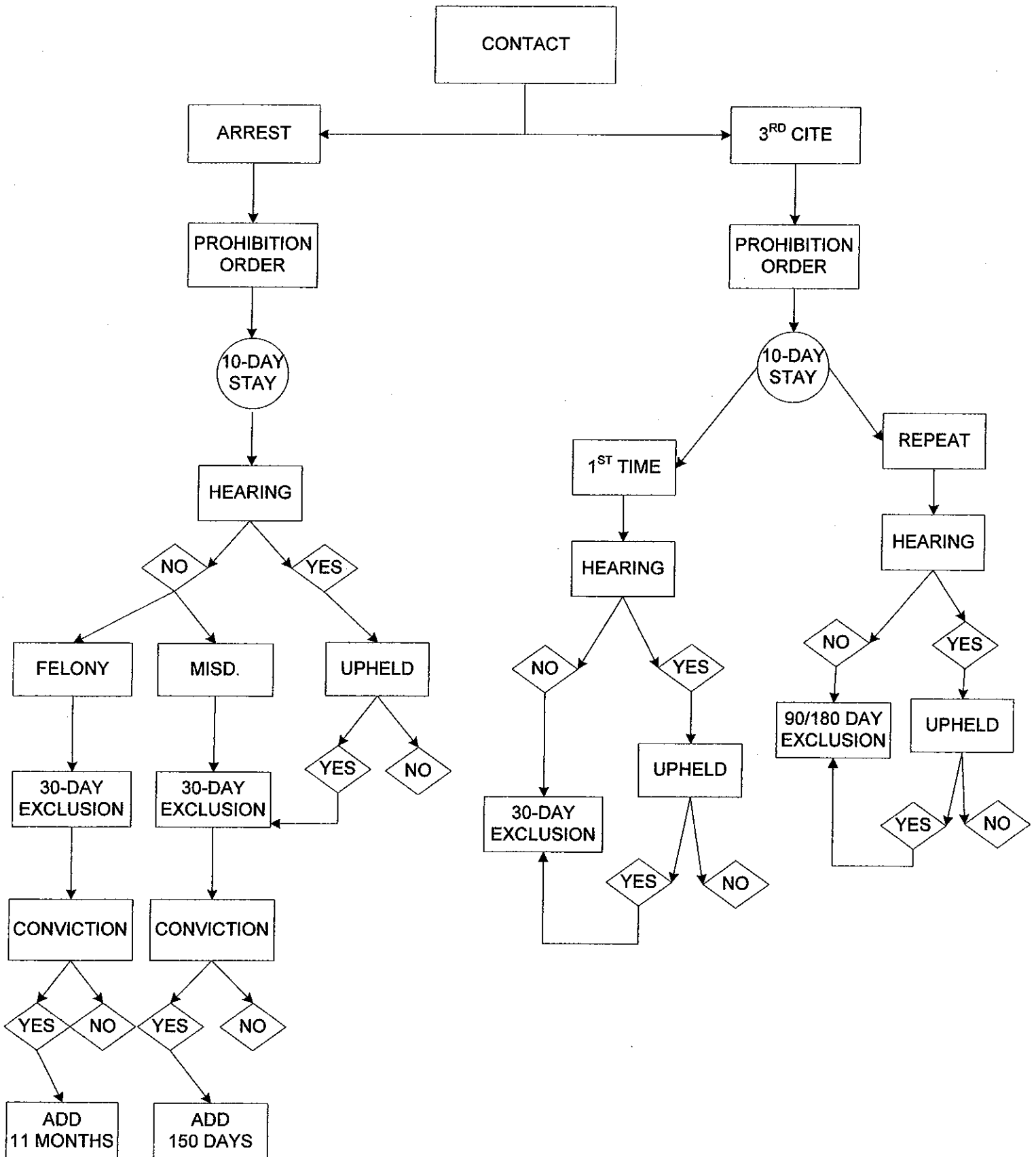


SB 1561 Flowchart

Agenda Item #5





SACRAMENTO REGIONAL TRANSIT DISTRICT

Notice to Appear

DATE 20	TIME (0000-2400)	NO. RT
------------	------------------	-----------

NAME (First, Middle, Last)

RESIDENCE ADDRESS	CITY
-------------------	------

X-REF / OTHER ADDRESS	STATE	ZIP
-----------------------	-------	-----

ETHNIC ORIGIN	<input type="checkbox"/> BLACK	<input type="checkbox"/> ASIAN	<input type="checkbox"/> WHITE	PHONE #
<input type="checkbox"/>	<input type="checkbox"/> HISPANIC	<input type="checkbox"/> NATIVE AMERICAN		

DRIVER'S LICENSE NO.	STATE	SOCIAL SECURITY NO.	BIRTHDATE
----------------------	-------	---------------------	-----------

SEX M F	HAIR	EYES	HEIGHT	WEIGHT	AGE
------------	------	------	--------	--------	-----

<input type="checkbox"/> P.C. 640 (b)(1) FARE NONPAYMENT
<input type="checkbox"/> OTHER VIOLATION
<input type="checkbox"/> IF CHECKED, SEE REVERSE UNDER EXCLUSIONS

LOCATION OF OFFENSE(S) COMMITTED

I CERTIFY UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.
EXECUTED AT THE PLACE AND ON THE DATE SHOWN ABOVE.
ISSUING OFFICER LD. NO.

