

AMENDED IN SENATE APRIL 24, 2014

SENATE BILL

No. 1236

Introduced by Senator Monning

February 20, 2014

An act to ~~add~~ amend Section 830.14 of the Penal Code, and to amend Section ~~98120 to~~ 99170 of the Public Utilities Code, relating to transit districts.

LEGISLATIVE COUNSEL'S DIGEST

SB 1236, as amended, Monning. ~~Santa Cruz Metropolitan Transit District. Transit districts: transit offenses and enforcement.~~

(1) 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 a transit district to designate district employees, except as specified, or security officers contracted by the district, to enforce state laws relative to certain prohibited acts on or in public transportation systems or on the property, facilities, or vehicles of a transit district, if the employees or officers satisfy specified training requirements.

(2) Existing law prohibits a person from doing any of specified acts with respect to the property, facilities, or vehicles of a transit district, including, among other things, violating 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. A violation of these provisions is an infraction.

This bill would additionally prohibit a person from (A) knowingly giving false information to a district employee, or contracted security officer, engaged in the enforcement of a district ordinance or a state law, or otherwise obstructing the issuance of a citation for the violation of a district ordinance or a state law, or (B) violating 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. The bill would also delete an obsolete provision. By providing for the creation of new crimes, this bill would thereby impose a state-mandated local program.

(3) 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.

~~Existing law provides for the creation of the Santa Cruz Metropolitan Transit District, governed by a board of directors, with specified powers and duties related to the operation of public transit services serving the County of Santa Cruz.~~

~~This bill would authorize the board of directors of the district to adopt ordinances that prohibit certain activities with respect to the district's operation, including the giving of false information to a district employee or contracted security officer engaged in the enforcement of ordinances or state law, otherwise obstructing the issuance of a citation, unauthorized operation or interference with transit facilities or property, and related matters. The bill would also authorize the adoption of an ordinance that specifies the conditions under which bicycles may be carried. The bill would authorize district employees or contracted security officers to enforce these and other related provisions, as specified. The bill would authorize the board to provide that a violation of the ordinances is an infraction, with maximum specified fines and community service time. By providing for the creation of a new crime, this bill would thereby 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 830.14 of the Penal Code is amended to
2 read:

3 830.14. (a) A local or regional transit agency or a joint powers
4 agency operating rail service identified in an implementation
5 program adopted pursuant to Article 10 (commencing with Section
6 130450) of Chapter 4 of Division 12 of the Public Utilities Code
7 may authorize by contract designated persons as conductors
8 performing fare inspection duties who are employed by a railroad
9 corporation that operates public rail commuter transit services for
10 that agency to act as its agent in the enforcement of subdivisions
11 (a) to (d), inclusive, of Section 640 relating to the operation of the
12 rail service if they complete the training requirement specified in
13 this section.

14 (b) The governing board of the Altamont Commuter Express
15 Authority, a joint powers agency duly formed pursuant to Article
16 1 (commencing with Section 6500) of Chapter 5 of Division 7 of
17 Title 1 of the Government Code, by and between the Alameda
18 Congestion Management Agency, the Santa Clara County Transit
19 District, and the San Joaquin Regional Rail Commission, may
20 contract with designated persons to act as its agents in the
21 enforcement of subdivisions (a) to (d), inclusive, of Section 640
22 relating to the operation of a public transportation system if these
23 persons complete the training requirement specified in this section.

24 (c) The governing board of the Peninsula Corridor Joint Powers
25 Board, a joint powers agency duly formed pursuant to Article 1
26 (commencing with Section 6500) of Chapter 5 of Division 7 of
27 Title 1 of the Government Code, by and between the San Mateo
28 County Transit District, the Santa Clara County Transit District,
29 and the City and County of San Francisco, may appoint designated
30 persons to act as its agents in the enforcement of subdivisions (a)
31 to (d), inclusive, of Section 640 relating to the operation of a public
32 transportation system if these persons complete the training
33 requirement specified in this section.

