

Agenda Item No.	Board Meeting Date	Open/Closed Session	Information/Action Item	Issue Date
13	06/08/15	Open	Action	05/18/15

Subject: Prohibited Acts Ordinance

ISSUE

Repeal the existing Prohibited Acts Ordinance No. 07-06-01 and adopt the new Prohibited Acts Ordinance No. 15-06-02 that: (1) restates provisions of the prior ordinance; (2) prohibits additional conduct that interferes with the safety and security of transit passengers or the safe and secure operation of the transit system; (3) prohibits the use of RT bus shelters and benches by individuals that are not transit passengers to preserve those amenities for transit users; and (4) adds a definition and provisions establishing a “Paid Fare Zone.”

RECOMMENDED ACTION

Repeal Ordinance No. 07-06-01 and Adopt Ordinance No. 15-06-02, a New Ordinance Prohibiting Specified Acts Committed In or On RT Vehicles or Facilities.

FISCAL IMPACT

None as a result of this action.

DISCUSSION

On May 11, 2015, the first reading of an Ordinance Repealing Ordinance No. 07-06-01 was waived.

The safety and security of its passengers, and the provision of safe, secure, efficient, and convenient service, are of paramount importance to RT. Two of the principal tools used by RT and contract personnel to stop and deter misconduct by those using RT facilities and vehicles are RT’s Prohibited Acts Ordinance and Title XII of RT’s Administrative Code.

Contained within the Prohibited Acts Ordinance and Title XII are a collection of laws and rules that apply to those using transit facilities and vehicles, generally, and to those specifically using RT facilities and vehicles. To the extent possible, it is RT’s intent that persons committing conduct that is detrimental to RT’s transit operations be criminally cited with an infraction.

Statutory authority identifies prohibited conduct specifically related to transit operations. (*Public Utilities Code* § 99170 and *Penal Code* §§ 640 and 640.5.). The activities described in *Public Utilities Code* Sections 99170 and *Penal Code* Section 640 can be divided into two categories:

- (1) Conduct that is per se criminalized, without the need for further action by the transit agency; and
- (2) Conduct that is criminalized only if the transit agency has taken the additional step of adopting a prohibition (examples would include prohibitions related to boarding with bicycles, smoking, or

Approved:

Presented:

Final 06/02/15

General Manager/CEO

Chief Counsel

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eating and drinking). In these instances, adoption of the prohibition elevates the conduct to a criminal act.

Additionally, RT’s Enabling Act allows the RT Board of Directors to enact ordinances that prohibit specified conduct at RT’s facilities and on RT vehicles. (*Public Utilities Code* § 102122.) The conduct identified in Section 102122 is prohibited only if the Board of Directors has enacted an ordinance to criminally enforce the prohibitions set out in the section.

RT’s Enabling Act also allows the RT Board of Directors to adopt an administrative code that generally prescribes the manner in which the District will be managed and operated. (*Public Utilities Code* § 102121.) Violations of the RT rules set out in Title XII of the Administrative Code are not crimes, but are enforced through requests for compliance, ejection, and/or confiscation of the violator’s RT identification card.

In May 2014, RT enlisted the assistance of a Peer Review Panel, composed of a group of peer agency representatives, to review and evaluate RT’s security services and programs. The review was conducted in July 2014 and, in its December 2014 final Observations and Recommendations Report, the panel recommended, among other things, that RT “implement a clearly defined ‘paid fare’ zone at all light rail stations.” The panel opined that a Paid Fare Zone would deter loitering and other nuisance behavior by those who are not fare-paying RT customers.

In September 2014, then-RT Board Director Serna sought input from a group of key business leaders with an invested interest in Downtown Sacramento, known as the Business Advisory Panel, to provide advice about how to improve the RT system. In its January 2015 report, on the topic of safety and fare evasion, the panel endorsed the recommendation made by the Peer Review Panel regarding the implementation of a Paid Fare Zone at light rail stations.

