

**SAN JOAQUIN REGIONAL RAIL COMMISSION  
AN ORDINANCE 09-02**

**AN ORDINANCE ADOPTING A PASSENGER CONDUCT CODE FOR THE  
ALTAMONT COMMUTER EXPRESS RAIL SERVICE OF THE  
SAN JOAQUIN REGIONAL RAIL COMMISSION**

THE SAN JOAQUIN REGIONAL RAIL COMMISSION ORDAINS AS FOLLOWS:

**Section 1**

The San Joaquin Regional Rail Passenger Conduct Code is hereby adopted, and reads in full as follows:

**ARTICLE 1. GENERAL**

**Section 100** Authorization and Purpose

The San Joaquin Regional Rail Commission (“SJRRRC”) finds and determines the following:

- 100.1 The SJRRRC is a Joint Powers Authority consisting of the County of San Joaquin, and the Cities of Escalon, Lathrop, Lodi, Manteca, Stockton, Ripon, and Tracy and is authorized to adopt ordinances related to its powers subject to the same restrictions and requirements as are applicable to the County of San Joaquin.
- 100.2 The SJRRRC provides commuter rail service to the general public by operating the Altamont Commuter Express (“ACE”) Rail passenger service in San Joaquin, Alameda, and Santa Clara Counties between Stockton and San Jose.
- 100.3 The SJRRRC has the authority to make rules by ordinance governing the conduct and safety of the public utilizing the ACE Rail passenger service and all related Facilities.
- 100.4 The following rules are established by the SJRRRC to promote public safety, to facilitate the proper use of the passenger train Facilities, to protect those Facilities and rail passengers, to assure the payment of fares and other charges, and to promote passenger comfort and protection from inappropriate conduct by other passengers.
- 100.5 This Ordinance may be amended or added to, from time to time, at the sole discretion of the SJRRRC, in accordance with law.

## **Section 101** Definitions

- 101.1 “ACE” or “ACE Train” means the Altamont Commuter Express rail passenger service operated between the cities of Stockton and San Jose with intermediate stops at Manteca-Lathrop, Tracy, Livermore Vasco Road, Livermore Downtown, Pleasanton, Fremont, and Santa Clara and also includes all of its physical Facilities.
- 101.2 “Code Enforcement Official” means any SJRRC Train Attendant, Passenger Service Agent, Conductor, Fare Inspector, Security Personnel, or any other person designated by the SJRRC Board of Directors or Executive Director in writing as authorized to issue Notices of Violation for the violation of any provision of this code or applicable state or federal laws.
- 101.3 “Facilities” includes all property and equipment, including but not limited to, locomotives, passenger rail cars, trains, stations, platforms, terminals, depots, rights of way and related trackage, yards, maintenance facilities, offices, vehicles, and all other real estate or personal property used or held for or incidental to the operation of any rail or transit line or service of SJRRC including, but not limited to, connecting shuttle bus services provided by contractors of SJRRC.
- 101.4 “Fare” means the lawful charges established by SJRRC for the use of its Facilities.
- 101.5 “Fare Media” means the various instruments issued by or on behalf of the SJRRC to use for the payment or partial payment of a fare, including but not limited to, passes, coupons, transfers, tickets, vouchers, or tokens which may be in use from time to time.
- 101.6 “Hazardous Material” means any substance, material, or device posing an unreasonable risk to health, safety, or property during transportation, including explosives and hazardous wastes or substances that have the capacity to produce personal injury or illness through ingestion, inhalation, or absorption through any body surface.
- 101.7 “Notice of Violation” means a citation issued by a Code Enforcement Official to an individual in response to the individual’s violation of any provision of this code, or the applicable state and federal law, and imposing fines for violations.
- 101.8 “SJRRC” means the San Joaquin County Regional Rail Commission, a Joint Powers Authority consisting of the County of San Joaquin, and the Cities of Escalon, Lathrop, Lodi, Manteca, Ripon, Stockton and Tracy, which owns and operates the ACE Rail passenger service.

