

REGIONAL TRANSIT ISSUE PAPER

Agenda Item No.	Board Meeting Date	Open/Closed Session	Information/Action Item	Issue Date
13	12/11/12	Open	Action	11/01/12

Subject: Restate Title XII to Remove the limitation of "Covered Light Rail Station" and "Covered Bus Shelter" to Extend the no smoking area to all RT Facilities with "No Smoking" Signs.

ISSUE

Whether to amend and restate Title XII of the RT Administrative Code Pertaining to Laws and Rules for use of Light Rail and Bus Vehicles and Facilities to remove the limitation of "Covered Light Rail Station" and "Covered Bus Shelter" and extend the no smoking area to all RT Facilities with "No Smoking" Signs.

RECOMMENDED ACTION

Adopt Resolution No. 12-11-_____, Amending and Restating Title XII of the RT Administrative Code Pertaining to Laws and Rules for Use of Light Rail and Bus Vehicles and Facilities

FISCAL IMPACT

Estimated cost of \$4,000 - \$10,000 will be paid from existing budget for signage, and enforcement will be conducted with existing resources.

DISCUSSION

In 2006, by Resolution 06-03-0045, the RT Board adopted a change to Title XII of the RT Administrative Code to prohibit smoking in shelters at "Covered Light Rail Stations" and "Covered Bus Stops", provided that "No Smoking" signs were posted. RT has authority to prohibit smoking under Penal Code Section 640(b)(3) and to issue citations to individuals smoking in prohibited areas (it's an infraction punishable by a fine of up to \$250). Staff installed signs subsequent to approval of Resolution No. 06-03-0045; however, Police Services and security staff have treated this as a low priority for enforcement. At the time, it was not clear how the lack of enforcement would affect the policy's value. Security guards assigned to stations often confront smokers at light rail stations and patrons point out the signs to smokers. Although imperfect, smokers have generally honored the no smoking area, although this has not been uniformly true.

Expansion of the no smoking area at light rail stations will have a greater impact on smokers riding the system. Adoption of the proposed resolution will eliminate the right to smoke in light rail stations and at uncovered bus stops owned or controlled by RT while waiting for a train or bus. Currently, smokers can smoke in the open space (but not in the shelter area). Staff expects a decrease in voluntary compliance with an expanded no smoking policy. Non-smoking riders will expect RT staff to enforce an expanded no smoking policy, which will likely expand the conflict between the two groups.

Approved:

Presented:

Final 11/6/12

General Manager/CEO

Chief of Facilities and Business Support Services

J:\Board Meeting Documents\2012\November 12, 2012\IP Waiving 1st reading of Smoking Ordinance change.doc

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13	12/11/12	Open	Action	11/01/12

Subject: Restate Title XII to Remove the limitation of "Covered Light Rail Station" and "Covered Bus Shelter" to Extend the no smoking area to all RT Facilities with "No Smoking" Signs.

Staff is recommending that Title XII be amended and restated, deleting the definitions of "Covered Light Rail Station" and "Covered Bus Shelter" and stating, in Section A.1 that "Smoking is prohibited in all facilities owned or controlled by RT, if such facilities are posted with a "No Smoking" sign.

RESOLUTION NO. 12-11-_____

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

November 12, 2012

**AMENDING AND RESTATING TITLE XII OF THE RT ADMINISTRATIVE CODE
PERTAINING TO LAWS AND RULES FOR USE OF LIGHT RAIL AND BUS
VEHICLES AND FACILITIES**

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

THAT, Resolution No. 06-03-0045 is hereby repealed.

THAT, Title XII of the Sacramento Regional Transit District Administrative Code,
pertaining to Laws and Rules for use of Light Rail and Bus Vehicles and Facilities, is
hereby approved as set out in Exhibit A.

THAT, the General Manager/CEO is hereby authorized and directed to enforce the
laws and rules set out in Title XII.