In addition to the findings and recommendations of the Peer Review Panel and the Business Advisory Panel, RT has received concerns from the public, Board Members, and staff regarding the impact of certain types of passenger conduct that either create a safety and security concern, or make the use of RT facilities and vehicles less pleasant and convenient for others.

In response to the foregoing, Staff is recommending that the Board repeal the existing Prohibited Acts Ordinance, and adopt a new Ordinance that contains the same prohibitions as the current Ordinance with additions to: (1) define a “Paid Fare Zone” at light rail stations and to add a provision that prohibits entering a Paid Fare Zone without valid fare or without immediately purchasing valid fare; (2) prohibit the use of RT bus shelters and benches by individuals that are not transit passengers to preserve those amenities for transit users; and (3) identify types of passenger conduct that interfere with the safety and security of RT’s passengers and operations and add that conduct to the Prohibited Acts Ordinance so that the conduct will subject the offender to criminal penalties.

With respect to the Paid Fare Zone, RT believes that the establishment of a zone within which only persons with valid fare may congregate will create a safer, cleaner, and more convenient waiting area for RT passengers because those without a transit purpose, who may be engaged in

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nuisance and/or criminal activity, will be excluded from the area. The zone will also aid in fare inspection because RT personnel will be able to check for valid fare in the zone before passengers board a light rail vehicle. Additionally, the Paid Fare Zone may enable more efficient boarding and alighting from light rail vehicles by creating more space for passengers on the station platforms.

RT has similar concerns with respect to preserving the use of its bus shelters and benches for the use of transit passengers. Due to the fact that bus passengers often pay the fare on the bus, it is not practical to establish a Paid Fare Zone at bus stops. The new ordinance will instead provide that individuals waiting at a bus stop or shelter, ostensibly for the purpose of using transit, must board the next bus that arrives and is travelling to the person's destination.

With respect to making conduct that interferes with the safety and security of RT's passengers and operations a criminal infraction, RT believes that it will be better able to deter and stop this type of conduct. To this end, some conduct previously identified as a "rule" in Title XII of the RT Administrative Code has been moved to the new Prohibited Acts Ordinance. Specifically, the following conduct could result in a criminal citation:

- Boarding a vehicle with an Electronic Personal Assistive Mobility Device (EPAMD), unless the person is disabled or boards a Rail Car with the device using the steps and stows the EPAMD in the space reserved for Bicycles.
- Occupying seats designated for seniors and the disabled, unless the person meets the definition of a senior or disabled person as set forth in the RT Fare Structure.
- Transporting animals unless: (a) the animal is a guide, service, or signal animal that 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 that is small enough to fit on the person's lap and the animal does not otherwise endanger or annoy other persons.
- Engaging in conduct that results in the occupation of more than one seat by one person.
- 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.

In addition, the ordinance would add a definition of "Prohibited Carry-on Bag", and, for safety and security reasons, prohibit boarding a vehicle, or remaining on board a vehicle, while in possession of a Prohibited Carry-On Bag.

Staff recommends that the Board adopt Ordinance 15-06-02, an Ordinance authorizing Prohibiting Specified Acts Committed In or On RT Vehicles or Facilities as attached.

ORDINANCE NO. 15-06-02

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

June 8, 2015

REPEALING ORDINANCE NO. 07-06-01 AND ADOPTING A NEW ORDINANCE PROHIBITING SPECIFIED ACTS COMMITTED IN OR ON RT VEHICLES OR FACILITIES

WHEREAS, pursuant to *Public Utilities Code* Sections 99170, 102107 and 102122 and *Vehicle Code* Section 21113, RT may prohibit specified acts in or on RT's vehicles and facilities; and

WHEREAS, on June 25, 2007 RT adopted Ordinance No. 07-06-01 Amending and Restating an Ordinance Prohibiting Specified Acts Committed on or in Vehicles or Facilities ("Prohibited Acts Ordinance"); and

WHEREAS, this Board desires to repeal Ordinance No. 07-06-01 and adopt a new Prohibited Acts Ordinance that: (1) restates provisions of the prior ordinance; (2) prohibits additional conduct that interferes with the safety and security of transit passengers or the safe and secure operation of the transit system; (3) prohibits the use of RT bus shelters and benches by individuals that are not RT passengers to preserve those amenities for transit users; and (4) adds a definition and provisions establishing a "Paid Fare Zone."

