



## STAFF REPORT

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**DATE:** May 9, 2022  
**TO:** Sacramento Regional Transit Board of Directors  
**FROM:** Olga Sanchez-Ochoa, General Counsel  
**SUBJ:** ADOPT A RESOLUTION AMENDING TITLE XV, PROHIBITION OF SPECIFIED ACTS COMMITTED IN OR ON RT VEHICLES OR FACILITIES, OF THE SACRT ADMINISTRATIVE CODE, TO PROVIDE NOTICE OF CONDUCT PROHIBITED UNDER PUBLIC UTILITIES CODE SECTION 99710

### RECOMMENDATION

Adopt the Attached Resolution.

### RESULT OF RECOMMENDED ACTION

If the Board adopts this amendment to Title XV of the SacRT Administrative Code, camping on or within 25' of critical infrastructure, as defined in Chapter 8.140 of the Sacramento City Code, would be a prohibited act within SacRT property and facilities and violations will be enforceable under California Public Utilities Code Section 99170.

### FISCAL IMPACT

None as a result of this action.

### DISCUSSION

On March 28, 2016, the SacRT Board of Directors adopted the current version of Title XV of SacRT's Administrative Code. It was subsequently amended May 17, 2017 and May 14, 2018. Title XV codifies, as an Administrative Code, conduct that is criminally prohibited within SacRT vehicles and facilities.

Title XV includes certain criminal conduct that is explicitly prohibited by state statute (for instance, Penal Code Section 640(c) related to fare evasion) without the need for further SacRT Board action (those items are contained in Title XV primarily for informational purposes), as well as certain conduct that requires further action by the Board of Directors to define and implement, including conduct that may be prohibited through Board action under Penal Code Sections 640(b) or 640(e) and Public Utilities Code Sections 99170 and 102122.

Public Utilities Code Section 99170 provides the necessary authority for SacRT to issue criminal citations for certain violations of transit laws on trains and buses, including interfering with, entering into, or climbing on or in, the property, facilities, or vehicles owned or operated by the transit district without permission or approval and violating prohibitions adopted to ensure the safety and security of transit passengers, or the safe and secure operation of the transit system so long as reasonable notice is provided to the public of activities prohibited under Public Utilities Code Section 99170.

On February 25, 2020, the City of Sacramento City Council adopted Ordinance No. 2020-009, adding Chapter 8.140 of the City Code for the protection of critical infrastructure and wildfire risk areas in the interest of public safety. Pursuant to Section 8.140.020, the City Code defines critical infrastructure to include, among other things, structures, bridges, train tracks, electrical wires, natural gas pipes and public utilities. The City Code prohibits camping on or within 25' of critical infrastructure due to the severe risk that damage, incapacity, disruption, or destruction of critical infrastructure arising from the activities of unauthorized campers could have on the public health, safety and welfare. The determination of what constitutes critical infrastructure was vested in the City Manager, subject to Council approval. On July 20, 2021, the Sacramento City Council adopted the City Manager's list of critical infrastructure that is protected under the City Code. Key to ensuring the continued safe operation of SacRT's transit system is that the City Manager's List included a number of SacRT facilities including light rail stations, light rail tracks, and bridges.

While Section 15.8 of Title XV already contains prohibitions (adopted under Public Utilities Code Section 102122) related to entering portions of a SacRT facility not open to the public and entering and remaining at a light rail station for purposes other than those specifically authorized under Title XV, and Penal Code Section 369i criminalize entry onto transit-related property without permission, these provisions do not sufficiently address SacRT's critical infrastructure and the dangers created by camping of individuals within those critical infrastructure areas. To ensure that SacRT can meaningfully assure the safety and security of its operations consistent with the prohibitions contained in Chapter 8.140, SacRT must provide notice to the public under Public Utilities Code Section 99170 that it has determined that camping within a critical infrastructure area, as defined by Chapter 8.140, constitutes an impermissible entrance and creates undue interference with SacRT's safe operation of its system. Staff is requesting that the Board adopt an amendment to Title XV to provide the required notice of prohibited conduct. Notices may also be posted at the affected sites as a secondary measure of providing the required notice.

