

ORDINANCE NO. 2024-01

AN URGENCY ORDINANCE OF SUNLINE TRANSIT AGENCY RELATING TO THE REGULATION AND PROHIBITION OF PASSENGER CONDUCT

WHEREAS, SunLine Transit Agency (STA) is dedicated to providing safe, dependable and efficient transportation services to passengers and the Coachella Valley community; and

WHEREAS, the County of Riverside and the Coachella Valley cities comprising the joint powers agency known as the STA desire to maintain and operate a safe, secured, efficient and effective public transportation system by establishing a passenger code of conduct; and

WHEREAS, behavior on transit property is governed by California Penal Code section 640 and California Public Utilities Code section 99580; and

WHEREAS, STA personnel and passengers on STA vehicles and at STA property have been subjected to threats of physical harm, disturbances of the peace, and other conduct antithetical to safe and peaceful public transportation; and

WHEREAS, this urgency ordinance is necessary to ensure that the STA may immediately regulate the conduct of all persons conduct who interact with STA property or its services provided and passengers and the public may be refused services or access to facilities as a result of unacceptable conduct as described herein; and

WHEREAS, STA has the authority to regulate and enforce passenger conduct. However, without a passenger code of conduct there is a substantial likelihood that STA will be unable to regulate passenger conduct, which may result in substantial harm, and a threat to public peace, health or safety; and

WHEREAS, STA desires to adopt this ordinance as an urgency ordinance, effective immediately, pursuant to Government Code sections 36934 and 36937.

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

SECTION 1: ADOPTION OF URGENCY ORDINANCE.

The above recitals are hereby adopted as true and correct and this this urgency ordinance is hereby adopted 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: URGENCY DECLARATION AND EFFECTIVE DATE.

STA finds and declares that the adoption and implementation of this ordinance is necessary to address the danger to public health, safety, and general welfare as set forth in the above recitals, and to immediately provide provisions to implement the Passenger Code of Conduct. The Board of Directors of STA therefore finds and determines that this ordinance be enacted as an urgency ordinance pursuant to Government Code section 36937 and take effect immediately upon adoption by four-fifths of the Board of Directors of STA.

SECTION 4: PUBLICATION.

The Clerk of the Board is authorized and directed to cause a summary of this ordinance to be published and posted in the manner required by Government Code section 36933(c)(1).

APPROVED AND ADOPTED by the Board of Directors of SunLine Transit Agency at a regular meeting held on 24th day of July, 2024.




Nancy Ross
Chairperson of the Board

ATTEST:



Edith Hernandez
Clerk of the Board

APPROVED AS TO FORM:



Catherine Groves
General Counsel

EXHIBIT A

Section 1	Title
Section 2	Purpose
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Section 1 Title

This ordinance shall be known as the “Urgency Ordinance of Sunline Transit Agency regulating and prohibiting specified passenger conduct.”

Section 2 Purpose

STA is dedicated to providing safe, dependable and efficient transportation services to passengers and the Coachella Valley community. Behavior on transit property is governed by California Penal Code section 640 and California Public Utilities Code Section 99580. The purpose of this ordinance is to define a passenger code of conduct in order to maintain and operate a safe, secured, efficient and effective public transportation system. This ordinance also governs the conduct of all persons who interact with STA property or its services provided. Passengers and the public may be refused services or access to facilities as a result of unacceptable conduct as described herein.

Section 3 Definitions

As used in this Ordinance:

- A. “Fare Media” means the methods issued by or on behalf of STA for payment of fare, including passes, cards, transfers, vouchers and mobile ticketing.
- B. “Fare-Required Zone” means (1) the areas in any Vehicle behind the yellow line near the front of the bus, or (2) the areas where any sign indicates fares are required at or beyond the area.
- C. “Graffiti” means any unauthorized inscription, word, figure, mark, or design that is written, marked, etched, scratched, drawn, painted, or affixed on the Agency facilities or vehicles.
- D. “Passenger” means a customer of service, and/or visitor to a STA Facility, STA

Property, and/or Vehicle.