NAME OF ARRESTING OFFICER IF DIFFERENT FROM ABOVE. LD. NO.

WITHOUT ADMITTING GUILT, I PROMISE TO APPEAR
ON THE DATE AND AT THE PLACE INDICATED BELOW.
SIGNATURE

RIGHT THUMBPRINT

JUVENILE TRAFFIC COURT - TO BE NOTIFIED
B.T. Collins Juvenile Center
9605 Keifer Blvd., Sacramento, CA 95827
(916) 876-7753 • 8:30 a.m. - 4:30 p.m. • Monday - Friday
www.saccourt.ca.gov

SACRAMENTO MUNICIPAL COURT - DATE TO APPEAR
Carol Miller Justice Center
301 Bicentennial Circle, Rm 100 • Sacramento, CA 95826
(916) 875-7800 • 8:30 a.m. - 4:30 p.m. • Monday - Friday
www.saccourt.ca.gov

WHITE-ADMINISTRATIVE COPY, YELLOW-FILE COPY, PINK-DEFENDANT'S COPY



PERF

PERF

PERF

IMPORTANT Read Carefully

ADULTS ONLY

For any information regarding bail, contact the Court marked on the front of this citation.

If you fail to meet your obligation to the Court, a warrant may be issued for your arrest.

JUVENILES ONLY

You will be notified of a time and date to appear in court. If you have any questions, contact the Court at the address marked on the front of this citation.

If you fail to meet your obligation to the Court, a warrant may be issued for your arrest.

If you fail to meet your obligation to the Court, a Failure to Appear (FTA) may be placed on your California Driver License.

EXCLUSIONS

Citations based on a charge indicated may lead to the issuance of a prohibition order if you are cited on at least three (3) separate occasions, for one or more of these violations in a 60 day period. A person subject to a prohibition order may not enter or remain on any part of the RT Transit System during the period of exclusion. For more information, visit RT's Web site at www.sacrt.com.



Regional Transit

PERF



SACRAMENTO REGIONAL TRANSIT DISTRICT

Notice of Prohibition Order

DATE 20	TIME (0000-2400)	NO. RTPO
------------	------------------	--------------------

NAME (First, Middle, Last)

RESIDENCE ADDRESS	CITY
-------------------	------

X-REF / OTHER ADDRESS	STATE	ZIP
-----------------------	-------	-----

ETHNIC ORIGIN	<input type="checkbox"/> BLACK	<input type="checkbox"/> ASIAN	<input type="checkbox"/> WHITE	PHONE #
	<input type="checkbox"/> HISPANIC	<input type="checkbox"/> NATIVE AMERICAN		

DRIVER'S LICENSE NO.	STATE	SOCIAL SECURITY NO.	BIRTHDATE
----------------------	-------	---------------------	-----------

SEX M F	HAIR	EYES	HEIGHT	WEIGHT	AGE
------------	------	------	--------	--------	-----

- | | |
|--|--|
| <input type="checkbox"/> P.U.C. 99171(a)(1)(A) | <input type="checkbox"/> BASED ON AN ARREST OR CONVICTION OF A MISDEMEANOR |
| <input type="checkbox"/> P.U.C. 99171(a)(1)(B) | |
| <input type="checkbox"/> P.U.C. 99171(a)(1)(C) | <input type="checkbox"/> BASED ON AN ARREST OR CONVICTION OF A FELONY |
- EXCLUSION OF _____ DAYS,
FROM _____ TO _____

IF YOU REMAIN UPON THE RT TRANSIT SYSTEM IN VIOLATION OF THE TERMS OF AN EXCLUSION ORDER, YOU MAY BE ARRESTED AND SUBJECT TO CRIMINAL PROSECUTION.

Issuing Persons Declaration (Facts Supporting the Notice of Prohibition):

I, _____, declare as follows:

I certify under penalty of perjury that the foregoing is true and correct.

Executed _____ 20 _____
DATE YEAR

NAME OF ISSUING OFFICER

WHITE-ADMINISTRATIVE COPY, YELLOW-FILE COPY, PINK-DEFENDANT'S COPY

PERF

PERF

PERF

PERF

IMPORTANT Read Carefully

RT's Administrative Rules and Procedures are available online at RT's Web site at www.sacrt.com or at RT's offices located at 1400 29th Street, Sacramento, California.

Initial Review of this Prohibition Order

You are entitled to request an informal review of this Prohibition Order by RT's Exclusion Administrator. An initial review must be requested no later than 5 p.m. on the tenth (10) day after the Notice of Prohibition Order was personally served. This request may be made by telephone, in writing or in person by contacting the Exclusion Administrator at: 1400 29th Street, Sacramento, CA 95816, or by calling (916) 556-0165.

The Exclusion Administrator will issue a decision to uphold, modify or cancel the Prohibition Order. See RT's Administrative Rules and Procedures for additional information.

Right to an Appeal Hearing Following the Initial Review

You are entitled to appeal the decision of the Exclusion Administrator to a Hearing Officer. Any individual who has received a Notice of Prohibition Order following an initial review, must contact the Exclusion Administrator by 5 p.m. no later than the tenth (10) calendar day following service of the Exclusion Administrator's decision in order to request a hearing before a Hearing Officer. The request may be made by telephone, in writing or in person by contacting the Exclusion Administrator at: 1400 29th Street, Sacramento, CA 95816 or by calling (916) 556-0165.

