



CITY OF HAMILTON

PUBLIC WORKS DEPARTMENT
Environment and Sustainable Infrastructure Division

TO: Chair and Members Public Works Committee	WARD(S) AFFECTED: CITY WIDE
COMMITTEE DATE: April 4, 2011	
SUBJECT/REPORT NO: Employer Commuter Transit Pass Pilot Program (PW08133a) - (CITY WIDE)	
SUBMITTED BY: Gerry Davis, CMA General Manager Public Works Department	PREPARED BY: Peter Topalovic (905) 546-2424, Extension 5129 Alan Kirkpatrick (905) 546-2424, Extension 4173
SIGNATURE:	

RECOMMENDATION:

- (a) That the General Manager, Public Works, be authorized and directed to offer a one-year pilot Employer Commuter (EC) Transit Pass Program to three (3) employers within the City of Hamilton as outlined in Report PW08133a, funded on a one-time basis to an upset limit of \$40,000 from Ontario Provincial Gas Tax Reserve (112204), and to report back on the results following the pilot program;
- (b) That the General Manager, Public Works, be authorized and directed to work with the Human Resources Department and the City Manager's office to update the City of Hamilton's internal EC Transit Pass Program, which has been in operation since 2007, in order to ensure that the program is available to all eligible employees and be expanded to employees that are using public transportation for commuting purposes and work-related trips.

EXECUTIVE SUMMARY

The objective of the EC Pass is to attract sufficient new transit ridership and corresponding revenue that will offset the increased expenditure, attract new long term riders and engage area employers in promoting and supporting transit for their employees.

The Employer Commuter (EC) Transit Pass Program has been successfully offered to City of Hamilton employees since 2007 to promote and encourage the use of public transportation as a sustainable form of transportation for commuting and work-related

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trips. The EC Pass Program is an important Transportation Demand Management (TDM) initiative that helps reduce single-occupancy vehicle (SOV) use and traffic congestion on the City's roads, improves air quality, reduces parking demand, and helps to increase transit ridership. The increased promotion of the EC Pass program will contribute to reducing household transportation costs, improve employee health and wellness, assist in the retention and recruitment of employees and include transit use as an active form of transportation. It is anticipated that this program will help the City strengthen relationships with area employers and work towards achieving the goals and targets established in the Hamilton Transportation Master Plan (HTMP).

Council requested that the EC Pass Program be expanded and offered to Hamilton employers to further the benefits of increased public transportation on a pilot program basis (Report PW08082, July 10, 2008). Employers were notified of the expanded EC Pass Program, but due to a limited number of employers expressing interest and a number of challenges that impeded the successful implementation of the program, it did not get launched in 2009-2010.

Recently, through the efforts of the Smart Commute Hamilton Transportation Management Association (TMA), there has been a renewed interest in this program to promote and encourage employees to use public transportation for commuting and work-related trips. There is interest in re-launching the EC Pass Pilot Program, with funds made available from the Ontario Provincial Gas Tax Reserve, to assist in subsidizing public transportation fees for sustainable transportation options.

Alternatives for Consideration - See Page 9

FINANCIAL / STAFFING / LEGAL IMPLICATIONS

Financial Implications:

City of Hamilton Employer Commuter (EC) Pass

Eligible employees (as outlined in Appendix A – EC Pass Enrolment Form Terms and Conditions) can participate in the Employer EC Pass Program and receive a rebate on the purchase of a transit pass equal to 50% of the adult HSR monthly transit pass, with the remaining 50% funded from the employee's home department for eligible employees using recognized public transportation for commuting to and from work and work-related trips.

Pilot Employer Commuter (EC) Pass for other Hamilton Employers

Funding for this one-year pilot program, to a maximum of \$40,000, will be funded from the Ontario Provincial Gas Tax Reserve (112204). This pilot program will have a limit of \$40,000 and will be offered on a first-come, first-served basis, up to the maximum amount.

Staffing Implications:

There are no staffing implications associated with the recommendations of this report.

Legal Implications:

The Legal Department will assist with drafting external employer agreements with employers who participate in the one-year pilot program, review any implications with the use of the “Transit Zone” website and any further agreements required with Metrolinx.

