



**March 28, 2016**

**The Honorable Members of the Board of Supervisors  
City and County of San Francisco  
1 Dr. Carlton Goodlett Place, Room 244  
San Francisco, CA 94102**

***Subject: Requesting Approval of an Amendment to Division I of the San Francisco Transportation Code to Implement the Provisions of California Senate Bill 413 Authorizing Local Jurisdictions to Establish Administrative Penalties for Fare Evasion and Other Transit Violations for Youth and Establishing a Penalty for Failing to Yield a Seat to Elderly or People with Disabilities on a Transit Vehicle***

**Honorable Members of the Board of Supervisors:**

The San Francisco Municipal Transportation Agency (SFMTA) requests that the San Francisco Board of Supervisors approve an amendment to Division I of the San Francisco Transportation Code to implement the provisions of California Senate Bill 413 authorizing local jurisdictions to establish administrative penalties for fare evasion and other transit violations committed by youth under 18, and for citations issued to any passenger or other person who fails to yield a seat reserved for an elderly person or person with disabilities on any public transit vehicle; and recommending various non-substantive amendments to delete outdated references, consolidate and clarify definitions of transit violations, and adding language to comply with existing state law.

**Background**

SFMTA Transit Fare Inspectors and members of the San Francisco Police Department are authorized to issue transit violation citations. According to the San Francisco Juvenile Court Administrator, a total of 819 citations issued to youth were adjudicated by the juvenile court in Fiscal Year 2015, which represents the combined number of citations issued by both the San Francisco Police Department and the SFMTA. SFMTA Transit Fare Inspectors issued 352 of these criminal citations to youth.

In 2008, the SFMTA, in conjunction with the City of Los Angeles, successfully advocated for a change in state law to allow agencies to issue an administrative citation, as an alternative to a criminal citation, for adults receiving transit related violations, most commonly for fare evasion. This change shifted the processing of transit violation citations from the Superior Court to the SFMTA and its contractor, similar to parking tickets. This change in state law, at the request of the San Francisco Juvenile Court, did not apply to citations issued to youth under the age of 18.

By retaining jurisdiction for administering transit violations committed by youth in the court system, an undue burden is placed on children and families by requiring them to appear in court

during school and/or work hours. Adults, on the other hand, are able to simply pay or protest their violation by mail, online, or by phone. Currently, adults charged with fare evasion pay a \$112.00 administrative fine, while juveniles may be subject to criminal penalties and administrative fees up to \$380. Failure to appear in court may also result in a warrant being issued and further criminal penalties assessed. This disparity increases the workload of the court system and penalizes youths and their families more significantly than adults for the same violations.

On January 1, 2016, Senate Bill 413 became effective, giving local jurisdictions the authority to establish by ordinance administrative penalties for fare evasion and other transit violations committed by youth, in addition to citations issued to any passenger or other person who fails to yield a seat reserved for the elderly or people with disabilities. The SFMTA Board of Directors, on February 16, 2016, approved setting the penalty for youth transit violations at \$56.00, or fifty percent of the penalty for adults. The penalty for failure to give up a seat was approved at \$112.00.

Pursuant to the City's Charter, the San Francisco Board of Supervisors is requested to approve the Division I legislation since that body retains the authority to establish civil offenses. The SFMTA Board has the authority to set the fine amounts for transit violations, and approved the Division II legislation. The Division II legislation will not go into effect unless the Board of Supervisors approves the Division I ordinance. In conjunction with these changes, a number of non-substantive amendments are being proposed to Division I and Division II of the San Francisco Transportation Code to delete outdated references, consolidate and clarify definitions of transit violations, and add language to comply with existing state law.

#### Published Notice

Charter Section 16.112 requires published notice and hearing before the SFMTA may institute or change any fare, fee, schedule of rates or charges which affect the public. The Board's Rules of Order require that the advertisement run for at least five days and not less than fifteen days prior to the public hearing. In compliance with both Charter Section 16.112 and the Board's Rules of Order, advertisements were placed in the City's official newspaper, the San Francisco Chronicle, to provide published notice for the February 16, 2016 public hearing. The advertisements ran in the San Francisco Chronicle for five consecutive days, starting on January 26, 2016.

#### Environmental Review

The proposed Division II legislation is subject to the California Environmental Quality Act (CEQA). CEQA provides a statutory exemption from environmental review for the establishment, modification, structuring, restructuring or approval of rates, tolls, and other charges pursuant to California Public Resources Code Section 21080(b)(8) and CEQA implementing guidelines, Title 14 of the California Code of Regulations section 15273, if these rates, tolls, and other charges will be used to meet operating expenses, including employee wage rates and fringe benefits, or purchase or lease supplies, equipment, or materials.

On November 23, 2015, the SFMTA, under authority delegated by the Planning Department, determined that the proposed Division II legislation is statutorily exempt from environmental review because the anticipated revenues will be used to meet SFMTA operating expenses, including employee wage rates and fringe benefits, or to purchase or lease supplies, equipment, or materials.

The SFMTA's determination (Case Number 2015-016334ENV) is on file with the Secretary to the SFMTA Board of Directors. The proposed action is the Approval Action as defined by the S. F. Administrative Code Chapter 31.

**Recommendation**

SFMTA requests that the Board of Supervisors approve an amendment to Division I of the San Francisco Transportation Code to implement the provisions of California Senate Bill 413 authorizing local jurisdictions to establish administrative penalties for fare evasion and other transit violations committed by youth under 18, and for citations issued to any passenger or other person who fails to yield a seat reserved for an elderly person or person with disabilities on any public transit vehicle; and recommending various non-substantive amendments to delete outdated references, consolidate and clarify definitions of transit violations, and adding language to comply with existing state law.

Sincerely,



**Edward D. Reiskin**  
**Director of Transportation**

