

Clause 1 in Report No. 2 of Committee of the Whole was adopted, without amendment, by the Council of The Regional Municipality of York at its meeting held on February 16, 2017.

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Amending York Region Transit Bylaw to
Improve Traveller Experience

Committee of the Whole recommends adoption of the following recommendations contained in the report dated January 19, 2017 from the Commissioner of Transportation Services:

1. Council approve amendments to Transit Bylaw R-1415-2005-028 as outlined in this report.
2. The Regional Solicitor prepare the amended Bylaw for presentation to Council.
3. Council approve the recommended set fines related to newly-created offences (Attachment 1) and authorize staff to make an application to the Regional Senior Justice to approve the fines.

Report dated January 19, 2017 from the Commissioner of Transportation Services now follows:

1. Recommendations

It is recommended that:

1. Council approve amendments to Transit Bylaw R-1415-2005-028 as outlined in this report.
2. The Regional Solicitor prepare the amended Bylaw for presentation to Council.
3. Council approve the recommended set fines related to newly-created offences (Attachment 1) and authorize staff to make an application to the Regional Senior Justice to approve the fines.

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2. Purpose

York Region Transit (YRT/Viva) is committed to providing travellers with a safe and enjoyable experience. As the system evolves and ridership continues to increase, staff is seeking authorization from Council to amend the Transit Bylaw, to further improve traveller comfort, safety and overall experience.

Council would also be approving a new set of fines related to the recommended changes.

3. Background and Previous Council Direction

The YRT/Viva Enforcement and Security section was formed in 2005 with the introduction of Viva

Enforcement and Security staff travel daily the YRT/Viva system ensuring York Region residents and visitors riding YRT/Viva, or travelling on Regional roads, are provided a consistent and quality traveller experience.

Enforcement and Security staff interacts with over 500,000 travellers annually, providing them with customer service, safety and security, and revenue protection.

Staff continuously educates travellers on the correct way to use the YRT/Viva system through open-dialogue, marketing and communication campaigns, and community outreach and engagement activities.

[April 2005](#) Council endorsed the Transit Bylaw

The Transit Bylaw was created in partnership with York Region Rapid Transit Corporation, and was based on best practices from other Canadian systems. Its primary focus is to ensure travellers pay their fares and to support staff's ability to ensure continuous comfort and safety of travellers on all YRT/Viva services.

[September 2008](#) Council endorsed amendments to the Transit Bylaw in response to lessons learned and traveller feedback

In 2008, amendments to the Transit Bylaw improved the safety and health of travellers by addressing private vehicles entering bus terminals, inappropriate behaviour, such as the use of alcohol and/or smoking on the bus or Regional property, and improved language around revenue protection.

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The Transit Bylaw allows Enforcement and Security staff to enforce offences relating to passenger and vehicle safety and revenue protection

In situations where education and communications are either ineffective or not applicable, enforcement of the Transit Bylaw may be required.

Fines are issued by Special Constables and Fare Inspectors to travellers that are not able to present valid proof of fare payment, or who are engaged in inappropriate or illegal activities on the system.

4. Analysis and Implications

A recent review of the current Transit Bylaw identified areas where the traveller experience could be further enhanced

The following areas directly impact traveller experience:

- With the introduction of dedicated rapidways, issues involving vehicles using the rapidway and pedestrians crossing outside of designated crosswalks are occurring. These actions directly affect the safety of bus operators, passengers and emergency vehicles using the rapidway
- Emergency Call Box equipment installed at terminals and rapidways are subject to misuse and false alarms. Supportive language in the Transit Bylaw, will enable YRT/Viva to greater deter any misuse of this equipment. The effect of reduced false alarms will benefit travellers in assisting staff to focus on serving travellers of the system.
- Travellers have been subject to the use of electronic cigarettes on buses and transit properties, impacting their enjoyment and comfort. Although Provincial Legislation is currently in place surrounding electronic cigarettes, YRT/Viva requires supportive language within the Transit Bylaw to prohibit electronic cigarette use anywhere on the system and be enforceable by Enforcement and Security staff.
- YRT/Viva is a leader in providing customers with convenient, flexible fare payment options. With the expansion of mobile fare media in 2017, language and offences need to be added to the Transit Bylaw to support these new applications.

