

INTRODUCED: February 26, 2018

AN ORDINANCE No. 2018-053

To amend City Code § 29-189, concerning fares for mass transit services, for the purpose of authorizing the appointment of fare enforcement inspectors by certain transit companies and establishing fines for patrons failing to produce proof of payment of fares pursuant to Va. Code § 18.2-160.3.

Patron – Mayor Stoney

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: MAR 26 2018 AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That section 29-189 of the Code of the City of Richmond (2015) be and is hereby **amended** and reordained as follows:

Sec. 29-189. Fares.

(a) *Generally.* The fare charged on the routes authorized pursuant to the provisions of section 29-172 of this chapter shall be as follows, except as otherwise provided in this section:

(1) Cash

a. Local routes.....\$1.50

AYES: 9 NOES: 0 ABSTAIN: _____

ADOPTED: MAR 26 2018 REJECTED: _____ STRICKEN: _____

b.	Commuter express routes.....	2.00
c.	Senior	0.75
d.	Disability (incapacitated).....	0.75
(2)	Special services (fare), one-way transportation to or from a civic, cultural or sporting event, or a like activity (tickets and passes not to be honored for such transportation)	2.50
(3)	19 Pemberton Road Bus.....	2.00
(4)	CARE, one way	
a.	When required by the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101—12213 (2000).....	3.00
b.	When not required by the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101—12213 (2000).....	6.00
(5)	Extended Express.....	2.75

Any citizen eligible for Medicare and who has been issued a Medicare card, upon presentment of such Medicare card and a government-issued or transit operator issued photo identification card, or any other person 65 years of age, or older, upon proof of age satisfactory to the transit company, is eligible for the senior fare.

Any individual who by reason of illness, injury, age, congenital malfunction or other permanent or temporary incapacity or disability, including those who are non-ambulatory, wheelchair bound and those with semi-ambulatory capabilities, who are unable without special facilities or special planning or design to utilize mass transportation facilities and services as effectively as persons who are not so affected is eligible for the disability fare upon presentment of a government-issued or transit operator-issued photo identification card.

Qualification for such reduced fare will be subject to regulations established by the transit operator, including the issuance of temporary and permanent identification materials.

Each passenger paying a fare as provided for herein may carry in the buses operated under this article, free of charge, one child under five years of age, but where two or more children under five years of age accompany one passenger, the fare to be paid for such children shall be at the rate of two children for one full fare, and such children shall be entitled to all the privileges of a passenger paying the regular fare.

All members of the fire and emergency services department and police department of the city, while in uniform or wearing their official badges, shall be permitted to ride upon buses operated under this article without charge or payment of fare therefor. Police officers and firefighters whose regular official duties are such that they are performed while such officials are not in uniform or wearing their official badges, upon application to owner of such buses operated under this article, signed by the heads of their departments, respectively, shall be furnished free of charge fare cards or passes for the use of such officials while on official business.

(b) *Fare passes.* A fare pass program may be established for routes authorized pursuant to the provisions of section 29-172 of this chapter whereby daily, weekly, and monthly fare passes may be issued for all local and express routes and unlimited use passes may be issued to apply during special events set forth in this subsection. Fares under any such fare pass program shall be as follows:

- (1) Local service, unlimited use:
 - a. One day\$3.50
 - b. Seven days\$17.50
 - c. 30 days\$60.00

- (2) Express service, unlimited use:
 - a. One day\$4.50
 - b. Seven days\$22.50
 - c. 30 days\$80.00
- (3) 19 Pemberton, unlimited use:
 - a. One day\$4.50
 - b. Seven days\$22.50
 - c. 30 days\$80.00
- (4) Special event pass, unlimited use:
 - a. Union Cycliste Internationale World
Championships, 11 days\$35.00
- (5) Senior, Medicare, or minor (six to 18), unlimited use:
 - a. One day\$1.75
 - b. Seven days\$8.75
 - c. 30 days\$35.00
- (6) One ride plus:
 - a. When two different bus trips needed to reach destination\$1.75

(c) *Special promotions.* From time to time a transit company operating buses under this article may provide for special promotion passes at a rate of not less than 50 percent of the cash fare as set forth in subsection (a) hereinabove. The term “special promotion” shall mean an event which is designed to promote the civic, cultural, or economic growth of the city.

Notwithstanding other provisions contained in this article, a transit company operating buses under provisions of this article is hereby authorized to contract with any person to provide

service over any regular routes, currently approved by the council, in order for such person to promote or advertise a legitimate business or profession, subject to the following conditions:

(1) In addition to promotional painting or advertising that any bus or buses used in such promotional enterprise may display, the bus or buses shall carry the route designation or designations as displayed on all regularly operated buses of such transit company;

(2) No such promotional bus or buses shall deviate from the regular routes prescribed by the council;

(3) Fares for riders shall conform to the fare schedules set forth in this article, provided, however, that a lowered fare may be charged, or no fare charged, on such promotional bus or buses, but any such change in fare must be clearly marked on each such promotional bus; and

(4) Any bus or buses transporting riders for a lowered fare, or for no fare, shall operate over a route or routes selected by lot by any transit company operating buses under the provisions of this article.

