

1 [Fare Evasion Regulations.]

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3 **Ordinance amending San Francisco Transportation Code, Division I, by amending**
4 **Sections 1.1, 7.2, and 7.2.101 to redefine requirements for the SFMTA Proof of Payment**
5 **program, eliminate the designation of Proof of Payment Zones, clarify that the**
6 **prohibitions listed in Article 7 are violations of law, and permit fare evasion**
7 **enforcement for failure to display a valid fare receipt or valid Fare Media at the request**
8 **of any authorized representative of the transit system or duly authorized peace officer**
9 **after that person has been observed by the transit representative or peace officer on a**
10 **public transit vehicle or in the paid area of an SFMTA transit station; and to make**
11 **technical corrections.**

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

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

16 Section 1. Division I of the San Francisco Transportation Code is hereby amended by
17 amending Section 1.1, to read as follows:

18 **SEC. 1.1. DEFINITIONS.**

19 (a) Whenever in this Transportation Code words or phrases are used that are not
20 defined by the provisions of this Code, but are defined in the Vehicle Code, the definition and
21 meaning shall be applied as set forth in the Vehicle Code.

22 (b) Any words or phrases that are not defined in the Vehicle Code or in Division II of
23 this Code shall have the meanings set forth below.

24 (1) California Public Utilities Commission, CPUC. The Public Utilities Commission of
25 the State of California.

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1 (2) Chief of Police. The Chief of the San Francisco Police Department, or his or her
2 designee(s).

3 (3) City. The City and County of San Francisco.

4 (4) Code. The Transportation Code of the City and County of San Francisco,
5 consisting of Division I, under the jurisdiction of the San Francisco Board of Supervisors, and
6 Division II, under the jurisdiction of the Board of Directors of the Municipal Transportation
7 Agency.

8 (5) Director of Public Health. The Director of the San Francisco Department of Public
9 Health or his or her designee(s).

10 (6) Director of Transportation. The Director of Transportation of the Municipal
11 Transportation Agency or his or her designee(s).

12 (7) Division I. Division I of the Transportation Code, under the jurisdiction of the San
13 Francisco Board of Supervisors.

14 (8) Division II. Division II of the Transportation Code, under the jurisdiction of the
15 Municipal Transportation Agency Board of Directors.

16 (9) Fare Media. Tokens, transit passes, and smart cards, including monthly passes
17 (FastPass®), weekly passes, and one-, three- and seven-day passes (Passport), Translink® cards, or
18 any other form of media for use by SFMTA transit passengers that are authentic, current, and authorize
19 the holder to ride on SFMTA vehicles.

20 (910) Final SFMTA Decision. A decision upon which the SFMTA has taken the last
21 action according to procedures set forth in Division II, Section 203 (Final SFMTA Decision;
22 Request for Review).

23 (101) Fire Chief. The Chief of the San Francisco Fire Department of the City and
24 County of San Francisco, or his or her designee(s).

1 (~~172~~) Municipal Parking Facility. An off-street parking lot or off-street parking garage
2 owned, leased or operated by the City or the Parking Authority of the City and County of San
3 Francisco.

4 (~~123~~) Newsgathering Vehicle. A vehicle displaying a permit issued by the Police
5 Department pursuant to Section 939.2 of the Police Code.

6 (~~134~~) Non-motorized User-propelled Vehicle, NUV. Any device of two or more wheels
7 lacking a belt, chain, or gears that is powered by the rider through pedals or by pushing off of
8 or kicking at the ground, including, but not limited to, in-line skates, roller-skates, kick or push
9 scooters, skateboards, and toy vehicles.

10 (~~145~~) Park. To park or stop a vehicle, as defined in the Vehicle Code, or to cause or
11 permit a vehicle to be parked or stopped, unless the context requires a different meaning.

12 (~~156~~) Parking Control Officer, PCO. A City employee authorized by the Municipal
13 Transportation Agency to enforce state laws and the San Francisco Municipal Code related to
14 Parking of vehicles.

15 (~~167~~) Parking Meter. Any device that, upon payment, registers the amount of time for
16 which a vehicle is authorized to Park in a particular Parking Space.

17 (~~178~~) Parking Permit. A permit issued by the Municipal Transportation Agency to a
18 person or a vehicle which, when current, valid and properly displayed, entitles the vehicle or a
19 vehicle occupied by the person to specified exemptions from the Parking regulations of this
20 Code.

21 (~~189~~) Parking Space. A space demarcated by painted lines or other indicators for the
22 Parking of a single vehicle.

23 (~~1920~~) Placard. A placard issued by a state agency to a person with disabilities
24 pursuant to Vehicle Code Sections 22511.55 or 22511.59 that entitles the holder to Parking
25 privileges as specified in Vehicle Code Sections 22511.5 et seq.

1 (201) Police Officer. An employee of the San Francisco Police Department authorized
2 to enforce the criminal laws of the state and of the San Francisco Municipal Code.

