



Date: November 6, 2006

Committee Meeting Date: November 16, 2006

Board Meeting Date: December 14, 2006

BOARD MEMORANDUM

ACTION X DISCUSSION INFO

TO: Administration and Finance Committee
Santa Clara Valley Transportation Authority
Board of Directors

THROUGH: Michael T. Burns *Michael T. Burns*
General Manager

FROM: Jim Lawson *Jim Lawson*
Government Affairs Manager

SUBJECT: Implementation of No Smoking Policy at VTA Bus Shelters, Light Rail
Platforms and Transit Center Platforms

RECOMMENDATION:

Authorize the General Manager to implement a “No Smoking” policy at VTA bus shelters, light rail platforms and transit center platforms.

BACKGROUND:

In May of 1999 and then again in February 2006, Ellen Fletcher wrote to request that VTA adopt a no smoking policy at its transit facilities. Ms. Fletcher is a VTA Citizens Advisory Committee member, resident of Palo Alto, and frequent transit user. Her stated reasons for this request are concerns about the health of non-smokers utilizing VTA facilities as well as the cleanliness of those facilities. She indicated that as a frequent transit user, on numerous occasions she was unable to use a bus shelter because another individual was smoking in it.

Other VTA patrons have also requested that smoking be prohibited at VTA facilities. Recently, the VTA/ATU Joint Safety Committee made the same request. Other California public transit providers have implemented no smoking policies at transit facilities, including the San Mateo County Transit District (SamTrans) in January 2006. Caltrain already prohibits smoking on its platforms. San Francisco Municipal Railway (Muni) is also considering a similar ban.

California Penal Code Section 640(b)(4) makes smoking in VTA transit facilities, including bus and transit shelters, an infraction wherever VTA has proscribed it. Violations are subject to a potential fine. VTA currently prohibits smoking on all buses, light rail vehicles, support vehicles, and within VTA buildings and has specific signage indicating such. To ban smoking in bus shelters, transit shelters and on light rail platforms, VTA needs only to prohibit it and warn the public with appropriate signage in those areas. Enforcement would be conducted in the same manner as is for fare evasion, littering, eating or drinking where prohibited, consumption of alcoholic beverages, etc.

VTA's current transit system includes approximately 744 bus shelters, 16 transit centers, 62 light rail stations, and 21 Park & Ride lots. Of the 744 bus shelters, approximately 560 are maintained by a vendor (Clear Channel) as part of a shelter advertising agreement. VTA maintains most of the remaining bus shelters and all of the transit shelters, light rail stations, and Park & Ride lots.

DISCUSSION:

The recommended No Smoking policy would apply to all VTA bus shelters, transit center platforms, and light rail stations platforms. It would not apply to bus stops (benches not enclosed by a shelter). Areas where smoking is specifically prohibited would be clearly identified by the prominent placement of one or more signs of the universal symbol for smoking not allowed (see example below).



Banning smoking in the enclosed confines of bus shelters and on light rail and transit center platforms will allow VTA patrons waiting for transit vehicles or purchasing tickets to do so in a smoke-free environment. It will also reduce exposure to second-hand smoke for VTA bus and light rail operators, maintenance staff, and other staff. Although smoking will be prohibited in certain areas, those who smoke will still be able to do so in VTA Park & Ride lots and on public sidewalks.

If the Board approves implementing this policy, to minimize costs a phased implementation will be used. Installations will begin in Spring 2007 and be integrated with normal maintenance activities, both VTA's and Clear Channel's. It is projected that the majority of signs will be installed by late Summer 2007. Any remaining installations would be completed by the end of 2007.

ALTERNATIVES:

The Board could choose to not implement a no smoking policy at specified VTA facilities or it could modify the specific facilities to be covered by the policy.

FISCAL IMPACT:

The total cost of implementation is estimated at less than \$35,000. Sufficient funds are available in the current budget to provide for the majority of installations. Any remaining costs for this item will be included subsequent VTA Enterprise budgets.

Prepared by: Stephen Flynn, Sr. Management Analyst
Reviewed by: Richard Katzman, Assistant General Counsel