



SunLine Transit Agency  
February 27, 2019  
11:30 a.m. – 12:00 p.m.

## AGENDA

### BOARD OPERATIONS COMMITTEE

Wellness Training Room  
32-505 Harry Oliver Trail  
Thousand Palms, CA 92276

In compliance with the Brown Act and Government Code Section 54957.5, agenda materials distributed 72 hours prior to the meeting, which are public records relating to open session agenda items, will be available for inspection by members of the public prior to the meeting at SunLine Transit Agency's Administration Building, 32505 Harry Oliver Trail, Thousand Palms, CA 92276 and on the Agency's website, [www.sunline.org](http://www.sunline.org).

In compliance with the Americans with Disabilities Act, Government Code Section 54954.2, and the Federal Transit Administration Title VI, please contact the Clerk of the Board at (760) 343-3456 if special assistance is needed to participate in a Board meeting, including accessibility and translation services.

Notification of at least 48 hours prior to the meeting time will assist staff in assuring reasonable arrangements can be made to provide assistance at the meeting.

#### ITEM

#### RECOMMENDATION

1. CALL TO ORDER
2. ROLL CALL
3. PRESENTATIONS
4. FINALIZATION OF AGENDA
5. PUBLIC COMMENTS

RECEIVE COMMENTS

#### **NON AGENDA ITEMS**

Members of the public may address the Committee regarding any item within the subject matter jurisdiction of the Committee; however, no action may be taken on off-agenda items unless authorized. Comments shall be limited to matters not listed on the agenda. Members of the public may comment on any matter listed on the agenda at the time that the Board considers that matter. Comments may be limited to 3 minutes in length.

**ITEM**

**RECOMMENDATION**

- |  |                               |
|--|-------------------------------|
| 6. COMMITTEE MEMBER COMMENTS   | RECEIVE COMMENTS              |
| 7. <b>SUNDIAL CANCELLATION AND NO-SHOW<br/>POLICY UPDATE</b><br>(Staff: Vanessa Mora, Deputy Chief Safety Officer)             | <b>APPROVE</b><br>(PAGE 3-6)  |
| 8. <b>PROHIBITION OF SMOKING AT SUNLINE TRANSIT<br/>AGENCY BUS STOPS</b><br>(Staff: Vanessa Mora, Deputy Chief Safety Officer) | <b>APPROVE</b><br>(PAGE 7-12) |
| 9. ADJOURN   |                               |

**SunLine Transit Agency**

**DATE:** February 27, 2019 **ACTION**

**TO:** Board Operations Committee  
Board of Directors

**FROM:** Vanessa Mora, Deputy Chief Safety Officer

**RE:** SunDial Cancellation and No-Show Policy Update

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**Recommendation**

Recommend that the Board of Directors approve the attached SunDial Cancellation and No-Show Policy update.

**Background**

SunLine staff is recommending an update to its SunDial Cancellation and No-Show Policy. This update is made necessary because the compliance standards promulgated by the Federal Transit Administration (FTA) have changed. SunDial service is the complementary paratransit service provided by SunLine which is mandated by the Americans with Disabilities Act. This update is to conform the policy to the new standard.

The major area that the FTA has changed is the recommended pickup window. The pickup window is now recommended to be no more than 30 minutes. The current policy referenced a pickup window which exceeds the updated FTA guidelines.

The pickup window is the time allotted to the driver to pick up a customer for this service to be considered on-time.

**Financial Impact**

There is no financial impact resulting from approval of this item.

**SunLine Transit Agency  
SunDial Cancellation and No Show Policy  
Policy No: B-190498**

Revised: ~~02/27/2019~~02/24/2016  
Adopted: 03/24/1993

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# SUNDIAL CANCELLATION AND NO SHOW POLICY

## DEFINITIONS

### **No-show**

A no-show occurs when a rider fails to appear to board a vehicle that has arrived at the scheduled pick up location within the pickup window, after the driver has waited at least 5 minutes.