The Resolution would also incidentally fix an error in Title XV that was created through the adoption of Ordinance 18-06-01, which inadvertently placed new rules governing the carrying of heavy bicycles under Section 15.8 of Title XV instead of Section 15.5 (since rules governing the carrying of bicycles were adopted by the Board under Public Utilities Code Section 99170 and not Section 102122).

RESOLUTION NO. 2022-05-056

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

May 9, 2022

**AMENDING TITLE XV, PROHIBITION OF SPECIFIED ACTS COMMITTED IN OR ON RT VEHICLES OR FACILITIES, OF THE SACRT ADMINISTRATIVE CODE, TO PROVIDE NOTICE OF CONDUCT PROHIBITED UNDER PUBLIC UTILITIES CODE SECTION 99170**

WHEREAS, on February 25, 2020, the Sacramento City Council adopted Ordinance No. 2020-0009, which added Chapter 8.140 to the City Code for the protection of critical infrastructure and wildfire risk areas in the interest of public safety.

WHEREAS, on July 20, 2021, the Sacramento City Council adopted the City Manager's Designation of Specified Locations as Critical Infrastructure for Purposes of Chapter 8.140 of the City Code, which included SacRT facilities such as light rail stations and light rail tracks.

WHEREAS, SacRT has experienced an increasing number of incidents caused by activities of unauthorized campers who have placed their encampments along its light rail right of way and other areas defined by the City as "critical infrastructure" that have created a significant risk to the safety of its transit system, employees and patrons and has resulted in the interruption of service, destruction of property and injury.

WHEREAS, SacRT desires to incorporate City's Critical Infrastructure Ordinance into Title XV of its Administrative Code, which identifies certain prohibited conduct, to provide clear notice as required under Public Utilities Code Section 99170 of the prohibition against camping within or adjacent to SacRT's critical infrastructure to further regulate unauthorized access to its critical infrastructure.

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

**Section 1:**

Subsection 15.5, "Conduct Prohibited Under Public Utilities Code Section 99170" of Title XV of SacRT's Administrative Code, "Prohibition of Specified Acts Committed in or on RT Vehicles or Facilities" is hereby amended to add a new subarticle I and to read in its entirety as follows:

**§15.5 CONDUCT PROHIBITED UNDER PUBLIC UTILITIES CODE SECTION 99170**

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:

- A. 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.
- B. Interfere with the operator or operation of a transit vehicle, or impede the safe boarding or alighting of passengers.
- C. Extend any portion of the body through a window opening of a transit vehicle in a manner that may cause harm or injury.
- D. Throw an object from a transit vehicle
- E. Commit an act or engage in a behavior that may, with reasonable foreseeability, cause harm or injury to any person or property.
- F. 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:
  - 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 wheelchair area or 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. 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.
  - 3. Transporting animals unless: (a) the animal is a guide, service, or signal animal that has been specifically 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.
  - 4. 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.

5. Riding in a Vehicle with 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.
  6. 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.
  7. Boarding a Vehicle, or remaining on board a Vehicle, while in possession of a Prohibited Carry-On Bag.
  8. 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.
- G. Knowingly giving false information to a SacRT 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.
- H. 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:
1. Carry more than one Bicycle at the same time onto the Vehicle;
  2. Stow more than one Bicycle inside a Vehicle;
  3. Carry a Bicycle onto a Bus that has an exterior Bicycle carrier mounted on it;
  4. 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;
    - c) boards with or stows a Bicycle when two or more Bicycles are already stowed in that Rail Car at the time of boarding;
  5. 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 front most 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
- 6. Carry a Bicycle onto a Replica Streetcar or a Historic Streetcar.
  - 7. Sections H.3, H.4, and H.5, above, do not apply to the last Vehicle operated along each route each day.
  - 8. Place a Bicycle weighing more than 55 pounds on an exterior Bicycle carrier on a Bus.
  - 9. Carry a Bicycle weighing more than 55 pounds onto a Rail Car.”
- I. Camping within areas that are critical infrastructure or within 25’ of critical infrastructure as those terms are defined in Chapter 8.140 of the Sacramento City Code and by resolution of the City Council. As Chapter 8.140 and the definition of critical infrastructure may be amended from time to time by City Council, those amendments are hereby incorporated by reference into this Title XV.

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STEVE MILLER, Chair

A T T E S T:

HENRY LI, Secretary

By: \_\_\_\_\_  
Tabetha Smith, Assistant Secretary