

**To:** Metrolinx Board of Directors

**From:** Trish Colley, *Vice President of Customer Service Delivery*  
Ian Smith, *Chief Operating Officer*  
Taya Leybman, *Vice President of Solution Development & Technology PRESTO*  
Annalise Czerny, *Chief of PRESTO*

**Date:** November 26, 2020

**Re:** **Contactless Credit/Debit on UP Express – By-Law No. 2 and No. 2A Amendments**

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## **EXECUTIVE SUMMARY**

Metrolinx is preparing to launch new contactless payment options that will allow customers to pay their transit fare with physical or virtual versions (via mobile wallets) of their credit and debit cards. These new contactless options will deliver a frictionless experience that will provide more choice, as well as added convenience (e.g., no need to buy a ticket or load funds before travel).

Metrolinx will deliver contactless credit and debit payment in a phased approach. Testing will begin with a limited group in December, followed by a customer launch on UP Express in early 2021, and subsequently rolling out to other transit agency partners. Learnings from the initial launch will be used to inform future phases of the rollout.

Implementing contactless credit and debit during the UP Express launch will require revisions to Metrolinx By-Law No. 2 and 2A to both incorporate these new fare media as well as capture new policies related to the inspection process.

## **RECOMMENDATION**

Resolved:

**THAT** as further described in the 'Contactless Credit/Debit on UP Express' November 26, 2020 report to the Board, By-laws No. 2 and By-law No. 2A (the "By-Laws") be revised to implement the PRESTO Contactless Payment Program on UP Express, by:

- a) Expanding certain definitions to provide for the use of "acceptable contactless payment media" to pay for travel on the UP Express transit system and serve as a "ticket" for "validation" and enforcement purposes
- b) Incorporating by reference the new PRESTO "Contactless" Terms & Conditions
- c) Expanding the current PRESTO program "Max Fare" or "Maximum Fare" concepts,

which represent the base fare amount that may be charged to a PRESTO electronic fare card or acceptable open contactless payment media for one-way travel on the transit system when a person fails to tap off a PRESTO electronic fare card or contactless payment media correctly at the end of their journey

- d) Introducing an “Inspection Fare” for the UP Express Contactless Payment Program, which is represented by the adult base fare for the journey from Toronto Pearson to Union Station plus the Convenience Fee, and is payable where an acceptable contactless payment media user fails to tap on correctly at the start of their journey
- e) Introducing a “Convenience Fee” which is the \$2.00 processing fee charged in addition to the base fare where an open payment media user fails to validate their ticket
- f) Implementing other additional administrative revisions to the By-laws, including to clarify and streamline existing provisions and ensure seamless application of the By-Laws to both GO Transit and UP Express for enforcement purposes

**AND THAT** the existing By-law No. 2 be repealed and replaced with By-law No. 2 attached to the Report as Appendix A, effective as of January 1, 2021;

**AND THAT** the existing By-law No. 2A be repealed and replaced with By-law No. 2A attached to the Report as Appendix B, effective as of January 1, 2021;

**AND THAT** the Chairman and Secretary be authorized to sign the By-laws.

## **BACKGROUND**

Contactless credit and debit technology is fundamentally different from the stored value PRESTO card because validation of a fare is done via data sent and retrieved from the cloud as opposed to via data stored directly on the card. According to Subsection 8.1(3) of the Metrolinx Act, 2006, S.O. 2006, c.16 (the “Act”), the Board is required to pass changes to by-laws establishing fares charged for transit services. Before passing any by-law changing the fares or definitions resulting in fare changes, the Act requires Metrolinx to hold a meeting of the Board open to the public (subsection 11(3)) and to provide written notice to the Minister of Transportation (the “Minister”) (subsection 8.1(4)). In accordance with the Act, Metrolinx has advised the Minister of its intent to amend By-laws No. 2 and No. 2A as necessary and described in this Report, effective Jan 1, 2021.

## **Fare Inspection**

Similar to other jurisdictions that have implemented contactless credit and debit, the PRESTO system will use a post-processing inspection method during the UP Express launch. Through this model, customers inspected on UP Express who have paid using their contactless credit or debit cards will have their tapping data sent to the PRESTO operating system for end of day processing. Failed inspections (no tap-on found) will be subject to an inspection fare (maximum one-way adult fare plus a convenience fee) that is then charged to a customer's credit or debit card and is aimed at recouping lost fare

revenue. After three failed inspections the customer's media will be denied for future travel.

Dispute resolution for inspection fares will be directed to the UP Express or PRESTO Contact Centre. In addition, contactless credit and debit customers will have other support channels such as website and mobile application to help resolve inquiries.

Customers that present a payment method not accepted by the system, expired card, has been blocked, or has unpaid fares against it will continue to be subject to the existing UP Express Notice of Violation (NOV) and Provincial Offense Notice (PON) process.

## **CONCLUDING REMARKS**

UP Express has an opportunity to launch contactless credit and debit payments for its customers in early 2021. This new payment technology requires a change in inspection from an enforcement-only model to now include a post-processing inspection model similar to other jurisdictions that support contactless payment by credit and debit. Approval of the By-Law amendments related to this and the acceptance of the new payment forms will allow PRESTO to begin launching credit and debit payment on UP Express early in 2021.

The By-law attached at Appendix A will replace the existing By-law No. 2 and become the new By-law No. 2, effective **Jan 1, 2021**

The By-law attached at Appendix B will replace the existing By-law No. 2A and become the new By-law No. 2A, effective **Jan 1, 2021**.

