



1255 Imperial Avenue, Suite 1000
San Diego, CA 92101-7490
(619) 231-1466 • FAX (619) 234-3407

Agenda

MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM PUBLIC SECURITY COMMITTEE

December 5, 2019

2:00 pm

James R. Mills Building
Board Room, 10th Floor
1255 Imperial Avenue, San Diego

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ACTION RECOMMENDED

1. ROLL CALL
2. [APPROVAL OF MINUTES – September 27, 2019](#) Approve
3. Public Comments – Limited to five speakers with three minutes per speaker.
4. [PATH San Diego Presentation Regarding Outreach Services \(Jonathan Castillo of PATH\)](#) Informational
5. [San Diego Metropolitan Transit System \(MTS\) Ordinances No. 2 and 5 \(Manuel Guaderrama\)](#) Possible Action
Action would receive a report from staff regarding code enforcement regulations contained in MTS Ordinances No. 2 and 5, and provide direction regarding potential changes to those Ordinances.
6. Committee Member Comments
7. Next Meeting Date – To Be Determined
10. Adjournment

Please SILENCE electronics
during the meeting

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Metropolitan Transit System (MTS) is a California public agency comprised of San Diego Transit Corp., San Diego Trolley, Inc. and San Diego and Arizona Eastern Railway Company (nonprofit public benefit corporations). MTS is the taxicab administrator for seven cities.

MTS member agencies include the cities of Chula Vista, Coronado, El Cajon, Imperial Beach, La Mesa, Lemon Grove, National City, Poway, San Diego, Santee, and the County of San Diego.



DRAFT

MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM PUBLIC SECURITY COMMITTEE

1255 Imperial Avenue, Suite 1000
San Diego, CA 92101

September 27, 2019

1. Roll Call

Ms. Montgomery called the meeting to order at 2:05 PM. A roll call sheet listing Public Security Committee members' attendance is attached.

2. Approval of Minutes

Mr. Arambula moved to approve the minutes of the October 17, 2018, Public Security Committee Meeting as well as the minutes of the March 29, 2019 Public Security Committee Meeting. Mr. Sandke seconded the motion, and the vote was 6 to 0 in favor, with Mr. Fletcher absent.

3. Public Comments

There were no public comments.

4. Appointment of Committee Chairperson and Vice Chairperson

PUBLIC COMMENTS

John Brady – Mr. Brady spoke in favor of Monica Montgomery to be appointed chair of this committee. He commented that she has exhibited strong points of leadership on City Council and has the temperament and attitude necessary to lead the MTS Public Security Committee forward.

Michael McConnell – Mr. McConnell stated he supports Monica Montgomery. He stated that she has already showed great leadership at City Council and believes this body would benefit greatly from electing her chair.

Ellis Rose – Mr. Rose commented he was here today to firmly support the election of Councilmember Monica Montgomery to the chair. He stated that she has done an outstanding job on the San Diego City Council and suspects that she will continue to do that here.

BOARD COMMENTS

Action Taken – Appointment of Chairperson

Ms. Aguirre made a motion to nominate Ms. Montgomery as the chairperson of the committee. Mr. Sandke seconded the motion, and the vote was 6 to 0 in favor, with Mr. Fletcher absent.

Action Taken – Appointment of Vice Chairperson

Mr. Arambula made a motion to nominate Ms. Aguirre as the vice chairperson of the committee.

Ms. Galvez seconded the motion, and the vote was 6 to 0 in favor, with Mr. Fletcher absent.

5. Semi Annual Security Report (January 1, 2019 through June 30, 2019) (Manny Guaderrama)

Manny Guaderrama, MTS Chief of Police, provided a presentation for the Semi-Annual Security Report for January 1, 2019 through June 30, 2019. The presentation started with the introduction to the Transit Enforcement Department then continued with trolley and bus crime statistics, special enforcement details, quality of life and transient camp details, non-compliant arrests, See Something Say Something, and concluded with the upcoming Security Contract. The presentation also included several field videos including officers, employees and patrons.

PUBLIC COMMENTS

Jon Brady – Mr. Brady commended MTS on the systems safety given the number of passengers. He voiced his concern about the abundance of fare violation citations largely impacting people in poverty and recommended reevaluating this and the zero tolerance policy.

Michael McConnell – Mr. McConnell commented that there are issues that he hopes this committee will sort through. He suggested that we look at the way security is being provided in San Diego and really try to utilize our dollars to provide more public safety.

Sally Jacobus – Ms. Jacobus said she uses the bus and trolley system all the time and appreciates the accessibility. She asked if there is a program that can be set up to help those who are low income and do not have the means to pay.

BOARD COMMENTS

Mr. Sandke commented that the public speakers reminded him that we need compassionate security. In regards to the assault videos, he felt that it is important for MTS to be aware of what is going on throughout the system. Mr. Sandke commented that our mission is to serve those who do not have cars and that are transit dependent. He stated that since we do not have the luxury of a gated ticket environment, we need to find other ways to ensure the safety of our employees and our riders.