You will be contacted by the Hearing Officer to schedule a hearing which may be conducted by mail or in person. The decision of the Hearing Officer shall be issued five (5) days following the hearing. All decisions issued by the Hearing Officer shall be subject to judicial review by the Sacramento Superior Court as provided by Code of Civil Procedure section 1094.6, if filed within 90 days of the personal service of the Hearing Officer's decision.



Regional Transit



Regional Transit Police Services

Public Utilities Code

Prohibited Acts Committed In or On Public Transportation Vehicles and Facilities

99170. (a) PUC No person shall do any of the following with respect to the property, facilities, or vehicles of a transit district:

- (1) Operate, interfere with, enter into, or climb on or in, the property, facilities, or vehicles owned or operated by the transit district without the permission or approval of the transit district.
- (2) Interfere with the operator or operation of a transit vehicle, or impede the safe boarding or alighting of passengers.
- (3) Extend any portion of the body through any window opening of a transit vehicle in a manner that may cause harm or injury.
- (4) Throw any object from a transit vehicle.
- (5) Commit any act or engage in any behavior that may, with reasonable foreseeability, cause harm or injury to any person or property.
- (6) Violate a notice, prohibition, instruction, or direction on any sign that is intended to provide for the safety and security of transit passengers, or the safe and secure operation of the transit system.

- (b) For purposes of this section, "transit district" means an entity that qualifies as a claimant, as defined in Section 99203, eligible to receive allocations under Chapter 4 (commencing with Section 99200).
- (c) A violation of this section is an infraction under Section 19.8 of the Penal Code punishable by a fine not exceeding seventy-five dollars (\$75), and that a violation by a person after a second conviction is punishable by a fine not exceeding two hundred fifty dollars (\$250) or by community service that does not conflict with the violator's hours of school attendance or employment for a total time not to exceed 48 hours over a period not to exceed 60 days.
- (d) A transit district shall provide reasonable notification to the public of the activities prohibited by this section and the penalties for violations of those prohibitions.
- (e) This section does not prohibit any person from engaging in activities that are protected under the laws of the United States or of this state, including, but not limited to, picketing, demonstrating, or distributing handbills.
- (f) Transit districts shall maintain records of violations and the number of citations issued with respect to the actions prohibited under this section until January 1, 2005. The transit districts shall prepare a summary report of these actions and related findings with respect to the implementation and operation of this section and shall submit the report to the Legislature on or before January 1, 2006.
- (g) No revenue from fines imposed pursuant to subdivision (c) shall be distributed or allocated to the transit agency issuing citations under this section. Fine revenue instead shall be allocated to the other entities eligible to receive those funds under existing law.



Regional Transit Police Services

Public Utilities Code

Prohibited Acts Committed In or On Public Transportation Vehicles and Facilities

99171. (a) (1) PUC A transit district may issue a prohibition order to any person to whom either of the following applies:

(A) On at least three separate occasions within a period of 60 consecutive days, the person is cited for an infraction committed in or on a vehicle, bus stop, or light rail station of the transit district for any act that is a violation of paragraph (2) or (5) of subdivision (a) of Section 99170, paragraph (6), (7), (8), or (9) of subdivision (b) of Section 640 or Section 640.5 of the Penal Code.

(B) The person is arrested or convicted for a misdemeanor or felony committed in or on a vehicle, bus stop, or light rail station of the transit district for acts involving violence, threats of violence, lewd or lascivious behavior, or possession for sale or sale of a controlled substance.

(C) The person is convicted of a violation of Section 11532 of the Health and Safety Code or Section 653.22 of the Penal Code.

(2) A person subject to a prohibition order may not enter the property, facilities, or vehicles of the transit district for a period of time deemed appropriate by the transit district, provided that the duration of a prohibition order shall not exceed the following, as applicable:

(A) Thirty days if issued pursuant to subparagraph (A) of paragraph (1), provided that a second prohibition order within one year may not exceed 90 days, and a third or subsequent prohibition order within one year may not exceed 180 days.

(B) Thirty days if issued pursuant to an arrest pursuant to subparagraph (B) of paragraph (1). Upon conviction of a misdemeanor offense, the duration of the prohibition order for the conviction, when added to the duration of the prohibition order for the initial arrest, if any, may not exceed 180 days. Upon conviction of a felony offense, the duration of the prohibition order for the conviction, when added to the duration of the prohibition order for the initial arrest, if any, may not exceed one year.

(3) No prohibition order issued under this subdivision shall be effective unless the transit district first affords the person an opportunity to contest the transit district's proposed action in accordance with procedures adopted by the transit district for this purpose. A transit district's procedures shall provide, at a minimum, for the notice and other protections set forth in subdivisions (b) and (c), and the transit district shall provide reasonable notification to the public of the availability of those procedures.

