



REPORT TO LAW & LEGISLATION COMMITTEE City of Sacramento

3

915 I Street, Sacramento, CA 95814-2671

STAFF REPORT
June 5, 2008

Honorable Members of the
Law and Legislation Committee

**Title: Sacramento Regional Transit (RT) - Senate Bill 1561 (Senator Steinberg)
relating to the creation of a task force, by RT, to assess issues related to
passenger misconduct.**

Location/Council District: Citywide

Recommendation: Staff recommends that the Law and Legislation Committee adopt a support position, on behalf of the City of Sacramento, of SB1561 which would recommend that RT convene a task force of specified persons to assess issues related to passenger misconduct.

Contact: Mike McCarthy, Captain 808-0714

Presenters: Mike McCarthy, Captain

Mark Lonergan, Chief Operating Officer, Sacramento Regional Transit

Department: Police

Division: Metro

Organization No: 2123

Description/Analysis

Issue: Staff is recommending that the committee adopt a support position on SB1561. Existing law provides for the creation of the Sacramento Regional Transit District, with specified powers and duties relative to operation of public transit services in its service area. This bill would provide that the RT may convene a task force of specified persons to assess issues related to passenger misconduct, with the task force to make recommendations to the Legislature in that regard by January 31, 2009.

Policy Considerations: This bill would be consistent with City policy in supporting the use of public transportation in the region, and is aligned with the City's goal to improve and expand public safety.

Environmental Considerations: This proposal does not constitute a "project" and is therefore exempt from the California Environmental Quality Act (CEQA) according to CEQA guidelines Section 15061(b)(1) and 15378(b)(3).

Rationale for Recommendation: Safe public transportation is a key element of our community. SB 1561 starts a process to make public transportation more attractive to those who would normally drive. This would decrease both traffic congestion and pollution in the region.

Financial Considerations: None

Emerging Small Business Development (ESBD): N/A

Respectfully Submitted by: Mike McCarthy
Mike McCarthy, Captain

Approved by: Brian Louie Sr.
Rick Braziel, Chief of Police

Recommendation Approved:

Ray Kerridge
RAY KERRIDGE
City Manager

Ref: COP 5-23

Table of Contents:
Report Pg. 1

- Attachments**
- 1 Background Pg. 3
 - 2 Senate Bill 1561 Pg. 5
 - 3 Support Letter Pg. 7

Attachment 1**Background**

At the January 29, 2008 meeting of the City Council, Councilmember Lauren Hammond commented on legislative efforts underway to control passenger misconduct on public transportation. A report on the topic was requested for a future meeting.

RT's recent surveys of current and potential riders revealed that security and so-called "nuisance behavior" are significant concerns that affect the willingness of those surveyed to use RT's bus and light rail system.

Conduct on board RT's transit system is governed by both applicable laws (RT's Prohibited Acts Ordinance, the Penal Code, Public Utilities Code Section 99170, etc.) and Title XII of RT's Administrative Code, which establishes certain rules to be followed by those using RT's property and facilities. Most of the laws specifically applicable to transit systems (for example, fare evasion, fare misuse, interference with the transit system, willfully disturbing others, eating, drinking, smoking or spitting where prohibited, as opposed to laws generally governing assault, theft, vandalism, etc.) provide for issuance of an infraction citation and associated nominal fine as the sole remedy for a violation.

While the fine is intended to serve as a deterrent to such conduct, violators often ignore the citations and continue engaging in the same conduct. While these individuals may eventually be arrested on a warrant for failure to appear and pay the citations, in the meantime they continue to use RT's transit system, hampering security on the system, depriving RT of fare revenue, and disturbing other passengers.

RT's ability to enforce the rules established by Title XII is even more limited. RT's current remedy for a violation of its rules is to temporarily eject the passenger from the system. However, RT cannot prohibit that individual from promptly re-boarding the next light rail vehicle or bus and engaging in the same conduct.

RT's limited ability to deal with passengers who repeatedly violate both RT's rules and the law has a significant impact on passenger comfort and the perceptions of safety and security on board RT's buses and trains.

In researching this problem, RT has identified a model program in Portland Oregon that excludes violators from the Tri-Met system for a fixed period of time. The length of the exclusion varies depending on the severity of the violation, from 30 to 90 days. If the person is caught riding the system during this period, they are subject to arrest for criminal trespass. The program includes an administrative hearing process for a passenger to challenge the exclusion from the system. Tri-Met security personnel credit this program as a key tool in maintaining order on the Tri-Met system.