- E. "Public Area" means portions of STA facilities that are open for public use for transit or transit related purposes.
- F. "Prohibited Conduct" means any conduct that does not demonstrate respect for safety and welfare of themselves and/or others and/or STA Representatives or that interferes with the orderly provision of STA Transportation Services, including, but not limited to, any of the following:
 - a. a violation of local, state or federal law;
 - b. stalking a passenger and/or STA Representative(s);
 - c. damaging and/or destruction of STA Property and/or STA Facility;
 - d. playing unreasonably loud sound equipment;
 - e. failing to comply with the warning of a STA Representative related to disturbing another person by loud or unreasonable noise;
 - f. physical or verbal mistreatment, including hitting, kicking, gestures, yelling, spitting, threats, intimidation, assaults, slurs, and cursing;
 - g. sexual harassment including the act of or threat of unwanted touching, comments, or gestures, of a sexual nature or because of their gender, sexual orientation, or gender expression or gender identity;
 - h. eating or drinking on Vehicle(s);
 - i. drinking alcoholic beverages or possessing open containers of alcoholic beverages;
 - j. bringing any bag(s) of open or empty aluminum cans, plastic or glass bottles, or any material that has an offensive odor or is leaking any fluids on Vehicle(s);
 - k. failing to wear shoes, a shirt and pants or shorts, or a dress in Vehicle(s), STA Property, and STA Facility;
 - l. wearing a mask, false whiskers, or any personal disguise (whether complete or partial) for the purpose of: (1) evading or escaping discovery, recognition, or identification in the commission of fare evasion and/or any public offense; and/or (2) concealment, flight, or escape, when charged with, arrested for, or convicted of, any public offense;
 - m. refusing to pay a proper fare with cash or accepted Fare Media, including, but not limited to, mobile ticketing;

- n. boarding a Vehicle, without proof of valid Fare Media or without having adequate fare ready and paying fare upon boarding a Vehicle;
- o. falsely representing oneself as eligible for a waiver or a special or reduced fare, obtaining Fare Media by making false or misleading representation;
- p. boarding a Vehicle through a rear door to avoid payment or entering a Vehicle in such a way to bypass or avoid any Fare-Required Zone and fare collection;
- q. refusing to be seated or holding on to a standee pole while the Vehicle is in motion or standing in front of the standee line near the driver's seat;
- r. using cellular phones and audible devices (e.g. portable radio, musical instruments, tape, CD player, TV, laptop, tablet, etc.), unless such equipment is used with head/earphones so that sound is limited to that person only, or with the volume muted. Cellular phones may not be used on speaker phone mode;
- s. causing sounds that are highly disruptive to other individuals on board STA vehicles, using STA facilities or services. For the purpose of this paragraph, "highly disruptive" means: abusive, indecent, profane or drunken conduct. This provision does not apply to persons who cannot comply with this paragraph as a result of a disability, age, or a medical condition;
- t. smoking, including the carrying of lit cigars, cigarettes, and pipes, and vaping or use of any electronic or other smoking device, on a Vehicle(s), STA Property, STA Facility, or outside designated smoking areas at STA Facility;
- u. using any controlled substance and/or paraphernalia in violation of State and Federal law on a Vehicle(s), STA Property, or STA Facility, or outside designated smoking areas at STA Facility.
- v. blocking an aisle and/or restricting the free movement of passengers on a Vehicle(s), STA Property, or STA Facility with a non-collapsible stroller, baby buggy, walker, cart, package, bag, and/or item that cannot be held in the lap of the passenger;
- w. hanging items on, or attaching to, a mobility device (i.e. wheelchair, scooter, or walker) in a manner that blocks the aisle, restricts the free movement of passengers, or failing to properly secure such items to such mobility device. Oxygen bottles or tanks required for medical purposes must be properly secured and sized for the mobility device and placed in a location that does not restrict a proper and safe securement of the device;
- x. bringing a bicycle on-board a Vehicle. Bicycles must be placed on STA bike

racks prior to boarding a Vehicle. Such bicycles shall not have any items, including bags, hanging from the bicycles while on a STA vehicle bike rack;