3 (212) Port Commission. The Port Commission of the City and County of San
4 Francisco.

5 (223) Port Regulations. With respect to any property under the jurisdiction of the San
6 Francisco Port Commission, such Parking and traffic conditions and regulations as are
7 imposed by and on file and available for public inspection at the office of the Port
8 Commission.

9 (234) Proof of Payment or Proof of Payment Program. A fare collection system that
10 requires transit passengers to possess a valid fare receipt or ~~transit pass~~ valid Fare Media upon
11 boarding until immediately after disembarking a public transit vehicle or entering the paid area of an
12 SFMTA transit station (including an outdoor high-level boarding platform or station owned by the Bay
13 Area Rapid Transit District) until immediately after leaving the paid area or transit stop ~~while in a~~
14 ~~Proof of Payment Zone~~, and which subjects such passengers to inspections for proof of
15 payment of fare by any authorized representative of the transit system or duly authorized
16 peace officer.

17 (245) ~~Proof of Payment Zone. The paid area of a subway or boarding platform of a transit~~
18 ~~system within which any person is required to show proof of payment of fare for use of the transit~~
19 ~~system.~~

20 (25) —Public Property. Property owned or controlled by a public agency that is not within
21 the public right-of-way.

22 (26) Request for Review. A form submitted to the Clerk of the Board of Supervisors
23 that seeks Board of Supervisors' review of a Final SFMTA Decision.

24 (27) San Francisco Municipal Transportation Agency or SFMTA. The Municipal
25 Transportation Agency of the City and County of San Francisco.

1 (28) Sidewalk Bicycle. Any bicycle with wheel diameter of less than 21 inches overall,
2 including tires.

3 (29) Special License Plate. A license plate issued by a state agency to the vehicle of a
4 person with disabilities pursuant to Vehicle Code Section 5007 that entitles the holder to
5 Parking privileges as specified in Vehicle Code Sections 22511.5 et seq.

6 (30) Special Traffic Permit. A permit issued by the Municipal Transportation Agency
7 required for any obstruction of traffic upon a street or sidewalk area by any construction,
8 excavation or other activity, to the extent that such activity will not be conducted in
9 accordance with City contract specifications or with the Municipal Transportation Agency's
10 "Regulations for Working in San Francisco Streets" (otherwise known as the "Bluebook").

11 (31) Stand. A zone established by the Municipal Transportation Agency for the
12 exclusive use of a class or classes of vehicles identified by signs posted at such Stand.

13 (32) State. The State of California.

14 (33) Truck. A commercial motor vehicle with six or more wheels that is designed,
15 used, or maintained primarily for the transportation of goods.

16 (34) Truck Loading Zone. A zone for the exclusive use of Trucks while loading or
17 unloading freight, subject to any posted time limits.

18 (35) Vehicle Code. The Vehicle Code of the State of California.

19 Section 2. Division I of the San Francisco Transportation Code is hereby amended by
20 amending Section 7.2, to read as follows:

21 **SEC. 7.2. ~~INFRACTIONS~~VIOLATIONS.**

22 In addition to public offenses created by the Vehicle Code, the actions listed in Article 7
23 ~~this Section 7.2~~ are prohibited, and each and every violation of ~~such a~~ prohibition ~~listed below~~
24 shall be an infraction, except as otherwise provided in: (a) this Code; or (b) state law, including
25 the Vehicle Code; or (c) as necessary to comply with the direction of a Police Officer or

1 Parking Control Officer; or (d) with respect to a Municipal Parking Facility, upon the direction
2 of an authorized parking attendant; or (e) with respect to any other Public Property, except
3 with the permission of, and subject to such conditions and regulations as are imposed by the
4 agency that owns the property that are available for public inspection at the agency's offices.

5 Section 3. Division I of the San Francisco Transportation Code is hereby amended by
6 amending Section 7.2.101, to read as follows:

7 **SEC. 7.2.101. FARE EVASION REGULATIONS.**

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

13 (b) For any person to board or ride a streetcar, motor coach, trolley coach without
14 prior or concurrent payment of fare.

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

23 (d) For any person To fail to display a valid fare receipt or ~~transit pass~~ valid Fare Media at
24 the request of any authorized representative of the transit system or duly authorized peace
25 officer after that person has been observed by the transit representative or peace officer on a public

1 transit vehicle or in the paid area of an SFMTA transit station (including an outdoor high-level
2 boarding platform or station owned by the Bay Area Rapid Transit District) ~~while on a transit vehicle~~
3 or in a Proof of Payment Zone.

4 (e) For any person ~~To~~ misuse any transfer, pass, ticket, Fare Media, or token with the
5 intent to evade the payment of any fare.

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

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

11 (127)

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

15 By: _____
16 JOHN I. KENNEDY
17 Deputy City Attorney