

AMENDED IN SENATE JUNE 29, 2011

AMENDED IN SENATE JUNE 14, 2011

AMENDED IN ASSEMBLY APRIL 12, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 716

Introduced by Assembly Member Dickinson
(Principal coauthor: Assembly Member Perea)

February 17, 2011

An act to amend ~~Section~~ *Sections 369i and 830.14* of the Penal Code, and to amend Sections 99171 ~~and~~, 99172, *and 102122* of, ~~and to amend and repeal Section 102122 of~~, the Public Utilities Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

AB 716, as amended, Dickinson. Transit districts: prohibition orders: Sacramento Regional Transit District: Fresno Area Express: San Francisco Bay Area Rapid Transit District.

(1) Existing law makes a person guilty of a misdemeanor if the person enters or remains upon any rail transit-related property, as defined, 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 railline or rail-related facility.

This bill would instead make it a misdemeanor if a person enters or remains upon any transit-related property, as defined, that is used to provide public transportation by rail or passenger bus, without permission or whose entry, presence, or conduct upon the property

interferes with, interrupts, or hinders the safe and efficient operation of the railine or rail-related or transit-related facility.

(2) Existing law authorizes a local or regional transit agency or a joint powers agency operating rail service to contract with designated persons to act as its agent in the enforcement of specified provisions relative to certain prohibited acts on or in public transportation systems or vehicles if the persons satisfy specified training requirements.

This bill would authorize the governing board of the Sacramento Regional Transit District to designate persons regularly employed by the district as inspectors or supervisors to enforce those provisions relative to prohibited acts on or in public transportation systems or vehicles if the persons satisfy specified training requirements. The bill would make changes to cross-references in these provisions. The bill would also delete similar provisions that authorize the board to designate persons to enforce district ordinances and specified state laws, but which do not require the persons to satisfy the training requirements described above.

~~(2)~~

(3) 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.

Existing law, until January 1, 2012, authorizes the Sacramento Regional Transit District and the Fresno Area Express to issue a prohibition order to any person cited for committing one or more of certain prohibited acts in specified transit facilities, including, among other things, if a person has been cited on at least 3 separate occasions, within a period of 60 days, for specified infractions committed in or on a vehicle, bus stop, or light rail station of the transit district. Existing law prohibits a person subject to a prohibition order from entering the property, facilities, or vehicles of the transit district for specified periods of time up to one year. Existing law establishes notice requirements in that regard and provides for initial and administrative review of the order.

~~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. Existing law, until January 1, 2012, expands the authority of the persons designated by the board to incorporate additional procedures relating to arrest and issuance of citations.~~

This bill would remove the January 1, 2012, repeal date for these provisions and would make these provisions operative indefinitely. The bill would authorize the Sacramento Regional Transit District, the Fresno Area Express, and the San Francisco Bay Area Rapid Transit District to issue a prohibition order to a person who has been cited on at least 3 separate occasions, within a period of 90 days, for specified infractions committed in or on a vehicle, bus stop, or train or light rail station of the transit district.

(3)

(4) A violation of a prohibition order is punishable as an infraction. By extending the operative period of a crime, and by expanding the scope of existing crimes, the bill would impose a state-mandated local program.

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.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 369i of the Penal Code is amended to
2 read:

3 369i. (a) Any person who enters or remains upon the property
4 of any railroad without the permission of the owner of the land,
5 the owner’s agent, or the person in lawful possession and whose
6 entry, presence, or conduct upon the property interferes with,
7 interrupts, or hinders, or which, if allowed to continue, would
8 interfere with, interrupt, or hinder the safe and efficient operation
9 of any locomotive, railway car, or train is guilty of a misdemeanor.

10 As used in this subdivision, “property of any railroad” means
11 any land owned, leased, or possessed by a railroad upon which is
12 placed a railroad track and the land immediately adjacent thereto,

1 to the distance of 20 feet on either side of the track, which is
2 owned, leased, or possessed by a railroad.

3 (b) Any person who enters or remains upon any transit-related
4 property without permission or whose entry, presence, or conduct
5 upon the property interferes with, interrupts, or hinders the safe
6 and efficient operation of the transit-related facility is guilty of a
7 misdemeanor.

