

SAN DIEGO METROPOLITAN TRANSIT SYSTEM

ORDINANCE NO. 2

(as adopted 6/8/81, and as amended through 1/19/12)

An Ordinance Requiring Proof of Fare Payment by Passengers Using the San Diego Trolley

The Board of Directors of the San Diego Metropolitan Transit System (MTS) do ordain as follows:

SECTION 1

Section 2.1: Findings

In 1979 by Resolution No. 79-2, MTS adopted a self-service, barrier-free fare collection system for use with respect to the Light Rail Transit System, after finding that such a fare collection system would maximize overall productivity. Those findings are hereby reaffirmed for the San Diego Trolley System. In order to make the self-service, barrier-free fare collection system as productive and efficient as possible, it is necessary to adopt this Ordinance pursuant to Sections 120105 and 120450 of the Public Utilities Code requiring proof of fare payment by passengers using the San Diego Trolley system.

Section 2.2: Definitions

The following terms as used in this Ordinance shall have the following meaning:

A. Inspector - An officer(s) or employee(s) of MTS or authorized by Ordinance by MTS or a peace officer(s) designated by MTS, to check passengers for valid proof of fare payment with the authority to arrest and issue a Citation of Fare Evasion to passengers not possessing or exhibiting valid proof of fare payment and to otherwise enforce the provisions of this Ordinance.

B. Proof of Fare Payment - Proof of fare payment means any of the following:

1. A Monthly or 30-Day Pass (Adult, Youth, or Senior/Disabled/Medicare), Day Pass or other time-delimited pass valid for use on the Trolley, purchased by or for the passenger, and valid for the time of use.

2. A single-ride ticket purchased by or for the passenger from a Trolley fare vending/validating machine. This single-ride ticket is valid provided the passenger in possession is qualified for the fare category printed on the ticket, the passenger is on a trolley traveling in a direction away from the boarding station printed on the ticket, the passenger is on a trolley within the distance from the boarding station for which the fare specified on the ticket is valid, and the passenger is using the ticket within two hours of the date and time printed on the ticket. The single-ride ticket must be valid for the entire length of time that the passenger in possession is onboard the Trolley.

3. A multi-ride ticket valid for use on the Trolley that has been validated using a Trolley fare vending/validating machine. This ticket is valid provided the passenger possessing the ticket is on a trolley traveling in a direction away from the boarding station most recently printed on the ticket, the passenger possessing the ticket is on a trolley within the distance from the station of validation of which the cash fare specified on the ticket is valid, and the passenger possessing the ticket is using the ticket within two hours of the date and time most recently printed on the ticket. The

multi-ride ticket must be valid for the entire length of time that the passenger in possession is onboard the Trolley.

C. Citation for Nonpayment of a Fare - Means the written notice to appear issued by an Inspector to a passenger arrested for violating this Ordinance whereby the passenger is released on his promise to appear in court at the date, time, and place specified in the written notice.

D. Passenger - any person occupying, riding or using any trolley vehicle, boarding or deboarding such a vehicle or waiting within a designated paid zone waiting area at a Trolley station.

(Section 2.2 adopted & amended 1/19/12)

Section 2.3: Proof of Payment

No unauthorized person shall board, occupy, ride in, use or deboard any trolley vehicle or stand within a designated paid zone waiting area at a Trolley station without possessing and exhibiting, upon demand of an Inspector, valid proof of fare payment.

(Section 2.3 amended January 14, 1993)

Section 2.4: Agreement

The use of any trolley vehicle shall constitute an agreement by the user to pay the applicable fare in accordance with the effective fare Ordinance established by MTS and to have in his/her immediate possession proof of fare payment.

Section 2.5: Proof of Fare Payment Procedures

A. Upon demand of an Inspector, every passenger occupying, riding or using any trolley vehicle, boarding or deboarding such a vehicle or waiting within a designated paid zone waiting area at a Trolley station shall exhibit proof of fare payment to the Inspector as required by this Ordinance.

B. If a passenger does not possess or exhibit valid proof of fare payment, the Inspector shall arrest such passenger and, if the passenger does not demand to be taken before a magistrate, the Inspector shall deliver to that passenger a Citation for Nonpayment of a Fare. The Citation for Nonpayment of a Fare shall contain the name and address of the passenger, the date the citation was issued, a description of the violation, the date, time, and place when and where such passenger shall appear in court, the name of the Inspector, and the signature of the passenger to whom this citation is delivered, which signature shall indicate the passenger's promise to appear in court at the date, time, and place specified in the citation. The Citation for Nonpayment of a Fare shall also state a warning that the passenger's willful failure to appear in court as promised is a separate violation for which the passenger may be arrested and punished pursuant to the California Penal Code.

C. The failure or refusal of any passenger to exhibit proof of fare payment, provide positive identification as to his/her full name and residence, or sign the citation for Nonpayment of a Fare shall subject the passenger to all other provisions and remedies provided by law.

D. Failure of or refusal by the passenger to sign the Citation for Nonpayment of a Fare shall not affect the enforceability of this Ordinance.

(Section 2.5 amended January 14, 1993)

Section 2.6: Penalties

Any violation of Section 2.3 of this Ordinance shall be an infraction punishable by a fine not exceeding seventy-five dollars (\$75), except that such a violation by a person, after the second conviction under the Ordinance, shall be a misdemeanor punishable by a fine not exceeding five hundred dollars (\$500) or by imprisonment not exceeding six months, or by both such fine and imprisonment. For purposes of this section, a bail forfeiture shall be deemed to be a conviction of the offense charged.

(Section 2.6 adopted & amended 1/19/12)

SECTION 2: Public Notice

Before the expiration of fifteen (15) days after its passage, this Ordinance shall be published once with the names of the members voting for and against the same in a newspaper of general circulation published in the County of San Diego.

SECTION 3: Operative Date

This Ordinance shall be operative on October 1, 2000.

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Adopted & Amended: 1/19/12

Amended: 7/13/00

Amended: 9/26/96

Amended: 1/14/93

Repealed & Readopted: 2/27/84

Adopted: 6/8/81