BACKGROUND

This report responds to recommendation (b) from Report PW08082 (July 10, 2008) – *“Free Ridership Deep Discount Fare Policy and Other Strategies Employed to Create a High Ridership Transit System”*, approved by Council:

- (b) That staff undertake an expansion of the Employer Commuter Pass Program for the City of Hamilton and introduce the Employer Commuter Pass for Hamilton employers in 2009 in accordance with the prior recommendation of the Transit Steering Committee and subsequent endorsement by Council;

City of Hamilton - Employer Commuter (EC) Pass Program

The Employer Commuter (EC) Pass program has been in place since 2007 and is designed to make it convenient for City of Hamilton employees to participate in the program and assist the City with several important goals identified in the City’s Transportation Master Plan. Among these goals are: improving air quality, promoting sustainable transportation options and reducing traffic congestion in Hamilton. The program puts the City in a leadership role among local employers for its efforts to assist employees shift to more sustainable modes of travel. In 2010, 193 City of Hamilton employees (2.4%) participated in the program.

The City of Mississauga, in Partnership with Smart Commute Mississauga and Mississauga Transit, has offered subsidized transit passes to Smart Commute employers in the Mississauga area since 2008. Through the TransitZone.ca website, employees of the City of Mississauga, Hatch Ltd., University of Toronto at Mississauga, McCormick Rankin & Copland Ltd., and Loyalty One, Inc., can obtain a subsidized transit pass, up to 40% of the total cost of the pass, in a process similar to what is being proposed for Hamilton in this report.

Other examples across the Greater Toronto and Hamilton Area include: employee transit pass programs in York Region, Peel Region, Markham, Richmond Hill and the City of Toronto. Furthermore, Smart Commute Brampton-Caledon offers a program similar to Mississauga’s program for Smart Commute affiliated employers in the area.

The City of Hamilton’s current EC Pass program is available to eligible full-time employees (FTE and full-time contract and interns on work terms greater than or equal to one year that do not have employer-paid parking) in the following Departments:

- Corporate Services
- Community Services
- Planning and Economic Development

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- Public Health Services
- Public Works
- Employees of HECFI and the Hamilton Public Library

Although the City of Hamilton's internal EC Pass Program has been operational since 2007, it is not yet a corporate policy and therefore, this report (PW08133a) recommends that the EC Pass Program become one, so that it can continue to be available to all eligible employees and be expanded for employees that are using various public transportation systems (ie. Burlington Transit and Go Transit) for commuting purposes and work-related trips.

The City's EC Pass program is available in six-month blocks to allow for employees to have more flexibility. This program makes the EC Pass more appealing for those who wish to try the program but do not wish to commit to purchasing a yearly pass, as well as to those who bike or walk to work in the spring and summer but wish to take the bus during the fall and winter.

In January 2008, the City of Hamilton, through HSR and Hamilton Health Sciences (HHS), began a program in which HHS contracted up to 250 discounted transit passes for HHS to distribute to its employees. Hamilton Health Sciences offered 50% of these passes to employees who turned in their parking passes, and the remaining discounted passes were offered to employees who already commuted to work by bus. This program ended in January 2009 as HHS indicated that they did not have the resources to continue the pilot; however, the pilot was very successful. The HHS along with other area employers will be considered for this new pilot program.

On July 10 2008, City Council approved Report PW08082 – *“Free Ridership Deep Discount Fare Policy and Other Strategies Employed to Create a High Ridership Transit System”*. The specific recommendations related to the Employer Commuting Pass Program included:

- (a) That staff undertake an expansion of the Employer Commuter Pass Program for the City of Hamilton and introduce the Employer Commuter Pass for Hamilton employers in 2009 in accordance with the prior recommendation of the Transit Steering Committee and subsequent endorsement by Council.

A subsequent report *“Employer Commuter Pass Program (PW08133)”* was approved by City Council on November 26th, 2008, and included the following recommendations:

- (a) That the General Manager, Public Works be authorized and directed to expand the Employer Commuter Pass Program for City of Hamilton employees to include full-time contract employees and interns on work terms greater than or equal to one year;
- (b) That the General Manager, Public Works be authorized and directed to offer a pilot Employer Commuter Pass Program to other employers within the City of Hamilton as outlined in this report, funded on a one-time basis to a maximum of \$40,000 from Ontario Provincial Gas Tax Reserve, and to report back within nine months on the uptake and financial impacts of the pilot program; and

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- (c) That the General Manager, Public Works be authorized and directed to increase promotion of the Employer Commuter Pass Program.