Respectfully submitted,

*Trish Colley, Vice President, Customer Service Delivery*

*Taya Leybman, Vice President of Solution Development & Technology PRESTO*

## **APPENDICES**

APPENDIX A: BY-LAW NO. 2 (revised)

APPENDIX B: BY-LAW NO. 2A (revised)

**APPENDIX A - BY-LAW NO. 2 (REVISED)**

## BY-LAW NO. 2

### METROLINX (the "Corporation")

A by-law regulating the use of the regional transit system.

BE IT ENACTED as a by-law of the Corporation as follows:

By-Law No. 2 of the Corporation is hereby repealed and the by-law contained herein shall become the by-law of the Corporation for the subject matter contained herein.

#### 1. INTERPRETATION

The Corporation provides an interregional public transit system, linking Toronto with the surrounding regions of the Greater Toronto and Hamilton Area (GTHA). The fare structure of the Corporation is based predominantly on the "honour system" enforced by proof-of-payment fare inspections. The system is barrier free to improve efficiency and reduce costs to passengers. The fare structure is based on a pay by distance model. The primary object of this by-law is to protect the integrity of the transit system and to establish appropriate rules of conduct for passengers and users of Corporation property and/or services.

#### Definitions

1.1 In this by-law and in all other by-laws of the Corporation, unless otherwise defined or the context otherwise requires:

(a) Words defined in the *Metrolinx Act, 2006* shall have the meaning assigned to them for purposes of the *Metrolinx Act, 2006*;

(b) "acceptable contactless payment media" means a form of payment (other than an electronic fare card) accepted by the Corporation which has not been blocked or otherwise invalidated in accordance with the by-laws or relevant terms and conditions;

(b)(c) "bicycle" includes a tricycle and unicycle but does not include a motor assisted bicycle, except a motor assisted bicycle designated pursuant to Section 2(1) of the *Canada Motor Vehicle Safety Regulations*. The Corporation reserves the right to refuse any bicycle that in the sole opinion of a proper authority may pose a safety risk or otherwise inconvenience any other person;

(e)(d) "Cardholder" means the person who has in their possession the fare card for travel on the regional transit system;

(d)(e) "Child" means a person who has not yet reached thirteen (13) years of age;

(e)(f) "concession" means a discount on fares that applies to a classification of persons based on criteria established by the Corporation from time to time and published on the applicable Public Websites in accordance with By-Law No. 2A;

(f)(g) "Corporation property" means all owned, leased, used or maintained lands, facilities, structures, trains and vehicles of the Corporation;

(g)(h) "designated area" means a single parking spot designated by painted markings for the parking of one vehicle on the property of the Corporation;

- (h)(i) “designated reserved area” means a single parking spot designated by painted markings for the parking of one vehicle on the property of the Corporation and a sign designating the parking spot as reserved;
- (h)(j) “designated accessible area” means a parking spot on the property of the Corporation designated by painted markings and a sign consisting of the international symbol for accessible parking for persons with disabilities designating the parking space for the sole use of vehicles operated by or on behalf of physically disabled persons, and for the purposes of this paragraph, the parking spot includes the adjacent area marked by hatch marks intended to be used by mobility assistance devices such as lifts or ramps;
- (h)(k) “designated smoking area” means an area designated with a sign and painted markings clearly indicating the area within which smoking is permitted;
- (l) “electronic fare card” means the PRESTO fare card issued in accordance with the PRESTO card terms and conditions as set out in the Public Websites;
- (k)(m) “fare” means the amount to be paid for travel on the transit system as determined by the Corporation from time to time, in accordance with By-law No. 2A;
- (h)(n) “*Metrolinx Act, 2006*” means the *Metrolinx Act, 2006*, S.O. 2006, c. 16, as it may be amended from time to time;
- (m)(o) “period pass” means any ticket sold by the Corporation from time to time for travel by one or more persons and/or over a specified period, the additional conditions pertaining to which shall be posted on the applicable Public Websites in accordance with section 2.5 of this By-Law. For greater certainty a period pass may include concessions and/or special fares.
- (n)(p) “person” includes an individual, sole proprietorship, partnership, unincorporated association, unincorporated syndicate, unincorporated organization, trust, body corporate, and a natural person in the capacity of trustee, executor, administrator, or other legal representative;
- (e)(q) “proper authority” means any employee of the Corporation carrying an identification card issued by the Corporation, or any other person, including employees of third party operators, duly authorized by the Corporation;
- (p)(r) “Public Websites” means the Corporation’s public facing websites, as developed and maintained from time to time, including but not limited to [www.gotransit.com](http://www.gotransit.com) and [www.upexpress.com](http://www.upexpress.com), and [prestocard.ca](http://prestocard.ca);
- (q)(s) “smoke” includes the carrying of a lighted cigar or cigarette, pipe or any other lighted material, or the use of any electronic nicotine delivery system including without limitation electronic cigarettes, e-cigarettes, or other products that are designed to deliver nicotine or other substances to a user in the form of a vapor;
- (r)(t) “special fares” means those fares established by the Corporation from time to time and posted on the applicable Public Websites in accordance with By-Law No. 2A;
- (s)(u) “specifically designated for pedestrian crossing” means an area or path marked by a sign or signs, painted markings, guideways, or any combination thereof showing it is permissible to cross rail tracks, lands or other areas so marked;
- (t)(v) “ticket” means any ticket, pass or other fare or payment media (whether physical or electronic, or some combination of both) ~~issued by or on behalf of and~~

acceptable to and approved by the Corporation, in its sole and absolute discretion, as authorization for travel on the transit system, and includes, without limitation, any single or multi-ride ticket, a pass, an electronic fare card, acceptable contactless payment media, or any other period pass, but does not include a ticket purchase receipt, proof of payment, or any form of refund remittance such as but not limited to a credit voucher. ~~Any ticket~~Any ticket issued by or on behalf of the Corporation (with the exception of the electronic fare card) remains the property of the Corporation and is subject to confiscation without refund if the holder violates any conditions of its use. Any reference to information marked on the face of a ticket includes information electronically stored or encoded on an electronic fare card;