8 As used in this subdivision, “transit-related property” means any
9 land, facilities, or vehicles owned, leased, or possessed by a county
10 transportation commission, transportation authority, or transit
11 district, as defined in Section 99170 of the Public Utilities Code,
12 that are used to provide public transportation by rail or passenger
13 bus or are directly related to that use.

14 (c) This section does not prohibit picketing in the immediately
15 adjacent area of the property of any railroad or transit-related
16 property or any lawful activity by which the public is informed of
17 the existence of an alleged labor dispute.

18 *SEC. 2. Section 830.14 of the Penal Code is amended to read:*

19 830.14. (a) A local or regional transit agency or a joint powers
20 agency operating rail service identified in an implementation
21 program adopted pursuant to Article 10 (commencing with Section
22 130450) of Chapter 4 of Division 12 of the Public Utilities Code
23 may authorize by contract designated persons as conductors
24 performing fare inspection duties who are employed by a railroad
25 corporation that operates public rail commuter transit services for
26 that agency to act as its agent in the enforcement of subdivisions
27 ~~(a) and (b)~~ to (d), inclusive, of Section 640 relating to the operation
28 of the rail service if they complete the training requirement
29 specified in this section.

30 (b) The governing board of the Altamont Commuter Express
31 Authority, a joint powers agency duly formed pursuant to Article
32 1 (commencing with Section 6500) of Chapter 5 of Division 7 of
33 Title 1 of the Government Code, by and between the Alameda
34 Congestion Management Agency, the Santa Clara County Transit
35 District, and the San Joaquin Regional Rail Commission, may
36 contract with designated persons to act as its agents in the
37 enforcement of subdivisions ~~(a) and (b)~~ to (d), inclusive, of Section
38 640 relating to the operation of a public transportation system if
39 these persons complete the training requirement specified in this
40 section.

1 (c) The governing board of the Peninsula Corridor Joint Powers
2 Board, a joint powers agency duly formed pursuant to Article 1
3 (commencing with Section 6500) of Chapter 5 of Division 7 of
4 Title 1 of the Government Code, by and between the San Mateo
5 County Transit District, the Santa Clara County Transit District,
6 and the City and County of San Francisco, may appoint designated
7 persons to act as its agents in the enforcement of subdivisions (a)
8 ~~and (b)~~ to (d), inclusive, of Section 640 relating to the operation
9 of a public transportation system if these persons complete the
10 training requirement specified in this section.

11 (d) The governing board of Foothill Transit, a joint powers
12 agency duly formed pursuant to Article 1 (commencing with
13 Section 6500) of Chapter 5 of Division 7 of Title 1 of the
14 Government Code, by and between the Cities of Arcadia, Azusa,
15 Baldwin Park, Bradbury, Claremont, Covina, Diamond Bar, Duarte,
16 El Monte, Glendora, Industry, Irwindale, La Habra Heights, La
17 Puente, La Verne, Monrovia, Pomona, San Dimas, South El Monte,
18 Temple City, Walnut, West Covina, and the County of Los
19 Angeles, may resolve to contract with designated persons to act
20 as its agents in the enforcement of subdivisions (a) ~~and (b)~~ to (d),
21 inclusive, of Section 640 relating to the operation of a public
22 transportation system if these persons complete the training
23 requirement specified in this section.

24 (e) *The governing board of the Sacramento Regional Transit*
25 *District, a transit district duly formed pursuant to Part 14*
26 *(commencing with Section 102000) of Division 10 of the Public*
27 *Utilities Code, may designate persons regularly employed by the*
28 *district as inspectors or supervisors to enforce subdivisions (a) to*
29 *(d), inclusive, of Section 640, relating to the operation of a public*
30 *transportation system, if these persons complete the training*
31 *requirement specified in this section.*

32 (e)

33 (f) Persons authorized pursuant to this section to enforce
34 subdivisions (a) ~~and (b)~~ to (d), inclusive, of Section 640 shall
35 complete a specialized fare compliance course which shall be
36 provided by the authorizing agency. This training course shall
37 include, but not be limited to, the following topics:

- 38 (1) An overview of barrier-free fare inspection concepts.
39 (2) The scope and limitations of inspector authority.