The proposed Transit Bylaw amendments would improve the delivery of services, provide travellers with added comfort and safety, and enhance their overall experience.

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The recommended amendments are currently being addressed through traveller education, marketing and communication campaigns; however, further enforcement through the Transit Bylaw is required to address human behaviours. The recommended amendments are consistent with other Canadian transit systems.

YRT/Viva and Legal Services are recommending amendments to the Transit Bylaw, including improved definitions and creation of new offences

YRT/Viva staff has identified recurring incidents which currently do not constitute offences under the existing Transit Bylaw, including:

- Persons activating emergency call boxes in cases of non-emergency
- Pedestrians crossing rapidways at non-designated crossings
- Unauthorized vehicles operating in the rapidway
- Persons within a fare paid zone without valid fare media
- Use of electronic cigarettes and marijuana on transit property
- Persons carrying lit tobacco or marijuana on transit property
- Mobile fare payment offences
- Persons in a transit facility, or on a transit vehicle, not wearing appropriate clothing or footwear

The following new offences would be added to the Transit Bylaw:

- Interference with or activating an emergency device on Regional property or vehicle other than in an emergency
- Operating a non-transit vehicle within the rapidway
- Crossing the rapidway at other than designated crosswalks or pedestrian crossovers, and interfering with the operation of the rapidway
- Using electronic cigarettes and marijuana on transit property or transit vehicles

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The following clarifications would be made in the Transit Bylaw:

- Expanded definition of commuter parking facilities to capture future facilities
- Expanded definitions under anti-smoking provisions to include the carrying of lit tobacco or marijuana in a transit facility or transit vehicle
- Use of mobile fare payment
- Introducing a presumption that a person or business named on any posted material caused the material to be posted

In addition to the above changes, Regional Prosecution Services staff recommend adding to the Transit Bylaw a provision to designate fare evasion offences as absolute liability offences (limit the defences) available to the person charged.

5. Financial Implications

There are no significant financial implications relating to these amendments. The primary focus of the recommended amendments is to provide an improved traveller experience.

Set fines created by the proposed amendments would be consistent with the existing fine structure; a maximum total fine of \$125 per occurrence. Proposed set fines are outlined in Attachment 1.

Fines collected through the Transit Bylaw are retained by the Region's Court Services branch.

6. Local Municipal Impact

Local municipalities, residents and businesses benefit from a transit service that continues to improve the traveller experience with quality, safe and comfortable services.

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7. Conclusion

In response to evolving issues in managing revenue protection and traveller experience, staff is recommending amendments to the Transit Bylaw.

These include creating new offences and revisions to text to improve enforcement. It is also recommended that Council approve set fines for new offences consistent with the existing fine structure.

It is recommended that the Regional Solicitor prepare the consolidated Transit Bylaw to incorporate the proposed amendments.

For more information on this report, please contact Ann-Marie Carroll, General Manager, York Region Transit (YRT/Viva) at ext. 75677

The Senior Management Group has reviewed this report.

January 19, 2017

Attachment (1)

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Accessible formats or communication supports are available upon request

York Region Transit Amendments
Transit Bylaw R-1415-2005-028

Schedule of Offences

Part 1 – *Provincial Offences Act*

Item	Offence	Recommended Fine
1.	Interference with or activating emergency device on Regional property or vehicles except in an emergency	\$125
2.	Operating a vehicle in the rapidway	\$125
3.	Crossing the rapidway except by way of cross walks or pedestrian crossovers	\$125
4.	Obstructing or interfering with the operation of the rapidway	\$125
5.	Using electronic cigarettes or marijuana on transit property or transit vehicles	\$125
6.	Carrying lit tobacco or marijuana in a transit facility or transit vehicle	\$125
7.	Being in a fare paid zone without fare media	\$125
8.	Not wearing appropriate clothing or footwear in a transit facility or on a transit vehicle	\$125