

REGIONAL TRANSIT ISSUE PAPER

Agenda Item No.	Board Meeting Date	Open/Closed Session	Information/Action Item	Issue Date
13	01/24/11	Open	Action	01/14/11

Subject: Receiving and Filing the District's SB 1561 Advisory Committee's Annual Report Related to SB 1561 and the Implementation of RT's Exclusion Policy Program and Approving Adoption of a Resolution in Support of Submittal of the Annual Report to the California Legislature

ISSUE

Whether or not to 1) receive and file the Sacramento Regional Transit District's SB 1561 Advisory Committee's 2010 Report t related to SB 1561 and implementation of RT's exclusion policy program and 2) support its submittal to the California Legislature.

RECOMMENDED ACTION

Adopt Resolution No. 11-01 - ____, Supporting Submittal of the District's SB 1561 Advisory Committee's 2010 Annual Report to the California Legislature Related to SB 1561 and Implementation of RT's Exclusion Policy Program.

FISCAL IMPACT

None as a result of this action.

DISCUSSION

Senate Bill 1561 (Chapter 528, Statutes of 2008) provided the District with limited authority to issue prohibition orders excluding certain violators from using RT's service or being on RT property for specified violations of the law. The legislation granted this authority to RT and the Fresno Area Express for a three-year trial period. The legislation also required each agency to establish an SB 1561 Advisory Committee.

In December 2008, the RT Board approved the bylaws for the formation of the District's Advisory Committee as part of the implementation of SB 1561. Among its statutory responsibilities, the Advisory Committee is to provide the RT Board of Directors and the California Legislature with an annual report summarizing the number of prohibition orders issued during the proceeding year, including the number of citations by category, the number of exclusion orders appealed, the appeals granted, the reasons appeals were granted, and any other relevant information directly related to those prohibition orders. The Advisory Committee's report summarizes the designated information and evaluates how the exclusion policy can be made more effective.

Staff recommends that the RT Board of Directors accept the SB 1561 Advisory Committee's 2010 Report and support its submittal to the California Legislature consistent with the process set out in the law.

Approved:

Presented:

Final 1/18/11

General Manager/CEO

Chief Operating Officer

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RESOLUTION NO. 11-01-_____

Adopted by the Board of Directors of the Sacramento Regional Transit District on this date:

January 24, 2011

SUPPORTING SUBMITTAL OF THE DISTRICT'S SB 1561 ADVISORY COMMITTEE'S 2010 ANNUAL REPORT TO THE CALIFORNIA LEGISLATURE RELATED TO SB 1561 AND IMPLEMENTATION OF RT'S EXCLUSION POLICY PROGRAM.

BE IT HEREBY RESOLVED BY THE BOARD OF DIRECTORS OF THE SACRAMENTO REGIONAL TRANSIT DISTRICT AS FOLLOWS:

THAT, the RT Board hereby supports submittal of the Sacramento Regional Transit District's SB 1561 Advisory Committee's 2010 Report to the California Legislature, as set forth in Exhibit A, and directs RT staff to pursue legislative efforts summarized in the conclusion of the report.

DON NOTTOLI, Chair

A T T E S T:

MICHAEL R. WILEY, Secretary

By: _____
Cindy Brooks, Assistant Secretary



Regional Transit

SACRAMENTO REGIONAL TRANSIT DISTRICT

**2010 REPORT
TO THE
CALIFORNIA LEGISLATURE**

January 12, 2011

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A Message from the Sacramento Regional Transit District Transit Security Advisory Committee

Members of the California Legislature,

The Transit Security Advisory Committee for the Sacramento Regional Transit District (RT) has overseen various implementation components of SB 1561 (Chapter 528 Statutes of 2008) in order to guide the provisions of RT's exclusion policy.

Public transportation users in Sacramento have identified passenger misconduct as one of the major issues that influences their continued use of public transit services. Effectively addressing passenger misconduct is critical to expanding the use of public transit. The RT exclusion policy program implemented through a Passenger Safety pilot program allowed by SB 1561 has provided a useful tool in protecting public transit passengers and public transit employees.

The availability of state funding for public transit operations has diminished over the past several years and RT, along with many of California's public transit operators, has struggled to preserve the state transit funding that remains. As 2012 approaches, the Passenger Safety pilot program that the California Legislature approved will sunset at a time when funding is at an all-time low. Public transit operators require stable resources to provide services and reliable authority to help control passenger misconduct would provide a more substantial deterrent to fare evasion.

