

REGIONAL TRANSIT ISSUE PAPER

Agenda Item No.	Board Meeting Date	Open/Closed Session	Information/Action Item	Issue Date
7	11/09/15	Open	Action	10/21/15

Subject: Setting a Public Hearing Regarding the Proposed Amendment of RT's Prohibited Acts Ordinance to Allow RT to Issue Citations for the Failure to Yield a Seat Reserved for the Elderly or Disabled

ISSUE

Setting a Public Hearing Regarding the Proposed Amendment of RT's Prohibited Acts Ordinance to Allow RT to Issue Citations for the Failure to Yield a Seat Reserved for the Elderly or Disabled.

RECOMMENDED ACTION

Adopt Resolution 15-11-____, Setting a Public Hearing Regarding the Proposed Amendment of RT's Prohibited Acts Ordinance to Allow RT to Issue Citations for the Failure to Yield a Seat Reserved for the Elderly or Disabled.

FISCAL IMPACT

None as a result of this action.

DISCUSSION

On October 26, 2015 the Board of Directors waived the first reading of an ordinance that would amend the Prohibited Acts Ordinance to make three revisions related to Penal Code Section 640, specifically:

- (1) Broaden the prohibition on sound equipment;
- (2) Make the failure to yield reserved seating a citable offense; and
- (3) Specify that possession of open containers of alcohol is prohibited in facilities and vehicles pursuant to RT's authority to regulate eating and drinking under Penal Code Section 640.

The proposed revision expanding the prohibition against sound equipment is designed to align the Prohibited Acts Ordinance with revisions to Penal Code Section 640 recently signed into law as part of Senate Bill (SB) 413. This provision would be effective beginning on January 1, 2016. Revising the Prohibited Acts Ordinance to incorporate the broadened prohibition against sound equipment does not require a public hearing.

The prohibition of open containers of alcohol is within the existing authority provided by the Penal Code Section 640 and the proposed revision is designed to remedy the incorrect placement of the provision within the Prohibited Acts Ordinance. This change does not require a public hearing.

Approved:

Presented:

Final 11/05/15

General Manager/CEO

Timothy Spangler, Chief Counsel

J:\Board Meeting Documents\2015\19 November 9, 2015\Setting a Public Hearing Re Amended Prohibited Acts Ordinance 15-11-01.docx

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The third proposed revision, also enacted by SB 413, allows transit agencies to enforce “the act of failing to yield seating reserved for an elderly or disabled person” as an infraction. However, a public hearing is statutorily required before RT can add this provision to its Prohibited Acts Ordinance.

The need for a public hearing was discussed in the body of the Issue Paper submitted in connection with the recommendation to waive the first reading of the proposed amended ordinance at the October 26, 2015, Board Meeting, but the setting of the hearing did not appear in the Resolution. To ensure the public an opportunity to be heard regarding the matter, staff is bringing the matter back to the Board for the specific purposes of setting the required hearing.

Staff is recommending that the Board set a public hearing to receive comment regarding the addition of the failure to yield reserved seating to the elderly or disabled as a citable offense to RT's Prohibited Acts Ordinance.

RESOLUTION NO. 15-11-_____

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

November 9, 2015

**SETTING A PUBLIC HEARING REGARDING THE PROPOSED AMENDMENT OF
RT'S PROHIBITED ACTS ORDINANCE TO ALLOW RT TO ISSUE CITATIONS FOR
THE FAILURE TO YIELD A SEAT RESERVED FOR THE ELDERLY OR DISABLED**

WHEREAS, RT wishes to add a provision to its Prohibited Acts Ordinance consistent with the amendment to Penal Code Section 640 pertaining to the criminalization of the failure to yield a seat reserved for the elderly or disabled; and

WHEREAS, the amended Penal Code Section 640 requires a public hearing before such a change can be made to the Prohibited Acts Ordinance.

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

THAT, a public hearing to receive comment regarding the proposed amendment of RT's Prohibited Acts Ordinance to allow RT to cite for the failure to yield a seat reserved for the elderly or disabled is set to take place at the December 14, 2015, meeting of the RT Board of Directors.

JAY SCHENIRER, Chair

A T T E S T:

MICHAEL R. WILEY, Secretary

By: _____
Cindy Brooks, Assistant Secretary