1 (3) Familiarization with the elements of the infractions
 2 enumerated in subdivisions (a) ~~and (b)~~ to (d), inclusive, of Section
 3 640.

4 (4) Techniques for conducting fare checks, including inspection
 5 procedures, demeanor, and contacting violators.

6 (5) Citation issuance and court appearances.

7 (6) Fare media recognition.

8 (7) Handling argumentative violators and diffusing conflict.

9 (8) The mechanics of law enforcement support and interacting
 10 with law enforcement for effective incident resolution.

11 ~~(f)~~

12 (g) Persons described in this section are public officers, not
 13 peace officers, have no authority to carry firearms or any other
 14 weapon while performing the duties authorized in this section, and
 15 may not exercise the powers of arrest of a peace officer while
 16 performing the duties authorized in this section. These persons
 17 may be authorized by the agencies specified in this section to issue
 18 citations involving infractions relating to the operation of the rail
 19 service specified in this section.

20 ~~(g)~~

21 (h) Nothing in this section shall affect the retirement or disability
 22 benefits provided to employees described in this section or be in
 23 violation of any collective bargaining agreement between a labor
 24 organization and a railroad corporation.

25 ~~(h)~~

26 (i) Notwithstanding any other provision of this section, the
 27 primary responsibility of a conductor of a commuter passenger
 28 train shall be functions related to safe train operation.

29 ~~SEC. 2.~~

30 SEC. 3. Section 99171 of the Public Utilities Code is amended
 31 to read:

32 99171. (a) (1) A transit district may issue a prohibition order
 33 to any person to whom either of the following applies:

34 (A) On at least three separate occasions within a period of 90
 35 consecutive days, the person is cited for an infraction committed
 36 in or on a vehicle, bus stop, or train or light rail station of the transit
 37 district for any act that is a violation of paragraph (2) or (5) of
 38 subdivision (a) of Section 99170 of this code or ~~paragraph (6), (7),~~
 39 ~~(8), or (9) of subdivision (b)~~ subdivision (d) of Section 640 or
 40 Section 640.5 of the Penal Code.

1 (B) The person is arrested or convicted for a misdemeanor or
2 felony committed in or on a vehicle, bus stop, or light rail station
3 of the transit district for acts involving violence, threats of violence,
4 lewd or lascivious behavior, or possession for sale or sale of a
5 controlled substance.

6 (C) The person is convicted of a violation of Section 11532 of
7 the Health and Safety Code or Section 653.22 of the Penal Code.

8 (2) A person subject to a prohibition order may not enter the
9 property, facilities, or vehicles of the transit district for a period
10 of time deemed appropriate by the transit district, provided that
11 the duration of a prohibition order shall not exceed the following,
12 as applicable:

13 (A) Thirty days if issued pursuant to subparagraph (A) of
14 paragraph (1), provided that a second prohibition order within one
15 year may not exceed 90 days, and a third or subsequent prohibition
16 order within one year may not exceed 180 days.

17 (B) Thirty days if issued pursuant to an arrest pursuant to
18 subparagraph (B) of paragraph (1). Upon conviction of a
19 misdemeanor offense, the duration of the prohibition order for the
20 conviction, when added to the duration of the prohibition order
21 for the initial arrest, if any, may not exceed 180 days. Upon
22 conviction of a felony offense, the duration of the prohibition order
23 for the conviction, when added to the duration of the prohibition
24 order for the initial arrest, if any, may not exceed one year.

25 (3) No prohibition order issued under this subdivision shall be
26 effective unless the transit district first affords the person an
27 opportunity to contest the transit district's proposed action in
28 accordance with procedures adopted by the transit district for this
29 purpose. A transit district's procedures shall provide, at a minimum,
30 for the notice and other protections set forth in subdivisions (b)
31 and (c), and the transit district shall provide reasonable notification
32 to the public of the availability of those procedures.