BONNIE PANNELL, Chair

A T T E S T:

MICHAEL R. WILEY, Secretary

By: _____
Cindy Brooks, Assistant Secretary

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

**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 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 rules and regulations 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 other 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 Vehicle for one ride on fixed route service.
- B. Bicycle – “Bicycle” means 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 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. Designated Passenger Loading Zone – “Designated Passenger Loading Zone” means the area within a seven-and-a-half foot (7.5) radius of the edge of the door opening of a Bus or Light Rail Car.

- G. Electric Personal Assistive Mobility Device – The term “Electric Personal Assistive Mobility Device” (“EPAMD”) means a self-balancing non-tandem 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®.
- H. Facility – “Facility” means any or all personal and real property, equipment, fixture, rights, structure or interest owned, maintained or operated by RT for the operation of RT’s bus and light rail system.
- I. Fare – “Fare” means the price charged to transport a person, including the person’s incidental baggage, as set forth in the RT Fare Structure.
- J. 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.
- K. 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 any city or county through which RT’s Bus or Light Rail passes, the parking provisions set out in *Vehicle Code* Section 22500 and the parking ordinances of such city or county.
- L. 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.
- M. Operator – “Operator” means the person who drives or is in actual physical control of a Vehicle.
- N. 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 a Vehicle. The evidence of payment must be valid throughout the duration of the ride pursuant to the provisions of RT’s Fare Structure.
- O. RT – “RT” means the Sacramento Regional Transit District.
- P. Rule – “Rule” means an authoritative, prescribed direction for conduct.
- Q. Stroller/Utility Cart – “Stroller/Utility Cart” means a wheeled device designed to carry children and/or goods.

- R. Vehicle – “Vehicle” means a Bus or Light Rail owned or operated by RT, which is used to transport persons on fixed route service.

12.113 Agreement

The use of any Vehicle shall constitute an agreement by the person using the Vehicle 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 Disembarking any Rail Car; (3) exhibit Proof of Fare Payment upon demand of an RT Inspector; and (4) abide by the conditions set forth in these Rules and Regulations.

12.114 Prohibited Conduct

- A. *Laws:* Any of the following is an infraction punishable in the manner set forth in the code section or ordinance, as applicable:

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 within any RT Facility where a “no smoking” sign is posted. Signs will be posted at entrances to stations (where there is a logical or natural entrance) and near other signs identifying Rules and Laws for using the transit system.
2. Any act prohibited under *Penal Code* Section 640.5.
3. Any act prohibited under *Public Utilities Code* Section 99170, provided that RT provides 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 a city or county which has authorized RT Inspectors to enforce its parking ordinances, including but not limited to, parking a vehicle at designated bus and/or light rail loading zones or on RT property that is posted as a no-parking area, as set out in

any existing or future memoranda or understanding between RT and any city or county through which RT's Bus or Light Rail passes.

- B. *Rules:* The following activities are prohibited on or in: (a) any 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 Facility, because such activities interfere with the safe boarding and alighting of persons into or from a Vehicle:
1. Boarding a Vehicle with an EPAMD, except in the following circumstances: (1) if 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 tiedown location in the Vehicle; or (2) a non-disabled person may Board a Rail Car with an EPAMD if the person uses the steps to Board the Rail Car and stows the EPAMD in the space reserved for Bicycles.
 2. Placing one's feet on the seat of a Vehicle or placing any article on such seat which would leave grease, oil, paint, dirt, or any other substances on the seat.
 3. Boarding a 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 a 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 a 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, or making speeches or orations;
13. Affixing a sign, placard, notice, declaration or appeal of any kind or description; or
14. Attempting to ride or riding on a 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 04-08-01, Prohibiting Specified Acts Committed in or on 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 any or 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 Platform or Bus Stop Boarding Area, as directed in a written policy of the General Manager/CEO. (Civil Code Section 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 the petitioner 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 Vehicles, at appropriate RT Facilities, 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. 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 petitioner’s identification card cannot be located, RT shall issue another 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.