

HALIFAX

P.O. Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

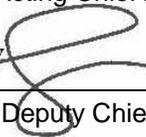
Item No. 14.1.4
Halifax Regional Council
May 31, 2016

TO: Mayor Savage and Members of Halifax Regional Council

Original Signed by 

SUBMITTED BY:

John Traves, Q.C., Acting Chief Administrative Officer

Original Signed by 

Jane Fraser, Acting Deputy Chief Administrative Officer

DATE: April 7, 2016

SUBJECT: **By-law U-100 Respecting User Charges**

ORIGIN

On April 1, 2014 it was MOVED and PASSED that Halifax Regional Council:

5. (i) Request that staff prepare a transit fare by-law for Regional Council's consideration; and
- (ii) Approve the low income transit pass pilot program as described in the supplementary staff report dated February 25, 2014, for a maximum of 500 participants whose annual family income falls below the HRM low income indexed value (currently \$31,000) and who are not eligible for transportation reimbursements through other programs, including the Provincial Employment Support and Income Assistance Program, and allow those participants to purchase regular adult Metro Transit passes including Metro Link and Metro X monthly during the six month pilot program at a 50% discounted rate and request that the pilot program be implemented pending the adoption of a transit fare bylaw as outlined in the discussion section of the supplementary staff report dated February 25, 2014.

On November 24, 2015 it was MOVED and PASSED that Halifax Regional Council:

2. Endorse the proposed activities of the Halifax Regional Municipality in support of refugee resettlement and settlement as outlined in the "Settlement Support - Municipal Response" and "Resettlement Support – Municipal Response" sections of the September 15, 2015 staff report.

LEGISLATIVE AUTHORITY

Section 102 of the *Halifax Regional Municipality Charter* allows Council, by by-law, to prescribe charges for the provision of services for persons who use or benefit from the service, on a basis to be set out in the by-law.

RECOMMENDATION

It is recommended that Halifax Regional Council adopt By-law U-100, the User Charges By-law attached to this report as Attachment 1.

BACKGROUND

In April 2014, Regional Council directed staff to prepare a transit fare by-law for consideration and implement the low income transit pass pilot program for a maximum of 500 participants.

As part of the Municipal response to the refugee settlement and resettlement, the report titled, "Support for Refugees" dated September 15, 2015 and passed by Regional Council on November 24, 2015, includes the provision of free transit for refugees in the first year of settlement.

DISCUSSION

The User Charges By-law was developed to meet the requirement under section 102 of the *Halifax Regional Municipality Charter* that user charges be set out in a by-law. Rather than develop a separate by-law for transit fares, one overarching by-law has been developed for user charges. The proposed By-law U-100 in Attachment 1 includes two schedules: one for Halifax Transit User Charges and the second for SmartTrip Program Memberships Fees. As other user charges are identified new schedules will be developed and brought forward to Council as amendments to the new By-law.

The Halifax Transit user charges set out in Schedule 1 of By-law U-100 reflect the current practice for user charges with one exception, Beaver Bank Monarch Drive Elementary, as noted in the paragraph below. Schedule 1 also includes the new exemption for refugees and the rates for the Low Income Bus Pass Pilot Program. Schedule 2 outlines the membership charges under the SmartTrip Program as approved by Regional Council on December 3, 2013.

Beaver Bank Monarch Drive Elementary

Students of the Beaver Bank Monarch Drive Elementary School currently board the Route 400 Beaver Bank for free on trips which deviate from conventional routing to serve the school. This has been a long standing practice, although free boardings have not been provided to any other schools. It is not recommended that free boardings for students of the Beaver Bank Monarch Drive Elementary School continue, and as such, the attached By-law only permits this practice to continue until the end of the current school year. This will allow time to notify residents of this change in practice. Should this By-law be approved, fares would be required for students effective the beginning of September 2016.

Low Income Transit Pass Program

The intent of the Low Income Transit Pass Pilot Program is to make monthly transit passes more affordable for low income Halifax residents. Residents who participate in the program will be able to purchase monthly adult transit passes for 50% off regular price. For the period of the Pilot Program, the number of passes is limited to 500, and applicants will be approved on a first come, first served basis. The pilot project will be re-evaluated after six months.

The pilot program will begin receiving applications approximately four weeks after the date the User Charges By-law is approved by Regional Council, and residents will be notified soon after. The pilot program will begin effective September 1, 2016.

FINANCIAL IMPLICATIONS

The annual Halifax Transit budget, as passed by Regional Council, takes into consideration revenue from the user charges that are outlined in Schedule 1 of the proposed By-law as shown in Attachment 1.