(b) (1) A notice of a prohibition order issued under subdivision (a) shall set forth a description of the conduct underlying the violation or violations giving rise to the prohibition order, including reference to the applicable statutory provision, ordinance, or transit district rule violated, the date of the violation, the approximate time of the violation, the location where the violation occurred, the period of the proposed prohibition, and the scope of the prohibition. The notice shall include a clear and conspicuous statement indicating the procedure for contesting the prohibition order. The notice of prohibition order shall be personally served upon the violator. The notice of prohibition order, or a copy, shall be considered a record kept in the ordinary course of business of the transit district and shall be prima facie evidence of the facts contained in the notice establishing a rebuttable presumption affecting the burden of producing evidence. For purposes of this paragraph, "clear and conspicuous" means in larger type than the surrounding text, or in contrasting type, font, or color to the surrounding text of the same size, or set off from the surrounding text of the same size by symbols or other marks that call attention to the language.

(2) For purposes of this section, "personal service" shall mean any of the following:

(A) In-person delivery.

(B) Delivery by any form of mail providing for delivery confirmation, postage prepaid, to at least one address provided by the person being served, including, but not limited to, the address set forth in any citation or in court records.

(C) Any alternate method approved in writing by the transit district and the person being served.

(3) If a person served with a notice of prohibition order is not able, or refuses, to provide a mailing address, the notice of prohibition order shall set forth the procedure for obtaining any letters, notices, or orders related to the prohibition order from the administrative offices of the transit district. For purposes of this section, delivery shall be deemed to have been made on the following date, as applicable:

(A) On the date of delivery, if delivered in person.

(B) On the date of confirmed delivery, for any delivery by mail.

(C) For any alternate method of service, as provided in the writing specifying the alternate method.

(4) Proof of service of the notice shall be filed with the transit district.

(5) If a person contests a notice of prohibition order, the transit district shall proceed in accordance with subdivision (c). If the notice of prohibition order is not contested within 10 calendar days after delivery by personal service, the prohibition order shall be deemed final and shall go into effect, without further action by the transit district, for the period of time set forth in the order.

(6) All prohibition orders shall be subject to an automatic stay and shall not take effect until the latest of the following:

(A) Eleven calendar days after delivery of the prohibition order by personal service.

(B) If an initial review is timely requested under paragraph (1) of subdivision (c), 11 calendar days after delivery by personal service of the results of the review.

(C) If an administrative hearing is timely requested under paragraph (1) of subdivision (c), the date the hearing officer's decision is delivered by personal service.

(c) (1) For a period of 10 calendar days from the delivery of the prohibition order by personal service, the person may request an initial review of the prohibition order by the transit district. The request may be made by telephone, in writing, or in person. There shall be no charge for this review. In conducting its review and reaching a determination, the transit district shall determine whether the prohibition order meets the requirements of subdivision (a) and, unless the person has been convicted of the offense or offenses, whether the offense or offenses for which the person was cited or arrested are proven by a preponderance of the evidence. If, following the initial review, based on these findings, the transit district determines that the prohibition order is not adequately supported or that extenuating circumstances make dismissal of the prohibition order appropriate in the interest of justice, the transit district shall cancel the notice. If, following the initial review, based on these findings, the transit district determines that the prohibition order should be upheld in whole or in part, the transit district shall issue a written statement to that effect, including any modification to the period or scope of the prohibition order. The transit district shall serve the results of the initial review to the person contesting the notice by personal service.

(2) The transit district may modify or cancel a prohibition order in the interest of justice. The transit district shall cancel a prohibition order if it determines that the person did not understand the nature and extent of his or her actions or did not have the ability to control his or her actions. If the person is dependent upon the transit system for trips of necessity, including, but not limited to, travel to or from medical or legal appointments, school or training classes, places of employment, or obtaining food, clothing, and necessary household items, the transit district shall modify a prohibition order to allow for those trips. A person requesting a cancellation or modification in the interest of justice shall have the burden of establishing the qualifying circumstances by a preponderance of the evidence.

(3) If the person is dissatisfied with the results of the initial review, the person may request an administrative hearing of the prohibition order no later than 10 calendar days after the results of the initial review are delivered by personal service. The request may be made by telephone, in writing, or in person. An administrative hearing shall be held within 30 calendar days after the receipt of a request for an administrative hearing. The person requesting the hearing may request one continuance, not to exceed seven calendar days.

(4) The administrative hearing process shall include all of the following:

(A) The person requesting the hearing shall have the choice of a hearing by mail or in person. An in-person hearing shall be conducted within the jurisdiction of the transit district.

(B) The administrative hearing shall be conducted in accordance with written procedures established by the transit district and approved by the governing body or chief executive officer of the transit district. The hearing shall provide an independent, objective, fair, and impartial review of the prohibition order.

(C) The administrative review shall be conducted before a hearing officer designated to conduct the review by the transit district's governing body or chief executive officer. In addition to any other requirements, a hearing officer shall demonstrate the qualifications, training, and objectivity prescribed by the transit agency's governing body or chief executive officer as are necessary to fulfill and that are consistent with the duties and responsibilities set forth in this subdivision. The hearing officer's continued service, performance evaluation, compensation, and benefits, as applicable, shall not be directly or indirectly linked to the number of prohibition orders upheld by the hearing officer.

(D) The person who issued the notice of prohibition order shall not be required to participate in an administrative hearing, unless participation is requested by the person requesting the hearing. The request for participation must be made at least five calendar days prior to the date of the hearing and may be made by telephone, in writing, or in person. The notice of prohibition order, in proper form, shall be prima facie evidence of the violation or violations pursuant to subdivision (a) establishing a rebuttable presumption affecting the burden of producing evidence.

