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TRANSIT BY-LAW YORK REGION TRANSIT AND VIVA RAPID TRANSIT SYSTEMS

(Regional Council at its meeting on April 21, 2005 amended Clause 3 of Report No. 4 of the Transit Committee by replacing the Set Fine Schedule referred to in Attachment 1 of the Transit Committee Report with the Set Fine Schedule attached to the communication of the Regional Solicitor dated April 20, 2005.)

The Rapid Transit Public/Private Partnership Steering Committee concurs with the action taken by the Transit Committee at its meeting on April 14, 2005, regarding the recommendations contained in the following report April 6, 2005, from the Vice President, York Region Rapid Transit Corporation and the Commissioner of Transportation and Works, namely:

- 1. Recommendations 1 and 3 contained in the following report, April 6, 2005, from the Vice President of the York Region Rapid Transit Corporation and the Commissioner of Transportation and Works be adopted; and**
- 2. The recommended set fines referred to in Attachment 1 of the report be referred back to Staff to create a two-tier fine system in order to provide for higher set fines for the more serious offences.**

1. RECOMMENDATIONS

It is recommended that:

- 1. Regional Council authorize the enactment of a by-law to regulate the use of vehicles and facilities for both York Region Transit and Viva Rapid Transit, including proof of payment.**
- 2. Regional Council approve the recommended set fines (*Attachment 1*) and direct Regional staff to make application to the Regional Senior Justice for a set fine order.**
- 3. Legal Services be directed to prepare a by-law for presentation to Regional Council in accordance with these recommendations.**

2. PURPOSE

The purpose of this report is to recommend to Committee and Regional Council the enactment of a by-law to govern fare enforcement on transit vehicles and also to regulate passenger conduct. The by-law would apply to both conventional York Region Transit

(YRT) and to the Viva Rapid Transit systems. The report also recommends approval of a fine schedule for breach of the by-law and that staff be authorized to make application for a set fine order for enforcement of the by-law by issuance of tickets.

3. BACKGROUND

On December 16, 2004, Regional Council endorsed the fare enforcement program for the Viva Rapid Transit System.

This report provides the recommendations for the by-law and set fine order. The joint York Region Rapid Transit Corporation (Rapidco)/YRT task force is developing the policies, processes and guidelines that are required to be in place at the start of the service for separate submission to Council for approval.

In addition, the joint task force has worked with the York Regional Police and has now obtained the approval of the Police Services Board for the appointment of special constables to enforce the by-law.

Viva rapid transit system fare collection system is based on Proof-of-Payment (POP). POP requires Viva customers to purchase their fare media from vending machines at Viva stations or other designated retail outlets and board the Viva bus through any door without inspection of the fare media by the bus driver. The customer retains proof that the correct fare has been properly paid. Proof can constitute a ticket that has been properly validated that day within a time validity window, a valid pass or a valid time based transfer. The customer will be required to show this proof while riding on Viva vehicles when asked by a fare enforcement officer. Failure to show proof-of-payment may result in a passenger being issued a ticket to pay a fine or a summons to appear in court.

On YRT conventional buses, the enforcement of fare payment and inspection of passes and transfers is a task typically performed by the driver as passengers enter the vehicle at the front door. This practice will continue on the YRT conventional buses.

In May 2003, Regional Council formally adopted a York Region Transit (YRT) Customer Policy. This serves to clarify the responsibilities of passengers and generally explain standard rules and practices while on YRT buses and property. With the policy, customers and transit staff are aware of standardized on-board information and rules. However, there are currently no fines to the applicable items contained in the policy. As part of an integrated transit system, however, it is recommended that the by-law apply to both conventional YRT and Viva Rapid Transit vehicles.

4. ANALYSIS AND OPTIONS

4.1 Content of by-law

The content of the by-law was developed with input from Rapidco/YRT Task Force and based on lessons learned from a comprehensive survey of comparable by-laws in force in other Canadian municipalities that operate proof-of-payment fare collection systems. The by-law provides the regulatory framework for fare enforcement officers to issue tickets or summons to enforce the payment of transit fares.

The by-law will create a range of offences governing means of payment, use of transfers, and the requirement to produce proof of payment if requested.

On May 22 2003, Regional Council approved a policy to set out rules applicable to transit customers on the YRT System. The policy included fare payment provisions but also addressed issues of customer conduct on transit vehicles or property. Prohibited activity included the following: disorderly or disruptive behaviour, littering, distribution of commercial material, and operating video equipment without permission. The policy also regulates carriage of pets and limits carriage of bulky items, such as bicycles and skis to off-peak hours.

The provisions of this policy have now been incorporated into the by-law and will be enforceable on both conventional YRT and Viva systems.

4.2 Set Fine Schedule

A recommended set fine schedule has also been developed (*see Attachment 1*) to establish the fines that will be levied for breach of specific provisions of the by-law. The joint task force surveyed set fine orders in force at Canadian municipalities that operate POP fare collection systems. The recommended fines are consistent with fines in place in other jurisdictions. Following Regional Council approval, the set fine schedule will be submitted to the Regional Senior Justice to request a set fine order, which will enable enforcement of the by-law through issuance of tickets.

4.3 Appointment of Special Constables

Pursuant to the Police Services Act, the special constables who will be empowered to enforce fare payment must be appointed by the York Regional Police Services Board, with the approval of the Solicitor General. As a condition of this appointment, the Police Services Board will require approval of the special constables' recruitment, hiring, training and operational management processes and to require ongoing assurance as to their operational performance. Until a set fine order is in place, enforcement officers will be required to issue a summons to appear in court rather than issue tickets.

5. FINANCIAL IMPLICATIONS

The estimated 2006 revenues from fines under the proposed bylaw are \$830K, an amount of \$128K higher than set out in the original report. This is due to an increase in the proposed set fine levels. This will result in a net cost of \$319K to operate the POP program. The fines will be processed (and prosecuted if necessary) through the Regional Courts Services. The courts administration costs have not been reflected in the net costs associated with the operation of the POP program.

During 2005, while the full complement of Viva routes is being implemented, enforcement officers will be encouraged to issue warnings when appropriate.

The dual zone fare system will not be put into service until late November 2005. A grace period of up to three months will also be utilized to allow passengers appropriate time to learn the new system with consequential minor impact on fine revenue in 2006.

6. LOCAL MUNICIPAL IMPACT

There is no local municipal impact from the recommendations contained in this report.

7. CONCLUSION

The proposed by-law and schedule of set fines has been developed in response to a need for a proof of payment enforcement system on Viva vehicles, since the system enables passengers to board without inspection of tickets by the driver. The by-law also contains provisions governing passenger conduct which are consistent with the existing YRT policy and it is intended that both aspects of the by-law are enforceable on both conventional YRT and Viva vehicles and facilities.

The Senior Management Group has reviewed this report.

(The attachment referred to in this clause was included in the Agenda for the April 14, 2005 Committee meeting.)