



# UTA Ordinances

## Fare Payment Compliance

### Section 1. Definitions

“Administrative Citation” means a written administrative ticket issued by an Authorized Representative to a person for a violation of these Ordinances

“Appeals Officer” means the individual designated by the Executive Director to administer the appeal process set forth in this Ordinance.

“Authority” means the Utah Transit Authority.

“Authority Representative” means a UTA employee, Transit Police Officer or other agent who is authorized by job title, job description, specific assignment, or request of UTA to act pursuant to these Ordinances.

“Boarding Zone” means an area used for the loading or unloading of passengers from a Transit Vehicle, including the area adjacent to such locations.

“Hearing Officer” means the individual designated by the Executive Director to administer the adjudication process for Administrative Citations as set forth in this Ordinance.

“Infraction” means an offense designated as such pursuant to this Ordinance.

“Platform” means an area within or adjacent to a fixed guideway system specifically designed for the access of passengers as they load and unload from a Transit Vehicle.

“Proof of Fare Payment” means:

- 1) To display the digital image of an activated mobile ticket on a person’s mobile device and display the security feature on the ticket when asked;

- 2) To tap an electronic fare card on a card reader, and receive a positive signal, such as a green light, before boarding a Transit Vehicle;
- 3) To permit an Authorized Representative to scan an electronic fare card to determine if the card was tapped and valid;
- 4) To permit an Authorized Representative to visually validate fare media;
- 5) To display fare media and any accompanying identification when asked.

“Transit Vehicle” means a car, bus, railcar, or other mode operated by or on behalf of UTA for the movement of persons, including the appurtenances to and from such Transit Vehicles.

“Valid Fare Payment” means a fare media issued or authorized by UTA and used pursuant to the terms and conditions of the particular fare media, including:

- 1) A mobile ticket purchased in advance of travel through a mobile app and manually activated for use before entering a Boarding Zone or Platform;
- 2) An electronic fare card issued by UTA or an approved partner for use on UTA’s electronic card readers that is activate and not expired;
- 3) A prepaid ticket or period pass with a printed expiration date that is used before it expires;
- 4) A pass, ticket or other fare media authorized by UTA.

## **Section 2. Fare Payment**

- A. A Person shall possess Valid Fare Payment, when required, while riding a Transit Vehicle.
- B. A person shall retain Proof of Fare Payment while on a Transit Vehicle and shall present it for inspection upon request.
- C. No person shall occupy a Platform or Boarding Zone without paying the applicable fare and exhibiting Proof of Fare Payment when asked by an Authorized Representative.
- D. No person shall possess fare media that has been tampered with or altered.
- E. A person shall not:
  - i. Board a Transit Vehicle without Valid Fare Payment;
  - ii. Use a discount ticket without being eligible;
  - iii. Duplicate, counterfeit, or alter a fare media;

- iv. Transfer a nontransferable fare media;
- v. Use expired fare media; or
- vi. Falsely represent oneself as eligible for reduced fares.

F. A violation of this Section is punishable as an Infraction.

### **Section 3. Fare Enforcement**

- A. An Authority Representative may issue an Administrative Citation to a person who violates Section 2 of this Ordinance.
- B. Administrative Citations shall be resolved in one of the following ways:
  - i. Within 14 days of receiving an Administrative Citation, by paying the fine associated with the Administrative Citation; or
  - ii. Within 14 days of receiving an Administrative Citation, by making contact with the Hearing Officer to:
    - a. Arrange payment of the fine to be made at a later date, or
    - b. Protest the Administrative Citation.

### **Section 4. Fines**

- A. A person who receives an Administrative Citation shall be subject to the following fines:
  - i. *First Offense.* A first offense shall be punishable by a fine of \$25.00.
  - ii. *Second and subsequent offenses.* Second and subsequent offenses shall be punishable by a fine of \$90.00.
- B. *Fine Payment.* Fine payments may be made by selecting an option on UTA's website payment portal or by calling and making payment with the assistance of the Hearing Officer.
- C. *Alternatives to Fines.* A person shall contact the Hearing Officer to arrange an alternative to full fine payment. Alternatives to full fine payment (such as community service or enrollment in a safety class) shall be listed on UTA's website payment portal.
- D. Fine payments shall be deemed delinquent when:

- i. Payment has not been made within 30 days from the date of issuance of the Administrative Citation and the individual has made no contact with UTA;
  - ii. The payment deadline granted by the Hearing Officer has passed and payment has not been fully satisfied;
  - iii. The deadline to perform an alternative to full fine payment (such as community service) has passed without completion (in which case the original fine shall be imposed).
- E. Delinquent fines shall be subject to a one-time delinquent fee of \$10.00.
- F. Uncollected fines and delinquent fees which remain outstanding for more than 180 days may be turned over to civil collection.

## **Section 5. Protests**

- A. If a person does not agree with the Administrative Citation they may protest to the Hearing Officer.
- B. The person shall submit a protest in one of the following ways:
  - i. online through the UTA's ticket resolution portal; or
  - ii. in person by speaking to the Hearing Officer; or
  - iii. in writing by mailing a protest to the Hearing Officer; or
  - iv. by telephone by speaking to the Hearing Officer.
- C. A protest shall be submitted within 14 days of the date the Administrative Citation was issued or the right to protest will be forfeited.
- D. The protest shall include the following information:
  - i. The person's name
  - ii. Mailing address
  - iii. Phone number
  - iv. Email address, if the person wishes to communicate by email
  - v. The date and number of the Administrative Citation
  - vi. A statement as to the grounds for the protest.
- E. Upon receipt of a protest, the Hearing Officer shall perform an initial review and may:
  - a. Render a decision based on the information in their possession to dismiss the Administrative Citation; or

- b. Schedule a hearing on the protest.
- F. A Notice of Hearing shall be mailed to the person (or emailed if an email address has been provided) at the address listed on the protest.
- G. At the Hearing Officer's discretion, the protest hearing may be held in person or virtually. Failure of the protestor to appear at the hearing shall result in the protest being dismissed.
- H. At the hearing, the protestor may offer a verbal statement. A representative from UTA may also make a statement. Either party may present to the Hearing Officer documentation or other evidence.
- I. The protestor bears the burden of proof to establish that the Administrative Citation was in error by a preponderance of the evidence.
- J. At the conclusion of the hearing, or as soon as practicable, the Hearing Officer shall render a verbal decision and document the action taken.
- K. In instances where the Hearing Officer upholds the Administrative Citation, the Officer shall inform the protestor of their right to appeal the decision within 10 days from the date of the decision.
- L. Any documentation presented at the hearing shall be preserved for until the period in which the protestor may appeal the decision of the Hearing Officer has expired.

## **Section 6. Right to Appeal**

- A. A person may appeal a decision of the Hearing Officer by submitting a written request to the Appeals Officer within 10 days of the decision.
- B. The Hearing Officer shall forward the file to the Appeals Officer for a determination.
- C. The Appeals Officer shall notify the appealing party of the date and time of the appeals hearing. Failure to appear at an appeals hearing will result in dismissal of the appeal.
- D. The appeals hearing shall be a *de novo* hearing.
- E. At the appeals hearing, the appealing party may make an oral argument. A representative from UTA may make an oral argument.

- F. The appealing party bears the burden of proof to establish that the Administrative Citation was in error by a preponderance of the evidence.
- G. The Appeals Officer shall render a decision in writing within 30 days of the appeals hearing.
- H. The Appeals Officer's decision is the final administrative action related to an Administrative Citation.

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