

REGIONAL TRANSIT ISSUE PAPER

Agenda Item No.	Board Meeting Date	Open/Closed Session	Information/Action Item	Issue Date
10	05/08/17	Open	Action	05/03/17

Subject: Whether or not to modify Title XV of RT's Administrative Code, "Prohibition of Specified Acts Committed In or On RT Vehicles or Facilities."

ISSUE

Whether or not to modify Title XV of RT's Administrative Code, "Prohibition of Specified Acts Committed In or On RT Vehicles or Facilities."

RECOMMENDED ACTIONS

Motion: Waive First Reading of Ordinance 17-05-01, Amending Title XV of RT's Administrative Code, "Prohibition of Specified Acts Committed In or On RT Vehicles or Facilities" to Amend the Definitions of "Inspector," "Paid Fare Zone" and "Proof of Fare Payment" and to Prohibit Loitering in Light Rail Stations During Non-Revenue Hours.

FISCAL IMPACT

The changes should have minimal fiscal impact, although expanding the locations where RT staff can request proof of fare payment to all station platforms may result in a reduction in fare evasion and increase in fare revenue.

DISCUSSION

In March 2016, the Board "codified" Ordinance 15-06-02 in Title XV, "Prohibition of Specified Acts Committed In or On RT Vehicles or Facilities" to allow for consistent numbering and avoid the need for re-publication each time a change was made to the Ordinance. At this time, Staff is recommending some minor changes to the definitions in Title XV. Specifically, Staff is recommending that:

- (1) The definition of "Inspector" be amended to eliminate the requirement for Penal Code Section 832 training (typically referred to as "POST" training) and instead reference Penal Code Section 830.14, which has training requirements specific to transit agency personnel; and
- (2) The definition of "Paid Fare Zone" be amended to clarify that not all methods of demarcation are necessary for all stations; and
- (3) The definition of "Proof of Fare Payment" is amended to clarify that it must be presented to an Inspector upon request.

In addition, to prohibit individuals from loitering in RT Light Rail Stations during non-operational hours, staff recommends that the Prohibited Acts Ordinance be amended to prohibit individuals from entering a station or park and ride lot earlier than one hour prior to the scheduled arrival

Approved:

Presented:

Final 05/03/17

General Manager/CEO

Timothy Spangler, Chief Counsel

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of the first train of the day, or remain in a station or park and ride lot for longer than one hour after the departure of the last train of the day.

Because violators are subject to criminal citation, the changes to these definitions must be adopted by Ordinance. At this time, Staff is recommending that the Board waive the first reading of Ordinance 17-05-01, "Amending Title XV of RT's Administrative Code, "Prohibition of Specified Acts Committed In or On RT Vehicles or Facilities" to amend the definitions of "Inspector", "Paid Fare Zone" and "Proof of Fare Payment". The proposed changes are included as Attachment 1.

ORDINANCE 17-05-01

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

May 22, 2017

AMENDING TITLE XV OF RT'S ADMINISTRATIVE CODE, "PROHIBITION OF SPECIFIED ACTS COMMITTED IN OR ON RT VEHICLES OR FACILITIES" TO AMEND THE DEFINITIONS OF "INSPECTOR", "PAID FARE ZONE" AND "PROOF OF FARE PAYMENT" AND TO PROHIBIT LOITERING IN LIGHT RAIL STATIONS DURING NON-REVENUE HOURS

WHEREAS, by Ordinances 15-06-02 and 15-12-01, the Board of Directors prohibited certain conduct in or on RT vehicles; and

WHEREAS, by Resolution 16-03-0032, the Board adopted Title XV of the RT Administrative Code to codify the foregoing ordinance; and

WHEREAS, the Board of Directors desires to modify sections of Title XV for clarification.

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

Section 1: Definitions

The following definitions in Section 15.2, "Definitions" of Title XV of RT's Administrative Code, "Prohibition of Specified Acts Committed In or On RT Vehicles or Facilities" are hereby amended to read in their entirety as follows:

"H. Inspector – A person regularly employed by RT to conduct enforcement activities as specified in Section 15.11 who has received training in accordance with Penal Code Section 830.14, or a peace officer assigned to enforce state and local laws and RT's ordinances while patrolling RT's Vehicles and Facilities."

"J. Paid Fare Zone – The portion of a Light Rail Station designated by Resolution of the Board of Directors that is delineated by a combination, as appropriate, 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."

"L. Proof of Fare Payment – Evidence in a person's possession, which must be presented to an Inspector upon request, that the person 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.”

Section 2: Prohibited Conduct

The existing subsection I. in Section 15.8, “Conduct Prohibited Under Public Utilities Code Section 102122” of Title XV of RT’s Administrative Code, “Prohibition of Specified Acts Committed In or On RT Vehicles or Facilities” is hereby amended to read in its entirety as follows and a new subsection J. is added to read as set out below: I. In addition to the prohibitions set out in subsections F., G. and H., no person or vehicle may enter or remain in a Paid Fare Zone, portion of a Light Rail Station outside a Paid Fare Zone, or a Park and Ride lot earlier than one hour prior to the scheduled arrival of the first Vehicle of the service day or remain in a Paid Fare Zone, portion of a Light Rail Station outside a Paid Fare Zone, or a Park and Ride lot more than one hour after the departure of the last Vehicle of the service day (a service day begins at approximately 4:00 a.m. and continues until approximately 1:00 a.m. the following day).

J. The provisions of 15.8.F, 15.8.G, 15.8.H, and 15.8.I do not apply to a person who is:

1. 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.
2. 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.
3. 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.
4. Performing construction, maintenance, operations, event set-up, or other work or services at a Light Rail Station as authorized by RT.
5. Performing a regulatory function as authorized by applicable law or an agreement between RT and the regulating entity.
6. 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.

Section 3: Authority

This Ordinance is adopted pursuant to *Public Utilities Code* Section 99170, 102107 and 10211, *Penal Code* Sections 830.14 and 836.5, and *Vehicle Code* Section 21113, 22521, 22651, and 22656.

Section 4: 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, 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 5: Effective Date

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

Section 6: 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 this 22nd day of May, 2017 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ANDREW J. MORIN, Chair

A T T E S T:

HENRY LI, Secretary

By: _____

Cindy Brooks, Assistant Secretary