

File No. 110994

Committee Item No. 4  
Board Item No. 31

**COMMITTEE/BOARD OF SUPERVISORS**  
AGENDA PACKET CONTENTS LIST

Committee CITY OPERATIONS AND  
NEIGHBORHOOD SERVICES

Date 12/5/11

Board of Supervisors Meeting

Date 12/13/11

**Cmte Board**

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| <input type="checkbox"/>            | <input type="checkbox"/>            | Motion                                       |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Resolution                                   |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Ordinance                                    |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Legislative Digest                           |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Budget Analyst Report                        |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Legislative Analyst Report                   |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Introduction Form (for hearings)             |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/>            | <input type="checkbox"/>            | MOU  |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Grant Information Form                       |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Grant Budget                                 |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Subcontract Budget                           |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Contract/Agreement                           |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Award Letter                                 |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Application                                  |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Public Correspondence                        |

**OTHER**

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Completed by: Gail Johnson

Date 12/11/11

Completed by: [Signature]

Date 12/7/11

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

1 [Transportation Code - Clipper Card Regulations]

2

3 **Ordinance amending the San Francisco Transportation Code, Article 7, Division I, by**  
4 **adding Section 7.2.104 to regulate the use of Clipper Cards on transit vehicles or in**  
5 **proof of payment zones.**

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

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

10 Section 1. Article 7 of the San Francisco Transportation Code is hereby amended by  
11 adding Section 7.2.104, to read as follows:

12 **SEC. 7.2. - INFRACTIONS.**

13 In addition to public offenses created by the Vehicle Code, the actions listed in this  
14 Section 7.2 are prohibited, and each and every violation of a prohibition listed below shall be  
15 an infraction, except as otherwise provided in: (a) this Code; or (b) the Vehicle Code; or (c) as  
16 necessary to comply with the direction of a Police Officer or Parking Control Officer; or (d) with  
17 respect to a Municipal Parking Facility, upon the direction of an authorized parking attendant;  
18 or (e) with respect to any other Public Property, except with the permission of, and subject to  
19 such conditions and regulations as are imposed by the agency that owns the property that are  
20 available for public inspection at the agency's offices.

21 **SEC. 7.2.104. CLIPPER CARD REGULATIONS.**

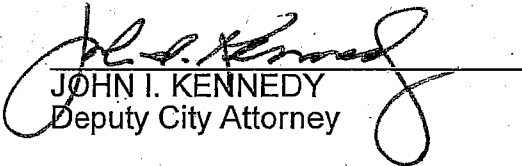
22 (a) To fail to display a valid Clipper card at the request of any authorized representative of the  
23 transit system or duly authorized peace officer while on a transit vehicle or in a Proof of Payment  
24 Zone.

25 (b) To misuse any Clipper card with the intent to evade the payment of any fare.

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

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

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

8 By:   
9       JOHN I. KENNEDY  
      Deputy City Attorney

Edwin M. Lee | Mayor  
Tom Nolan | Chairman  
Jerry Lee | Vice-Chairman  
Leona Bridges | Director  
Cheryl Brinkman | Director  
Malcolm Heinicke | Director  
Bruce Oka | Director  
Joél Ramos | Director  
Edward D. Reiskin | Director of Transportation

September 6, 2011

*File 110994*

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: Regulating the Use of Clipper Cards on Transit Vehicles or in Proof of Payment Zones

Dear Ms. Calvillo:

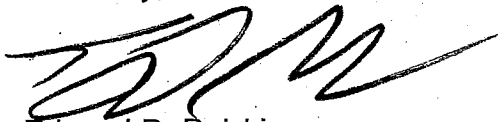
Attached please find an original and four copies for proposed ordinance for Board of Supervisors consideration. The ordinance requests approval of amending the San Francisco Transportation Code, Division I, Article 7 by adding Section 7.2.104 to regulate the use of Clipper cards on transit vehicles or in proof of payment zones.

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

1. Briefing Memorandum
2. Proposed Ordinance
3. SFMTA Board of Directors Resolution approving the Agreement

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 Budget Analyst

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2011 SEP 19 AM 11:48  
BY \_\_\_\_\_  
AK

Edwin M. Lee | Mayor

Tom Nolan | Chairman

Jerry Lee | Vice-Chairman

Leona Bridges | Director

Cheryl Brinkman | Director

Malcolm Heinicke | Director

Bruce Oka | Director

Joél Ramos | Director

Edward D. Reiskin | Director of Transportation

**MEMORANDUM**

DATE: September 6, 2011

TO: Honorable Members of the Board of Supervisors

FROM: Edward D. Reiskin  
Director of Transportation

SUBJECT: Ordinance adding regulations for the use of Clipper cards on transit vehicles or in proof of payment areas.

**BACKGROUND**

The San Francisco Municipal Transportation Agency (SFMTA) recommends the Board of Supervisors amend the San Francisco Transportation Code, Division I, Article 7, Section 7.2.104 to establish regulations for the use of Clipper cards on transit vehicles and in proof of payment areas to allow for better tracking of fare and transit violations specific to the Clipper card program.