~~(u)~~(w) “transit corridor” means a single route or a combination of routes connected by a transfer point where a transit service is provided by the Corporation, either by train or by bus;

~~(v)~~(x) “transit system” means a transit system operated by or on behalf of the Corporation;

~~(w)~~(y) “transit system vehicles” means any motorized transportation equipment operated by or on behalf of the Corporation and includes but is not limited to buses, trains, rapid transit trains, light rail vehicles and automobiles;

~~(x)~~(z) “valid” means,

- (i) in reference to a single ride ticket, a ticket for a one-way trip between the origin and the destination as marked on the ticket which commences within four hours of the date and time of issuance;
- (ii) in reference to a multi-ride ticket or other special fares, a ticket for transportation on the next scheduled trip after being validated between the origin and the destination as marked on the ticket and for a one-way trip only, a return trip requires a subsequent validation;
- (iii) in reference to an electronic fare card with pre-programmed default origin and destination, a ticket for transportation on the next scheduled trip after being validated between the origin and the destination as encoded on the fare card and for a one-way trip only, a return trip requires a subsequent validation;
- (iv) in reference to an electronic fare card without pre-programmed default origin and destination, a cardholder is required to validate the origin prior to commencing the trip and validate the destination upon completing the trip; and
- (v) in reference to a period pass, a ticket for transportation between the origin and destination as marked on the ticket, applicable for the date or period for which a passenger using the pass is taking the trip; and

(vi) in reference to acceptable contactless payment media, a person is required to validate the origin prior to commencing the trip and validate the destination upon completing the trip.

~~(y)~~(aa) “valid accessible parking permit” means that the accessible parking permit meets the requirements of issuance and use as described in the *Highway Traffic Act*, including, without limitation, the requirement that the permit only be displayed on a vehicle if and when the vehicle is being used to pick up or transport the holder

of the permit;

(z)(bb) “validate,” “validated” or “validating” means: (i) for paper-based tickets, marking a ticket for use for transportation in a device provided by the Corporation for the purpose of validating the payment of a fare; (ii) for electronic tickets, issued by or on behalf of the Corporation, electronically activating a ticket for use for transportation with a mobile device through the online process provided by the Corporation, or through a device provided by the Corporation for the purpose of validating the payment of a fare; and (iii) for electronic fare cards issued by the Corporation and acceptable contactless payment media, touching the fare card or acceptable contactless payment media to the device provided by the Corporation for the purpose of electronically calculating and debiting the ~~payment of the~~ fare payment. Any reference on any sign, ticket or other media to “cancel” a ticket shall be deemed a reference and synonymous to the term “validate” and any reference to “validation” shall be deemed a reference and synonymous to the act of validating.

(aa)(cc) “vehicle” includes a motor vehicle, trailer, traction engine, farm tractor, road-building machine, motorized snow vehicle as defined in the *Motorized Snow Vehicles Act*, R.S.O. 1990, c. M-44, as amended, and any vehicle drawn, propelled or driven by any kind of power but does not include a streetcar, motorized wheelchair or medical scooter;

(bb)(dd) “zone” means a geographic area to distinguish an origin and destination defined by the Corporation which is used to determine the fare required to be paid for travel between, through, within or any combination thereof.

**2. REQUIREMENT TO PAY FARE – CONDITIONS OF USE**

*Requirement to pay and carry a valid ticket*

- 2.1 Subject to section 2.2 of this By-law, no person shall travel or attempt to travel on the transit system without:
  - (a) paying the appropriate fare for travel on the transit system, as determined by the Corporation, in accordance with By-Law No. 2A; and
  - (b) having in their possession while on the transit system or any transit system vehicle a valid ticket ~~issued by and~~ acceptable to and approved by the Corporation, in its sole and absolute discretion.

*Exceptions to requirement to pay and carry a valid ticket*

- 2.2 (a) A child may ride the transit system free of charge and without a ticket;
- (b) If a proper authority is satisfied that a passenger has a disability that hinders his or her ability to travel on the transit system alone, where the passenger is a child the attendant accompanying him or her may ride the transit system free of charge without a ticket.

*altered or counterfeit ticket or pass*

- 2.3 No person shall:
  - (a) in any way alter, change, recreate any ticket in any fare medium, other than an employee or agent of the Corporation authorized to do so;
  - (b) travel or attempt to travel on the transit system with a ticket that has been altered, changed, recreated in any way by any person other than an employee or agent of the Corporation authorized to do so;

- (c) in any way alter, change, recreate any student identification card in any fare medium, other than an employee or agent of the Corporation authorized to do so;
- (d) travel or attempt to travel on the transit system with a student identification card that has been altered, changed, recreated in any way by any person other than an employee or agent of the Corporation authorized to do so.

**Rules relating to Passes, Concessions, and Special Fares**

2.4 Deleted.

*period pass*

2.5 The Corporation may from time to time establish period passes. Conditions pertaining to period passes shall be posted on the applicable Public Websites and may include:

- (a) the period of time over which the pass is valid;
- (b) the person(s) for whom the pass is valid;
- (c) the number of rides for which the pass is valid;
- (d) the zone(s) and corridor(s) for which the pass is valid; and
- (e) conditions pertaining to identification required by the holder of the pass.