NOW, THEREFORE, the Board of Directors of the Sacramento Regional Transit District do ordain as follows:

Section 1: Repeal of Prior Ordinances

Ordinance No. 07-06-01 is hereby repealed as of the effective date of this Ordinance.

Section 2: Authority

This Ordinance is adopted pursuant to *Public Utilities Code* Sections 99170, 102107 and 102122, *Penal Code* Sections 836.5, and *Vehicle Code* Sections 21113, 22521, 22651, and 22656.

Section 3: Definitions

- A. Alcoholic Beverage – A beverage as defined in *Business and Professions Code* Section 23004.
- B. Bicycle - A motorized or 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. Bus - A motor vehicle operated by RT for the transportation of persons with a

minimum capacity of ten people.

- D. Electric Personal Assistive Mobility Device (“EPAMD”) – 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. The definition includes a Segway®.
- E. Electronic Smoking Device – An electronic or battery operated device that delivers vapors for inhalation. This term includes every variation and type of such device whether they are manufactured, distributed, marketed, or sold as an electronic cigarette, cigar, cigarillo, pipe or hookah pipe, or any other product name or descriptor.
- F. Facility - Any or all personal and real property, equipment, fixture, structure, or rights or interests owned, controlled, operated or maintained by RT for the operation of RT’s transit service.
- G. Fare Structure – 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.
- H. Inspector – A person regularly employed by RT as a fare inspection officer, supervisor superintendent, or security guard who has received training in accordance with *Penal Code* Section 832, or a peace officer assigned to enforce state and local laws and RT’s ordinances while patrolling RT’s Vehicles and Facilities.
- I. Light Rail Station – Property owned or controlled by RT that is open to the public for the purpose of accessing a Vehicle, including without limitation the boarding platform and parking lot.
- J. Paid Fare Zone – The portion of a Light Rail Station designated by Resolution of the RT Board of Directors and delineated by a combination of pavement markings, structural barriers, detectable warning tile at platform edges and signage within which a person must either be in possession of valid fare (as defined by RT’s fare structure) for the time of use or be in the process of obtaining valid fare.
- K. Prohibited Carry-On Bag – (1) a bag that cannot be stowed on the passenger’s lap or on the floor in the seating area of a Vehicle without extending into the aisle; (2) a bag where the contents are leaking through or out of the bag; (3) a bag made of a material that is permeable to liquids or easily ruptured or torn (such as paper or plastic) that contains garbage or recyclables; or (4) a bag that is the source of a noxious odor.
- L. Proof of Fare Payment – Evidence in a person’s possession that he or she has paid 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. The evidence of payment must be valid throughout the duration of the ride pursuant to the provisions of the RT Fare Structure.

- M. Rail Car - A passenger compartment for public transportation that is operated by RT over rails.
- N. RT - The Sacramento Regional Transit District.
- O. Smoke – The gases, particles, or vapors released into the air as a result of combustion, electrical ignition, or vaporization, including an electronic smoking device, when the purpose of the combustion, electrical ignition, or vaporization is human inhalation of gases, particles or vapors. Smoke does not mean the combustion of material solely for olfactory purposes that does not contain any tobacco or nicotine. The term “Smoke” includes, but is not limited to, tobacco smoke, electronic cigarette vapors, and marijuana smoke.
- P. Smoking – Engaging in an act that generates Smoke, such as possessing a lighted pipe, a lighted hookah pipe, a lighted cigar, a lighted cigarette or an operating electronic smoking device; or lighting or igniting a pipe, a hookah pipe, a cigar, or a cigarette of any kind.
- Q. Stroller/Utility Cart – A wheeled device designed to carry children and/or goods that is capable of being folded.
- R. Title XII of the RT Administrative Code – The rules regulating conduct at Facilities and on Vehicles as set forth under RT Resolution No. 14-09-0104 as amended or restated from time to time.
- S. Vehicle - A Bus, Replica Streetcar, Rail Car, and Historic Streetcar owned or operated by RT that is used to transport passengers.

