

SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY
BOARD OF DIRECTORS

RESOLUTION No. 15-149

WHEREAS, The SFMTA is finalizing the development of a mobile fare payment application called MuniMobile, which will allow customers to purchase, store, and use single or multiple Muni fares on a smartphone or other mobile electronic device; and,

WHEREAS, The Agency entered a contract on October 31, 2014, with application developer GlobeSherpa to conduct a pilot project for MuniMobile of up to two years; and,

WHEREAS, As part of the enrollment process to use the MuniMobile application, customers must agree to Terms of Service, which sets out the contractual obligations and liability limits of the SFMTA, GlobeSherpa, and MuniMobile users; and,

WHEREAS, As the Terms of Service include a binding arbitration provision for claims arising from the use of the application that are greater than the jurisdictional limit (currently \$7,500) of the San Francisco Small Claims Court, and the Terms of Service require all other claims be heard in the Small Claims Court; and,

WHEREAS, The MuniMobile application does not constitute a project under the California Environmental Quality Act (CEQA) pursuant to Title 14 of the California Code of Regulations Section 15060(c) because the action would not result in a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment; now, therefore, be it

RESOLVED, That the San Francisco Municipal Transportation Agency Board of Directors approves the MuniMobile fare payment application Terms of Service agreement, and authorizes the Director of Transportation to include the Terms of Service in the Agency's MuniMobile fare payment application and to electronically execute them in the course of the Agency's approving a customer's enrollment to use the MuniMobile application.

I certify that the foregoing resolution was adopted by the San Francisco Municipal Transportation Agency Board of Directors at its meeting of November 3, 2015.

Secretary to the Board of Directors
San Francisco Municipal Transportation Agency