2.6 Deleted.

*proof required for concessions and special fares*

2.7 In order for a passenger to enjoy the benefit of a concession or special fare and claim their ticket to be valid, such passengers must carry, and present when asked by a proper authority, proof of age, identity, membership, or other classification, as may be required by and acceptable to the Corporation pursuant to the terms and conditions of the relevant concession or special fare.

2.8 Deleted.

*cancellation of period pass*

2.9 A period pass is subject to cancellation, without refund, by the Corporation if the holder of the pass:

- (a) wilfully causes damage to Corporation property; or
- (b) fails to comply with the conditions under which the pass is sold.

*group pass*

2.10 A group pass may be made available by the Corporation to groups consisting of a maximum of five persons of whom at least one but not more than two are 18 years of age or over. Such group passes are valid,

- (a) on the date marked on the face of the pass for an unlimited number of rides on the transit system between the zones within the same transit corridor for which the pass is issued; and
- (b) for a trip that begins before 3:00 a.m. on the day after the date marked on

the face of the pass to the originating point of the holder of the pass.

*day pass*

- 2.11 A day pass is valid for the personal use of the purchaser of the pass and,
- (a) on the date marked on the face of the pass for an unlimited number of rides on the transit system between the zones within the same transit corridor for which the pass is issued; and
  - (b) for a trip that begins before 3:00 a.m. on the day after the date marked on the face of the pass to the originating point of the holder of the pass.

2.12 Deleted.

2.13 Deleted.

2.14 Deleted.

2.15 Deleted.

*user  
responsibility*

- 2.16 No person shall travel on a multi-ride or special fare ticket that has more than the allowed number of validations. ~~The~~ [The](#) ticket holder bears responsibility to ensure the ticket is validated in accordance with these provisions and any posted instructions.

### **Validation and Inspection of Tickets and Passes**

*user  
responsibility*

- 2.17 Ticket and pass holders bear responsibility for ensuring eligibility for concessions and/or special fares claimed, and that their tickets and passes are validated as required in accordance with the Corporation's by-laws and any other published or posted instructions from the Corporation.

2.18 Deleted.

*requirement to  
show valid  
ticket*

- 2.19 Subject to section 2.2 of this By-law, when requested to do so by a proper authority, a person travelling on the transit system shall immediately surrender for inspection the valid ticket under which the person is travelling.

2.20 Deleted.

*conditions of  
use*

- 2.21 A valid ticket must be used for a continuous trip, without stop-overs, from the date and time of issuance or validation, as the case may be, on a train or bus scheduled to stop at the destination printed, marked or encoded on the ticket.

*terms and  
conditions  
general*

- 2.22 It is a term and condition of use of the transit system, and every ticket or pass ~~issued~~ [approved for use](#) by the Corporation, that:
- (a) the Corporation and its employees and agents are not liable to patrons for lost or stolen tickets or passes;
  - (b) the Corporation and its operators are not liable for delays or cancellations caused by accidents, road or track conditions, snow storms, labour disruptions, Acts of God or other conditions beyond their control or for failure to depart from or arrive at any point, station or destination at the time shown

in timetables published by the Corporation;

- (c) trains and buses shall be required to make stops only as provided by the timetables established by the Corporation except for accidents, road or track conditions, snow storms, labour disruptions, acts of God or other conditions beyond their control or where for reasons of safety an alternate stopping place is required;
- (d) the Corporation and its employees and agents shall have the right, whenever operating circumstances require it, to transfer a passenger from a train to a bus or from a bus to a train or to another train or bus, as the case may be; and
- (e) the Corporation, its employees and agents are not responsible for loss of or damage to property of passengers carried on the transit system, including but not limited to vehicles while on Corporation property and the contents therein.

*Exception*

2.23 Notwithstanding Section 2.22 (b), the Corporation reserves the right in its sole discretion to respond to and address service delays or disruptions in any manner it sees fit in an effort to ensure the highest standards of customer service.

**Rules Relating to ~~PRESTO Fare Cards~~Tickets**

*User  
Responsibility*

2.24 Any ~~cardholder~~person who presents a ~~PRESTO fare card~~ticket for travel on the transit system bears the responsibility to ensure that they comply with all rules related to tickets in this by-law, and the terms and conditions provided in the cardholder agreement for PRESTO users, the PRESTO Contactless Terms & Conditions, or such other governing document as the Corporation may establish and publish on the applicable Public Websites from time to time, as applicable.

**3. CONDUCT ON THE REGIONAL TRANSIT SYSTEM**

*animals*

3.1 No person shall bring an animal on the transit system unless it is in an enclosed container that must be secured and does not inconvenience other passengers.

*exception*

3.2 Section 3.1 does not apply to prohibit:

- (a) a seeing-eye dog from accompanying a blind passenger;
- (b) a hearing-ear dog from accompanying a deaf passenger;
- (c) a special skills dog from accompanying any other disabled passenger; or
- (d) any animal expressly authorized to accompany a passenger or class of passengers pursuant to and in accordance with a written policy published by the Corporation and made available to the general public on the applicable Public Websites or other medium.

*proper entry  
and exit*

3.3 No person shall enter or leave a station or station grounds or other facility of the transit system except through a designated entrance or exit, as the case may be.

