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YORK REGION TRANSIT
AMENDMENTS TO TRANSIT BY-LAW R-1415-2005-028

The Transit Committee recommends the adoption of the recommendations contained in the following report, August 26, 2008, from the Commissioner of Transportation Services:

1. RECOMMENDATIONS

It is recommended that:

1. The amendments to Transit By-law R-1415-2005-028, a by-law to regulate the use of public transit vehicles and facilities in The Regional Municipality of York, as outlined in this report, be approved.
2. The Regional Solicitor prepare the amending by-law for presentation to Council.
3. York Region Transit's existing Customer Policy be rescinded upon adoption of the amending by-law.

2. PURPOSE

Staff is seeking authorization from Regional Council to amend Transit By-law R-1415-2005-028, and rescind the current Transit Customer Policy. If the by-law is amended as recommended in this report, the Customer Policy will become redundant as all of its provisions will be incorporated into the by-law or an amended Fare Policy.

3. BACKGROUND

On April 21, 2005, Regional Council endorsed Transit By-law R-1415-2005-028

The Transit By-law was created to address the newly-established proof-of-payment system on the Viva Bus Rapid Transit service and to govern passenger conduct on all York Region Transit (YRT)/Viva vehicles and properties.

Transit Enforcement staff have been successful in enforcing the by-law, issuing approximately 5,000 provincial offence tickets and summonses in 2007, of which approximately 10% were disputed in court. Staff have identified incidents and behaviour, however, that are not formally prohibited by the by-law and therefore do not constitute an offence.

Prior to the enactment of the by-law in 2005, the Customer Policy was created to provide our customers, staff and contractors with a guideline for the payment of fares, use of transfers and acceptable customer conduct. Many of the provisions of this policy have since been enshrined in the by-law, and appropriate penalties established. As well, the separate Fare Policy adopted by Regional Council governs matters such as fare payment options, transfers, and passenger fare classifications. As a result, the Customer Policy has become redundant.

4. ANALYSIS AND OPTIONS

The Transit By-law provides the regulatory framework for YRT Enforcement Officers to issue tickets or summonses to enforce the payment of transit fares

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

The by-law was originally developed with input from a Rapidco/YRT Task Force, and was based on lessons learned from a comprehensive survey of comparable by-laws in force in the other Canadian municipalities that operated proof-of-payment fare collection systems.

YRT and Legal Services staff are recommending a series of amendments to the Transit By-law including new definitions and offences

Day-to-day occurrences have been identified by YRT staff since the enactment of the by-law in 2005, which do not currently constitute offences. Examples of such occurrences are:

- Daily reports of vehicles entering terminals and parking at bus stops and Viva Stations.
- Customers failing to obey posted signage. (e.g. Do Not Enter)
- Handbills being continually posted on shelters and at terminals.
- Individuals soliciting YRT/Viva customers at terminals.
- Vandalism and destruction of the Region's property.
- Individuals providing false identification or refusing to provide identification.

In order to address these issues and provide for effective enforcement, it is recommended that substantive amendments be made to the by-law to create the following new offence provisions:

- Improper entry to or exit from a terminal.
- Failure to obey signs.
- Solicitation and distribution of materials.

- Interference to property (e.g. CCTV equipment).
- Failure to show identification/providing false identification.
- Alteration of fare media.
- Parking/stand/stop vehicle in terminal or at station.

In addition, certain housekeeping amendments are recommended to add clarity and provide for more effective enforcement. For example, the inclusion of a definition of “fare media” to include all forms of tickets, passes and transfers would assist in defining offences more generically.

Following the enactment of an amended by-law, staff will report further on a new set fine structure, after which application will be made to the Chief Justice of Ontario for approval.

With the recommended amendments to the Transit By-law, the Customer Policy has become redundant and should be rescinded

The Customer Policy was established prior to the implementation of the current Transit By-law and the Transit Fare Policy. The Customer Policy was used as a reference for the Transit By-law and Transit Fare Policy, with all of the provisions being included in either one. YRT staff, in consultation with Legal Services, have recently compared the three documents and have determined that all sections of the Customer Policy are now included in either the by-law or the Transit Fare Policy and, therefore, the Customer Policy is no longer required (see Table 1 below).

Table 1
By-law & Policy Coverage Comparisons

	Current Transit By-Law	Transit Customer Policy	Transit Fare Policy	Revised Transit By-Law
Original Council Approval	April 2005	April 2003	Sept 2006	Proposed
Fare Enforcement	Yes	Limited	Limited	Yes
Conduct	Yes	Yes	No	Yes
Fines	Yes	No	No	Yes
Definitions	Yes	No	Yes	Yes
New Offence Provisions	No	No	No	Yes

Relationship to Vision 2026

The Transit By-law reinforces the Region's commitment to its residents, businesses and local municipalities addressing Vision Goal Statement 1: "York Region residents will live, work, play and learn in healthy, accessible and safe neighbourhoods that are vibrant, exciting and people-friendly. Residents will continue to enjoy the high quality of life that attracted them to York and will have a strong sense of belonging and commitment to their communities." and "encouraging pedestrian-friendly and transit-oriented neighbourhoods".

5. FINANCIAL IMPLICATIONS

There will be no financial implications in implementing the recommended amendments to the Transit By-law.

Increased fine revenues cannot be determined due to the nature of the offences being added to the by-law.

6. LOCAL MUNICIPAL IMPACT

Local municipalities, their residents and businesses will benefit from a transit service that continues to assess and improve the management of its system and delivers a quality and safe service.

7. CONCLUSION

Staff recommends that the current Transit By-law be amended to incorporate the provisions noted within this report. Subject to Regional Council's approval of the amendments, staff will prepare a revised Set Fine Schedule and report back for Regional Council approval.

It has been concluded that with the amendments to the Transit By-law and the Fare Policy, YRT's Customer Policy has become redundant and should therefore be rescinded.

For more information on this report, contact Ann-Marie Carroll, Assistant Manager, Operations, Operations (Ext. 5677) or Angelo Apfelbaum, Enforcement Supervisor (Ext. 5352), in the Transit Branch of the Transportation Services Department.

The Senior Management Group has reviewed this report.