- y. throwing any object from Vehicle(s) or extending any portion of the body through any window or door of a Vehicle(s) in a manner that may cause harm or injury;
- z. engaging in vandalism, graffiti, destruction and/or damage to Vehicle(s), STA Property, and/or STA Facility;
- aa. carrying an explosive, illegal weapon (i.e. firearms or sharp edge objects), acid, flammable liquid, or toxic or hazardous material in a Vehicle(s), STA Property, and/or STA Facility;
- bb. engaging in unauthorized canvassing, selling, soliciting, or distributing any material on Vehicle(s), STA Property, and/or STA Facility;
- cc. due to health and safety concerns, passengers who have bodily fluids, urine, feces, or blood on themselves or their clothing are prohibited from entering a Vehicle(s), STA Property, and/or STA Facility. This provision does not apply to persons who cannot comply with this paragraph as a result of a disability, age, or a medical condition;
- dd. affixing or posting signs, stickers, buttons, advertisements, circulars, or other printed materials on Vehicle(s), STA Property, and/or STA Facility. Written permission must be obtained from STA Administrator prior to placing, posting, or displaying any posters, notices, advertisements, signs, or other written material on Vehicle(s), STA Property, and/or STA Facility;
- ee. engaging in violence, threat(s), fighting, pushing, crowding, shoving, or initiating physical contact toward another passenger or STA Representative;
- ff. opening or tampering with vehicle equipment, for example, emergency windows and doors, except during an emergency;
- gg. expectorating upon a STA Facility or Vehicle;
- hh. failing to yield seating reserved for an elderly or disabled person; and
- ii. Skateboarding, roller skating, bicycle riding, or roller blading in an STA Facility, including a parking structure, or in an STA Vehicle. This prohibition shall not apply to an activity that is necessary for utilization of an STA Facility by a bicyclist, including, but not limited to, an activity that is necessary for parking a bicycle or transporting a bicycle aboard an STA vehicle, if that activity is conducted with STA permission in a manner that does not interfere with the safety of the bicyclist or other patrons of STA.

- G. "STA" means the SunLine Transit Agency 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.
- H. "STA Facility" or "STA Facilities" means all STA Property and equipment of STA, including, inside and outside areas of STA Property, transit centers, bus stops, shelters, transfer points, signage, and Vehicles.
- I. "STA Property" means any real or personal property owned or controlled by STA and includes, but is not limited to, Vehicle(s), bus stops, buildings, and facilities owned, leased or operated by STA, and any Vehicle(s) operated under contract with STA.
- J. "STA Administrator" means the management level employee of STA designated by STA's CEO/General Manager to be responsible for administering and implementing this ordinance.
- K. "STA Representative" means any employee of STA.
- L. "Threat" means an expression or action showing intent to inflict harm. Giving signs or warnings of violence or the announcement of violence as a possibility.
- M. "Transportation Services" means services provided by a STA Representative using STA Property to transport passengers, including, but not limited to, a fixed route bus service, micro transit service, and paratransit service.
- N. "Vehicle(s)" means a device by which any person or property may be propelled, moved, or drawn upon a highway, excepting a device moved exclusively by human power or used exclusively upon stationary rails or tracks, as defined in California Vehicle Code section 670, including, bus(es), shuttle(s), coach(es), car(s), van(s), and similar devices used for passenger conveyance.
- O. "Violence" means physical force employed to violate, damage, abuse, injure, or strike in any manner.

Section 4 Animals

- A. Designated service animals as defined in 49 Code of Federal Regulations Section 37.3 must always be under control of the passenger. Passengers may be asked by a STA Representative to describe the work or task the animal has been trained to perform. Service animals owners are responsible for any damage or injury caused by the animal. All other animals must be kept in a secure pet carrier that fits on the passenger's lap.
- B. Passengers are prohibited from denying seats to other passengers or blocking aisles due to animals or carriers.

- C. Passengers must promptly clean up animal waste from STA Property and/or STA Facility.