(E) In issuing a decision, the hearing officer shall determine whether the prohibition order meets the requirements of subdivision (a) and, unless the person has been convicted of the offense or offenses, whether the offense or offenses for which the person was cited or arrested are proven by a preponderance of the evidence. Based upon these findings, the hearing officer may uphold the prohibition order in whole, determine that the prohibition order is not adequately supported, or cancel or modify the prohibition order in the interest of justice. The hearing officer shall cancel a prohibition order if he or she determines that the person did not understand the nature and extent of his or her actions or did not have the ability to control his or her actions. If the person is dependent upon the transit system for trips of necessity, including, but not limited to, travel to or from medical or legal appointments, school or training classes, places of employment, or obtaining food, clothing, and necessary household items, the transit district shall modify a prohibition order to allow for those trips. A person requesting a cancellation or modification in the interest of justice shall have the burden of establishing the qualifying circumstances by a preponderance of the evidence.

(F) The hearing officer's decision following the administrative hearing shall be delivered by personal service.

(G) A person aggrieved by the final decision of the hearing officer may seek judicial review of the decision within 90 days of the date of delivery of the decision by personal service, as provided by Section 1094.6 of the Code of Civil Procedure.

(d) A person issued a prohibition order under subdivision (a) may, within 10 calendar days of the date the order goes into effect under paragraph (5) of subdivision (b), request a refund for any prepaid fare media rendered unusable in whole or in part by the prohibition order, including, but not limited to, monthly passes. If the fare media remain usable for one or more days outside the period of the prohibition order, the refund shall be prorated based on the number of days the fare media will be unusable. The issuance of a refund may be made contingent on surrender of the fare media.

(e) For purposes of this section "transit district" means the Sacramento Regional Transit District or the Fresno Area Express.

(f) This section shall remain in effect only until January 1, 2012, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2012, deletes or extends that date.

99172. (a) Prior to exercising the authority given in subdivision (a) of Section **99171** to issue prohibition orders, a transit district shall do all of the following:

(1) Establish an advisory committee for the purpose of evaluating the procedures for and issuance of prohibition orders and recommending a course of training for personnel charged with issuance and enforcement of prohibition orders.

(2) Ensure that personnel to be charged with issuance and enforcement of prohibition orders have received training as recommended by the advisory committee.

(3) Provide reasonable notification to transit district riders that persons who engaged in disorderly conduct may be subject to a prohibition order barring the person from the transit district's property, facilities, or vehicles for a period of up to one year. "Reasonable notification" may include, but is not limited to, information on the transit district's Internet Web site, in written materials, at transit stations and on citations issued by the transit district of the types of conduct that may result in issuance of a prohibition order.

(b) The advisory committee shall be composed of at least five members appointed by the legislative body of the transit district. At least one of the members of the advisory committee shall have experience working with individuals with psychiatric, developmental, or other disabilities and at least one member shall be a youth advocate.

(c) The advisory committee shall be tasked, at a minimum, with all of the following:

(1) Providing recommendations, in consultation with the county mental health director within the service area of the transit district, regarding the type and extent of training that should be undertaken by individuals with responsibility for issuance and enforcement of prohibition orders, with particular emphasis on training designed to assist those individuals in identifying and interacting with persons who are homeless or who have psychiatric, developmental, or other disabilities.

(2) Identifying, in consultation with the county mental health director within the service area of the transit district, services and programs to which persons who are homeless or who have psychiatric, developmental, or other disabilities may be referred by transit district enforcement personnel prior to or in conjunction with issuance of a prohibition order.

(3) Monitoring the issuance of prohibition orders to assist the transit district in ensuring compliance with Section 51 of the Civil Code.

(4) Providing the governing board of the transit district and the Legislature with an annual report summarizing the number of prohibition orders that were issued by the transit district during the preceding year, including, but not limited to, the types and numbers of citations by category, and the number of exclusion orders appealed, the appeals granted, the reasons granted, and other relevant information directly related to those orders.

(d) The transit district may use an existing advisory committee to fulfill the requirements of this section, provided that the composition and purpose of the existing advisory committee meet or are modified to meet the requirements of this section.

(e) For purposes of this section "transit district" means the Sacramento Regional Transit District or the Fresno Area Express.

(f) This section shall remain in effect only until January 1, 2012, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2012, deletes or extends that date.



Regional Transit Police Services

Public Utilities Code

Prohibited Acts Committed In or On Public Transportation Vehicles and Facilities

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(1) Establish an advisory committee for the purpose of evaluating the procedures for and issuance of prohibition orders and recommending a course of training for personnel charged with issuance and enforcement of prohibition orders.

(2) Ensure that personnel to be charged with issuance and enforcement of prohibition orders have received training as recommended by the advisory committee.

(3) Provide reasonable notification to transit district riders that persons who engaged in disorderly conduct may be subject to a prohibition order barring the person from the transit district's property, facilities, or vehicles for a period of up to one year. "Reasonable notification" may include, but is not limited to, information on the transit district's Internet Web site, in written materials, at transit stations and on citations issued by the transit district of the types of conduct that may result in issuance of a prohibition order.