We urge the Legislature to make this important program permanent and to extend this authority to all public transit operators in California. Should a new measure proceed, we ask the Legislature to provide public transit operators with the tools to effectively protect their passengers and alleviate the uncertainty of fare revenue losses from transit passengers that chronically evade payment to ride public transit.

RT is working to enhance and expand the capacity of the Capitol region's largest public transit system and, as Transit Security Advisory Committee members, we are dedicated to finding solutions to these important issues surrounding public transit safety. As such, we will continue to volunteer our time to facilitate policy solutions related to public transit passenger misconduct and the continued implementation of RT's exclusion policy.

Linda Budge, Chair

Transit Security Advisory Committee

What is the Committee, What is Its Mission and How It Worked

Subsequent to the passage of SB 1561, the Sacramento Regional Transit Board of Directors approved the adoption of the bylaws to form the Transit Security Advisory Committee on December 8, 2008. The Sacramento Regional Transit District's Transit Security Advisory Committee is an oversight group composed of five citizens from the Sacramento region that serve as the volunteer review body for the implementation of RT's passenger exclusion policy.

Drawing from their private and public sector experiences, the committee has brought a diverse set of skills to the planning, executing and delivering of the passenger exclusion policy outlined in this annual report.

The Advisory Committee includes members with experience working in youth advocacy, as well as experience with individuals with psychiatric, developmental, or other disabilities:

Linda Budge, AICP *Advisory Committee Chair*
Council Member, City of Rancho Cordova
2729 Prospect Park Drive, Suite 200
Rancho Cordova, CA 95670
Website: www.cityofranhocordova.org

Christina DeMoss-Giffin *Advisory Committee Vice Chair*
Executive Director, VIBE Urban Youth Lounge
1728 K Street
Sacramento, CA 95814-2604

Tim Brown *Advisory Committee Member*
Director, Sacramento Ending Chronic Homelessness Initiative
Community Services Planning Council
909 12th Street, Suite 200
Sacramento, CA 95814
Website: www.communitycouncil.org/homelessplan

Ryan Loofbourrow *Advisory Committee Member*
Director of Community Services, Downtown Sacramento Partnership
980 9th Street, Suite 400
Sacramento, CA 95814
Website: www.downtownsac.org

Susan Stieber, LCSW *Advisory Committee Member*
Director of Adult Mental Services, Turning Point Community Programs
4730 47th Avenue, Suite 300
Sacramento, CA 95824

The Advisory Committee reviewed the framework of policy procedures and provided direction to specifically address development of exclusion implementation to address misconduct on Sacramento's public transportation system for the three-year SB 1561 pilot program.

The Advisory Committee mission is set out in SB 1561; at a minimum, the committee is to:

- (1) Provide 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) Identify 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) Monitor the issuance of prohibition orders to assist the transit district in ensuring compliance with Section 51 of the Civil Code.

(4) Provide 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.

Annual Report for Senate Bill 1561

Background and Purpose of the Annual Report

The Sacramento Regional Transit District Board of Directors and RT staff had received increasing numbers of complaints from public transit riders regarding the safety on RT vehicles, at parking lots and passenger waiting areas – all of which impact transit ridership. Increased ridership not only provides financial support for public transit services, but also reduces auto emissions associated with daily commuting and encourages sustainable development measures. To encourage ridership, potential passengers need to feel that their public transit systems are safe alternatives to driving. In an effort to reduce the number of passenger disruptions and improve overall service, legislation was requested to allow transit districts to develop a process to exclude passengers cited for certain offenses.

SB 1561 resulted from meetings of a task force whose membership included persons with experience in the areas of mental health, homelessness, public safety and transportation, as well as a review of current state and local laws pertaining to rail and bus transit. On September 28, 2008, Governor Schwarzenegger signed Senate Bill 1561 (Steinberg) authorizing additional transit security measures to curb passenger misconduct and reduce nuisance behavior.

This report to the California Legislature is prepared pursuant to the annual reporting requirement set out in California Public Utilities Code Section 99172(c)(4) and summarizes the implementation of RT's exclusion policy pursuant to SB 1561.