Section 5 Removal from Vehicle(s), STA Property, and STA Facility

- A. A person refusing to comply with the provisions of this ordinance or violating any provision of this ordinance, may be directed to leave Vehicle(s), STA Property, and/or STA Facilities by a STA Representative. If such person refuses to follow STA Representative(s) directions, the STA Representative(s) must contact the STA Administrator and local law enforcement and such person may be subject to arrest for trespassing.
- B. Any person engaging in Prohibited Conduct may be subject the following: (1) immediate removal of the violator from a Vehicle(s), STA Property, or STA Facility; (2) suspension of the violator's use of a Vehicle(s), STA Property, or STA Facility; (3) criminal citation issued by local law enforcement.
- C. A person may not occupy or use a Vehicle(s), STA Property, and/or STA Facility except for the purpose of boarding, disembarking, or waiting for a Vehicle. Persons occupying a Vehicle(s), STA Property, and/or STA Facility may be required to identify the intended STA route and destination upon the request of an STA Representative. Persons who fail to identify the intended STA route or destination may be asked to leave the Vehicle(s), STA Property, and/or STA Facility. Persons merely loitering at an STA Facility may be asked to leave the STA Facility by an STA Representative. Persons refusing to leave upon a demand to leave consistent with this ordinance may be considered in violation of this ordinance and STA Representative(s) reserves the right to contact law enforcement for assistance with removing such persons.
- D. Persons may occupy STA Facilities while awaiting passengers on arriving Vehicle(s). Upon arrival of such passengers, such persons and passengers shall leave Agency Facilities promptly. STA Representative(s) may request such persons and such passengers to leave STA Facilities, and refusal to comply with such STA Representative(s) request may amount to a violation of this ordinance.

Section 6 Enforcement Procedures

Upon witnessing a potential violation of this ordinance, STA Representative(s) may take any of the following steps to enforce compliance, and submit an incident report to the STA Administrator:

- A. Warn the violator that further violations will be grounds for removal from the Vehicle(s), STA Property, and/or STA Facility, or may result in suspension under this ordinance.
- B. Stop the Vehicle until the conduct violating this ordinance stops, the violator has been removed from the Vehicle, or law enforcement assists in removing the

violator.

- C. Refuse to admit the violator onto a Vehicle or inside STA Property and/or STA Facility if the conduct violating this ordinance occurs as the violator is boarding the Vehicle or entering STA Property and/or STA Facility.
- D. Report the violator's conduct to law enforcement. All incidents requiring STA Representative to contact law enforcement will be submitted to the STA Administrator for further review to determine whether suspension from service is warranted.
- E. STA reserves the right to pursue all remedies at law, but not limited to, enlisting the services of local law enforcement, petitioning the Superior Court for a Temporary Restraining Order (TRO) and/or seeking a permanent injunction in appropriate cases.

Section 7 Suspension Procedure

- A. STA Representative(s) may recommend to the STA Administrator suspending a person from use of Vehicle(s), STA Property, and/or STA Facility following one or more violations of this ordinance. Length of suspension, including whether such suspension is permanent, will depend on the severity of the violation at STA's sole discretion.
- B. Prior to suspending any person from use of Vehicle(s), STA Property, STA Facility, and/or Transportation Services, the STA Administrator will issue, or cause to be issued, to such person, a written suspension notice. The notice shall indicate the reasons for the suspension, the time period of the suspension, and the Vehicle(s), STA Property, and/or STA Facility or Transportation Services subject to the suspension. Such written suspension notice shall also include the appeals procedure details set forth in Section 7.D. below.
- C. Initial Review of Suspension Notice:
 - a. Within twenty-one (21) days from issuance of suspension notice, the person may request administrative review of the suspension. Such request may be made by telephone or in writing by contacting the STA Administrator at (760) 343-3456 or STA Administrator c/o SunLine Transit Agency, 32-505 Harry Oliver Trail, Thousand Palms, California 92276. The request must include any statement, information, evidence, or documents the person desires the STA Administrator to consider.
 - b. Within seven (7) days from receiving the person's request for initial review, the STA Administrator shall issue a decision as to whether it is 1) imposing the original suspension; 2) modifying the original suspension; or 3) satisfied that the violation did not occur or that extenuating circumstances make dismissal of the suspension appropriate.

