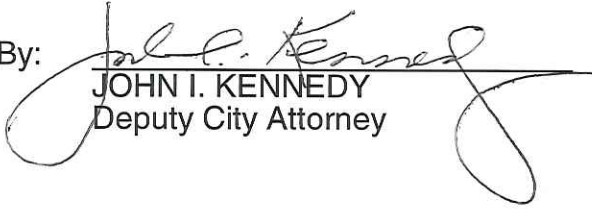
10 ~~(d) — For any unauthorized person to use a discount Clipper card or fail to present, upon~~
11 ~~request from a system fare inspector, acceptable proof of eligibility to use a discount Clipper card.~~

12 Section 4. Effective Date. This ordinance shall become effective 30 days after
13 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
14 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
15 of Supervisors overrides the Mayor’s veto of the ordinance.

16 Section 5. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
17 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
18 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
19 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
20 additions, and Board amendment deletions in accordance with the “Note” that appears under
21 the official title of the ordinance.

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

3 By:


4 JOHN I. KENNEDY
5 Deputy City Attorney

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