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(c) The advisory committee shall be tasked, at a minimum, with all of the following:

(1) Providing recommendations, in consultation with the county mental health director within the service area of the transit district, regarding the type and extent of training that should be undertaken by individuals with responsibility for issuance and enforcement of prohibition orders, with particular emphasis on training designed to assist those individuals in identifying and interacting with persons who are homeless or who have psychiatric, developmental, or other disabilities.

(2) Identifying, in consultation with the county mental health director within the service area of the transit district, services and programs to which persons who are homeless or who have psychiatric, developmental, or other disabilities may be referred by transit district enforcement personnel prior to or in conjunction with issuance of a prohibition order.

(3) Monitoring the issuance of prohibition orders to assist the transit district in ensuring compliance with Section 51 of the Civil Code.

(4) Providing the governing board of the transit district and the Legislature with an annual report summarizing the number of prohibition orders that were issued by the transit district during the preceding year, including, but not limited to, the types and numbers of citations by category, and the number of exclusion orders appealed, the appeals granted, the reasons granted, and other relevant information directly related to those orders.

(d) The transit district may use an existing advisory committee to fulfill the requirements of this section, provided that the composition and purpose of the existing advisory committee meet or are modified to meet the requirements of this section.

(e) For purposes of this section "transit district" means the Sacramento Regional Transit District or the Fresno Area Express.

(f) This section shall remain in effect only until January 1, 2012, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2012, deletes or extends that date.

**TITLE XII OF THE
SACRAMENTO REGIONAL TRANSIT DISTRICT
ADMINISTRATIVE CODE**

**ESTABLISHING LAWS AND RULES
FOR USE OF LIGHT RAIL AND BUS
VEHICLES AND FACILITIES**

12.111 General

Permission to use the Sacramento Regional Transit District's (RT) light rail and bus vehicles and facilities shall be deemed to be conditioned on observance and compliance with these Laws and Rules, as amended from time to time, in addition to any other laws and rules hereafter promulgated by RT pertaining to use of light rail and bus Vehicles and facilities. All rights and privileges, expressed or implied, for use of said Vehicles and facilities are revocable and cancelable by and upon the breach of these Laws and Rules, or of the violation of any applicable federal, state and local laws and ordinances while in or upon said vehicles or facilities.

12.112 Definitions

The following terms as used herein shall have the following meaning:

- A. Applicable Fare – “Applicable fare” means the price established as set forth in the RT Fare Structure as a condition of carrying one person on any RT vehicle for one ride fixed route service..
- B. Bicycle – “Bicycle” is defined as a non-motorized vehicle built with one or more wheels, a steering handle, at least one saddle seat, and pedals by which it is propelled.
- C. Board – “Board” means to enter any RT Vehicle for the purpose of being transported on fixed route service.
- D. Bus – “Bus” means a motor vehicle operated by RT for the transportation of persons with a minimum capacity of ten people, including the Operator.
- E. Citation – “Citation” means a written notice to appear at a hearing in court at the date, time and place specified in the written notice and the promise of the person signing the notice to appear at such hearing.
- F. Covered Bus Shelter – “Covered Bus Shelter” means the area under a roof or overhead covering that is part of a structure designed to be used by the public when waiting to Board or when disembarking from a Bus.

- G. Covered Light Rail Station – “Covered Light Rail Station” means the area under a roof or other overhead covering that is part of a structure designed to be used by the public when waiting to board or when disembarking from a Light Rail Car.
- H. Designated Passenger Loading Zone – “Designated Passenger Loading Zone” means the area within a seven-and-a-half-foot (7.5) foot radius of the edge of the door opening of a Bus or Light Rail Car
- I. Electric Personal Assistive Mobility Device – The term “Electric Personal Assistive Mobility Device” (“EPAMD”) means a self-balancing nontandem two-wheeled device, that can turn in place, designed to transport only one person, with an electric propulsion system averaging less than 750 watts (1 horsepower), the maximum speed of which, when powered solely by a propulsion system on a paved level surface, is less than 12.5 miles per hour. This definition shall include a Segway®
- J. Facility – “Facility” means any or all personal and real property, equipment, fixture, rights, structure, or interests owned, maintained or operated by RT for the operation of RT’s bus and light rail system.
- K. Fare – “Fare” means the price charged to transport a person, including the person’s incidental baggage,- as set forth in the RT Fare Structure.
- L. Fare Structure – “Fare Structure” means the charges adopted by the RT Board of Directors for RT fixed route bus and light rail transit service as set forth in Resolution No. 05-08-0143 and as it may be amended or restated from time-to-time.
- M. Historic Streetcar – “Historic Streetcar” means a Rail Car that was in operation more than 50 years ago which has been restored to its original appearance.
- N. Inspector – “Inspector” is defined as a person regularly employed by RT as a Transit Officer or Supervisor whose duties include enforcement of one or more the following: *Penal Code* Sections 640 and 640.5, *Public Utilities Code* Section 99170, *Vehicle Code* Sections 22521 and 22656, Section 4 of RT Ordinance No. 03-04-02, and, subject to approval by the City of Sacramento and/or County of Sacramento, the parking provisions set out in *Vehicle Code* Section 22500 and the parking ordinances of the City of Sacramento and the County of Sacramento. The term “Inspector” shall also include peace officers who are assigned to enforce state and local laws and RT’s ordinances while patrolling RT’s bus and light rail system. The term “Inspector” shall also include security guards employed by an entity licensed to provide security guard services in the State of

California during the term of an agreement between RT and such entity to provide security guard services.