Summary of SB 1561

The purpose of Senate Bill 1561 (Chapter 528 Statutes of 2008) is to enhance safety and public transit system security by excluding public transit riders whose actions impact the safety and security of public transit passengers and public transit vehicle operators. The law allows Sacramento Regional Transit District and Fresno Area Express to exclude passengers from using transit for specified periods of time, depending on the nature and the frequency of offenses committed while on transit district property. The law does not target or adversely impact any particular group of individuals.

The law relies in part on the provisions of the Public Utilities Code to define those actions or behaviors which passengers see as disruptive and defines the number of offenses for which a passenger may be cited. The law defines the period for which a rider may be temporarily excluded from accessing public transit based on citations for certain behaviors deleterious to the safety and comfort of other transit riders. The law also provides for an appeals process should individuals who are transit-dependent be cited, and for training of transit personnel to recognize and facilitate the needs of those experiencing homelessness or who may have psychiatric disabilities.

The law outlines the composition and duties of an advisory committee to monitor the number of citations and exclusions issued by the transit district. This committee oversaw the training of transit personnel in assisting with those passengers with special needs.

Sacramento Regional Transit District System Profile

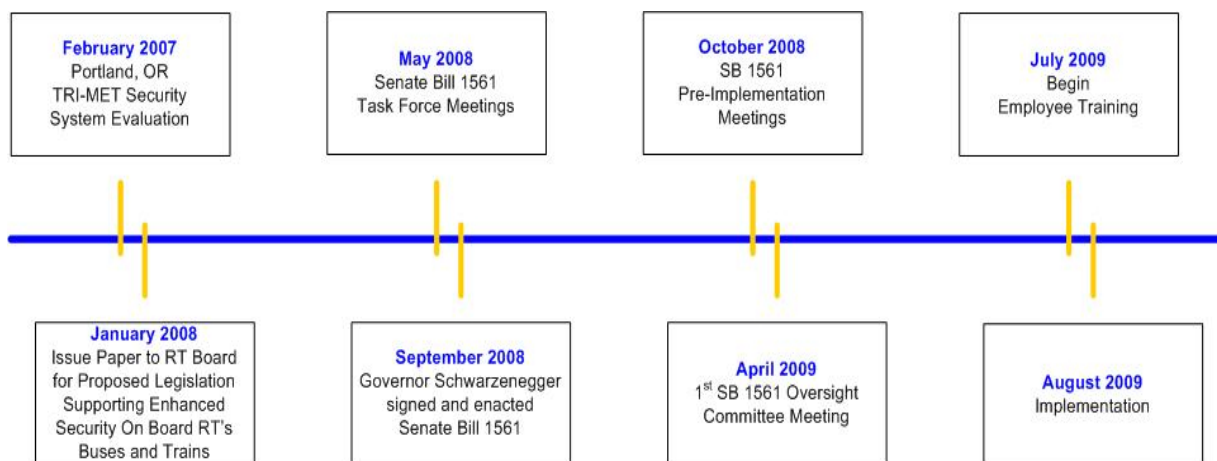
RT operates approximately 64 bus routes and 37.5 miles of light rail covering a 418 square-mile service area. Buses and light rail operate 365 days a year using 76 light rail vehicles and 182 buses powered by compressed natural gas (CNG) and 11 shuttle vans serving over 3,300 bus stops throughout the Sacramento region. Passenger amenities include 48 light rail stations, 31 bus and light rail transfer centers and 18 park-and-ride lots.

RT's annual ridership has steadily increased on both the bus and light rail systems from 14 million passengers in 1987 to over 31.5 million passengers in FY 2010. Weekday light rail ridership averages approximately 55,000. Weekday bus ridership has reached an average of approximately 53,100 passengers per day.

RT is governed by an 11-member Board of Directors comprised of members of the Sacramento, Rancho Cordova, Citrus Heights, Elk Grove and Folsom city councils, as well as the Sacramento County Board of Supervisors. RT's Fiscal Year 2011 operating budget is \$117.8 million, with a capital budget of \$19.1 million.

RT employs a work force of approximately 885 (September 2010) people, 77 percent of whom are dedicated to operation and maintenance of the bus and light rail systems.

