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Title: ***BILL NO. B-23 - (Re-introduced 5/11/2017) (For adoption) - Amending Section 5-302, 5-303, 5-304, 5-305, 5-307, 5-308, and adding Sections 5-310, 5-311, 5-312, and 5-313 to Article 3 of Chapter 5 of the Fresno Municipal Code, relating to fare evasion and enforcement

Sponsors: Department of Transportation

Indexes:

Code sections:

Attachments: 1. Ord Amendment for BRT 041217.pdf, 2. Supplement - Corrected Ordinance.pdf

Date	Ver.	Action By	Action	Result
5/18/2017	1	City Council	approved as amended	
5/18/2017	1	City Council	approved	Pass

REPORT TO THE CITY COUNCIL

May 18, 2017

FROM: BRIAN R. MARSHALL, Director
Department of Transportation

SUBJECT

***BILL NO. B-23 - (Re-introduced 5/11/2017) (For adoption) - Amending Section 5-302, 5-303, 5-304, 5-305, 5-307, 5-308, and adding Sections 5-310, 5-311, 5-312, and 5-313 to Article 3 of Chapter 5 of the Fresno Municipal Code, relating to fare evasion and enforcement

RECOMMENDATION

Staff recommends Council adopt the amendments and additions to the Fresno Municipal Code relating to fare evasion and enforcement.

EXECUTIVE SUMMARY

It is anticipated that Bus Rapid Transit (BRT) service will be implemented in early 2018 along Blackstone and Kings Canyon/Ventura Avenues. In addition to other improved amenities, BRT will include off-board fare collection through the use of ticket vending machines (TVMs) at each stop. On January 12, 2017, Council approved a contract for the purchase and installation of TVMs on the BRT corridor. Use of TVMs will decrease travel times and increase schedule reliability.

The proposed amendments to the Fresno Municipal Code (FMC) will expand the list of passenger restrictions and prohibited conduct to expressly include fare evasion and knowingly providing false identification. It will also provide for a modified administrative hearing process that will allow passengers to request a review of any notice of violation under this ordinance. A schedule of fees will be brought to Council at a later date.

The Fresno Police Department will be responsible for enforcing the amended ordinance as well as providing additional public safety services along and adjacent to both BRT corridors, including Downtown. As such the Transportation Department will be doubling the number of sworn positions that it funds from 9 to 18. The increase in the number of sworn positions will help mitigate the loss of revenue associated with fare evasion while significantly improving the level of safety for customers, drivers and surrounding neighborhoods.

BACKGROUND

On January 28, 2016, Council approved a contract for the construction of the BRT corridor, a 15.7-mile service line connecting the major north-south corridor (Blackstone Avenue), and a major east-west corridor (Ventura Avenue and Kings Canyon Road), to Downtown, including the construction of fifty-one BRT stops and improvements to the passenger waiting area located at Van Ness Avenue and Mariposa Mall. BRT service will result in improved transit service that will better accommodate existing and new ridership through increased frequencies, improved station amenities, and quicker access to other major transit corridors. Passenger waiting time will be reduced, with buses operating every 10 minutes. BRT will also provide faster trips; quicker transfers; secure bus stops; and more reliable bus schedules. In addition to a much improved level of service, the Blackstone/Ventura/Kings Canyon BRT project will improve safety and passenger amenities through enhanced lighting, ADA accessibility, enhanced passenger amenities (e.g., shelters, benches, and trash receptacles), and off-board fare collection using TVMs.

On January 12, 2017, Council approved a contract with SPX Corporation and Genfare SPX for the purchase and installation of fifty-five TVMs on the BRT corridor in the amount of \$4,261,144. The use of TVMs will allow for the off-board payment of fares and all-door boarding for passengers throughout the BRT corridor. Off-board fare collection strategies present two major advantages to the operation of the BRT system: (1) reducing station dwell times, and (2) eliminating the collection task from the operator. These advantages will assist in reducing travel times and improve the schedule reliability of services. Off-board fare collection will require FAX to establish a proof of payment program to ensure riders actually pay their fare. The proof of payment process would allow passengers with validated tickets to board through all doors of BRT vehicles. The availability of TVMs at all BRT stations will allow customers to purchase a fare or validate their fare prior to boarding a BRT bus.

The current system of front-door boarding and in-bus fare collection means there is little opportunity for a passenger to board a bus without the bus driver noticing. The process of off-board payment and all door boarding creates a greater opportunity for people to board the bus without paying for their ride. FAX, with the support of the Fresno Police Department, will monitor off board fare payments through a combination of roving fare inspectors supported by Fresno Police Officers who will verify passenger proof of payment, and issue warnings and citations to anyone who purposely tries to evade payment. It is anticipated that Mayor Brand's Proposed Fiscal Year 2018 Budget will

double the number of Police Officers that are funded by the Department, who will be used to mitigate the loss of revenue as well as enhance the level of safety for passengers, drivers, and surrounding neighborhoods..

Although FAX already has the authority to require passengers to pay their fares, it is requesting an amendment to the policy in order to put in place additional legal and administrative tools to help counter the temptation of evading the payment of fares once the proof of payment program is implemented. The proposed amendments to Article 3 of Chapter 5 will:

- Provide the Director with the authority to designate employees as “enforcement officers”;
- Prohibit fare evasion, which includes, but is not limited to, entering a transit vehicle without valid fare, misusing a transfer pass, and unauthorized use of a discount ticket; and
- Prohibit willfully providing false identification to a peace officer or other designated representative of FAX.

The proposed additions to Article 3 of Chapter 5 will:

- Provide the City with discretion to punish fare evasion through issuance of a criminal or administrative citation.

These amendments also include ordinance clean-up, and strike references to the Mayor’s advisory committee for special transportation services.

ENVIRONMENTAL FINDINGS

By the definition provided in the California Environmental Quality Act (CEQA) Guidelines Section 15378, this item is not a “project” for the purposes of CEQA.

LOCAL PREFERENCE

Local preference was not considered because this ordinance does not include a bid or award of a construction or services contract.

FISCAL IMPACT

There is no direct fiscal impact from passing this ordinance. The additional officers needed to support this effort will be included in Mayor Brand’s Proposed Fiscal Year 2018 Budget.

Attachment:
Ordinance