*crossing tracks*

- 3.4 No person shall:
- (a) cross any railway tracks on Corporation property except where specifically designated for pedestrian crossing; or
  - (b) enter or remain on any transit system tracks, bridges, guideways, tunnels, roads, or rights of way, including any Corporation property adjacent thereto, used or intended for use only by the transit system or transit system vehicles

*crossing platform edge safety markings*

- 3.5 Except as permitted by Section 3.4, every person shall remain a safe distance behind the platform edge or platform safety markings (where marked) until it is safe to enter or leave the train or bus as the case may be. For greater certainty, no person shall encroach, enter or cross an area beyond the platform edge or the platform safety markings (where marked) unless such action is in compliance with the above section, or upon the direction of a proper authority.

*railway crossings*

- 3.6 No person, whether a pedestrian or the driver of a vehicle as defined in the *Highway Traffic Act* or the operator of a motorized snow vehicle, shall:
- (a) attempt to enter a railway crossing while the electrical or mechanical crossing warning devices are activated; or
  - (b) go through, around or under a railway crossing gate or barrier while the gate or barrier is closed or is being opened or closed; or
  - (c) cross a railway crossing while the electrical or mechanical crossing warning devices are activated; or
  - (d) disobey instructions of a flagperson or proper authority in control of a railway crossing,

until such time as the warning devices have ceased to operate and it is safe to proceed, or when permission to proceed is given by a flagperson or proper authority in control of the railway crossing.

*safe operation of vehicle*

- 3.7 No person shall operate a vehicle on the Corporation property in an unsafe or reckless manner.

*incidental to transit system*

- 3.8 No person shall operate a vehicle on Corporation property unless the operation is incidental to the use of the transit system.

*operation of vehicles in proper areas*

- 3.9 No person shall operate a motor vehicle on Corporation property except upon roadways, parking areas or any other areas designated for use by motor vehicles.

*unlicensed vehicles or improper use of vehicle permits prohibited*

- 3.10 No person shall operate, park, stand, stop or store
- (a) an unlicensed, unregistered or un-plated vehicle, save and except for a transit system vehicle, on Corporation property; or
  - (b) a vehicle in a designated accessible area unless in accordance with section 4.10 below.

- roller-skates,  
skate boards,  
etc*
- 3.11 No person shall roller-skate, in-line skate or skate-board on any Corporation property.
- not to be worn  
on system*
- 3.12 No person shall wear roller-skates or in-line skates while in a train or other vehicle operated by or on behalf of the Corporation.
- operating  
bicycle*
- 3.13 No person shall:
- (a) operate a bicycle on Corporation property except on a roadway or a designated bicycle path for the purpose of arriving at or departing from a station or terminal of the Corporation; or
  - (b) leave a bicycle in an undesignated area on a transit system vehicle or on Corporation property; or
  - (c) while on a train, leave a bicycle unattended or outside of arms reach of the user so as to be unable to immediately control its movements.
- bicycles  
prohibited on  
trains*
- 3.14 No person shall:
- (a) bring or attempt to bring a bicycle on a train that is scheduled to arrive at Union Station between 6:30 a.m. and 9:30 a.m., Monday through Friday, regardless of origin station boarding;
  - (b) bring or attempt to bring a bicycle on a train that is scheduled to depart from Union Station between 3:30 p.m. and 6:30 p.m., Monday through Friday, regardless of origin station boarding.
- bicycles  
prohibited at  
Union Station*
- 3.15 No person shall bring a bicycle into Union Station, or attempt to board or disembark from a train at Union Station with a bicycle, between 6:30 a.m. and 9:30 a.m. and between 3:30 p.m. and 6:30 p.m., Monday through Friday.
- exceptions*
- 3.16 The prohibitions stated in Sections 3.14 and 3.15 do not apply on a statutory holiday. The Corporation reserves the right to provide further exceptions for operational or promotional reasons from time to time. Any such exemption will be posted on the applicable Public Websites.
- following  
instructions*
- 3.17 No person shall do any act in contravention of instructions,
- (a) indicated on any sign erected on Corporation property by or for the Corporation; or
  - (b) indicated on any painted markings on Corporation property; or
  - (c) of a proper authority who considers them necessary to,
    - (i) ensure orderly movement of persons;
    - (ii) prevent injury to persons;
    - (iii) prevent damage to the Corporation's property;
    - (iv) make available a seat in the designated priority seating area to a person who is disabled or has a physical limitation requiring priority seating; or

(v) permit proper action in an emergency.

*obstruction*

3.18 No person shall wilfully obstruct or interfere with a proper authority in the performance of his or her duties or the exercise of his or her rights, powers and privileges under this By-law.

*provide false information*

3.19 No person shall knowingly provide any false or misleading information in any statement, whether in writing or otherwise, made to a proper authority investigating an offence under this or any by-law of the Corporation.

*distribute material*

3.20 No person shall distribute or place handbills, signs, notices or any form of written or printed matter on Corporation property without express written permission of the Corporation.

*solicit, sell on Corporation property*

3.21 No person shall sell or solicit or attempt to sell or solicit any service, merchandise, article or other thing for any purpose on a transit system vehicle or Corporation property without the express written permission of the Corporation.

3.22 Deleted.

*exemption*

3.23 Nothing in this by-law prohibits the posting of signs, official notices and information or the use of any camera, video recording device, movie camera or any similar device by the Corporation on Corporation property.

*litter*

3.24 No person shall litter or deposit any waste on Corporation property.

*audio devices*

3.25 No person shall, without authorization, operate any audio device, musical instrument, or similar device in or upon any transit system vehicle or the premises of the Corporation unless the sound conveyed from the device by an earphone is at a volume that does not disturb other passengers.