No report back to Council was provided because although the program was advertised to employers, a number of implementation issues complicated the introduction of the expanded EC Pass Program, including the lack of a satisfactory agreement between the City of Hamilton and potential employers/employees to enter into the program and the lack of a Metrolinx supported website to facilitate the program, this EC pilot program was unable to start.

Now that these issues have been rectified and there is a renewed interest from Smart Commute-Hamilton employers, it will be possible to implement previously approved recommendations to expand the program with a pilot Employer Commuter Pass program for other Hamilton employers, which include a matching discount of up to 20% of the cost of an adult monthly transit pass. In addition, the internal City of Hamilton EC Pass Program would be expanded to include eligible City of Hamilton employees who utilize recognized public transportation services for their commute to work and from work (such as Burlington Transit or GO Transit).

For the pilot period, it is proposed that three (3) pilot Hamilton employers, who are members of the Smart Commute-Hamilton Transportation Management Association would become involved and be required to meet the following conditions in order to qualify for this pilot program:

- Provide a subsidy to their employees for adult monthly HSR transit passes that would be matched up to a maximum of 20% from the City of Hamilton. For example, if the employer subsidizes their employee up to 20%, then the City will match the 20% value. The employee will receive up to a 40% discount on their regular adult monthly HSR transit pass. Should the employer decide to provide less than a 20% subsidy, the City's matching contribution would match the employer's. Should the employer wish to provide more than a 20% subsidy, the City contribution would be a maximum 20%;
- Employers/Employees will participate for the duration of the pilot program (one-year);
- Participate through provision of passes administered through the Transit Zone website; and
- If the employer is not yet a member of the Smart Commute-Hamilton Transportation Management Association, they will be required to join the Association and participate in the services and programs provided by Smart Commute-Hamilton throughout the year including, but not limited to: Carpoolzone.ca, Clean Air Commute, Bike to Work Day, Carpool Week, Car Free Day and Open Streets Hamilton. At the present time there is no cost for this program.

Three potential employers have expressed interest in this program, if approved by council. The proposed expanded pilot Employer Commuter Transit Pass programs will target additional employees and continue to implement the City's Transportation Master Plan goals of increasing transit ridership, improving air quality, promoting sustainable

transportation options and reducing traffic in Hamilton. The increased promotion of the EC Pass program will contribute to reducing single occupancy vehicles (SOV) use, reduce household transportation costs, improve employee health and wellness, assist in the retention and recruit of employees and include transit use as an active form of transportation. It is anticipated that this program will help the City strengthen relationships with area employers.

POLICY IMPLICATIONS

Hamilton has numerous policies and plans in place that support increasing transit ridership, including the Transportation Master Plan (TMP), Vision 2020 and the Hamilton Transit Ridership Growth Plan amongst others listed below:

City Strategic Commitment: Smart Commute Hamilton and EC Pass policies comply with the Corporate Strategic Plan, as it is an environmentally sustainable solution to reducing SOV's on City roads, particularly during peak traffic periods. The Smart Commute program promotes a sustainable lifestyle and overall positive effects on the environment. This policy directly relates to the Desired End Result in Section 7.4 as it aims to increase alternative transportation usage in such areas as transit, ridership, walking and cycling. By promoting the Smart Commute-Hamilton and Emergency Ride Home (ERH) program it gives a greater incentive and comfort level for employees to use sustainable transportation alternatives.

Public Works Business Plan: The Business Plan includes the goal of being a leader in greening our community and by providing sustainable transportation options that reduce dependency on Single Occupancy Vehicles (SOV). By promoting Smart Commute-Hamilton services and the EC Pass, employees will have more incentive to use sustainable transportation modes and therefore be more inclined to use sustainable transportation alternatives to travel to and from work on a regular basis.

Smart Commute Hamilton policies, programs and services align with the goals and objectives of the City's **Transportation Management Plan** (TMP) to implement TDM initiatives and reduce vehicles on the roads particularly during peak traffic periods. This can be accomplished through support of sustainable commuting options.

Vision 2020: Smart Commute Services support some of the environmental issues addressed in Vision 20/20. These include:

- Consuming Less Energy
- Improving Air Quality
- Changing employees Mode of Transportation
- Personal Health and Well Being

Corporate Air Quality and Climate Change Strategic Plan: The Smart Commute Program along with the EC Pass program satisfy this plan because it is able to improve air quality by encouraging people to reduce their Single Occupancy Vehicle (SOV) use and using sustainable transportation alternatives.