33 (b) (1) A notice of a prohibition order issued under subdivision
34 (a) shall set forth a description of the conduct underlying the
35 violation or violations giving rise to the prohibition order, including
36 reference to the applicable statutory provision, ordinance, or transit
37 district rule violated, the date of the violation, the approximate
38 time of the violation, the location where the violation occurred,
39 the period of the proposed prohibition, and the scope of the
40 prohibition. The notice shall include a clear and conspicuous

1 statement indicating the procedure for contesting the prohibition
2 order. The notice of prohibition order shall be personally served
3 upon the violator. The notice of prohibition order, or a copy, shall
4 be considered a record kept in the ordinary course of business of
5 the transit district and shall be prima facie evidence of the facts
6 contained in the notice establishing a rebuttable presumption
7 affecting the burden of producing evidence. For purposes of this
8 paragraph, “clear and conspicuous” means in larger type than the
9 surrounding text, or in contrasting type, font, or color to the
10 surrounding text of the same size, or set off from the surrounding
11 text of the same size by symbols or other marks that call attention
12 to the language.

13 (2) For purposes of this section, “personal service” means any
14 of the following:

15 (A) In-person delivery.

16 (B) Delivery by any form of mail providing for delivery
17 confirmation, postage prepaid, to at least one address provided by
18 the person being served, including, but not limited to, the address
19 set forth in any citation or in court records.

20 (C) Any alternate method approved in writing by the transit
21 district and the person being served.

22 (3) If a person served with a notice of prohibition order is not
23 able, or refuses, to provide a mailing address, the notice of
24 prohibition order shall set forth the procedure for obtaining any
25 letters, notices, or orders related to the prohibition order from the
26 administrative offices of the transit district. For purposes of this
27 section, delivery shall be deemed to have been made on the
28 following date, as applicable:

29 (A) On the date of delivery, if delivered in person.

30 (B) On the date of confirmed delivery, for any delivery by mail.

31 (C) For any alternate method of service, as provided in the
32 writing specifying the alternate method.

33 (4) Proof of service of the notice shall be filed with the transit
34 district.

35 (5) If a person contests a notice of prohibition order, the transit
36 district shall proceed in accordance with subdivision (c). If the
37 notice of prohibition order is not contested within 10 calendar days
38 after delivery by personal service, the prohibition order shall be
39 deemed final and shall go into effect, without further action by the
40 transit district, for the period of time set forth in the order.

1 (6) All prohibition orders shall be subject to an automatic stay
2 and shall not take effect until the latest of the following:

3 (A) Eleven calendar days after delivery of the prohibition order
4 by personal service.

5 (B) If an initial review is timely requested under paragraph (1)
6 of subdivision (c), 11 calendar days after delivery by personal
7 service of the results of the review.

8 (C) If an administrative hearing is timely requested under
9 paragraph (3) of subdivision (c), the date the hearing officer's
10 decision is delivered by personal service.

11 (c) (1) For a period of 10 calendar days from the delivery of
12 the prohibition order by personal service, the person may request
13 an initial review of the prohibition order by the transit district. The
14 request may be made by telephone, in writing, or in person. There
15 shall be no charge for this review. In conducting its review and
16 reaching a determination, the transit district shall determine
17 whether the prohibition order meets the requirements of subdivision
18 (a) and, unless the person has been convicted of the offense or
19 offenses, whether the offense or offenses for which the person was
20 cited or arrested are proven by a preponderance of the evidence.
21 If, following the initial review, based on these findings, the transit
22 district determines that the prohibition order is not adequately
23 supported or that extenuating circumstances make dismissal of the
24 prohibition order appropriate in the interest of justice, the transit
25 district shall cancel the notice. If, following the initial review,
26 based on these findings, the transit district determines that the
27 prohibition order should be upheld in whole or in part, the transit
28 district shall issue a written statement to that effect, including any
29 modification to the period or scope of the prohibition order. The
30 transit district shall serve the results of the initial review to the
31 person contesting the notice by personal service.

32 (2) The transit district may modify or cancel a prohibition order
33 in the interest of justice. The transit district shall cancel a
34 prohibition order if it determines that the person did not understand
35 the nature and extent of his or her actions or did not have the ability
36 to control his or her actions. If the person is dependent upon the
37 transit system for trips of necessity, including, but not limited to,
38 travel to or from medical or legal appointments, school or training
39 classes, places of employment, or obtaining food, clothing, and
40 necessary household items, the transit district shall modify a

1 prohibition order to allow for those trips. A person requesting a
2 cancellation or modification in the interest of justice shall have
3 the burden of establishing the qualifying circumstances by a
4 preponderance of the evidence.