Currently there is only one Transportation Code section for all transit fare evasion that SFMTA Transit Fare Inspectors and the San Francisco Police Department use to cite for fare nonpayment on the Muni system. The recent roll out of the Clipper card program has changed how transit fare enforcement is conducted. Transit Fare Inspectors carry handheld devices to electronically check Clipper cards to determine if customers have paid. The technology behind the Clipper card makes payment more convenient but also can lend itself to new types of fare evasion. In order to track and prevent Clipper card fraud and best direct fare inspection resources, the SFMTA would benefit by tracking Clipper card fare evasion violations separately. Creating a separate Transportation Code section for Clipper card violations will allow the SFMTA to monitor citation volume and locations separately, allowing for more sophisticated analysis of transit violation trends. The fine amount for Clipper card fare evasion violations will be set at the same amount as other fare evasion violations - \$100.

**LEGISLATION REQUIRED**Division I – Board of Supervisors

Authorizes the SFMTA Board of Directors to establish a fare evasion violation section specific to Clipper cards.

Division II – SFMTA Board of Directors

Amendment to Division II of the San Francisco Transportation Code creating a new violation in the Citation Penalty schedule for Clipper fare evasion.

**FUNDING IMPACT**

The adoption of these regulations will not have a fiscal impact.

**RECOMMENDATION**

The San Francisco Municipal Transportation Agency (SFMTA) recommends the Board of Supervisors amend the San Francisco Transportation Code, Division I, Article 7 by adding Section 7.2.104, to regulate the use of Clipper cards on Transit vehicles or in proof of payment zones.

SAN FRANCISCO  
MUNICIPAL TRANSPORTATION AGENCY  
BOARD OF DIRECTORS

RESOLUTION No. 11-109

WHEREAS, On July 20, 2011, the Board of Supervisors approved an amendment to the Transportation Code, Division I, to establish a two hour maximum time limit for parking at broken or inoperable meters for on-street and off-street parking; and,

WHEREAS, A penalty for violation of the two hour time limit at on-street meters already exists; and,

WHEREAS, The SFMTA Board of Directors is now being requested to set the penalty amount for violation of the two hour time limit at off-street parking meters in Transportation Code, Division II; and,

WHEREAS, Currently there is only one Transportation Code, Division I section for all transit fare evasion violations; and,

WHEREAS, Differentiating fare evasion or fraudulent use of a Clipper card from other fare evasion violations will allow the SFMTA to track, monitor, and target Clipper card violations; and,

WHEREAS, The Board of Supervisors has authority to establish a violation for Clipper card fare evasion or fraudulent use in Transportation Code, Division I; and,

WHEREAS, The SFMTA Board of Directors has authority to set the penalty amount for Clipper card fare evasion or fraudulent use violations in Transportation Code, Division II; and,

WHEREAS, The SFMTA has been working to consolidate Citywide management of parking permits under the SFMTA in order to reduce misuse, streamline issuance, and improve enforcement of on-street parking permits as authorized by Proposition A; and,

WHEREAS, The Police Code currently designates the Police Department as the issuing agency for vehicle press cards; and,

WHEREAS, The Board of Supervisors has the authority to amend the Police Code; and,

WHEREAS, Pursuant to Charter section 16.112 and the Rules of Order of the Board of Directors, published notice was placed in the City's official newspaper to provide notice that the Board of Directors will hold a public hearing on August 2, 2011 to consider the above modifications; and,

WHEREAS, Some of the proposed modifications to the Transportation Code are subject to environmental review under the California Environmental Quality Act (CEQA); and,

WHEREAS, The Department of City Planning has determined that the fine amounts for violation of overtime parking at off-street parking meters and fare evasion using a Clipper card are statutorily exemption from environmental review under California Public Resources Code section 21080(b)(8) and CEQA implementing guidelines, Title 14 of the California Code of Regulations section 15273 because the increases will be used to meet operating expenses including employee wage rates and fringe benefits, or to purchase or lease supplies, equipment, or materials; and,

WHEREAS, A copy of the Department of City Planning's determination is on file in the Secretary's office for the SFMTA Board of Directors; now, therefore, be it

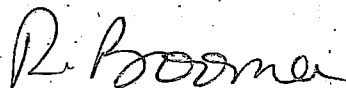
RESOLVED, That the San Francisco Municipal Transportation Agency Board of Directors approves an amendment to Transportation Code, Division II, Section 302 to establish an off-street parking meter time limit penalty; and, be it further

RESOLVED, That the San Francisco Municipal Transportation Agency Board of Directors approves an amendment to Transportation Code, Division II, Section 302 to establish a separate transit violation for fare evasion or fraudulent use of a Clipper card; and, be it further

RESOLVED, That the San Francisco Municipal Transportation Agency Board of Directors recommends approval by the Board of Supervisors of an amendment to the San Francisco Transportation Code, Division I, to add Section 7.2.104 to regulate the use of Clipper cards on Transit Vehicles or in Proof of Payment zones; and, be it further

RESOLVED, That the San Francisco Municipal Transportation Agency Board of Directors recommends approval by the Board of Supervisors a series of amendments to San Francisco Police Code Sections 939 through 939.7 to repeal the Chief of Police's authority to issue or regulate vehicle press cards.

I certify that the foregoing resolution was adopted by the San Francisco Municipal Transportation Agency Board of Directors at its meeting of AUG 2 2011



Secretary to the Board of Directors  
San Francisco Municipal Transportation Agency