- O. Law – “Law” means a written statute of a federal, state or local governmental entity with a punishment attached. A punishment is defined as a fine, a sentence in county jail, state or federal prison, removal from office or death.
- P. Light Rail or Rail Car – “Light Rail” or “Rail Car” means a passenger compartment for public transportation that is operated by RT over fixed rails, with a coupler at either end of the passenger compartment in order to allow one Rail Car to be coupled to another.
- Q. Operator – “Operator” means the person who drives or is in actual physical control of an RT Vehicle.
- R. Proof of Fare Payment – “Proof of fare payment” means evidence in a person’s possession that he or she has paid the applicable fare before riding in an RT Vehicle. The evidence of payment must be valid throughout the duration of the ride pursuant to the provisions of RT’s Fare Structure.
- S. Replica Streetcar Bus – “Replica Streetcar Bus” means a Bus that is designed to look like an Historic Streetcar.
- T. RT – “RT” means the Sacramento Regional Transit District.
- U. Rule – “Rule” means an authoritative, prescribed direction for conduct.
- V. Stroller/Utility Cart – “Stroller/Utility Cart” means a wheeled device designed to carry children and/or goods.
- W. Vehicle – “Vehicle” means a Bus or Rail Car owned or operated by RT which is used to transport persons on fixed route service.

12.113 Agreement

The presence of any person at any RT facility or the use by any person of any RT Vehicle shall constitute an agreement by such person to: (1) pay the Applicable Fare as set forth in the RT Fare Structure; (2) have evidence of payment of the Applicable Fare in his/her possession while boarding, occupying, riding, using, or exiting any RT light rail Vehicle; (3) exhibit Proof of Fare Payment upon demand of an RT Inspector; and (4) abide by the conditions set forth in these Laws and Rules.

12.114 Prohibited Conduct

- A. Any of the following is illegal and punishable in the manner set forth in the code section or ordinance. This is not an exhaustive list of the laws which may govern conduct at RT facilities or aboard RT Vehicles. This list contains only those laws that are enforceable by RT Inspectors.
1. Any act prohibited under *Penal Code* Section 640(b). For the purpose of *Penal Code* Section 640(b)(4), smoking, eating, or drinking is prohibited in a Vehicle, except that a person in a Vehicle may drink a non-alcoholic beverage if that beverage is kept in a container that is designed to be spill-proof or spill-resistant when drinking from the container, and the person only drinks from the container when the spill-proof or spill-resistant feature is being used properly. Additionally, smoking is prohibited in a Covered Light Rail Station or a Covered Bus Shelter if such Covered Light Rail Station or Covered Bus Shelter is posted with a "no smoking" sign.
 2. Any act prohibited under *Penal Code* Section 640.5.
 3. Any act prohibited under *Public Utilities Code* Section 99170, provided that RT gives reasonable notice to the public of the activities prohibited by this Section and the penalties for violations of those prohibitions.
 4. Any act set out in RT Ordinance No. 03-04-02, Prohibiting Specified Acts Committed in or on RT Vehicles or Facilities, as amended or amended and restated from time to time.
 5. As set out in *Vehicle Code* Sections 22521 and 22656, it is unlawful for any person to park a vehicle on RT's light rail track or within seven and one-half feet of the nearest rail.
 6. Parking a vehicle in violation of *Vehicle Code* Section 22500 or the parking ordinances of the City of Sacramento and/or the County of Sacramento, including, but not limited to, parking a vehicle at designated bus and/or light rail loading zones or on RT property which is posted as a no-parking area, as set out in any existing or future memoranda of understanding between RT and the City of Sacramento and/or the County of Sacramento.
- B. The following activities are prohibited on or in: (a) any RT Vehicle, because such activities interfere with passengers' privacy and/or with the safe, pleasant, convenient and efficient provision of transit services; and

(b) the Designated Passenger Loading Area within any RT facility, because such activities interfere with the safe boarding and alighting of persons into or from an RT vehicle:

1. A person may not board a Vehicle with an EPAMD unless the person is disabled and uses the EPAMD as a mobility device and in such event the EPAMD must be stored only at the wheel chair tie-down location in the Vehicle.
2. Placing one's feet on the seat of an RT Vehicle or placing any article on such seat which would leave grease, oil, paint, dirt or any other substance that would soil clothing on the seat.
3. Boarding an RT Vehicle unless the passenger is clothed, including footwear.
4. Occupying seats designated for seniors and the disabled, unless the person meets the definition of senior or disabled person as set forth in RT's Fare Structure.
5. Transporting animals unless: (a) the animal is a guide, service, or signal animal which has been specially trained to assist persons with disabilities and is on a leash or under the control of the person transporting it; or (b) the animal is in a completely enclosed and secured cage or carrying case which is small enough to fit on the person's lap and the animal does not otherwise endanger or annoy other persons.
6. Riding in an RT Vehicle with a stroller/utility cart unless, prior to boarding, the children or goods are removed and the stroller/utility cart is folded and/or stored so that it does not block the aisle or the areas reserved for persons in wheelchairs or who use mobility aids.
7. Soliciting money from other persons.
8. Discarding litter or trash in or upon an RT Vehicle or facility unless placed in a trash receptacle.
9. Posting, distributing or displaying any sign, advertisement, circular, handbill, or other written material;
10. Exhibiting or displaying any object or merchandise for sale;
11. Offering or soliciting the sale or lease of any commercial service;
12. Performing ceremonies, making speeches or orations;

13. Affixing a sign, placard, notice, declaration or appeal of any kind or description.
14. Attempting to ride or riding on an RT bus with a wheelchair that is capable of being secured by the securement system installed on that bus without permitting such securement of the wheelchair.