Section 4: Prohibited Conduct

The following conduct is criminally punishable in the manner set forth in the code section or this ordinance, as applicable.

- A. Any act prohibited under *Penal Code* Section 640, including the following:
 - 1. Eating or drinking in or on a system facility or vehicle in areas where those activities are prohibited by that system. 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.
 - 2. Disturbing another person by loud or unreasonable noise.
 - 3. Smoking in or on a system facility or vehicle in areas where those activities are prohibited by that system. Smoking is prohibited in all Vehicles and within any Facility where a “no smoking” sign is posted. Signs are 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.

4. Expecting upon a system facility or vehicle.
5. Skateboarding, roller skating, Bicycle riding, roller blading, or operating a motorized scooter or similar device, as defined in Section 407.5 of the Vehicle Code in a system facility, vehicle, or parking structure. This paragraph does not apply to an activity that is necessary for utilization of the transit facility by a bicyclist, including, but not limited to, an activity that is necessary for parking a Bicycle or transporting a Bicycle aboard a transit vehicle, if that activity is conducted with the permission of the transit agency in a manner that does not interfere with the safety of the bicyclist or other patrons of the transit facility.
6. Sale or peddling of any goods, merchandise, property, or services of any kind whatsoever on the facilities, vehicles, or property of the public transportation system, if the public transportation system has prohibited those acts and neither the public transportation system nor its duly authorized representatives have granted written consent to engage in those acts.
7. Evasion of the payment of a fare of the system. For purposes of this section, fare evasion includes entering an enclosed area of a public transit facility beyond posted signs prohibiting entrance without obtaining valid fare, in addition to entering a transit vehicle without valid fare.
8. Misuse of a transfer, pass, ticket, or token with the intent to evade the payment of a fare.
9. Unauthorized use of a discount ticket or failure to present, upon request from a transit system representative, acceptable proof of eligibility to use a discount ticket, in accordance with Section 99155 of the Public Utilities Code and posted system identification policies when entering or exiting a transit station or vehicle. Acceptable proof of eligibility must be clearly defined in the posting. In the event that an eligible discount ticket user is not in possession of acceptable proof at the time of request, any citation issued shall be held for a period of 72 hours to allow the user to produce acceptable proof. If the proof is provided, the citation shall be voided. If the proof is not produced within that time period, the citation shall be processed.
10. Willfully disturbing others on or in a system facility or vehicle by engaging in boisterous or unruly behavior.
11. Carrying an explosive, acid, or flammable liquid in a public transit facility or vehicle.
12. Urinating or defecating in a system facility or vehicle, except in a lavatory. However, this paragraph shall not apply to a person who cannot comply with this paragraph as a result of a disability, age, or a medical condition.
13. Willfully blocking the free movement of another person in a system facility or vehicle. This paragraph shall not be interpreted to affect any lawful activities permitted or First Amendment rights protected under the laws of this state or

applicable federal law, including, but not limited to, laws related to collective bargaining, labor relations, or labor disputes.

14. Willfully tampering with, removing, displacing, injuring, or destroying any part of any facility or vehicle of a public transportation system.
- B. Any act prohibited under *Penal Code* Section 640.5, including defacing with graffiti or other inscribed material the interior or exterior of Vehicles and Facilities.
- C. 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, including the following:
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 a window opening of a transit vehicle in a manner that may cause harm or injury.
 4. Throw an object from a transit vehicle.
 5. Commit an act or engage in a behavior that may, with reasonable foreseeability, cause harm or injury to any person or property.
 6. Violate a notice, prohibition, instruction, or direction on a sign that is intended to provide for the safety and security of transit passengers, or the safe and secure operation of the transit system. RT has determined that the following conduct interferes with the safety and security of transit passengers and the safe and secure operation of the transit system and is prohibited:
 - a. 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 wheelchair area or tie-down 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.
 - b. Occupying seats designated for seniors and the disabled, unless the person meets the definition of a senior or disabled person as set forth in the RT Fare Structure.
 - c. Transporting animals unless: (a) the animal is a guide, service, or signal animal that 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 that is small enough to fit on the

person's lap and the animal does not otherwise endanger or annoy other persons.