5 (3) If the person is dissatisfied with the results of the initial
6 review, the person may request an administrative hearing of the
7 prohibition order no later than 10 calendar days after the results
8 of the initial review are delivered by personal service. The request
9 may be made by telephone, in writing, or in person. An
10 administrative hearing shall be held within 30 calendar days after
11 the receipt of a request for an administrative hearing. The person
12 requesting the hearing may request one continuance, not to exceed
13 seven calendar days.

14 (4) The administrative hearing process shall include all of the
15 following:

16 (A) The person requesting the hearing shall have the choice of
17 a hearing by mail or in person. An in-person hearing shall be
18 conducted within the jurisdiction of the transit district.

19 (B) The administrative hearing shall be conducted in accordance
20 with written procedures established by the transit district and
21 approved by the governing body or chief executive officer of the
22 transit district. The hearing shall provide an independent, objective,
23 fair, and impartial review of the prohibition order.

24 (C) The administrative review shall be conducted before a
25 hearing officer designated to conduct the review by the transit
26 district's governing body or chief executive officer. In addition to
27 any other requirements, a hearing officer shall demonstrate the
28 qualifications, training, and objectivity prescribed by the transit
29 agency's governing body or chief executive officer as are necessary
30 to fulfill and that are consistent with the duties and responsibilities
31 set forth in this subdivision. The hearing officer's continued
32 service, performance evaluation, compensation, and benefits, as
33 applicable, shall not be directly or indirectly linked to the number
34 of prohibition orders upheld by the hearing officer.

35 (D) The person who issued the notice of prohibition order shall
36 not be required to participate in an administrative hearing, unless
37 participation is requested by the person requesting the hearing.
38 The request for participation must be made at least five calendar
39 days prior to the date of the hearing and may be made by telephone,
40 in writing, or in person. The notice of prohibition order, in proper

1 form, shall be prima facie evidence of the violation or violations
2 pursuant to subdivision (a) establishing a rebuttable presumption
3 affecting the burden of producing evidence.

4 (E) In issuing a decision, the hearing officer shall determine
5 whether the prohibition order meets the requirements of subdivision
6 (a) and, unless the person has been convicted of the offense or
7 offenses, whether the offense or offenses for which the person was
8 cited or arrested are proven by a preponderance of the evidence.
9 Based upon these findings, the hearing officer may uphold the
10 prohibition order in whole, determine that the prohibition order is
11 not adequately supported, or cancel or modify the prohibition order
12 in the interest of justice. The hearing officer shall cancel a
13 prohibition order if he or she determines that the person did not
14 understand the nature and extent of his or her actions or did not
15 have the ability to control his or her actions. If the person is
16 dependent upon the transit system for trips of necessity, including,
17 but not limited to, travel to or from medical or legal appointments,
18 school or training classes, places of employment, or obtaining
19 food, clothing, and necessary household items, the transit district
20 shall modify a prohibition order to allow for those trips. A person
21 requesting a cancellation or modification in the interest of justice
22 shall have the burden of establishing the qualifying circumstances
23 by a preponderance of the evidence.

24 (F) The hearing officer's decision following the administrative
25 hearing shall be delivered by personal service.

26 (G) A person aggrieved by the final decision of the hearing
27 officer may seek judicial review of the decision within 90 days of
28 the date of delivery of the decision by personal service, as provided
29 by Section 1094.6 of the Code of Civil Procedure.

30 (d) A person issued a prohibition order under subdivision (a)
31 may, within 10 calendar days of the date the order goes into effect
32 under paragraph (6) of subdivision (b), request a refund for any
33 prepaid fare media rendered unusable in whole or in part by the
34 prohibition order, including, but not limited to, monthly passes. If
35 the fare media remain usable for one or more days outside the
36 period of the prohibition order, the refund shall be prorated based
37 on the number of days the fare media will be unusable. The
38 issuance of a refund may be made contingent on surrender of the
39 fare media.

1 (e) For purposes of this section “transit district” means the
2 Sacramento Regional Transit District, the Fresno Area Express,
3 or the San Francisco Bay Area Rapid Transit District.