Nothing contained in this section shall prohibit a transit company operating buses under this article from establishing its own promotional routes at a lower fare or at no fare provided any promotional bus or buses be clearly marked to indicate such change from regular fare schedules.

(d) *Transit company promotions.* From time to time, in order to promote ridership on a new or modified route, a transit company operating buses under this article may make a one-time reduction in the cash fare or offer a one-time free fare for no more than one 48-hour period following the commencement of operations over such new or modified route.

(e) *Convention pass.* From time to time, a transit company operating buses under this article may provide for the sale of convention passes that may be used for unlimited rides during the term of the convention for which the pass is sold. The user must present the pass and delegate badge or similar identification in order to be permitted to ride the bus. A convention pass shall only be available as a part of a convention registration package, and the cost of such convention pass shall vary and be computed on the period of time such convention shall be in session.

(f) *CARE paratransit service.* CARE paratransit service shall be provided to the extent required pursuant to the American with Disabilities Act of 1990, 42 U.S.C. §§ 12101—12213 (2000). CARE paratransit service not required pursuant to the American with Disabilities Act of 1990, 42 U.S.C. §§ 12101—12213 (2000), shall be provided only from 6:00 a.m. until 8:00 p.m., Monday through Sunday. Notwithstanding any other provision of this section to the contrary, a transit company operating buses pursuant to this article shall neither charge nor collect any fare from qualified CARE riders who reside in the city of Richmond for transportation within the mandatory American with Disabilities Act of 1990, 42 U.S.C. §§ 12101—12213 (2000), service area of the city of Richmond on fixed routes on which such transit company provides service.

(g) *Fare enforcement inspectors.* A transit company operating any form of mass transit pursuant to this article may appoint fare enforcement inspectors and establish the qualifications for their appointment. Fare enforcement inspectors shall have the power to:

(1) Request patrons at transit boarding locations or on transit vehicles to show proof of payment of the applicable fare;

(2) Inspect the proof of payment for validity;

(3) Issue a civil summons for violations authorized by Code of Virginia , § 18.2-160.3;

(4) Assist with crowd control while on a transit vehicle or at a transit boarding location; and

(5) Perform such other customer service and safety duties as may be assigned by the transit company.

(h) *Failure to produce proof of payment; penalty.* It shall be unlawful for any person to board or ride a transit operation operated by a transit company operating any form of transit pursuant to this article when he fails or refuses to pay the applicable fare or refuses to produce valid proof of payment of the fare upon request of a fare enforcement inspector. Any person who violates this section shall be liable for a civil penalty of not more than \$100 to be deposited into the City treasury. Any person summoned for a violation may make an appearance in person or in writing by mail to the Department of Finance, or the designee of the Department of Finance, as specified on the summons prior to the date fixed for trial in court. Any person so appearing may enter a waiver of trial, admit liability, and pay the civil penalty established for the violation charged. The fare enforcement inspector shall inform such persons of their right to stand trial and that a signature to an admission of liability will have the same force and effect as a judgment of court. If a person charged with a violation does not elect to enter a waiver of trial and admit liability, the violation shall be brought by the transit company and tried as a civil case in the general district court in the same manner and with the same right of appeal as provided for by law. In any trial for a violation authorized by Code of Virginia, § 18.2-160.3, it shall be the burden of the transit company to show the liability of the violator by a preponderance of the evidence. The penalty for failure to pay the established fare on transit properties covered by another provision of law shall be governed by that provision and not by Code of Virginia, § 18.2-160.3. The penalty

imposed by this section shall not apply to a law-enforcement officer while such officer is engaged in the performance of such officer's official duties.

§ 2. This ordinance shall be in force and effect upon adoption.



CITY OF RICHMOND

O & R REQUEST

4-7456
JAN 25 2018

RECEIVED
CITY CORRESPONDENCE

Office of the
Chief Administrative Officer

FEB 07 2018
O&R REQUEST

DATE: OFFICE OF CITY ATTORNEY
January 24, 2018

EDITION: 1

TO: The Honorable Members of City Council

THROUGH: The Honorable Levar M. Stoney, Mayor *LS* 2/2/18

THROUGH: Selena Cuffee-Glenn, Chief Administrative Officer *SCG*

THROUGH: Peter Lee Downey, Deputy Chief Administrative Officer *PLD*

FROM: Amy Inman, Sr. Administrator ~ Multimodal Transportation & Strategic Planning *AI*

RE: Amend City Code by adding Section § 18.2-160.3 of the Code of Virginia relating to fare enforcement inspectors and add a civil penalty for individuals who fail to show proof of payment.