- c. The STA Administrator shall mail a notice of the result of the initial review to the person. If STA Administrator does not cancel the suspension, this notice will include a reason for not canceling the suspension, a notification that the person is entitled to request an appeal under this ordinance, and details regarding such appeal procedure.

D. Appeal Procedure:

- a. Following the administrative review procedure, if the STA Administrator does not cancel the suspension, the person receiving a notice of suspension as provided above may request an appeal, within sixty (60) days after the mailing of the STA's decision following its Initial Review in section 7.C. above, either (1) in person, (2) by sending a written request to the STA Administrator c/o SunLine Transit Agency, 32-505 Harry Oliver Trail, Thousand Palms, California 92276, or (3) by calling (760) 343-3456. The request should include any statement, information, evidence, or documents the person desires the hearing officer to consider.
- b. The appeal shall be conducted before a hearing officer designated by the CEO/General Manager. The hearing officer shall issue a written decision, no later than thirty (30) days after the hearing. Such decision will detail whether the suspension was canceled, modified, or upheld. The decision may be personally delivered to the person or sent by mail.

Section 8 Non-Compliance with Suspension Order: Trespassing

If an individual subject to a suspension order enters the specified Vehicle(s), STA Property, and/or STA Facility during the suspension period, law enforcement will be called, and the individual may be subject to arrest for trespassing.

Section 9 Electronic Surveillance

All Agency Vehicle(s) and STA Facility are equipped with electronic surveillance devices/cameras which are used to view accident, incidents, and complaints received from passengers.

Section 10 Expressive Activity and Commercial Filming

A. Expressive Activity

- a. No person shall conduct or participate in assemblies or demonstrations, display or post signs or banners, solicit funds, or distribute written pamphlets, flyers, petitions, or other materials (collectively "Expressive Activity") in or on any of the following areas: (1) any bus or van operated by or for STA, or (2) STA owned or occupied workshops, offices, maintenance facilities, garages, or any other areas that are not open to the public.
- b. Expressive Activity is authorized on other public property owned or

controlled by STA or in public areas surrounding STA buses or property so long as the Expressive Activity does not: (1) interfere with access or egress of passengers to and from vehicles, (2) interfere with the access or egress of vehicles to and from bus stops or STA property, (3) interfere with STA employees' conduct of their business, or (4) harass, threaten, or coerce any person.

- c. Any person or group that will conduct or participate in an Expressive Activity shall provide STA with at least 5 business days' notice voluntarily providing the name, address, and telephone number of the person or group, specifying the proposed Expressive Activity, the date and time of the activity and the number of participants. STA may impose conditions to avoid injury to persons or property or to assure the safe and orderly use of STA property. Such conditions may include limitations on the number of participants, the time and duration of the activity, the place of the activity, and safety and security issues involving the activity.
- d. Any person or organization conducting or participating in Expressive Activity will be responsible for the removal of all written material and cleanup of property used for the Expressive Activity. No written materials may be left unattended on STA controlled or owned property.
- e. No person other than STA personnel or agents may post flyers, pamphlets, posters, or any other materials in STA buses or bus shelters.
- f. Nothing in this Policy is intended to abrogate or limit a person or organization's ability to address the STA Board of Directors in public meetings.

B. Commercial Filming

- a. Filming and/or still photography, which does not include filming home videos or still photography by individuals solely for personal use, on STA property requires a filming permit, payment of a per diem filming fee, and reimbursement for actual costs incurred by STA due to the filming, including, but not limited to costs of any STA personnel required to monitor or assist in the filming activity. Requests to film on STA property will be considered by STA management on an individual basis.
- b. A filming permit will be issued to the eligible permittee upon approval of STA management and payment of the applicable per diem charge. STA management will determine the per diem charge applicable to permittee's project. Permittee must comply with insurance requirements and other conditions applicable to use of STA property, as set forth by STA management.