4 ~~SEC. 3.~~

5 *SEC. 4.* Section 99172 of the Public Utilities Code is amended
6 to read:

7 99172. (a) Prior to exercising the authority given in subdivision
8 (a) of Section 99171 to issue prohibition orders, a transit district
9 shall do all of the following:

10 (1) Establish an advisory committee for the purpose of
11 evaluating the procedures for and issuance of prohibition orders
12 and recommending a course of training for personnel charged with
13 issuance and enforcement of prohibition orders.

14 (2) Ensure that personnel to be charged with issuance and
15 enforcement of prohibition orders have received training as
16 recommended by the advisory committee.

17 (3) Provide reasonable notification to transit district riders that
18 persons who engage in disorderly conduct may be subject to a
19 prohibition order barring the person from the transit district’s
20 property, facilities, or vehicles for a period of up to one year.
21 “Reasonable notification” may include, but is not limited to,
22 information on the transit district’s Internet Web site, in written
23 materials, at transit stations, and on citations issued by the transit
24 district of the types of conduct that may result in issuance of a
25 prohibition order.

26 (b) The advisory committee shall be composed of at least five
27 members appointed by the legislative body of the transit district.
28 At least one of the members of the advisory committee shall have
29 experience working with individuals with psychiatric,
30 developmental, or other disabilities and at least one member shall
31 be a youth advocate.

32 (c) The advisory committee shall be tasked, at a minimum, with
33 all of the following:

34 (1) Providing recommendations, in consultation with the county
35 mental health director within the service area of the transit district,
36 regarding the type and extent of training that should be undertaken
37 by individuals with responsibility for issuance and enforcement
38 of prohibition orders, with particular emphasis on training designed
39 to assist those individuals in identifying and interacting with

1 persons who are homeless or who have psychiatric, developmental,
2 or other disabilities.

3 (2) Identifying, in consultation with the county mental health
4 director within the service area of the transit district, services and
5 programs to which persons who are homeless or who have
6 psychiatric, developmental, or other disabilities may be referred
7 by transit district enforcement personnel prior to or in conjunction
8 with issuance of a prohibition order.

9 (3) Monitoring the issuance of prohibition orders to assist the
10 transit district in ensuring compliance with Section 51 of the Civil
11 Code.

12 (4) Providing the governing board of the transit district and the
13 Legislature with an annual report summarizing the number of
14 prohibition orders that were issued by the transit district during
15 the preceding year, including, but not limited to, the types and
16 numbers of citations by category, and the number of exclusion
17 orders appealed, the appeals granted, the reasons granted, and other
18 relevant information directly related to those orders.

19 (d) The transit district may use an existing advisory committee
20 to fulfill the requirements of this section, provided that the
21 composition and purpose of the existing advisory committee meet
22 or are modified to meet the requirements of this section.

23 ~~(e) Any person violating a prohibition order issued pursuant to~~
24 ~~subdivision (a) of Section 99171 is guilty of a misdemeanor as~~
25 ~~provided under Section 369i of the Penal Code.~~

26 (f)

27 (e) For purposes of this section “transit district” means the
28 Sacramento Regional Transit District, the Fresno Area Express,
29 or the San Francisco Bay Area Rapid Transit District.

30 ~~SEC. 4. Section 102122 of the Public Utilities Code, as~~
31 ~~amended by Section 3 of Chapter 528 of the Statutes of 2008, is~~
32 ~~amended to read:~~

33 ~~102122. (a) The board of directors may adopt ordinances that~~
34 ~~do any of the following:~~

35 ~~(1) Prohibit persons from knowingly giving false identification~~
36 ~~to a district employee engaged in the enforcement of district~~
37 ~~ordinances or state laws, or otherwise obstructing the issuance of~~
38 ~~a citation for violation of district ordinances or state law.~~

1 ~~(2) Prohibit unauthorized operation of, interference with, entry~~
2 ~~into, climbing upon, attaching to, or loitering on or in transit~~
3 ~~facilities or other transit property.~~

4 ~~(3) Prohibit the removal, displacement, injury, destruction, or~~
5 ~~obstruction of any part of any track, switch, turnout, bridge, culvert,~~
6 ~~or any other district structure or fixture.~~

7 ~~(4) Specify conditions under which a passenger may board a~~
8 ~~district vehicle with a bicycle and where the bicycle may be stowed.~~