ORD. or RES. No.

PURPOSE: To amend section 110-136 of the Code of the City of Richmond, for the purpose of adding Section § 18.2-160.3 of the Code of Virginia relating to fare enforcement inspectors. The City of Richmond will grant the Greater Richmond Transit Company the ability to appoint fare enforcement inspectors and the City will establish a civil penalty that sets the fine at \$100 per occurrence. The civil penalty will only apply to patrons who fail to produce proof of payment while using all modes of public transportation operated by GRTC.

REASON: With the launch of a new mode of public transportation (the Broad Street BRT or Pulse) in Calendar 2018, GRTC would like to strengthen its ability to apply fare enforcement measures systemwide. The Pulse BRT will utilize a passenger payment honor system, otherwise known as "off-board fare collection" beginning the first day of revenue service. In accordance with state law, GRTC is requesting the ability to appoint fare enforcement inspectors and establish a penalty if patrons fail to produce proof of payment of fare while using all modes of public transportation operated by GRTC. This measure will allow GRTC to be proactive in mitigating any potential loss of farebox collection revenue due to "off-board fare collection".

RECOMMENDATION: The Greater Richmond Transit Company recommends the City of Richmond add Section § 18.2-160.3 of the Code of Virginia relating to fare enforcement inspectors to Section 110-136 of the Code of City of Richmond. Additionally, GRTC

recommends that a civil penalty of \$100 be permitted in the City of Richmond regarding fare enforcement.

BACKGROUND: In February 2017, the Virginia General Assembly modified Section § 18.2-160.3 of the Code of Virginia relating to fare enforcement inspectors for the purpose of allowing use by all transit agencies in the Commonwealth.

State law allows transit agencies to either directly or by contract appoint fare enforcement inspectors and establish the qualifications required for their appointment. According to State Law, fare enforcement inspectors shall have the power to (i) request patrons at transit boarding locations or on transit vehicles to show proof of payment of the applicable fare; (ii) inspect the proof of payment for validity; (iii) issue a civil summons for violations authorized by this section; (iv) assist with crowd control while on a transit vehicle or at a transit boarding location; and (v) perform such other customer service and safety duties as may be assigned by the eligible entity. The powers of fare enforcement inspectors are limited to those powers enumerated in this section, and fare enforcement inspectors are not required to be law-enforcement officers. The powers of fare enforcement inspectors appointed pursuant to the state law shall be exercisable anywhere in the Commonwealth where the appointing eligible entity operates transit service. Fare enforcement inspectors shall report to the department or agency designated by the appointing eligible entity.

Additionally, State law states, it shall be unlawful for any person to board or ride a transit vehicle operated by an eligible entity when he fails or refuses to pay the applicable fare or refuses to produce valid proof of payment of the fare upon request of a fare enforcement inspector. Any person who violates this section shall be liable for a civil penalty of not more than \$100. Any person summoned for a violation may make an appearance in person or in writing by mail to the department of finance or the treasurer of the locality, or the designee of the department of finance or the treasurer, where the violation occurred as specified on the summons prior to the date fixed for trial in court. Any person so appearing may enter a waiver of trial, admit liability, and pay the civil penalty established for the violation charged. Such persons shall be informed of their right to stand trial and that a signature to an admission of liability will have the same force and effect as a judgment of court. If a person charged with a violation does not elect to enter a waiver of trial and admit liability, the violation shall be brought by the eligible entity or the locality in which the violation occurred and tried as a civil case in the general district court in the same manner and with the same right of appeal as provided for by law. In any trial for a violation authorized by this section, it shall be the burden of the eligible entity or locality in which the violation occurred to show the liability of the violator by a preponderance of the evidence. The penalty for failure to pay the established fare on transit properties covered by another provision of law shall be governed by that provision and not by this section.

In accordance with state law, GRTC is requesting the ability to appoint fare enforcement inspectors and request that the City of Richmond establish a civil penalty if patrons fail

to produce proof of payment of fare while using all modes of public transportation operated by GRTC.

FISCAL IMPACT/COST: None

FISCAL IMPLICATIONS: None

BUDGET AMENDMENT NECESSARY: No.

REVENUE TO CITY: Yes. Civil Penalty of \$100 per occurrence.

DESIRED EFFECTIVE DATE: April 1, 2018

REQUESTED INTRODUCTION DATE: February 26, 2018

CITY COUNCIL PUBLIC HEARING DATE: March 12, 2018

REQUESTED AGENDA: Consent Agenda

RECOMMENDED COUNCIL COMMITTEE: Land Use, Housing & Transportation Committee

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: None

AFFECTED AGENCIES: None

RELATIONSHIP TO EXISTING ORD. OR RES.: None

REQUIRED CHANGES TO WORK PROGRAM(S): None.