RISK CONSIDERATION

As noted above, this By-law is enabled under the *Halifax Regional Municipality Charter*. The user charges set out in the By-law create certainty with respect to the amount charged for services provided by the Municipality and therefore constitute low risk. There are no significant risks associated with the recommendation in this report.

COMMUNITY ENGAGEMENT

None

ENVIRONMENTAL IMPLICATIONS

None

ALTERNATIVES

1. Council may decide to amend the proposed U-100 - User Charges By-law or the Schedules.
2. Council may choose to defer passing the U-100 - User Charges By-law pending development of all required Schedules. This is not recommended as it will delay putting the Low Income Bus Pass Pilot Program into effect.

ATTACHMENTS

Attachment 1 - By-law U-100 Respecting User Charges

A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/cagenda.php> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 902.490.4210, or Fax 902.490.4208.

Report Prepared by: Donna Boutilier, Solicitor & By-law Coordinator 902.490.2331

Report Approved by: _____
Dave Reage, MCIP, LPP, A/Director, Halifax Transit 902.490.5138

Financial Approval by: _____
Amanda Whitewood, Director of Finance and Information Technology/CFO, 902.490.6308

Report Approved by: _____
Martin Ward, Q.C., A/Director, Legal, Insurance and Risk Management Services
902.490.4226

**HALIFAX REGIONAL MUNICIPALITY
BY-LAW NUMBER U-100
RESPECTING USER CHARGES**

BE IT ENACTED by the Council of the Halifax Regional Municipality, under the authority of Sections 102 and 104 of the *Halifax Regional Municipality Charter*, 1989 R.S.N.S. c. 39, as amended, as follows:

Short Title

1. This By-law shall be known as By-law U-100, the *User Charges By-law*.

Interpretation

2. In this By-law,

(a) "CAO" means the Chief Administrative Officer of Halifax Regional Municipality;

(b) "Council" means the Council of the Municipality;

(c) "Municipality" means the Halifax Regional Municipality; and

(d) "user charge" includes a charge, fare, fee, or levy for the provision of a service to be paid by a person who uses or benefits from the service.

Application of the By-law

3. Council hereby establishes user charges to be paid by the person using the service in the amount as set out in each Schedule to this By-law.

4. Any Schedule to this By-law shall form part of this By-law.

5. The user charges as listed in the Schedules are subject to Federal and Provincial taxes where applicable.

Offences

6. A person who contravenes any provision of this By-law shall be guilty of an offence.

7. A person who contravenes any provision of this By-law is liable on summary conviction to a penalty of not less than one hundred dollars (\$100) and not more than one thousand dollars (\$1,000), in default of payment, to imprisonment for not more than ten days.

Done and passed in Council this day of , 2016.

Mayor

Municipal Clerk

I, Kevin Arjoon, Municipal Clerk for the Halifax Regional Municipality, hereby certify that the above-noted by-law was passed at a meeting of the Halifax Regional Council held on _____, 2016.

Kevin Arjoon
Municipal Clerk

Schedule 1

Halifax Transit User Charges

Interpretation

1. In this Schedule,

- (a) “Access-A-Bus” means the Halifax Transit service for persons unable to use conventional transit due to a physical or cognitive disability;
- (b) “adult” means a person between 16 years of age and up to and including 64 years of age;
- (c) “child” means a person between 5 years of age and up to and including 15 years of age;
- (d) “CNIB” means The Canadian National Institute for the Blind;
- (e) “Halifax Transit” means the transit facilities and services provided by the Municipality;
- (f) “Low Income Transit Pass” means a transit pass issued under the Low Income Transit Pass Pilot Program;
- (g) “personal care attendant” means a person issued a Personal Care Attendant Identification Card by Access-A-Bus;
- (h) “proper authority” means any employee of Halifax Transit carrying an identification card issued by Halifax Transit;
- (i) “refugee” means a person identified as a refugee pursuant to the *Immigration and Refugee Protection Act*;
- (j) “registered Access-A-Bus user” means a person eligible to travel on Access-A-Bus as determined through an application process;
- (k) “senior” means a person 65 years of age and over;
- (l) “SmartTrip EPass” means a transit pass issued under the SmartTrip Program;
- (m) “student” means a person who is a full-time student at an educational institution as confirmed by a valid student ID;
- (n) “transfer” means proof of payment in a form prescribed by Halifax Transit that
 - (i) is issued by Halifax Transit when the initial user charge is paid;
 - (ii) allows the person to continuously travel on more than one route, of the same or lesser user charge, without having to pay an additional user charge; and
 - (iii) expires ninety (90) minutes after the last timepoint on the originating route;

(o) "UPass" means a transit pass issued to a student who attends a post-secondary institution that has signed a contract with the Municipality.