- d. Engaging in conduct that results in the occupation of more than one seat at a time when there is a heavy passenger load on the Vehicle.
 - e. 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.
 - f. Entering into or being upon any Facility or Vehicle with any bottle, can or other receptacle containing any Alcoholic Beverage that has been opened, or a seal broken, or the contents of which have been partially removed; or consuming any Alcoholic Beverage.
 - g. Boarding a Vehicle, or remaining on board a Vehicle, while in possession of a Prohibited Carry-On Bag.
 - h. Violating any notice, prohibition, instruction, or direction on any sign at a Facility or on a Vehicle that is intended to provide for the safety and security of RT passengers or for the safe and secure operation of RT's transit system.
7. Knowingly give false information to an RT employee, or contracted security officer, engaged in the enforcement of a district ordinance or a state law, or otherwise obstruct the issuance of a citation for the violation of a district ordinance or a state law.
8. Violate any of the conditions established by a transit district ordinance under which a passenger may board a transit vehicle with a Bicycle and where that Bicycle may be stowed on the transit vehicle. This ordinance establishes that no person may do any of the following:
- a. Carry more than one Bicycle at the same time onto a Vehicle;
 - b. Stow more than one Bicycle inside a Vehicle;
 - c. Carry a Bicycle onto a Bus that has an exterior Bicycle carrier mounted on it;
 - d. Board the front Rail Car (based upon the Rail Car's direction of travel at the time of boarding), if that person: (a) boards with a Bicycle at other than the rearmost door of that Rail Car; (b) stows a Bicycle at other than the rearmost location inside that Rail Car; or (c) boards with or stows a Bicycle when two or more Bicycles are already stowed in that Rail Car at the time of boarding;
 - e. board any Rail Car coupled behind the front Rail Car (based upon the Rail Car's direction of travel at the time of boarding), if that person: (a) boards with or stows a Bicycle at other than the rearmost or frontmost

location of that Rail Car; or (b) boards with or stows a Bicycle at any door where two or more Bicycles are already stowed at the time of boarding; or

- f. Carry a Bicycle onto a Replica Streetcar or a Historic Streetcar.
 - g. Sections 8.c., 8.d., and 8.e., above, do not apply to the last Vehicle operated along each route each day.
- D. As set out in *Vehicle Code* Sections 22521 and 22656, parking a vehicle on RT's Light Rail track or within 7 ½ feet of the nearest rail.
- E. Parking a vehicle in violation of *Vehicle Code* Section 22500, or the parking ordinances of a city or county that has authorized 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 of understanding between RT and any city or county through which RT's Bus or Light Rail passes.
- F. Pursuant to *Public Utilities Code* Section 102122, no person, other than an authorized RT employee or agent, may do any of the following:
- 1. Interfere with the operation of a Vehicle or any Facility used to provide access to a Vehicle. The term "interfere" includes acting in a manner that could impair: a) the safety of any person; or b) RT's provision of safe, efficient and convenient transit service.
 - 2. Climb upon or attach himself or herself to any Vehicle or Facility except as the Vehicle or Facility was designed to be used.
 - 3. Enter upon the roadbed, tracks, structures or other parts of a Facility not open to the public.
 - 4. Remove, displace, injure, destroy, or obstruct any part of a Facility, including without limitation, an RT track, switch, turnout, bridge, culvert.
 - 5. Occupy a bus bench or shelter at a bus stop unless the person boards the next Vehicle, arriving at the stop travelling in the passenger's direction of travel or the person occupies the facility to accompany or meet another person ("the Passenger") who will either be boarding onto or is expected to alight from the next Vehicle arriving at the stop traveling in the Passenger's direction of travel. For purposes of this Section, "Vehicle" includes a bus operated by another public transit agency, if the bus is authorized by RT to use the stop.
 - 6. Enter a Paid Fare Zone unless: a) The person is in possession of valid fare or promptly purchases valid fare from a fare vending machine and boards the next Vehicle arriving at the Light Rail Station traveling in the person's direction of travel. Each person entering a Paid Fare Zone within a Light Rail Station will be permitted sufficient time to purchase fare and board a Vehicle, taking into consideration factors affecting mobility such as age or disability,