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RELEVANT CONSULTATION

This report has been prepared in consultation with a number of sections that are involved in Public Transportation, Transit, and Environmental Initiatives, including the Transit Division, Transportation Planning, Alternative Transportation and Strategic Services and Special Projects (Sustainability/Vision 2020) in the Planning and Economic Development Department.

Contact	Comment
HSR	<ul style="list-style-type: none">• Supports Council approved policies: Ridership Growth & Asset Management Plan and Transportation Master Plan• Support allocation of “one-time” funding from Provincial Gas Tax Reserve
Public Health Services	<ul style="list-style-type: none">• Consulted on the positive public health impacts related to the built environment and subsidised transit passes
Corporate Finance	<ul style="list-style-type: none">• Provided comments and suggestions on the report write-up and recommendations
Planning & Economic Development	<ul style="list-style-type: none">• Consulted on the EC Pass’s relationship to Vision 2020 and improving air quality• Related EC Pass to improving green house gas reduction strategies and staff modal split
Legal Services	<ul style="list-style-type: none">• Consulted on the legal implications of TransitZone, agreements with employers and Smart Commute.• Ensured that the General Manager Public Works had council authority to enter into agreements such as this

All employer members of the Transportation Management Association were engaged and the program was outlined to them.

Legal staff were consulted with regard to the process to appropriately handle the review and approval of agreements between the City of Hamilton and Metrolinx, as they pertain to the Transit Zone Website and the EC Pass Program. The Legal Department has recommended an efficient procedure for Public Works staff to undertake a review, concerning program agreements and funding agreements between the City of Hamilton and Metrolinx, on an annual basis, as well as associated documents in order that they can be executed by the General Manager of Public Works. Council granted authority to the General Manager, Public Works, to enter into such agreements on June 23, 2010 (PW10062).

ANALYSIS / RATIONALE FOR RECOMMENDATION

The Hamilton Transportation Master Plan, the Transit Ridership Growth Plan and Vision 2020 all set the target of doubling Transit Ridership per capita by 2031 (over 2001 numbers). To do so, transit needs to be an attractive and viable alternative to the private automobile. One way to achieve this is to provide incentives to people to encourage them to travel in a more sustainable fashion.

City of Hamilton Employer Commuter (EC) Pass

The Employer Commuter Pass (EC Pass) program assists employees to reduce their dependency on Single Occupancy Vehicle (SOV) use and provides a benefit (in the form of reduced transit passes) to those employees who had already decided to commute by transit. The reduction in the length of commitment required, from one year to six months, has improved the attractiveness of this program to seasonal transit users and those who wish to try the program but are hesitant to commit to a full year.

The program is for eligible employees, i.e. full-time employees who take recognized public transportation to commute to and from work. The program is consistent with the City's Transportation Demand Management (TDM) initiatives and will facilitate the promotion of sustainable transportation alternatives to target additional employees, and to continue to implement our goals of improving air quality and reducing traffic in downtown Hamilton and throughout the City. Increased promotion of the EC Pass program will also increase uptake of this opportunity to reduce single occupancy vehicle (SOV) use.

Employer Commuter Pass for Other Hamilton Employers

A report was submitted to Council on November 3rd, 2008 (PW08133) to implement the program in 2009-10; however, due to a number of issues, this project was unable to start. The issues included:

- The General Manager, Public Works was not authorized by Council to enter into agreements with Metrolinx or employers. This issue was rectified in report PW10062, which now permits the General Manager, Public Works to enter into the agreements;
- The online interface and software named "Transit Zone", which will be used to administer the purchase of EC Passes for employees enrolled in the program, was not ready to be implemented for Hamilton and the City of Hamilton Legal department required more information regarding Transit Zone in order to approve its use. Transit Zone is now ready for use by the City of Hamilton; and
- All employers in the City were engaged using a general email approach with limited uptake. The new strategy involves offering passes to those employers who are involved with the Smart Commute Hamilton Transportation Management Association and have expressed interest in implementing Transportation Demand Management and Health and Wellness programs in their workplace.

Now that these issues have been rectified, it will be possible to implement the recommendations approved on July 10, 2008 (PW08082), to expand the program with a

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pilot Employer Commuter Pass program for other Hamilton employers, which includes a matching discount of up to 20% of the cost of annual transit passes. In addition, the internal City of Hamilton EC Pass program would be expanded to include employees who commute to work using GO Transit or Burlington Transit.