34 (d) The governing board of Foothill Transit, a joint powers
35 agency duly formed pursuant to Article 1 (commencing with

1 Section 6500) of Chapter 5 of Division 7 of Title 1 of the
2 Government Code, by and between the Cities of Arcadia, Azusa,
3 Baldwin Park, Bradbury, Claremont, Covina, Diamond Bar, Duarte,
4 El Monte, Glendora, Industry, Irwindale, La Habra Heights, La
5 Puente, La Verne, Monrovia, Pomona, San Dimas, South El Monte,
6 Temple City, Walnut, West Covina, and the County of Los
7 Angeles, may resolve to contract with designated persons to act
8 as its agents in the enforcement of subdivisions (a) to (d), inclusive,
9 of Section 640 relating to the operation of a public transportation
10 system if these persons complete the training requirement specified
11 in this section.

12 (e) The governing board of the Sacramento Regional Transit
13 District, a transit district duly formed pursuant to Part 14
14 (commencing with Section 102000) of Division 10 of the Public
15 Utilities Code, may designate persons regularly employed by the
16 district as inspectors or supervisors to enforce subdivisions (a) to
17 (d), inclusive, of Section 640, relating to the operation of a public
18 transportation system, and any ordinance adopted by the district
19 pursuant to subdivision (a) of Section 102122 of the Public Utilities
20 Code, if these persons complete the training requirement specified
21 in this section.

22 (f) *The governing board of a transit district, as defined in*
23 *subdivision (b) of Section 99170 of the Public Utilities Code, may*
24 *designate employees, except for union-represented employees*
25 *employed to drive revenue-generating transit vehicles, or security*
26 *officers contracted by the transit district, to enforce subdivisions*
27 *(a) to (d), inclusive, of Section 640, and Section 640.5, and*
28 *violations of Section 99170 of the Public Utilities Code.*

29 (f)

30 (g) Persons authorized pursuant to this section to enforce
31 subdivisions (a) to (d), inclusive, of Section 640, *or Section 640.5,*
32 *or Section 99170 of the Public Utilities Code,* shall complete a
33 specialized fare compliance course ~~which~~ *that* shall be provided
34 by the authorizing agency. This training course shall include, but
35 not be limited to, the following topics:

- 36 (1) An overview of barrier-free fare inspection concepts.
- 37 (2) The scope and limitations of inspector authority.
- 38 (3) Familiarization with the elements of the infractions
- 39 enumerated in subdivisions (a) to (d), inclusive, of Section 640,

1 *and, as applicable, the crimes enumerated in Section 640.5, and*
2 *Section 99170 of the Public Utilities Code.*

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

5 (5) Citation issuance and court appearances.

6 (6) Fare media recognition.

7 (7) Handling argumentative violators and diffusing conflict.

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

10 ~~(g)~~

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

19 ~~(h)~~

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

24 ~~(i)~~

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

28 *SEC. 2. Section 99170 of the Public Utilities Code is amended*
29 *to read:*

30 99170. (a) A person shall not do any of the following with
31 respect to the property, facilities, or vehicles of a transit district:

32 (1) Operate, interfere with, enter into, or climb on or in, the
33 property, facilities, or vehicles owned or operated by the transit
34 district without the permission or approval of the transit district.

35 (2) Interfere with the operator or operation of a transit vehicle,
36 or impede the safe boarding or alighting of passengers.

37 (3) Extend any portion of the body through a window opening
38 of a transit vehicle in a manner that may cause harm or injury.

39 (4) Throw an object from a transit vehicle.

1 (5) Commit an act or engage in a behavior that may, with
2 reasonable foreseeability, cause harm or injury to any person or
3 property.

4 (6) Violate a notice, prohibition, instruction, or direction on a
5 sign that is intended to provide for the safety and security of transit
6 passengers, or the safe and secure operation of the transit system.

7 (7) *Knowingly give false information to a district employee, or*
8 *contracted security officer, engaged in the enforcement of a district*
9 *ordinance or a state law, or otherwise obstruct the issuance of a*
10 *citation for the violation of a district ordinance or a state law.*

11 (8) *Violate any of the conditions established by a transit district*
12 *ordinance under which a passenger may board a transit vehicle*
13 *with a bicycle and where that bicycle may be stowed on the transit*
14 *vehicle.*

15 (b) For purposes of this section, “transit district” means an entity
16 that qualifies as a claimant, as defined in Section 99203, eligible
17 to receive allocations under Chapter 4 (commencing with Section
18 99200).