12.115 Enforcement Procedures

- A. Procedures for the enforcement of violations of *Penal Code* Sections 640 or 640.5, *Public Utilities Code* Section 99170 or RT Ordinance 03-04-02, Prohibiting Specified Acts Committed in or on RT Vehicles or Facilities, as amended or amended and restated from time to time, shall be in accordance with all applicable Sections of the *Penal Code* including, without limitation, Sections 836.5, 853.5, and 640(b)(11). The General Manager/CEO may issue standard operating procedures for this purpose.
- B. Upon observing an act in violation of Section 12.114, paragraph B, the RT Inspector shall request compliance if the violation can be immediately remedied by the person. If the person refuses to comply with the directive of an RT Inspector, or if the violation cannot be immediately remedied, the RT Inspector may do all of the following:
 1. Ask the person to leave RT's Vehicle or facility. If the person refuses to leave, eject the person using as little force as is necessary at the closest established light rail or bus stop, as directed in a written policy of the General Manager/CEO. (Civil Code 2188).
 2. Confiscate the person's RT identification card and return to the person his or her monthly pass sticker, if any, on the card. The RT Inspector shall issue the person passes or tickets which are valid for three days or for the number of days left in the month measured from the date of confiscation of the RT identification card, whichever is less.
 3. New Identification Card – Notwithstanding the foregoing, in no event shall someone be prohibited from purchasing a new RT identification card upon payment of the fee as established under the RT Fare Structure.

12.116 Posting/Publication

The General Manager/CEO is hereby authorized and directed to post in RT Vehicles, at appropriate RT facilities, on RT's web-site and in RT's Bus and Light

Rail Timetable Book the provisions set out in Section 12.114, paragraphs A and B.

12.117 Hearing Procedures

If an RT Inspector confiscates a person's RT identification card, the person (petitioner) is entitled to an administrative hearing to determine whether there was sufficient cause for the confiscation in accordance with the procedures set out below.

- A. Petition for Hearing – The petitioner may request an administrative hearing in person or by telephone by contacting either RT's Director of Transportation or an RT Transportation Superintendent.

- B. Time Limitations – The petitioner may request an administrative hearing within three (3) days from the date of confiscation. Failure to request a hearing or an extension within said three-day period shall be deemed an admission that the confiscation of the person's RT identification card was proper because the person violated a provision of Section 12.114, paragraph B.

- C. Time Extension – If the petitioner is unable to appear in person at an administrative hearing within three days from the date of confiscation, then within said three-day period he or she may request an extension in person or by telephone. An extension shall be granted if the petitioner provides sufficient reason(s) regarding his or her inability to appear or to present witnesses and/or evidence within the three day period. If the petitioner requests an extension in person and such extension is granted, the petitioner shall be entitled to receive passes or tickets which are valid until the date of the hearing or for the number of days left in the month of the confiscation, whichever is less.

- D. Location – All petitions for a hearing or a time extension shall be submitted at RT's Administrative offices located at 1400 29th Street, Sacramento, California, on weekdays, excluding holidays, between the hours of 8:00 am and 4:30 pm. Hearings shall be held at the same place and times.

- E. Hearing Officer – All hearings shall be conducted by either RT's Director of Transportation, an RT Transportation Superintendent, or their designee.

- F. Time and Date of Hearing – The hearing shall be held on the day the petitioner requests a hearing if a Hearing Officer is available. If a Hearing Officer is not available, another date and time that is convenient for the petitioner shall be set for the hearing. In such event, the petitioner shall be entitled to receive passes or tickets which are valid until the day of the

hearing or for the number of days left in the month of the confiscation, whichever is less.

- G. Hearing Procedures – The Hearing Officer shall meet with the petitioner and discuss the basis on which the RT Inspector confiscated the RT identification card. The RT Inspector's Incident Report shall be submitted as evidence supporting the confiscation of the petitioner's RT identification card. The petitioner shall be given an opportunity to present and/or witnesses supporting his or her position.

- H. Decisions – The Hearing Officer shall make a decision based on the testimony and other evidence in the record at the conclusion of the hearing. The decision of the Hearing Officer shall be final. The decision shall be made orally and the Hearing Officer shall not be required to prepare a written decision unless the petitioner requests a written decision at the end of the hearing. If the Hearing Officer finds in favor of the petitioner, his or her RT identification card shall be returned. If the identification card at no cost. If the Hearing Officer finds that the RT Inspector confiscated the petitioner's RT identification card for good cause based on violation of a provision set out in Section 12.114, paragraph B, the petitioner's RT identification card shall not be returned.

- I. New Identification Card – Notwithstanding the foregoing, in no event shall the petitioner be prohibited from purchasing a new RT identification card upon payment of the fee as established under the RT Fare Structure.