Timeline of Events Leading to Implementation of Exclusion Policy



SB 1561 signed into law – October 2008

SB 1561 became effective – January 1, 2009

Identify and invite members of community in creation of advisory committee – November 2008/February 2009

First advisory committee meeting held – April 2009

Development of criteria and process, consultation with RT staff/operators – July 2009

Enactment of RT ordinance – August 2009

Staff training – August/September 2009

Outreach/Public Notice – October 2009

Exclusion Officer Training Program

To ensure the development of alternative approaches to proactively address transit passenger misconduct with comprehensive security enhancements, three eight-hour training classes were held in July 2009. The courses were tailored for RT's Exclusion Officers who have the authority to write citations and prohibition orders. Exclusion Officers are Transportation Supervisors (Bus and Light Rail), Transit Officers and Peace Officers. The Oversight Committee members participated in the training courses and each class included a mental illness, homeless and youth informational session.

Public Notice of Implementation

Implementation of RT's Exclusion Policy began on October 1, 2009 with a marketing campaign displayed in RT vehicles (buses and trains), at light rail stations, key bus stops and on the District's website. The message was, "You Must Abide to Ride".



A press conference announced the SB 1561 campaign to the public, stating that riders who repeatedly violate transit laws can be banned from using the system.



Citation Process

The Sacramento Regional Transit District's Transportation Supervisors (Bus and Light Rail), Transit Officers and Peace Officers can write citations. On the third separate occasion that an individual receives a qualifying citation (also known as Notice to Appear) within a period of 60 consecutive days, a prohibition order may be issued.

A prohibition order will be issued on the first occasion for qualifying arrests or convictions of misdemeanors and felonies, or convictions of Health and Safety Code (H&S) 11532(a), or convictions for Penal Code (PC) 653.22(a).

Prohibition Orders

Under SB 1561, prohibition orders can be issued for security reasons;

Public Utilities Code Section 99171(a)(1) provides: 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 the Public Utilities Code, paragraph (6), (7), (8), or (9) of subdivision (b) of Section 640.5 of the Penal Code.

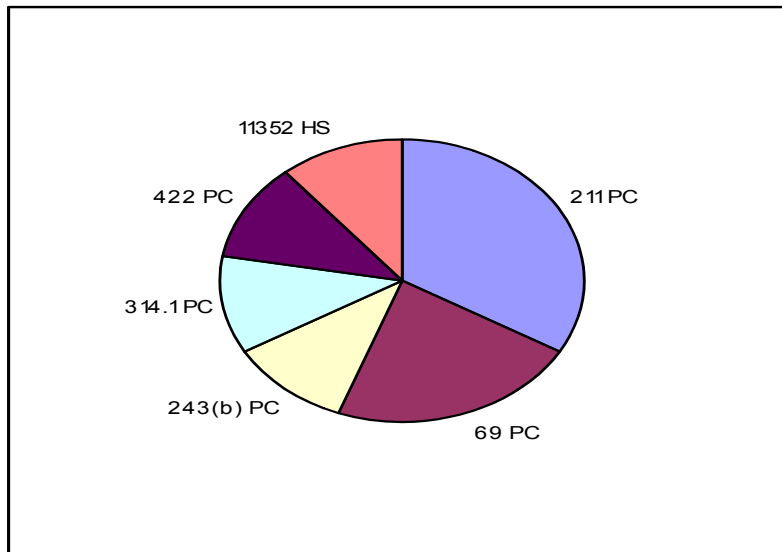
(B) The person is arrested or convicted for a misdemeanor or felony committed in or on a vehicle, bus stop, or light rail station of the transit district for acts involving violence, threats of violence, lewd or lascivious behavior, or possession for sale or sale of a controlled substance.

(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.

Nine Prohibition Orders were written for Public Utilities Code Section 99171(a)(1)(B) during October 1, 2009 to October 31, 2010. None of the Prohibition Orders were contested.

There were no prohibition orders written for Public Utilities Code Section 99171(a)(1)(A) or 99171(a)(1)(C).