19 (c) A violation of this section is an infraction under Section 19.8
20 of the Penal Code punishable by a fine not exceeding seventy-five
21 dollars (\$75), and a violation by a person after a second conviction
22 is punishable by a fine not exceeding two hundred fifty dollars
23 (\$250) or by community service that does not conflict with the
24 violator’s hours of school attendance or employment for a total
25 time not to exceed 48 hours over a period not to exceed 60 days.

26 (d) A transit district shall provide reasonable notification to the
27 public of the activities prohibited by this section and the penalties
28 for violations of those prohibitions.

29 (e) This section does not prohibit a person from engaging in
30 activities that are protected under the laws of the United States or
31 of this state, including, but not limited to, picketing, demonstrating,
32 or distributing handbills.

33 ~~(f) Transit districts shall maintain records of violations and the~~
34 ~~number of citations issued with respect to the actions prohibited~~
35 ~~under this section until January 1, 2005. The transit districts shall~~
36 ~~prepare a summary report of these actions and related findings~~
37 ~~with respect to the implementation and operation of this section~~
38 ~~and shall submit the report to the Legislature on or before January~~
39 ~~1, 2006.~~

40 (g)

1 (f) Revenue from fines imposed pursuant to subdivision (c) shall
2 not be distributed or allocated to the transit agency issuing citations
3 under this section. Fine revenue instead shall be allocated to the
4 other entities eligible to receive those funds under existing law.

5 *SEC. 3. No reimbursement is required by this act pursuant to*
6 *Section 6 of Article XIII B of the California Constitution because*
7 *the only costs that may be incurred by a local agency or school*
8 *district will be incurred because this act creates a new crime or*
9 *infraction, eliminates a crime or infraction, or changes the penalty*
10 *for a crime or infraction, within the meaning of Section 17556 of*
11 *the Government Code, or changes the definition of a crime within*
12 *the meaning of Section 6 of Article XIII B of the California*
13 *Constitution.*

14 ~~SECTION 1. Section 98120 is added to the Public Utilities~~
15 ~~Code, to read:~~

16 ~~98120. (a) The board of directors may adopt ordinances that~~
17 ~~do any of the following:~~

18 ~~(1) Prohibit persons from knowingly giving false information~~
19 ~~to a district employee, or contracted security officer, engaged in~~
20 ~~the enforcement of district ordinances or state law, or otherwise~~
21 ~~obstructing the issuance of a citation for violation of district~~
22 ~~ordinances or state law.~~

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

26 ~~(3) Prohibit the removal, displacement, injury, destruction, or~~
27 ~~obstruction of any district structure or fixture.~~

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

30 ~~(b) The board may provide that a violation of any ordinance~~
31 ~~adopted pursuant to subdivision (a) is an infraction punishable by~~
32 ~~a fine not exceeding seventy-five dollars (\$75), and that a violation~~
33 ~~by a person after the second conviction is punishable by a fine not~~
34 ~~to exceed two hundred fifty dollars (\$250) and by community~~
35 ~~service for a total time not to exceed 48 hours over a period not to~~
36 ~~exceed 30 days that do not conflict with the violator's hours of~~
37 ~~school attendance or employment.~~

38 ~~(c) This section does not prohibit any person from engaging in~~
39 ~~activities that are protected under the laws of the United States or~~

1 of California, including, but not limited to, picketing,
2 demonstrating, or distributing handbills.

3 (d) A district employee, or contracted security officer, may
4 enforce any ordinance adopted pursuant to this section as provided
5 in subdivision (e) of Section 830.7 of the Penal Code and may
6 enforce violations of Sections 640 and 640.5 of the Penal Code
7 when so authorized by an ordinance adopted by the board.

8 (e) Nothing in this section shall affect any rights or immunities
9 conferred pursuant to Section 836.5 of the Penal Code.

10 SEC. 2. No reimbursement is required by this act pursuant to
11 Section 6 of Article XIII B of the California Constitution because
12 the only costs that may be incurred by a local agency or school
13 district will be incurred because this act creates a new crime or
14 infraction, eliminates a crime or infraction, or changes the penalty
15 for a crime or infraction, within the meaning of Section 17556 of
16 the Government Code, or changes the definition of a crime within
17 the meaning of Section 6 of Article XIII B of the California
18 Constitution.