schedule delays or Vehicles that are full to capacity; or b) The person alights from an Vehicle, having paid the applicable fare and either: (1) leaves the Paid Fare Zone without delay; or (2) if transferring to a different Light Rail line, boards the next Vehicle arriving at the Light Rail Station travelling in the passenger's direction of travel.

7. Enter a Light Rail Station without a Paid Fare Zone or the portion of a Light Rail Station outside a Paid Fare Zone unless: a) The person alights from an Vehicle and either: (1) leaves the Light Rail Station without delay; or (2) if transferring to a different Light Rail line or bus, boards the next Vehicle arriving at the Light Rail Station travelling in the passenger's direction of travel; or b) the person enters the Light Rail Station to accompany or meet another person ("the Passenger") who will either be boarding or is expected to alight from the next Vehicle at the Light Rail Station traveling in the Passenger's direction of travel ("Next Vehicle"), subject to the following: (1) the person may enter a Light Rail Station to drop off the Passenger no sooner than 15 minutes prior to the scheduled arrival of the next Vehicle, unless a longer period is required for the Passenger to board taking into consideration factors affecting mobility such as age or disability, schedule delays, and Vehicles that are full to capacity. Once the Passenger boards a Vehicle, the person must leave the Light Rail Station without delay; or (2) if the Passenger who is to be picked-up fails to alight from the next Vehicle, the person may stay an additional 15 minutes to wait for the next Vehicle scheduled to arrive traveling in the Passenger's direction of travel ("second Vehicle"), unless a longer period is required due to schedule delays or Vehicles that are full to capacity. If the Passenger does not alight from the second Vehicle, the person must leave the Light Rail Station immediately after the second Vehicle leaves the Light Rail Station. For purposes of this Section, "Vehicle" includes a bus operated by another public transit agency, if the bus is authorized by RT to use the Light Rail Station.

This Section F.7 does not prohibit any person from engaging in activities that are protected under federal and state laws, including without limitation, picketing, demonstrating, distributing handbills, or circulating petitions outside of a Paid Fare Zone.

8. Enter a Light Rail Station while operating a vehicle, as defined in the *Vehicle Code*, unless the person operating the vehicle: a) parks the vehicle in the area designated for vehicle parking and boards the next Vehicle as provided in Section F.7; or b) parks in the area designated for passenger loading or vehicle parking and: (1) removes the vehicle from the Light Rail Station without delay after the Passenger boarding the next Vehicle has been dropped-off. If the Passenger needs assistance in boarding, the person may accompany the Passenger to the platform but must remove the vehicle from the Light Rail Station without delay after the Passenger boards the next Vehicle. A person may enter a Light Rail Station to drop off the Passenger no sooner than 15 minutes prior to the scheduled arrival of the Vehicle traveling to the Passenger's destination, unless a longer period is required due to schedule delays or Vehicles that are full to capacity; or (2) removes the vehicle from the Light Rail Station without delay after the Passenger alighting from the Next Vehicle has been picked up. If the Passenger who is

to be picked up fails to alight from the next Vehicle, the person may stay an additional 15 minutes to wait for the next Vehicle scheduled to arrive traveling in the Passenger's direction of travel ("second Vehicle"), unless a longer period is required due to schedule delays or Vehicles that are full to capacity. If the Passenger does not alight from the second Vehicle, the person must leave the Light Rail Station immediately after the second Vehicle leaves the Light Rail Station. For purposes of this Section, "Vehicle" includes a bus operated by another public transit agency, if the bus is authorized by RT to use the Light Rail Station.