### **Pickup Window**

The pickup window is defined as, ~~30 from 20~~ minutes ~~before the~~ from the beginning of the scheduled negotiated pickup time, ~~to 20 minutes after the scheduled pickup time.~~ Riders must be ready to board a vehicle that arrives within the pickup window. The driver will wait for a maximum of 5 minutes, within the pickup window, for the rider to appear.

### **Late Cancellation**

A late cancellation is defined as either: a cancellation made less than 2 hours before the scheduled pickup time or as a cancellation made at the door or a refusal to board a vehicle that has arrived within the pickup window.

### **Excused No-Show or Late Cancellation**

SunLine Transit Agency does not count no-shows, late cancellations or any missed trips due to agency error or late cancellation situations beyond a rider's control that reasonably prevent the rider from notifying us that the trip cannot be taken.

### **Pattern or Practice**

A pattern or practice, as used in this policy, means intentional, repeated, or regular late cancellations or no-shows, not isolated, accidental, or singular incidents.

### **No-Shows or Late Cancellations Due to Operator Error**

- Trips placed on the schedule due to SunDial error
- Pickups scheduled at the wrong pickup location or building entrance
- Drivers arriving and departing before the pickup window begins
- Drivers arriving late (after the end of the pickup window)
- Drivers arriving within the pickup window, but departing without waiting the required 5 minutes

## No Shows or Late Cancellations Due to Circumstances Beyond a Customer's Control

- Medical emergency
- Family emergency
- Sudden illness or change in condition
- Appointment that runs unexpectedly late without sufficient

### POLICY

#### Timing for Notice of Cancellation

Customers must provide notice of cancellation at least 2 hours before their scheduled pick up time.

A separate, timely, notice of cancellation must be provided for each outgoing and return trip. Cancellation of an outgoing trip will NOT automatically cancel a scheduled return trip.

Customers who are unable to provide timely notice of cancellation due to circumstances beyond their control must contact the SunDial operations center at 760-343-3456 ~~Ext. 1404, or Ext. 1407~~ as soon as practicable under the circumstances to have the cancellation or no-show designated as excused, and to avoid a late cancellation or no-show designation.

#### Late Cancellations and No-Shows

In an effort to improve the availability of appointment time slots and make SunDial service more efficient for customers, SunLine Transit Agency reserves the right to suspend a customer's access to SunDial service due to excessive late cancellations or no-shows.

SunDial staff will periodically measure the system-wide average for no-shows and late cancellations and identifying customers who exceed twice the system-wide average rate. To determine whether a particular customer has excessive late cancellations or no-shows, SunLine Transit Agency then considers that customer's overall frequency of use, and evaluates whether there is "a pattern of practice of abuse" relative to how often that customer travels with SunDial.

### PROCEDURE

#### Warning and Suspension Procedures

Customers who are in violation of the policy will receive a warning phone call and a letter on the first violation. Excessive non-compliance could result in suspension of services. Customers may be subject to progressively longer suspensions, if warranted, to correct continued violations.

A written notification of intent to suspend availability of SunDial services for a specified duration will be provided to the customer 30 days prior to suspension. The notice will contain the dates, times, locations of pick-ups, and destinations that resulted in a late

cancellation or no-show designation and also include information regarding the appeal process.

Customers wishing to dispute specific no-shows or late cancellations must do so within 5 business days of receiving the written notice of intent to suspend by contacting the SunDial operations center at 760-343-3456 ~~Ext. 1404, or Ext. 1407,~~ Monday through Friday from 8:00 a.m. to 5:00 p.m. to explain the circumstance, and request the removal of the no-show or late cancellation.

Customers may also request that SunDial staff consider such factors as a customer's need for life-sustaining services that require transportation, such as dialysis treatments or chemotherapy appointments, in determining whether to impose, reduce, or withdraw the intended suspension.