## **Section 102** Construction

In interpreting or applying the rules, the following provisions will apply:

- 102.1 Rules will apply with equal force to any person assisting, aiding or abetting another in the avoidance of any of the requirements of the rules.
- 102.2 Any order or judgment of a court or other tribunal of competent jurisdiction that any provision of these rules is invalid will be limited to the individual rule or portion of a rule deemed invalid, and will not affect or invalidate any other rule or provision which was not the subject of controversy.
- 102.3 The singular will mean and include the plural; the masculine gender will include the feminine and neuter genders, and vice versa.

## **Section 103** Payment of Fare

- 103.1 No person will use or enter into the Facilities of the SJRRC, for any purpose, without the payment of the proper, designated fare, or tender of other valid fare media including, but not limited to, a valid pass, coupon, transfer, or other authorized substitute for fare or proof of payment, used in accordance with any conditions or restrictions imposed upon the respective fare media by SJRRC. For the purposes of this section, “entrance” into a Facility or conveyance occurs when a person passes through or into a point at which a fare is required.
- 103.2 All passengers will pay the appropriate fare designation for which they qualify, and no passenger will attempt to avoid paying the appropriate fare by misrepresenting their qualifications for fares or purchasing or using fare media for which they are not qualified. Passengers using a discounted ticket for children, seniors, or the disabled must provide appropriate identification upon request.
- 103.3 Except for employees of SJRRC acting within the scope of their employment, or other expressly authorized agents of SJRRC, no person will sell, provide, create, produce, reproduce or copy any fare media or otherwise provide access to the use of SJRRC Facilities or services without the payment of the full required compensation.
- 103.4 No person will put or attempt to put any paper, article, or item, other than fare media issued by SJRRC valid for the appropriate time, place, destination, and fare type, into any fare-box, turnstile, pass reader, validation machine, or other fare collection instrument, or attempt by any other means to use any unauthorized or invalid material as valid fare media. Any such paper, article, item, or unauthorized or invalid material may be confiscated by the SJRRC and used as evidence in prosecution of the fare violation.

103.5 All persons will display a valid ticket, fare media, or other authorized proof of payment of fare on their persons at all times while aboard an ACE Train.

**Section 104** SJRRC Property and Equipment

104.1 No person will destroy, deface, scratch, mark, paint, draw, inscribe, write, spray paint, or place graffiti upon any part of the SJRRC's Facilities.

104.2 No person will remove, injure or tamper with any sign, advertisement, notice, electronic media, or other SJRRC property.

104.3 No person will post, distribute, or display any sign, poster, notice, advertisement, or other print or written matter in or on any SJRRC Facility without the permission of SJRRC, except as otherwise provided by law.

**Section 105** General Use of the Transit System

105.1 No person may perform any act or engage in any behavior which interferes with, or has the potential to interfere with the provision of rail passenger service; obstructs the flow of traffic on or in the Facilities; interferes with or has the potential to interfere with the safe and efficient operation of the Facilities of SJRRC or cooperating shuttle services; or interferes with passenger safety.

105.2 Unless expressly authorized by SJRRC, no person will engage in any commercial activity in or upon SJRRC Facilities. Commercial activities include, but are not limited to: (1) the advertising, display, sale, lease, offer for sale or lease, or distribution of food, goods, services, or entertainment, including the free distribution of promotional goods or materials; (2) the solicitation of money or payment for food, goods, services, or entertainment; and (3) the solicitation of money for charitable or any other purpose.

105.3 No person will panhandle, beg, or otherwise solicit monetary or other contributions on or in any SJRRC Facility.

105.4 No person may occupy more than one seat or use additional seats for the storage of personal belongings when to do so would interfere with the seating, comfort of, and space available to, other passengers. All personal belongings must be stowed in the appropriate storage area, at one's feet, or under one's seat.

105.5 No person will refuse or fail to relinquish a seat or vacate a space which has been designated as seating reserved for use by the disabled or to accommodate wheelchairs, if requested to do so by or on behalf of a person with a disability.

105.6 Children under twelve years of age will be accompanied by an adult at all times.

- 105.7 Pets and other animals are not permitted in or on SJRRC Facilities, with the exception of service animals, animals being trained as service animals by a trainer, and animals used in law enforcement. Service animals and service animals in training will be leashed or harnessed at all times.
- 105.8 Passengers are required to wear shirts, pants, or skirts, or other appropriate attire and shoes at all times.
- 105.9 All beverages or other liquids must be in lidded containers. Alcoholic beverages in open or unsealed containers are not permitted, except on specially designated trains operated to provide transportation to a specific site for a special event.
- 105.10 No person may carry on or bring into any SJRRC Facility, any item that:
- 105.10.1 Is so long as to extend into aiseways or outside the window or door of a train; or
  - 105.10.2 Constitutes a hazard to the operation of SJRRC trains, interferes with passenger traffic, or impedes service; or
  - 105.10.3 Constitutes a danger, hazard, or major inconvenience to other persons.