Application

2. (1) Subject to section 3, no person shall travel or attempt to travel on Halifax Transit without paying the appropriate user charge as set out in section 9 of this Schedule.

(2) Where the amount of the user charge for passage on Halifax Transit is disputed, the person disputing the amount shall pay the amount requested by a proper authority.

(3) A person who refuses to pay the user charge requested by a proper authority shall be refused passage on Halifax Transit.

3. Notwithstanding subsection 2(1), travel on Halifax Transit shall be free for the following:

- (a) a child under five (5) years of age;
- (b) a senior between 10:00 a.m. and 3:30 p.m. and after 6:00 p.m. until end of service day on Tuesdays;
- (c) a person with a CNIB identification card;
- (d) an employee or retiree of Halifax Transit;
- (e) a Halifax Regional Police officer in uniform;
- (f) a personal care attendant when accompanying a registered Access-A-Bus user;
- (g) a person, and any accompanying family member, who is a veteran or current member of the armed forces and
 - (i) is in uniform, or
 - (ii) who presents an armed forces ID on Remembrance Day; and
- (h) an elementary school student travelling to or from the Beaver Bank Monarch Drive Elementary School on the Route 400 before July 1st, 2016.

4. (1) Council, by resolution, or the CAO, may waive any user charge under this Schedule:

- (a) for the following days,
 - (i) Canada Day,
 - (ii) Natal Day, or
 - (iii) after 6 p.m. and until end of service on New Year's Eve;
- (b) where, in the opinion of Council or the CAO, such a waiver would be beneficial to the Municipality;
- (c) for up to one year for a refugee under the settlement support program; or
- (d) for event volunteers and participants upon application by an event organizer.

(2) The CAO may delegate the authority under subsection 1 of this section to the Director of Halifax Transit.

Low Income Transit Pass Pilot Program

5. A person who meets the eligibility requirements of the Low Income Transit Pass Pilot Program as adopted by Council, by resolution, may apply to the program.

6. Council may, by resolution, set the number of Low Income Transit Passes available under the program.

7. A Low Income Transit Pass shall be provided by the Municipality on a first come, first serve basis.

8. Meeting the eligibility requirements does not guarantee a person will receive a Low Income Transit Pass.

User Charges for Halifax Transit

9. The uses charges for Halifax Transit shall be as follows:

Type of Service	User Charge per person
Conventional Bus, Ferry and Access-A-Bus	
Adult Cash	\$2.50
Student Cash	\$2.50
Senior Cash	\$1.75
Child Cash	\$1.75
10 Tickets Adult or Student	\$20
10 Tickets Senior or Child	\$14.50
Adult Monthly Pass	\$78
Adult Monthly Pass for Low Income Transit Pass	\$39
Senior or Child Monthly Pass	\$58
Student Monthly Pass	\$70
Halifax Regional School Board Monthly Pass	\$50
UPass 8 month pass 9 month pass	\$145.52 \$162.89
MetroLink	

Type of Service	User Charge per person
Adult Cash	\$3.00
Senior or Child Cash	\$2.25
Student Cash	\$3.00
Adult Monthly Pass	\$94.50
Adult Monthly Pass for Low Income Transit Pass	\$47.25
Person with Halifax Transit Ticket, MetroPass, UPass or transfer	\$.50
MetroX	
Adult Cash	\$3.50
Senior or Child Cash	\$2.75
Student Cash	\$3.50
Adult Monthly Pass	\$111
Adult Monthly Pass for Low Income Transit Pass	\$55.50
Person with Halifax Transit ticket, MetroPass, UPass or transfer	\$1.00
Person with MetroLink pass or transfer	\$.50
SmartTrip EPass	
EPass for Adult	87.5% of the cost of 12 monthly passes for the corresponding type of Halifax Transit pass
EPass for Senior	
EPass for MetroLink Adult	
EPass for MetroX Adult	

Schedule 2

SmartTrip Program Membership Fees

1. The user charges for enrollment in the SmartTrip Program shall be as follows:

Workplace Size (# of Employees)	First Year Fee	Subsequent Annual Fee
1 – 20	\$170	\$70
21 – 50	\$400	\$160
51 – 100	\$700	\$280
101 – 200	\$1,550	\$600
201 – 500	\$3,000	\$1,200
501 – 1,000	\$5,200	\$2,000
1,001 – 2,000	\$8,500	\$3,200
2,001 or more	\$10,500	\$4,000