The proposed three (3) pilot City of Hamilton employers, who are members of the Smart Commute-Hamilton Transportation Management Association, would be required to meet the conditions outlined on page 5 of this report PW08133a. The results of the participation during the one-year pilot program would be reported to the Committee.

The approval of these recommendations will allow the City to expand its Smart Commute-Hamilton services more efficiently by expanding the program to include more employees and citizens. The streamlined process provided by the Transit Zone website will allow quicker access and fewer barriers to employer and institutional partners who are interested in Transportation Demand Management, sustainable transportation and employee health and wellness. This program also promotes an active lifestyle by getting people out of their single occupancy vehicle (SOV) and into more sustainable modes of transportation. By supporting the use of sustainable transportation, the EC Pass program helps to achieve the City's Transportation Demand Management (TDM) objectives.

ALTERNATIVES FOR CONSIDERATION

Alternative 1 - Expand the Program to Students Working at the City

While this alternative could make the EC Pass program more attractive, it also requires a significantly increased amount of administration. Rather than reducing the required commitment to 4 months (the length of a student term), it is recommended that increasing the number of employees who are eligible, to include students, be evaluated in 2012.

Alternative 2 - City of Hamilton Employer Commuter Pass - Maintain Status Quo

This alternative is not recommended because it is contrary to the goals of the City's Transportation Master Plan by enhancing Transportation Demand Management (TDM) initiatives including increasing public transit ridership, improving air quality and reducing single occupancy vehicle (SOV) use resulting in less traffic congestion. In addition, this helps to recruit and retain employees as identified in the report.

Alternative 3 - Employer Commuter Pass for other Hamilton Employers - Offer a 10% Discount for Employers Who Purchase Passes in Bulk

This alternative is not recommended for two reasons. Firstly, the City could lose oversight and control of the passes once the employer purchases them. Possible consequences include passes being resold at a profit to the employer. Secondly, this program is to be viewed as a partnership with both the City and the employer contributing to offer incentives to employees to try transit. This alternative commits only the City to offering a discount and does not require the employer to match the discount and pass those savings on to their employees. This alternative is similar to the TTC's

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program that offers up to a 10% discount on bulk purchased passes if 50 to 249 are purchased; 11% if 250 to 499 are purchased; 12% if over 500 are purchased.

CORPORATE STRATEGIC PLAN

Focus Areas: 1. Skilled, Innovative and Respectful Organization, 2. Financial Sustainability, 3. Intergovernmental Relationships, 4. Growing Our Economy, 5. Social Development, 6. Environmental Stewardship, 7. Healthy Community

Skilled, Innovative & Respectful Organization

- ◆ A skilled, adaptive and diverse workforce, i.e. more flexible staff – the EC Pass helps attract staff who are interested in employers who embrace alternative forms of transportation and value employee health and wellness.
- ◆ Council and SMT are recognized for their leadership and integrity – providing incentives for healthy lifestyles and sustainable transit is important for employee and community health initiatives.

Financial Sustainability

- ◆ Financially Sustainable City by 2020 - helps attract new ridership

Growing Our Economy

- ◆ Competitive business environment - EC Pass helps provide a competitive and supportive employee environment.
- ◆ A skilled and creative labour pool that supports new employers - EC Pass attracts employees who believe in living sustainable lifestyles.
- ◆ An improved customer service - employees who feel valued and healthy are more productive.

Social Development

- ◆ People participate in all aspects of community life without barriers or stigma

Environmental Stewardship

- ◆ Natural resources are protected and enhanced
- ◆ Reduced impact of City activities on the environment
- ◆ Aspiring to the highest environmental standards

Healthy Community

- ◆ Plan and manage the built environment
- ◆ An engaged Citizenry

APPENDICES/SCHEDULES

Appendix A - EC Pass Enrolment Form Terms and Conditions

Appendix A
EC Pass Enrolment Form Terms and Conditions

ELIGIBILITY

1. To qualify for the **EC Pass** program and to obtain an **EC Pass** from the Hamilton Street Railway, as owned and operated by the City of Hamilton ("HSR"), you must meet the conditions below:
 - (a) you must be a full-time, permanent employee of a company that has entered into a contract agreement with the HSR to provide this benefit to their workforce.