RT does not currently have statutory authority to implement a similar program at RT. RT Staff has met with RT's state lobbyist and Senator Steinberg who has introduced SB 1561 .

Attachment 2

Senate Bill 1561 (most recent)

BILL NUMBER: SB 1561 AMENDED
BILL TEXT

AMENDED IN SENATE APRIL 9, 2008
AMENDED IN SENATE APRIL 3, 2008

INTRODUCED BY Senator Steinberg

FEBRUARY 22, 2008

~~An act to amend Section 369i of the Penal Code, and to amend Sections 99170 and 102122 of, and to add Section 99171 to, the Public Utilities Code. An act relating to transportation.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 1561, as amended, Steinberg. ~~Transit districts: prohibition orders. Sacramento Regional Transit District: task force.~~

Existing law provides for the creation of the Sacramento Regional Transit District, with specified powers and duties relative to operation of public transit services in its service area.

This bill would provide that the district may convene a task force of specified persons to assess issues related to passenger misconduct, with the task force to make recommendations to the Legislature in that regard by January 31, 2009.

~~Existing law prohibits certain acts by a person with respect to the property, facilities, or vehicles of a transit district. A violation is an infraction punishable by a fine not exceeding \$75 on a first offense or a fine not exceeding \$250 or by community service on a subsequent offense.~~

~~This bill would authorize a transit district to issue a prohibition order to any person committing one or more of certain prohibited acts and under various other circumstances. The prohibition order would prohibit the person subject to the order from entering the property, facilities, or vehicles of the transit district for not more than one year. The bill would establish notice requirements in that regard and would provide opportunities for initial and administrative review of the order. The bill would require a transit district exercising this authority to establish an advisory committee and to ensure that personnel charged with issuance and enforcement of prohibition orders receive training.~~

~~Existing law provides that any person who enters or remains upon~~

~~rail transit related property owned or operated by a county transportation commission or transportation authority without permission or whose entry, presence, or conduct upon the property interferes with, interrupts, or hinders the safe and efficient operation of the rail line or rail-related facility is guilty of a misdemeanor.~~

~~—This bill would extend the applicability of these provisions to rail transit related property owned or operated by a transit district. The bill would also modify the definition of rail transit related property to include transit vehicles. By revising the definition of a crime, this bill would thereby impose a state-mandated local program.~~

~~—Existing law provides for creation of the Sacramento Regional Transit District, with specified powers and duties relative to operation of public transit services in its service area. Existing law authorizes the board of the district to designate persons regularly employed by the district as inspectors or supervisors with specified authority to enforce district ordinances and specified state laws, and sets forth the procedures to be followed in that regard.~~

~~—This bill would additionally authorize the board of the district to designate security guards regularly employed by the district for this purpose. The bill would revise the authority of all of the persons designated by the board to incorporate additional procedures relating to arrest and other related matters.~~

~~—The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~—This bill would provide that no reimbursement is required by this act for a specified reason.~~

Vote: majority. Appropriation: no. Fiscal committee: -yes

no . State-mandated local program: -yes

no .

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. The Sacramento Regional Transit District may convene a task force composed of persons with expertise in the fields of law enforcement, mental health, homeless programs, public safety, and transportation to assess issues related to passenger misconduct. The task force may make recommendations to the Legislature by January 31, 2009, regarding alternative approaches to minimizing passenger misconduct. All matter omitted in this version of the bill appears in the bill as amended in the Senate, April 3, 2008 (JR11)

June 5, 2008

The Honorable Darrell Steinberg
California State Senate
State Capitol, Room 4035
Sacramento, CA 95814

**RE: SB 1561 (Steinberg) Sacramento Regional Transit District Task Force.
NOTICE OF SUPPORT.**

Dear Senator Steinberg:

The City of Sacramento is pleased to support SB 1561.

On behalf of the City of Sacramento, I am pleased to express the City's support for Senate Bill 1561, relating to a Sacramento Regional Transit District Task Force. The local community has been frustrated by its inability to keep problematic passengers from reboarding trains after having been removed for unacceptable behavior. The formation of a task force will be the first step toward addressing these rule-breaking riders and creating a light rail system that is both safe and fair.

Thank you for introducing this important piece of legislation.

Sincerely,

SANDY SHEEDY, CHAIR
Law and Legislation Committee

cc: Senator Dave Cox
Assembly Member Dave Jones
Assembly Member Alan Nakanishi
Assembly Member Roger Niello
Mayor Fargo and Members of the City Council
David Jones, Emanuels and Jones and Associates