CITY OF EL PASO, TEXAS
AGENDA ITEM DEPARTMENT HEAD'S SUMMARY FORM

DEPARTMENT: **Sun Metro**

AGENDA DATE: **Introduction:** **October 28, 2008**
Public Hearing: **November 18, 2008**

CONTACT PERSON/PHONE: Lynly G. Leeper, (915) 534-5822, leeperlg@elpasotexas.gov

DISTRICT(S) AFFECTED: All

SUBJECT:
An ordinance amending Title 6 (vehicles for hire), Chapter 6.08 (passenger buses and streetcars), of the El Paso City Code to add a new Section 6.08.060 to provide for priority seating for senior and mobility-impaired passengers on Sun Metro buses, including penalties for violation.

BACKGROUND / DISCUSSION:
Priority seating has been established on Sun Metro fixed route buses to accommodate senior and disabled citizens who possess valid identification cards. However, able bodied passengers at times refuse to relinquish their seats to these citizens. If a coach operator's request to give up the seating is ignored, the operator is unable to enforce the policy. Often the only alternative is to ask the senior or disabled passenger to wait for the next bus. Therefore, Sun Metro desires an Ordinance making it a violation of City Code to refuse a coach operator's request to relinquish seating to senior and disabled citizens with applicable enforcement provisions for persons failing to comply with an operator's request.

PRIOR COUNCIL ACTION:
N/A

AMOUNT AND SOURCE OF FUNDING:
Signage, announcements, and press releases will be prepared by existing staff. Sun Metro does not expect to require any additional funding for the implementation of this Ordinance.

BOARD / COMMISSION ACTION:
Citizen's Advisory Committee to review October 21, 2008.

**********REQUIRED AUTHORIZATION**********

LEGAL: (if required) _____ **FINANCE:** (if required) _____

DEPARTMENT HEAD: _____

(Example: if RCA is initiated by Purchasing, client department should sign also)
Information copy to appropriate Deputy City Manager

APPROVED FOR AGENDA:

CITY MANAGER: _____ **DATE:** _____

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 6 (VEHICLES FOR HIRE), CHAPTER 6.08 (PASSENGER BUSES AND STREETCARS), OF THE EL PASO CITY CODE TO ADD A NEW SECTION 6.08.060 TO PROVIDE FOR PRIORITY SEATING FOR SENIOR AND MOBILITY-IMPAIRED PASSENGERS ON SUN METRO BUSES, INCLUDING PENALTIES FOR VIOLATION.

WHEREAS, senior and disabled individuals are afforded the opportunity to obtain identification cards from the Mass Transit Department of the City of El Paso, which provide for discounted fares on Sun Metro buses;

WHEREAS, priority seating has been established in Sun Metro buses to serve persons who are senior or who are disabled; and

WHEREAS, the City of El Paso has determined that a need exists for an ordinance establishing and enforcing the right of senior and disabled individuals with Sun Metro identification cards to utilize such priority seating in preference to individuals who do not possess such a card;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO THAT:

A new Section 6.08.060, Sun Metro Priority Seating, is hereby adopted, to read as follows:

Section 6.08.060 Sun Metro Priority Seating

A. Persons who meet the criteria established by the Mass Transit Department of the City as a senior or disabled person may obtain from the Department identification cards ("Sun Metro Senior/Disabled/LIFT picture ID cards"), which entitle such individuals to "priority seating" as designated on Sun Metro buses. A passenger who holds a Sun Metro Senior/Disabled/LIFT picture ID card shall have seating preference over a non-card holder in such priority seats. Card holders entitled to priority seating, however, may choose to sit or stand in any passenger location and, thereby, forego the priority seating. A passenger who does not hold a Sun Metro Senior/Disabled/LIFT picture ID card and who is occupying a seat designated as priority senior/disabled seating shall relinquish such seat upon being informed that a person holding a Sun Metro Senior/Disabled LIFT picture ID card desires to occupy such seat.

B. Any person violating any provision of this section shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not to exceed five hundred dollars per violation.

CITY CLERK DEPT.
08 OCT 23 PM 3:45

CITY CLERK DEPT.

08 OCT 20 AM 9:06

PASSED AND APPROVED this _____ day of _____ 2008.

CITY OF EL PASO

_____
John F. Cook
Mayor

ATTEST:

_____
Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

_____
John F. Nance
Assistant City Attorney

APPROVED AS TO CONTENT:

_____
Tim Omick, Director
Mass Transit Department