*spitting*

3.26 No person shall expectorate in or upon any vehicle or premises of the Corporation.

*loitering*

3.27 No person shall:

- (a) loiter without due cause on Corporation property
- (b) For the purposes of paragraph (a), a person 'loiters' when such person:
  - (i) idly spends time inside or on Corporation property without express purpose of using the transit system; or
  - (ii) lingers, saunters, or remains on Corporation property without due cause, and;
  - (iii) at least fifteen minutes have elapsed upon initial arrival onto Corporation property.

*public order*

3.28 No person shall commit an act contrary to public order on Corporation property, including but not limited to:

- (a) urinating or defecating, except in facilities specifically intended for such actions; or

- (b) using profane, insulting or obscene language; or
- (c) behaving in an indecent or offensive manner; or
- (d) fighting; or
- (e) behaving in a manner which does or is likely to interfere with the ordinary enjoyment of persons using the transit system.

*Behaviour*

3.29 No person shall commit an act contrary to respectful and customary behaviour which may detract from the overall enjoyment of the transit system, including but not limited to:

- (a) placing his or her foot or feet on a vehicle seat or laying thereon any object that may soil it; or
- (b) lying down on a bench, seat or floor of any transit system vehicle or property of the Corporation; or
- (c) while on the Corporation's property, not wearing shoes, boots, sandals or other similar footwear; or
- (d) riding, hanging or standing on any exterior portion of a transit system vehicle; or
- (e) leaning out of or projecting any part of his or her body through any window or opening of any transit system vehicle; or
- (f) boarding or leaving or attempting to board or leave any transit system vehicle while the transit system vehicle is in motion or when prohibited by a proper authority for safety reasons; or
- (g) boarding or leaving a transit system vehicle except by using the appropriately identified doors or as instructed by a proper authority; or
- (h) interfering with the operation of a window, door, apparatus or any other equipment of a transit system vehicle door, capable of delaying or preventing the departure of the transit system vehicle or causing a concern for safety, whether the transit system vehicle is in motion or not;

*interfere with operator*

3.30 No person shall place himself or herself in a position or perform an action likely to interfere with the operator of a vehicle of the Corporation having proper control of the vehicle or likely to obstruct the vision of the operator:

*use of equipment*

3.31 No person shall, without authorization, handle or operate any part of the mechanical, electrical or electronic equipment of any vehicle or any part of the transit system operated by the Corporation, except devices which are intended for passenger use, and then only in accordance with posted instructions.

*passenger assistance alarm*

3.32 No person shall interfere with or activate the passenger assistance alarm devices on the Corporation's vehicles or property without reasonable cause.

*smoking*

3.33 No person shall smoke on Corporation property, except in areas designated as smoking areas.

*cause damage to Corporation property*

3.34 No person shall wilfully or recklessly cause damage to any Corporation property.

*refusal of passage*

3.35 A proper authority may refuse passage on or remove from the transit system:

- (a) a person in possession of explosives, a firearm, a dangerous weapon, flammable material or any other dangerous thing or material; or
- (b) a person under the influence of drugs or alcohol; or
- (c) a person whose conduct is or is likely to be objectionable to other passengers; or
- (d) a person carrying hand luggage, a parcel or any object or thing that does inconvenience or is likely to inconvenience other passengers; or
- (e) a person who fails to comply with the instructions of a proper authority; or
- (f) a person who fails to comply with the provisions of this by-law.

#### **4. PARKING**

*parking generally*

4.1 Except as otherwise provided parking shall be provided on a first come first served basis and the Corporation does not warrant the availability of parking.

*parking and use of transit system*

4.2 No person shall park or operate any vehicle on Corporation property unless the parking or operation of the vehicle is incidental to the use of the transit system by the driver or a passenger of the vehicle.

*48 hour limitation*

4.3 No person shall park a vehicle for a period of more than 48 hours on Corporation property.

*exception*

4.4 Section 4.3 does not apply to a person who has received prior authorization from the Corporation.

*weight restriction*

4.5 No person shall park a vehicle having a gross weight in excess of 4,536 kilograms on Corporation property.

*park, stand, stop in designated areas only*

4.6 No person shall park, stand or stop any vehicle on Corporation property unless the parking, standing or stopping of the vehicle is within an area so designated for parking, standing or stopping.

*reserved parking spaces*

4.7 No person shall park, stand or stop any vehicle on Corporation property in an area designated and marked as "reserved" except the vehicle or class of vehicles for whom such designated area is reserved.

*one space only*

4.8 No person shall park a vehicle on Corporation property that occupies more than one designated area at a time.

*interfere with*

4.9 No person shall park in such a manner as to interfere with the movement of traffic or otherwise prevent the safe removal of any other vehicle previously parked or left