This Section 105.10 does not apply to the use of wheelchairs, crutches, canes, or other physical assistance devices.

- 105.11 Bicycles must be properly stored in the designated bicycle areas.
- 105.12 Except as authorized by SJRRC, no person will enter or attempt to enter into any area of the SJRRC Facilities not open to the public, including, but not limited to, locomotives, train operator's cabs, station booths, mechanical or equipment rooms, closed off areas, tracks or railways, or any area marked with a sign restricting access or indicating a dangerous environment.

## **Section 106** Use of "Dim-lit" or Quiet Cars

"Dim-lit Cars" or quiet cars are specially designated quiet passenger cars that are designed to allow passengers to rest or sleep during their trip. The following rules apply to the use of Dim-lit Cars:

- 106.1 All cell-phones, pagers, and Personal Data Assistants or other hand-held communications devices will be turned off or have all ringtones and alerts set to "silent" or "vibrate."
- 106.2 All electronic devices will have all external sounds muted or turned off, or will only be audible through the use of headphones.
- 106.3 Passengers are prohibited from engaging in loud, noisy, or boisterous behavior, including engaging in cell phone conversations or conversations with fellow

passengers that are loud enough to be clearly audible by passengers in adjoining seating rows, and other activities that interfere with the ability to rest or sleep, or the reasonable comfort and wellbeing of fellow Dim-lit Car passengers.

- 106.4 Group activities including, but not limited to, card or other games are prohibited in Dim-lit Cars.

## **Section 107** Disorderly Conduct

The following activities are deemed “disorderly conduct,” and are prohibited in or on all SJRRC Facilities:

- 107.1 Littering; dumping garbage, liquids, hazardous materials or other matter; creating a health hazard or unsanitary condition and also including, but not limited to, spitting or urinating anywhere other than in the restrooms provided.
- 107.2 Smoking, carrying an open flame or lighted match, cigar, cigarette, pipe or torch.
- 107.3 Engaging in any form of gambling or games of chance for money or other valuable consideration.
- 107.4 The creation of any sound through the use of any sound production device, including but not limited to, radios, personal stereos, digital music devices, or microphones. Use of personal music devices listened to through headphones or earphones, and which are inaudible to surrounding passengers are permitted.
- 107.5 Throwing, purposely dropping, or causing to be propelled, any projectile or other article at, from, upon, or in a SJRRC Facility.
- 107.6 Drinking any alcoholic beverage or possessing any opened or unsealed container of alcoholic beverage, unless on a specially designated train operated to provide transportation to a specific site for a special event.
- 107.7 Consuming or possessing a controlled substance.
- 107.8 Entering or remaining in a SJRRC Facility when one’s ability to function safely in the transportation Facilities is impaired by the consumption of alcohol or controlled substances.
- 107.9 Placing feet on passenger seats.
- 107.10 Riding of bicycles, skateboards, scooters, rollerblades or other means of motorized or self-propelled transportation in or on SJRRC Facilities, including, but not limited to, train platforms. This section does not apply to the proper use of wheelchairs or motorized devices to assist the disabled.

- 107.11 Holding train doors open.
- 107.12 Blocking aisleways with personal belongings; blocking foot traffic by standing, sitting, or lying in aisleways, stairwells, or on train platforms.
- 107.13 Threatening, harassing, or following another person, or engaging in a willful and knowing course of conduct directed at a specific person that alarms or seriously annoys that person and that serves no legitimate purpose.
- 107.14 Any activity which is prohibited in a public transportation Facility pursuant to California Penal Code section 640.

