

Senate Bill No. 1936

CHAPTER 308

An act to amend Section 830.14 of the Penal Code, relating to law enforcement, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 17, 1998. Filed with
Secretary of State August 17, 1998.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1936, Johnston. Law enforcement: regional transit and public library services.

Existing law, with regard to a public transportation system, as defined, specifies prohibitions against, among other things, the evasion of the payment of fares. Existing law additionally authorizes a local or regional transit agency or joint powers agency operating a rail service pursuant to specified provisions in the Public Utilities Code to authorize by contract designated persons as conductors performing fare inspection duties who are employed by a railroad corporation that operates public rail commuter transit services for that agency to act as its agent in the enforcement of those laws specified above with regard to the evasion of the payment of fares if they complete specified training that shall be provided by the authorizing agency. Existing law also provides that the employees acting as agents pursuant to this provision are public officers, not peace officers, have no authority to carry firearms or any other weapons, and may not exercise the powers of arrest of a peace officer while performing the duties authorized in these provisions.

This bill would specify that the governing board of the Altamont Commuter Express Authority, a joint powers agency, may contract with designated persons to act as its agents in the enforcement of specified provisions of law relating to the operation of a public transportation system.

This bill would state findings and declaration of the Legislature that a special law is necessary and that a general law cannot be made applicable.

This bill would declare that it is to take effect immediately as an urgency statute.

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

SECTION 1. Section 830.14 of the Penal Code is amended to read:

830.14. (a) A local or regional transit agency or a joint powers agency operating rail service identified in an implementation



program adopted pursuant to Article 10 (commencing with Section 130450) of Chapter 4 of Division 12 of the Public Utilities Code may authorize by contract designated persons as conductors performing fare inspection duties who are employed by a railroad corporation that operates public rail commuter transit services for that agency to act as its agent in the enforcement of subdivisions (a) and (b) of Section 640 relating to the operation of the rail service if they complete the training requirement specified in subdivision (c).

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

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

- (1) An overview of barrier-free fare inspection concepts.
- (2) The scope and limitations of inspector authority.
- (3) Familiarization with the elements of the infractions enumerated in subdivisions (a) and (b).
- (4) Techniques for conducting fare checks, including, inspection procedures, demeanor, and contacting violators.
- (5) Citation issuance and court appearances.
- (6) Fare media recognition.
- (7) Handling argumentative violators and diffusing conflict.
- (8) The mechanics of law enforcement support and interacting with law enforcement for effective incident resolution.

(d) Persons described in subdivisions (a) and (b) are public officers, not peace officers, have no authority to carry firearms or any other weapon while performing the duties authorized in this section, and may not exercise the powers of arrest of a peace officer while performing the duties authorized in this section. These persons may be authorized by the agencies specified in subdivision (a) or (b) to issue citations involving infractions relating to the operation of the rail service specified in subdivision (a) or (b).

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



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

SEC. 2. The Legislature finds and declares that a special law is necessary and that a general law cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because of the unique circumstances of the Altamont Commuter Express Authority. The facts constituting the special circumstances are:

The Altamont Commuter Express rail service will run through three counties and 11 city jurisdictions. The regional nature of this rail service necessitates that a single agency be authorized to appoint agents for the issuance of citations for any violations of Section 640 of the Penal Code occurring along the service area of the Altamont Commuter Express rail service.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order that this act may apply prior to the projected startup of the Altamont Commuter Express rail service, it is necessary that this act take effect immediately.