9. The provisions of F.6, F.7 or F.8 do not apply to a person who is:
 - a) Attending an RT-authorized event at a Light Rail Station to which the person is invited when that person remains within those areas of the Light Rail Station that are open for the event on the day and during hours of operation of the event. RT or any third party that RT authorizes to conduct an event at a Light Rail Station must post the following information at each entrance to the event or in prominent locations at the event site if the event does not have controlled access points: whether the event is open to the public or by invitation only, the event date(s) and hours of operation, and the area or areas within a Light Rail Station that are open for the event.
 - b) Touring or inspecting a Light Rail Station as an RT invitee when the invitee is in the presence of the RT representative who is conducting or accompanying the tour or inspection.
 - c) Retailing goods or services at a Light Rail Station in accordance with the terms and conditions of an RT permit, license, lease, or other agreement, as applicable.
 - d) Performing construction, maintenance, operations, event set-up, or other work or services at a Light Rail Station as authorized by RT.
 - e) Performing a regulatory function as authorized by applicable law or an agreement between RT and the regulating entity.
 - f) Authorized by RT to be present or park his or her vehicle at the Light Rail Station under the terms of a lease, license, right of entry or other written agreement.

- G. Nothing herein shall be construed to prohibit the presence or use of any device or implement used by a disabled person to gain equal access to and use of the transportation services provided by RT at any location within a Facility or on a Vehicle if such prohibition would constitute unlawful discrimination under the Americans With Disabilities Act or 1990, as amended, and its implementing regulations, or if RT otherwise authorizes the presence or use of the device or implement under Title XII of the RT Administrative Code.

Section 5: Penalties

Violations of the Penal Code or Vehicle Code as set forth above shall be subject to the penalties set forth in the applicable Penal Code or Vehicle Code section.

Excluding Section 4.F.8., violations of Sections 4.C. and 4.F. are infractions punishable by a fine not to exceed \$75 for the first offense and, for the second or subsequent offense, a fine not to exceed \$250 or by community service which 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.

Violation of Section 4.F.8. is an infraction punishable by a fine not to exceed \$25 for the first and each subsequent offense.

Section 7: Designation of Enforcement Authority

Inspectors are hereby designated as having the duty and the authority under *Penal Code* 836.5 to enforce the provisions of this Ordinance, *Penal Code* Sections 640 and 640.5, *Public Utilities Code* Section 99170, *Vehicle Code* Sections 22521, 22651, and 22656 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. Such duty and authority includes, without limitation, arresting a person without a warrant and releasing the person, issuing parking tickets and towing vehicles.

Section 8: Severability

This Ordinance shall be liberally construed to effectuate its purposes. The provisions of this Ordinance are severable. If any of the provisions, clauses, sentences, sections, subsections, words, or portions thereof is held illegal, invalid, unconstitutional, or inapplicable to any person or circumstance, such portion shall be deemed, to the maximum extent possible, a separate, distinct, and independent provision, so that such illegality, invalidity, unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, sections, subsections, words or portions of this Ordinance or their application to other persons or circumstances. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, the invalidity shall not affect the remaining portions of this Ordinance.

Section 9: Effective Date

This Ordinance will become effective 30 days after the date of its passage.

Section 10: Ordinance Publication

Within 15 calendar days after adoption, the Secretary is hereby directed to publish this Ordinance in full in a newspaper of general circulation published within RT's activated boundaries.

Passed and adopted at a regular meeting of the Sacramento Regional Transit District on the 8TH day of June, 2015 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

JAY SCHENIRER, Chair

A T T E S T:

MICHAEL WILEY, Secretary

By: _____
CINDY BROOKS, Assistant Secretary