- traffic* standing.
- designated accessible area* 4.10 No person shall park, stand or stop a vehicle in a designated accessible area unless:
- (a) a valid accessible parking permit issued under the authority of the *Highway Traffic Act* is displayed on the vehicle, clearly visible from the outside of the vehicle and showing the permit number and expiry date of the permit; and
  - (b) the vehicle, while in use, contains the permit holder identified in the valid accessible parking permit described in 4.10(a) above.
- inspection of permit* 4.11 Every person having possession of an accessible parking permit shall, upon the demand of an officer appointed for carrying out the provisions of this By-law, surrender the permit for reasonable inspection to ensure that the provisions of this by-law are being complied with.
- retain permit* 4.12 An officer to whom an accessible parking permit has been surrendered may retain it until disposition of the case if the officer has reasonable grounds to believe that the permit:
- (a) was not issued under the authority of the *Highway Traffic Act*;
  - (b) was obtained under false pretences;
  - (c) has been defaced or altered;
  - (d) has expired or been cancelled; or
  - (e) is being or has been used in contravention of this By-law.
- emergency access and fire routes* 4.13 No person shall park, stand or stop a vehicle in an area designated as a fire route or an emergency access route.
- exemption* 4.14 Nothing in Part 4 shall prevent any vehicle operated by or on behalf of the Corporation from standing, stopping or parking on Corporation property where it is safe to do so for the purpose of carrying on the business of the Corporation.
- towing* 4.15 In addition to the penalties provided for herein, the Corporation may tow or cause to be towed any vehicle which is parked in any location on Corporation property other than as authorized in this by-law, at the cost and risk of the owner and/or operator of such vehicle.

## **5. PENALTIES AND ENFORCEMENT**

- contravention of by-law* 5.1 Any person who contravenes any provision of this by-law is guilty of an offence and upon conviction is liable to a fine as provided for in the Corporation's administrative fees program or the *Provincial Offences Act*, whichever may apply.
- enforcement* 5.2 The provisions of this by-law shall be enforced by an officer as defined in the *Metrolinx Act, 2006*, or a police officer as defined in Section 2 of the *Police Services Act* (Ontario).

*require  
identification*

5.3 Where a proper authority has reasonable grounds to believe an offence under this by-law has been committed by a person, the proper authority may require the name, address and proof of age, identity, and/or fulfilment of any pre-condition to or requirement of a concession or special fare, and the person shall provide the required information to the proper authority at the time of request.

*Offences of  
Absolute  
Liability*

5.4 A breach of the following sections of this by-law are deemed to be absolute liability offences for which a defence of due diligence does not apply: 2.1, 2.19, 3.10 and all subsections under Section 4 Parking.

The forgoing by-law is hereby consented to and passed as a by-law of the Corporation by the Members of the Board of Directors, effective as of the 22<sup>nd</sup>1<sup>st</sup> day of ~~February, 2020~~January, 2021, pursuant to Subsection 21(1) of the *Metrolinx Act*, 2006.

**APPENDIX B - BY-LAW NO. 2A (REVISED)**

## BY-LAW NO. 2A

### METROLINX (the "Corporation")

A by-law to establish the fares that shall be charged for transit services and establish the approximate routes, locations and frequencies of the transit services provided

BE IT ENACTED as a by-law of the Corporation as follows:

By-law No. 2A of the Corporation is hereby repealed and the by-law contained herein shall become the by-law of the Corporation with respect to the subject matter contained herein.

#### 1. DEFINITIONS

1.1 In this by-law and in all other by-laws of the Corporation, unless otherwise defined or the context otherwise requires:

- (a) "Child" or "children" means a person or group of persons who individually have not yet reached thirteen (13) years of age;
- (b) "Convenience Fee" means, with respect to the UP Express contactless payment program and subject to section 2.5, the \$2.00 processing fee charged in addition to the base fare where an acceptable contactless payment media user fails to validate their ticket;
- (c) "Inspection Fare" means, with respect to the UP Express contactless payment program, the base fare for one-way travel between Union and Pearson stations, plus the Convenience Fee
- (d) "Max Fare" or "Maximum Fare" means the base fare amount that may be charged to a PRESTO electronic fare card and acceptable contactless payment media for one-way travel on the transit system within the Tariff of Fares enumerated zones and represented by the furthest distance on the train line or bus route on which the journey was initiated, which amounts may be further set out on the Corporation's Public Websites
- ~~(b)~~(e) "Minor" means a child who has not yet reached six (6) years of age;
- ~~(e)~~(f) "Tariff of Fares" means the Tariff of Fares attached hereto, setting out the amount to be paid for single one-way travel on the transit system within the enumerated zones, as determined by the Corporation from time to time in accordance with By-law 2A, approved by the Board of Directors the ~~20th day~~26<sup>th</sup> of ~~February~~November, 2020 with effect as of ~~February 22, 2020~~January 1<sup>st</sup>, 2021 pursuant to Subsection 8.1(3) of the *Metrolinx Act*, 2006.
- ~~(d)~~(g) Terms not defined herein shall bear the meanings associated with such term as set out in By-law No. 2.

#### 2. FARES

##### Fares to be charged

*available to  
the public*

2.1 The Tariff of Fares may be read by members of the public at the head office of the Corporation during regular business hours and on the Corporation's Public Websites.

*one-way  
ride base  
fare*

2.2\_ Except as otherwise provided in this by-law, the amount to be paid for a single one-way ride on a transit system operated by or for the Corporation is the applicable base fare amount set out in the Tariff of Fares for travel between enumerated zones.

*maximum  
fare*

2.3 Except as otherwise provided in this by-law, a person who fails to tap off a PRESTO electronic fare card or acceptable contactless payment media correctly at the end of their journey will be charged the Max Fare.

*inspection  
fare*

2.4 Where a person's acceptable contactless payment media is inspected by a proper authority and is found to not have been validated for the trip, the Inspection Fare will be charged to the person's acceptable contactless payment media.

*convenience  
fee limit*

2.5 Notwithstanding anything else in this by-law, a Convenience Fee may only be applied a maximum of three times to any specific contactless payment media, following which that specific contactless payment media will no longer be an acceptable contactless payment media.