TERMS AND CONDITIONS

2. By applying for and obtaining an **EC Pass** through the HSR, I agree to abide by the following terms and conditions:
 - (a) that my **EC Pass** provides me with unlimited ridership privileges on all conventional HSR regular routes provided that I present my valid **EC Pass**, in an open and unrestricted manner, to each HSR Operator upon entering an HSR vehicle;
 - (b) that my **EC Pass** provides me with unlimited ridership privileges on other non-conventional HSR regulated public transit services, upon payment of the specified additional premium to the public transit vehicle operator;
 - (c) that my **EC Pass** shall not be transferred, sold or lent to any other person;
 - (d) that I will abide by the rules and regulations of the HSR, as they may be set from time to time, while using any of their services;
 - (e) that I will present my **EC Pass** for inspection to any employee or authorized agent of the HSR upon their demand;
 - (f) that if my **EC Pass** is lost, damaged or stolen, I will inform the EC Pass Administrator at my employer as soon as possible. A \$13 fee will be charged for any replacement **EC Pass**. \$10 of the \$13 fee will be refunded if my original **EC Pass** is found or recovered. A maximum of two (2) replacement **EC Passes** are permitted per ten (10) year period;
 - (g) that the cost of my EC Pass shall be in accordance with the sum as prescribed by the EC Pass Administrator at my employer and as approved by the HSR. I acknowledge that any discounts on the total value of the pass paid by my employer as a benefit, are considered a taxable benefit and will be taxed as required by Canada Customs and Revenue Agency;
 - (h) that I direct and authorize my employer to collect payments for my **EC Pass** and to remit same to the HSR, on a periodic basis, based on the terms and conditions as agreed herein;
 - (i) that my **EC Pass** and payments herein will continue in effect for a minimum period of six (6) months, commencing on the date as shown on my Enrolment Form, and will automatically renew thereafter, unless:
 - (i) my place of employment is transferred to a location outside of the HSR service area;
 - (ii) or my employment with my employer is terminated;
 - (j) that I may terminate my **EC Pass** at the conclusion of the minimum six (6) month period or at any time thereafter providing I complete and submit a Modification Form to the EC Pass Administrator at my employer;
 - (k) that in the event that I voluntarily terminate my **EC Pass** following the minimum six month period, I acknowledge that I cannot re-enrol into the program for a minimum of two (2) months;
 - (l) that my **EC Pass** and payments herein may be inactivated for so long as I am absent from my employment with my employer because of a maternity or paternal leave, a Long-Term Disability or an injury covered by the Workplace Safety and Insurance Board ("WSIB");
 - (m) that I am responsible for completing and submitting a Modification Form to the EC Pass Administrator, in the event that I am absent from my employment with my employer because

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- of a maternity or paternal leave, a Long-Term Disability or an injury covered by the Workplace Safety and Insurance Board ("WSIB");
- (n) that in the case of an inactivation, I will complete a Modification Form once I return to my employment with my employer after any maternal or paternal leave, a long-term disability or an injury covered under the WSIB so that my inactivated **EC Pass** privileges and payments re-commence;
 - (o) that my **EC Pass** will terminate if I cease to be eligible under paragraph 1, herein;
 - (p) that I will return my **EC Pass** to the EC Pass Administrator at my employer, along with a completed Modification Form, in the event that my **EC Pass** is terminated or inactivated;
 - (q) that in the event that my **EC Pass** is terminated or inactivated and I fail to complete a Modification Form and return my **EC Pass** to the EC Pass Administrator at my employer, the HSR retains the right to deduct the value of the pass from any payments owing to me from my employer. This amount will be based on the number of eligible months, in whole or in part, left of the pass from the expiry date, multiplied by the current HSR monthly pass rate;
 - (r) that my payments herein will continue for the period up to and including the day my **EC Pass** is terminated or inactivated;
 - (s) that the HSR retains ownership of my **EC Pass** and as such, the HSR may confiscate my **EC Pass** if it has been terminated, inactivated or misused in accordance with the provisions herein;
 - (t) that the HSR reserves the right to amend any provisions herein including the cost of my **EC Pass** provided fifteen (15) days notice is given;
 - (u) that in the event that the total value of the **EC Pass** increases by more than five percent (5%), I will have the option of withdrawing from the program, providing thirty (30) days notice is given;
 - (v) that the HSR will not be liable in any way for any loss, damage or injury, however sustained, as a result of my use of HSR facilities, which shall include but not be limited to any HSR transportation centres or vehicles and contracted non-conventional services;
 - (w) that the HSR reserves the right to reject any application at its own discretion and to terminate my **EC Pass** at any time upon fifteen (15) days notice; and
 - (x) that I do not object to the HSR contacting me in regard to HSR services