9 ~~(b) The board may provide that a violation of any ordinance~~
10 ~~adopted pursuant to subdivision (a) is an infraction punishable by~~
11 ~~a fine not exceeding seventy-five dollars (\$75), and that a violation~~
12 ~~by a person after the second conviction is punishable by a fine not~~
13 ~~to exceed two hundred fifty dollars (\$250) and by community~~
14 ~~service for a total time not to exceed 48 hours over a period not to~~
15 ~~exceed 30 days which do not conflict with the violator’s hours of~~
16 ~~school attendance or employment.~~

17 ~~(e) The board may designate persons regularly employed by the~~
18 ~~district as inspectors or supervisors whose duties shall include~~
19 ~~enforcement of district ordinances adopted under subdivision (a);~~
20 ~~Sections 640 and 640.5 of the Penal Code, and Section 22656 of~~
21 ~~the Vehicle Code. The designated persons shall have the authority~~
22 ~~to arrest and to issue citations for misdemeanors and infractions~~
23 ~~as set forth in Sections 836.5 and 853.5 of the Penal Code, but~~
24 ~~shall not have authority to make custodial arrests.~~

25 ~~(d) This section does not prohibit any person from engaging in~~
26 ~~activities that are protected under the laws of the United States or~~
27 ~~of California, including, but not limited to, picketing,~~
28 ~~demonstrating, or distributing handbills.~~

29 ~~SEC. 5. Section 102122 of the Public Utilities Code, as added~~
30 ~~by Section 4 of Chapter 528 of the Statutes of 2008, is repealed.~~

31 ~~SEC. 5. Section 102122 of the Public Utilities Code, as added~~
32 ~~by Section 4 of Chapter 528 of the Statutes of 2008, is amended~~
33 ~~to read:~~

34 102122. (a) The board of directors may adopt ordinances that
35 do any of the following:

36 (1) Prohibit persons from knowingly giving false identification
37 to a district employee engaged in the enforcement of district
38 ordinances or state law, or otherwise obstructing the issuance of
39 a citation for violation of district ordinances or state law.

1 (2) Prohibit unauthorized operation of, interference with, entry
2 into, climbing upon, attaching to, or loitering on or in, transit
3 facilities or other transit property.

4 (3) Prohibit the removal, displacement, injury, destruction, or
5 obstruction of any part of any track, switch, turnout, bridge, culvert,
6 or any other district structure or fixture.

7 (4) Specify conditions under which a passenger may board a
8 district vehicle with a bicycle and where the bicycle may be stowed.

9 (b) The board may provide that a violation of any ordinance
10 adopted pursuant to subdivision (a) is an infraction punishable by
11 a fine not exceeding seventy-five dollars (\$75), and that a violation
12 by a person after the second conviction is punishable by a fine not
13 to exceed two hundred fifty dollars (\$250) and by community
14 service for a total time not to exceed 48 hours over a period not to
15 exceed 30 days which do not conflict with the violator's hours of
16 school attendance or employment.

17 ~~(e) The board may designate persons regularly employed by the~~
18 ~~district as inspectors or supervisors whose duties shall include~~
19 ~~enforcement of district ordinances adopted under subdivision (a);~~
20 ~~Sections 640 and 640.5 of the Penal Code, and Section 22656 of~~
21 ~~the Vehicle Code. The designated persons shall have the authority~~
22 ~~set forth in Section 836.5 of the Penal Code.~~

23 ~~(d)~~

24 (c) This section does not prohibit any person from engaging in
25 activities that are protected under the laws of the United States or
26 of California, including, but not limited to, picketing,
27 demonstrating, or distributing handbills.

28 ~~(e) This section shall become operative on January 1, 2012.~~

29 SEC. 6. No reimbursement is required by this act pursuant to
30 Section 6 of Article XIII B of the California Constitution because
31 the only costs that may be incurred by a local agency or school
32 district will be incurred because this act creates a new crime or
33 infraction, eliminates a crime or infraction, or changes the penalty
34 for a crime or infraction, within the meaning of Section 17556 of
35 the Government Code, or changes the definition of a crime within
36 the meaning of Section 6 of Article XIII B of the California
37 Constitution.

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