*concessions  
and special  
fares*

2.6 The Corporation may establish concessions and special fares for:

- (a) passengers that qualify as youths, students, seniors, or any other class of passenger, as determined by the Corporation in accordance with this by-law;
- (b) package trips provided that the portion of the special fare applicable to transportation is not less than 77% of the regular fare otherwise provided in this by-law;
- (c) multi-ride or volume-based discounts for passengers or groups of passengers applying to a limited or unlimited number of rides per ticket occurring within a specified time period;
- (d) discounted marketing programs or loyalty programs;
- (e) encouraging additional commuter or other ridership;
- (f) promoting special or seasonal events; or
- (g) promoting, piloting, and/or implementing new or revised programs, services or technologies.

The Corporation reserves the right to change, modify or cancel such concessions and special fares as necessary. The terms and conditions of and information about such concessions and special fares shall be published on the applicable Public Websites.

*Children*

2.47 A child may ride the transit system free of charge and without a ticket.

*Minors*

2.58 No minor may ride on the transit system unaccompanied.

- passengers over 13 years of age* 2.69 The amount to be paid for a single one-way ride on a transit system by a passenger 13 years of age or over is the amount payable pursuant to Section 2.2.
- police officers exempt* 2.710 No fare is required to be paid by a police officer as defined in Section 2 of the *Police Services Act*, R.S.O. 1990, Chapter P.15 or a police officer of the Royal Canadian Mounted Police who is in possession of the official identification issued by the police services engaging such officer. For greater certainty, the benefit of this provision does not extend to any special constable, by-law enforcement officer, or any auxiliary or civilian member of a police force.
- veterans* 2.8-11 On days that are for National or Provincial recognition of war veterans, no fare is required to be paid by: (i) a war veteran and any person accompanying him or her; or (ii) the immediate family of a deceased veteran, provided that such individual is carrying something that identifies his or her relation to the deceased veteran, including an identification card or service papers.
- passengers with disabilities* 2.912 If a proper authority is satisfied that a passenger has a disability that hinders his or her ability to travel alone, the passenger may purchase a ticket at the rate for that passenger as determined pursuant to this by-law, that is endorsed by the proper authority as a party ticket for the carriage of both the passenger and an attendant accompanying him or her. For greater certainty, where the passenger is a child and a proper authority is satisfied that the child has a disability that hinders his or her ability to travel alone, the attendant accompanying him or her may ride the transit system free of charge and without a ticket.
- premium fares* 2.4013 Where more than one transit service is provided between two places by the Corporation, a local transit system, or a combination thereof, the Corporation may charge a premium on any such service operated by it and the amount of the premium shall be set out on the applicable Public Websites.
- Premium-Fare-excursion-fares* 2.4114 For excursion trips that have an origin or destination or any combination thereof, the Corporation may charge in addition to the fare set out in the Tariff of Fares, a premium fare up to a maximum of \$3.00 per single one-way ticket.
- refunds* 2.4215 No refunds of fares shall be made except in accordance with Metrolinx fare refund administrative policy, as amended from time to time, and as posted on the applicable Public Websites.
- 3. TARIFF OF FARES**
- 3.1 Tariff of Fares is as appended to this by-law.
- 4. ROUTES AND SCHEDULES**
- schedules* 4.1 The Corporation's Board of Directors may establish the approximate location, routes and frequencies of the transit services provided by or on behalf of the

Corporation.

*available  
on  
Internet*

4.2\_ The approximate location, routes and frequencies of the transit services provided by or for the Corporation shall be as published in any schedule whether in paper or electronic form. The official version shall be the version as published on the applicable Public Websites from time to time.

*rights reserved*

4.3 The Corporation reserves the right to change, modify or deviate from any posted schedule as necessary.

The foregoing by-law is hereby enacted as a by-law of the Corporation by the Board of Directors effective as of the ~~22nd~~1<sup>st</sup> day of ~~February, 2020~~January, 2021 pursuant to Subsection 8.1(3) of the Metrolinx Act, 2006.

**METROLINX**  
**(the “Corporation”)**

**Tariff of Fares**  
**(Effective ~~February 22, 2020~~ January 1, 2021)**

1. This Tariff of Fares shall be maintained at the head office of the Corporation, 97 Street West, Toronto, and shall be available for public review during the regular business hours of the Corporation.
2. This Tariff of Fares sets out the base fares applicable for a single one-way ride on the transit system within the enumerated zones, including all applicable taxes.
3. Passengers who use a PRESTO card to pay for their fares, or otherwise qualify for a concession pursuant to a criteria determined and published by the Corporation in accordance with By-law No. 2A, will receive a discount from the base fare amount set out on this Tariff of Fares. Details of applicable discounts/concessions are available on the applicable Public Websites.
4. When a passenger travels on the transit system from a point outside the City of Toronto to another point outside the City of Toronto, and can only do so by travelling through the City of Toronto by means of more than one transit service provided by the Corporation, the following rules apply in determining the total fare payable:
  - (a) If there is more than one transit service available between the passenger’s point of departure and the City of Toronto or between the City of Toronto and the passenger’s destination point, the fare payable for each transit service shall be the lowest fare available for the trip, regardless of which transit service the passenger actually takes.



### Schedule of Amount Between Zones – Union Pearson Express

<b>Zone</b>	<b>and</b>	<b>Zone</b>	<b>Base Fare</b>	
101	Union	102	Bloor	5.30
101	Union	103	Weston	5.65
101	Union	104	Pearson	12.35
102	Bloor	103	Weston	5.30
102	Bloor	104	Pearson	5.65
103	Weston	104	Pearson	5.30