

PROPOSED

TT2020-0099
ATTACHMENT 1

BYLAW NUMBER 5M2020

BEING A BYLAW OF THE CITY OF CALGARY TO AMEND BYLAW 4M81 THE CALGARY TRANSIT BYLAW

WHEREAS Council has considered TT2020-0099 and considers it necessary to amend Bylaw 4M81, the Calgary Transit Bylaw, to enable Calgary Transit to offer mobile ticketing services to the passenger public;

NOW, THEREFORE, THE COUNCIL OF THE CITY OF CALGARY ENACTS AS FOLLOWS:

1. Bylaw 4M81, the Calgary Transit Bylaw, as amended, is further amended.
2. The following is added to the preamble:

“AND WHEREAS it is desirable to allow users of the transit system to make payments by way of electronic mobile applications.”
3. In section 2, after subsection 2(b), the following is added:

“(b.01) *“Calgary Transit Mobile Ticketing Services”* - means the *Calgary Transit Mobile Ticketing Website* and the *Calgary Transit My Fare Application*;

(b.02) *“Calgary Transit Mobile Ticketing Website”* - means the Calgary Transit website where individuals can manage mobile ticketing accounts and purchase mobile tickets that can be downloaded and activated through the *Calgary Transit My Fare Application*;

(b.03) *“Calgary Transit My Fare Application”* - means the software application that is downloaded to a mobile device to enable the downloading, purchasing, and activation of *valid mobile tickets* for travel on a *transit vehicle*,”
4. In section 2, after subsection 2(e), the following is added:

“(e.1) *“Officer”* - means a *Peace Officer* or a police officer under the *Police Act*, RSA 2000, c P-17;”
5. Subsection 2(l) is deleted and the following is substituted:

“(l) *“transit vehicle”* - means any vehicle which is operated by the *City* for the use of the passenger public including, without restricting the generality of the foregoing, any *bus* or light rail transit vehicle (also known as C-Train or LRT) operated by the *City* for the passenger public;”
6. In section 2, after subsection 2(l), the following is added:

PROPOSED

BYLAW NUMBER 5M2020

“(l.1) “*valid mobile ticket*” - means a mobile ticket that has been purchased and activated using *Calgary Transit Mobile Ticketing Services* prior to entering a *Restricted Fare Area* or boarding a *transit vehicle* and is comprised of both:

- (a) a barcode that has been activated using *Calgary Transit My Fare Application*; and
- (b) a visual validation display showing the date and time superimposed on the tri-coloured bar current for that day on the *Calgary Transit My Fare Application*;

and is not an unauthorized version created through the use of screenshot or through unauthorized electronic access of *Calgary Transit Mobile Ticketing Services*,”

7. Subsection 2(m) is deleted and the following is substituted:

“(m) “*valid ticket*” - means a *valid mobile ticket*, ticket, transfer, permit or pass, other fare media or any of them, which:

- (a) is of a form and type approved pursuant to subsection 4(1), and
- (b) has been deposited, validated, marked or activated in accordance with the terms and conditions set out for that type of ticket, and
- (c) is being used in a manner and at a time and place complying with the terms and conditions relating to use contained on the *Calgary Transit My Fare Application*, ticket, transfer, permit or pass or in this Bylaw, and
- (d) has not been mutilated, screenshotted, defaced, altered from unauthorized electronic access, or otherwise altered.”

8. Subsections 5(1)(a) and 5(1)(b) are deleted.

9. Section 9 is deleted in its entirety and the following is substituted:

“Fare Evasion

- 9. (1) Any person who is found boarding or using a *transit vehicle* or entering or within a *Restricted Fare Area* and who fails to produce to an *Officer* upon demand a *valid ticket* is guilty of an offence.
- (2) Any person who relies on the existence of a *valid mobile ticket* in defence of a charge under this Bylaw has the onus of proving that he or she held a *valid mobile ticket*.
- (3) It is a defence to a charge under subsection (1) that the person is on a *bus* and tendered the exact amount established by *Council* for the payment of his or her fare to the driver.

PROPOSED

BYLAW NUMBER 5M2020

9.1 (1) An *Officer* is authorized to demand production of, and inspect, a *valid ticket* from any person found using a *transit vehicle* or entering or within a *Restricted Fare Area* including:

- (a) demanding that a person display the *valid mobile ticket* on their personal electronic device to the *Officer* including the barcode;
- (b) demanding that the person allow the *Officer* to inspect the date and time of the activation of the *valid mobile ticket* to the *Officer*;
- (c) demanding that the person allow the *Officer* to electronically scan the barcode of a *valid mobile ticket*;
- (d) requiring that the person display the date and time setting on their personal electronic device to the *Officer*."

10. In Schedule "A", under the headings indicated, the following is deleted:

OFFENCE		MINIMUM PENALTY	SPECIFIED PENALTY
Section	Description		
"5(1)(a)	Ride bus without tendering payment or without valid ticket	\$150.00	\$250.00"

11. In Schedule "A", under the headings indicated, the following is deleted:

OFFENCE		MINIMUM PENALTY	SPECIFIED PENALTY
Section	Description		
"5(5)	Enter or remain in Restricted Fare Area without valid ticket	\$150.00	\$250.00
9(a)	Board or use a light rail transit vehicle without valid pass	\$150.00	\$250.00
9(b)	Enter or remain in Restricted Fare Area without valid ticket	\$150.00	\$250.00"

and the following is substituted:

OFFENCE		MINIMUM PENALTY	SPECIFIED PENALTY
Section	Description		
"9(1)	Fare Evasion	\$150.00	\$250.00"

PROPOSED

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Coming into Force

12. This Bylaw comes into force on the day it is passed.

READ A FIRST TIME ON _____

READ A SECOND TIME ON _____

READ A THIRD TIME ON _____

MAYOR

SIGNED ON _____

CITY CLERK

SIGNED ON _____