**Section 108** Transportation of Weapons and Other Dangerous Materials Prohibited

- 108.1 No person will carry any weapon, dangerous instrument, or any other item intended for use as a weapon in or on SJRRC Facilities. For the purposes of this section, a weapon or dangerous item will include, but is not limited to, firearms; switchblade knife, gravity knife, box-cutter, straight razor, razor blade or other uncovered or unprotected blade or knife of any type; and lengths of pipe or other blunt instruments intended for use as a weapon. This section does not apply to law enforcement personnel, and persons to whom a license for such weapon has been duly issued and is in force.
- 108.2 No person will carry explosives, highly combustible or volatile materials, radioactive materials, or hazardous materials in or on any SJRRC Facility.

**Section 109** Authorized Code Enforcement Officials

Any SJRRC Conductor, Fare Inspector, Security Personnel, or any other person designated in writing by SJRRC, is authorized to issue Notices of Violation for the violation of any provision of this code.

**Section 110** Fines, Penalties, Ejection

- 110.1 Any violation of any provision of this code will constitute an infraction, punishable pursuant to the California Penal Code, and prosecuted in the superior court of the county in which the Notice of Violation was issued, or where the violation occurred.
- 110.2 Alternatively, the SJRRC, in its sole discretion, may prosecute violations of this Code administratively pursuant to this section.
- 110.3 SJRRC will adopt a "Schedule of Fines" setting forth the fines associated with violations of this and other applicable codes.

- 110.4 A Code Enforcement Official may issue a Notice of Violation to any person found violating any provision of this code or applicable sections of the state or federal codes. A single Notice of Violation may be issued for multiple code violations committed by the same individual as part of the same or related incident.
- 110.5 A Notice of Violation will include the following information:
- 110.5.1 Name and mailing address of person committing the violation(s);
  - 110.5.2 The code section(s) violated and a brief description of the nature of the violation(s);
  - 110.5.3 The date and time the violation(s) occurred
  - 110.5.4 Train number, car number, and closest station where violation(s) occurred;
  - 110.5.5 Name of the Code Enforcement Official issuing the Notice of Violation;
  - 110.5.6 The total amount of fines associated with the code violation(s);
  - 110.5.7 Signature of violator

Failure by the person committing the violation to provide a mailing address or signature will not invalidate the issuance of the Notice of Violation.

- 110.6 Persons receiving a Notice of Violation have thirty (30) days from the date of issuance to pay to SJRRC the fines associated with the Notice of Violation. Failure to pay fines within the time allowed will result in the imposition of a late fee in the amount of twenty five dollars (\$25.00) per month.
- 110.7 Fines that remain unpaid after ninety (90) days of issuance of a Notice of Violation will be turned over to the District Attorney's office in the county where the underlying violation occurred or was observed for prosecution as an infraction.
- 110.8 Any person who is observed by a Code Enforcement Official to be violating any of these rules and who may receive or has received a Notice of Violation may be ejected from the SJRRC Facilities.

**Section 2** **Severability:** If any provision of this Ordinance or application thereof to any person or circumstances is held invalid, such invalidity shall not effect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable. The San Joaquin Regional Rail Commission hereby declares that it would have adopted this Ordinance irrespective of the validity of any particular portion thereof.

**Section 3** **No Mandatory Duty:** This Ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the San Joaquin Regional Rail Commission or any

officer or employee thereof a mandatory duty of care toward persons and property within or without the San Joaquin Regional Rail trains or Facilities so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

**Section 4** Publication: Following passage and prior to the expiration of 15 days following passage, this Ordinance will be published in full once in three newspapers, one published in Santa Clara County, one published in Alameda County, and one published in San Joaquin County and this Ordinance will take effect 30 days after the date of the last of the three publications.

The foregoing Ordinance was introduced and the title thereof read at the regular meeting of the San Joaquin Regional Rail Commission held on November 6, 2009, and by a vote of the Board members present, further reading was waived.

On motion of Commissioner Blalock, seconded by Commissioner Johnston, the foregoing Ordinance was passed by the San Joaquin County Regional Rail Commission at a regular meeting held on December 4, 2009, by the following votes:

AYES:	<u>7</u>	Johnson,Haggerty,Blalock,Bestolarides,Johnston,Sayles Chairman Harris
NOES:	<u>0</u>	
ABSTENTIONS:	<u>0</u>	
ABSENT:	<u>1</u>	Ives

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STACEY MORTENSEN  
SECRETARY (Clerk)

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JOHN W. HARRIS, CHAIR