Arrest	Description	Number of Arrests	Percentage of Total Arrests
211 PC	Felony strong arm robbery	3	34%
69 PC	Felony resisting to officer	2	22%
243(b) PC	Misdemeanor battery of officer	1	11%
314.1 PC	Misdemeanor indecent exposure	1	11%
422 PC	Felony making terrorist threats	1	11%
11352 H&S	Felony possession for sales of narcotics	1	11%
Total		9	100%

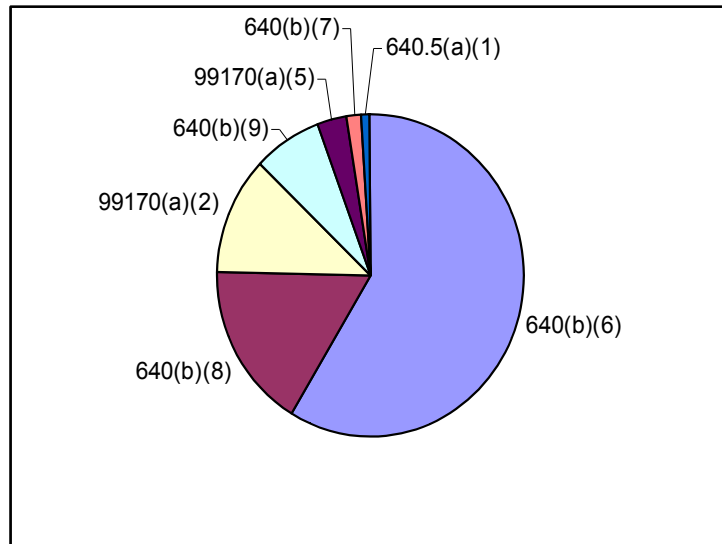


SB 1561 Violations: Public Utilities Code Section 99171(a)(1)(A)

Since the implementation of RT’s exclusion policy, there have been 129 violations from October 1, 2009 to October 31, 2010. Below is a breakdown of these violations. No one was cited on three separate occasions within a period of 60 consecutive days.

Violation	Description	Number of Violations	Percentage of Total Violations
640(b)(6)	Penal Code – Willfully disturbing others on or in a system facility or vehicle by engaging in boisterous or unruly behavior	76	59%
640(b)(8)	Penal Code – Urinating or defecating in a system facility or vehicle, except in a lavatory. However, this paragraph shall not apply to a who cannot comply with this paragraph as a result of a disability, age or a medical condition	22	17%
99170(a)(2)	Public Utilities Code – Interfere with the operator or operation of a transit vehicle, or impede the safe boarding or alighting of passengers.	15	12%
640(b)(9)	Penal Code – Willfully blocking the free movement of another person in a system facility or vehicle.	9	7%
99170(a)(5)	Public Utilities Code – Commit any act or engage in any behavior that may, with reasonable foresee ability, cause harm or injury to any person or property	4	3%
640(b)(7)	Penal Code – Carrying an explosive or acid, flammable liquid, or toxic or hazardous material in a public transit facility or vehicle	2	1%
640.5(a)(1)	Penal Code – Any person who defaces with graffiti or other inscribed material the interior or exterior of the facilities or vehicles	1	1%
Total		129	100%

NOTE: Aforementioned subsections of Penal Code 640 have been changed pursuant to AB 2324 Chapter 675 Statutes of 2010



Conclusion

SB 1561, authored by Senator Steinberg, was enacted to allow for a three-year pilot program to exclude passengers who repeatedly violate transit law from using the system. SB 1561 sunsets on January 1, 2012. Based on RT's experience implementing SB 1561, the law is currently not sufficiently robust to effectively deter nuisance behavior. Specifically, the law should be strengthened in the following three areas;

1. Increase the time period over which infractions can be considered for exclusion. Currently, SB 1561 allows exclusion for three specified infractions over a 60 day period. In implementing SB 1561, RT has found that this time period is too short leading to no exclusions using this provision of the law. We believe that increasing this period of time to at least 90 days would provide a more effective deterrent.
2. Include fare violations as one of the elements, in combination with citations for other excludable infractions that would allow exclusion. This would work in concert with recent legislation, AB 2324, that makes fare violation a misdemeanor crime on a third offense. Allowing the option of exclusion for fare violations, combined with other infractions, provides a valuable alternative to the stricter penalty contained in AB 2324.
3. SB 1561 does not provide a penalty for violating an exclusion order. The lack of a penalty makes enforcement of exclusion orders difficult and undermines the deterrent aspect of this legislation. RT would recommend that the law be strengthened with a penalty for the violation of an exclusion order and looks forward to working with the Legislature to define an appropriate penalty.

These changes will support RT's efforts to reduce the number of passenger disruptions and improve the overall transit experience. Building a safe public transit system is the best way to cope with growth and increased road congestion and a stronger measure is deserving of the Legislature's attention/approval.