### **Right to Appeal**

Customers who receive notice that a suspension has been imposed will have the right to appeal. To file an appeal, a customer must send a written explanation of why the suspension should be reversed along with any supporting documents, facts and statements. The appeal must be received within 30 days of receipt of notification that suspension has been imposed. Appeals should be sent to SunLine Transit Agency: 32-505 Harry Oliver Trail, Thousand Palms CA 92276. Attention: Access Advisory [Appeals Hearing](#) Committee. The appeals process should take no longer than 30 days. If there are no delays the applicant shall receive written determination of the appeal within 30 days.

Customers will be permitted to continue to receive SunDial services during the appeal process, including where necessary to attend the hearing before the Access Advisory Committee. Rulings shall be deemed final.

## SunLine Transit Agency

**DATE:** February 27, 2019 **ACTION**

**TO:** Board Operations Committee  
Board of Directors

**FROM:** Vanessa Mora, Deputy Chief Safety Officer

**RE:** Prohibition of Smoking at SunLine Transit Agency Bus Stops

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### Recommendation

Recommend that the Board of Directors introduce and waive further reading of Ordinance No. 2019-01 to prohibit smoking at SunLine Transit Agency bus stops under the authority of SunLine Transit Agency (STA).

### Background

There are several provisions of California State law governing the act of smoking and providing protections from the adverse effects of secondhand smoke. Additional regulations are left to local authority.

California Health and Safety Code section 118880 states, "[t]he Legislature finds and declares that tobacco smoke is a hazard to the health of the general public" a legislative finding that forms the basis for the regulation of smoking by the state, and by extension, local jurisdictions within the State.

It is the intent in enacting this ordinance to provide for the public health, safety and welfare by discouraging the inherently dangerous behavior of tobacco use near non-tobacco users, by protecting the public from smoking and tobacco related litter and pollution, and by affirming and promoting the family friendly atmosphere of SunLine Transit Agency's bus stops.

In accordance with the purposes and provisions of the ordinance and provisions of applicable state law, SunLine staff intends to post the following no smoking signs at all SunLine Transit Agency bus stops under the authority of STA:



The CEO/General Manager or their designee shall have the authority to modify the required signage as may be necessary.

**Financial Impact**

The estimated financial impact of \$3,668.40 for the purchase of the signs will utilize the FY19 operating budget.



**ORDINANCE NO. 2019-01**

**AN ORDINANCE OF SUNLINE TRANSIT AGENCY RELATING TO THE  
REGULATION AND PROHIBITION OF SMOKING AT SUNLINE TRANSIT AGENCY  
BUS STOPS**

WHEREAS, the California Legislature has determined that tobacco smoke is a hazard to the health of the general public and has empowered local public entities to ban or regulate smoking in a manner not inconsistent with State law; and,

WHEREAS, the County of Riverside and the Coachella Valley cities comprising the joint powers agency known as SunLine Transit Agency (STA) desire to further the public health, safety and welfare by prohibiting smoking at all SunLine Transit Agency bus stops under the authority of STA.

NOW, THEREFORE, the Board of Directors of STA does ordain as follows:

**SECTION 1: ADOPTION OF PROHIBITION OF SMOKING ORDINANCE.**

STA hereby adopts this Ordinance prohibiting smoking at SunLine Transit Agency bus stops within the jurisdictional boundaries of STA as attached hereto as Exhibit A.

**SECTION 2: SEVERABILITY.**

If any section, subsection, sentence, clause or phrase of the Ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Ordinance of STA. The Board of Directors of STA hereby declares that it would have passed this Ordinance, and each section, subsection, clause, sentence or phrase thereof, irrespective of the fact that any one or more other sections, subsections, clauses, sentences, or phrases may be declared invalid or unconstitutional.

**SECTION 3: EFFECTIVE DATE.**

The Ordinance, attached hereto as Exhibit A, shall take effect thirty (30) days from its passage by the Board of Directors of STA.

**SECTION 4: PUBLICATION.**

The Clerk of the Board is authorized and directed to cause this Ordinance to be published within fifteen (15) days after its passage in a newspaper of general circulation and circulated within the jurisdictional boundaries of STA in accordance with Government Code Section 36933(a) or, to cause this Ordinance to be published in the manner required by law using the alternative summary and posting procedure authorized under Government Code Section 36933(c).

INTRODUCED at the regular meeting of the Board of Directors of SunLine Transit Agency on the 27th day of February, 2019.

APPROVED AND ADOPTED by the Board of Directors of SunLine Transit Agency at a regular meeting held on \_\_\_\_\_ day of \_\_\_\_\_, 2019.

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Kathleen Kelly  
Chairperson of the Board

ATTEST:

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Brittney B. Sowell  
Clerk of the Board

APPROVED AS TO FORM:

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Eric S. Vail  
General Counsel

**EXHIBIT A**

2.010	Purpose
2.015	Definitions
2.020	Smoking prohibited
2.025	Posting of sign required
2.030	Enforcement
2.035	Other applicable laws

**Section 2.010**      **Purpose**

State law recognizes the right of residents and visitors to the Coachella Valley to be free from unwelcome secondhand smoke. The purpose of this ordinance is to promote and protect the public health, safety, and general welfare by prohibiting smoking at SunLine bus stops under the jurisdiction of STA, where persons will be exposed to unwelcome secondhand smoke. This ordinance is further intended to ensure a cleaner and more hygienic environment of the Coachella Valley, its residents and visitors, and its natural resources.

**Section 2.015**      **Definitions**

As used in this Section:

- A. "Electronic Smoking Device" means an electronic device that can be used to deliver an inhaled dose of nicotine, tetrahydrocannabinol (THC), or other substances, including any component, part, or accessory of such device, whether or not sold separately. This definition includes any such device, whether manufactured, distributed, marketed, or sold as an electronic hookah, vape, or any other product name or descriptor, including any component, part of accessory of such device, whether or not sold separately.
- B. "CEO/General Manager" means the CEO/General Manager of SunLine Transit Agency.
- B. "Smoke" means the release of gases, particles, or vapors into the air as the result of combustion, electrical ignition, or vaporization and/or inhaling, exhaling, burning or carrying any lighted, heated or ignited cigar, cigarette, cigarillo, pipe, hookah, electronic smoking device, or any plant product, including but not limited to tobacco and cannabis, intended for human inhalation.
- C. "Smoking" means the release of gases, particles, or vapors into the air as the result of combustion, electrical ignition, or vaporization and/or inhaling, exhaling, burning or carrying any lighted, heated or ignited cigar, cigarette,

cigarillo, pipe, hookah, electronic smoking device, or any plant product, including but not limited to tobacco and cannabis, intended for human inhalation.

- D. "STA" means the joint powers authority established by Riverside County and Coachella Valley cities charged with the duties, obligations and responsibilities to implement and enforce this Ordinance and any related ordinance and any regulations promulgated pursuant thereto as directed by the STA Board.

**Section 2.020      Smoking prohibited**

Except as otherwise provided, Smoking, including the smoking of any Electronic Smoking Device, shall be prohibited at the boarding and waiting areas of bus stops under the authority of STA.

**Section 2.025      Posting of sign**

Except where other signs are required, whenever smoking is prohibited "No Smoking" or "Smoke Free" signs shall be conspicuously posted. Notwithstanding this provision, the presence or absence of signs shall not be a defense to the violation of any other provision of this Ordinance. The General Manager or his or her designee shall use discretion to approve appropriate signage.

**Section 2.030      Enforcement**

- A. Any person who is found to violate any provision of this Ordinance shall be deemed guilty of an infraction and shall be punishable by:
1. A fine not exceeding one hundred dollars (\$100.00) for the first violation;
  2. A fine not exceeding two hundred dollars (\$200.00) for the second violation; and
  3. A fine not exceeding five hundred dollars (\$500.00) for a third violation within one (1) year.

**Section 2.035      Other applicable laws**

This Ordinance shall not be interpreted or construed to permit smoking where it is otherwise restricted or prohibited by other applicable laws.