Ms. Aguirre asked if it was standard procedure to ask for identification when there is a suspected fare evader. Chief Guaderrama replied yes. Ms. Aguirre questioned how much money is being spent on processing fare citations and court procedures. Chief Guaderrama responded that he does not have that dollar amount.

Mr. Arambula asked if MTS recovers anything from the citations for fare evasion and would like to see those numbers presented at the next meeting as well as what is spent on court procedures. Mr. Arambula also requested to see all paperwork regarding officer protocols. Chief Guaderrama stated that he would provide the Transit Enforcement Standard Operating Procedures (SOP) and Training Manual at the next meeting.

Chair Montgomery mentioned that as a region there is an overall issue that needs to be dealt with and that issue is homelessness. Ms. Montgomery mentioned she would like to look into how the removal of homeless camps including debris and trash from one area affects other areas. Paul Jablonski, Chief Executive Officer, mentioned that MTS has been ordered by the Water Control Board to stop the behavior causing water contamination along the San Diego River.

Chair Montgomery stated she would like to look at our fare evasion policy and how it stems from the penal code. She mentioned that the state now allows for administrative procedures to make these citations a civil matter as opposed to a criminal matter. Chief Guaderrama feels that in our environment, making it a civil penalty will have a negative impact on our system as civil penalties would not hold the person accountable.

Mr. Jablonski said the most important data is our fare evasion rate and commented that we have one of the lowest rates compared to other major transit systems. This is due to the number of contacts made, and the number of fare checks conducted, which keep people honest in buying fares. Reducing fare evasion contacts may negatively impact the revenue needed to keep services running.

Ms. Galvez asked to explain the evolution of the Joint Agency Task Force (JATF). Chief Guaderrama stated that it has been a unique cooperation between all the agencies in San Diego County. Chief Guaderrama explained the history of the JATF, funding, agency participation, and criminal background checks.

6. Upcoming Security Contract Procurement – Committee Discussion

Chief Guaderrama continued his presentation regarding the Upcoming Security Contract Procurement.

PUBLIC COMMENTS

Adrian Scott – Adrian Scott voiced their feelings about not feeling safe riding the trolley even with security presence.

BOARD COMMENTS

Chair Montgomery commented that she would like to hear from officers and whether they think their training is helpful on the job. Chair Montgomery would like to make sure that what we are spending money on is really working and is helpful. Chief Guaderrama stated officers are asked to complete class evaluations and the feedback has been very positive.

7. Homeless Outreach Planning (Sharon Cooney)

Sharon Cooney, Chief of Staff, provided a presentation on homeless outreach planning. Staff has been speaking with the City of San Diego as well as the County of San Diego to work on a plan in addressing some of the issues related with homelessness that MTS is experiencing on transit vehicles as well as stations. Ms. Cooney asked how MTS can connect people to services who can help them. Ms. Cooney would like to see how we can partner with the agencies that are currently responsible for assisting people into real sustainable shelters. Ms. Cooney stated the staff will continue to explore pre-filing and homeless outreach programs and would bring possible programs forward to the board for approval.

PUBLIC COMMENTS

John Brady – Mr. Brady commented on not being able to afford transit passes. He asked if they could be offered at a lower rate for agencies who want to help people suffering from poverty.

Michael McConnell – Mr. McConnell suggested MTS ask the people who need the help, how to help them, then develop a program based on that feedback.

Ellis Rose – Mr. Rose voiced his concerns that The San Diego Regional Task Force for the Homeless is not being utilized. He would like to see a program that connects homeless people with outreach workers.

Kuni Stearns – Mr. Stearns commented on how people with vehicles, running or not, are not eligible for free bus passes. He also talked about general relief, receiving free passes and how there might be some room for improvement.

BOARD COMMENTS

Mr. Arambula asked Mr. Jablonski if there are any MTS staff members charged with the responsibilities of coordinating possible resources for homeless people. Mr. Jablonski responded that Ms. Cooney has been taking the lead on this along with Mr. Guaderrama. He stated that with all the information gathered thus far, we now need to figure out a viable way to put together a multi-pronged program.

Ms. Aguirre commented that she would like to explore other paths that would be less challenging for those who are already in a very difficult situation.

Chair Montgomery commented that she feels it is important that we loop in the Regional Task Force on Homelessness. She stated that we do have a lot of programs and resources, but we do not collaborate enough together. She commented that there is no connection between those who are in charge of the resources and those who are actually going through the issues and need resources.

Chair Montgomery asked Ms. Cooney about the comment that was made regarding not having a lot of success getting people into programs. Ms. Cooney stated the comment was referring to the couple of times our officers went out with the Police Department Homeless Outreach Team (HOT). Tim Curran, Deputy Director of Transit Enforcement, commented that he has worked with the officers and the HOT Team. Mr. Curran said they made numerous contacts with people in need, but very few people took the services stating contacts were great but acceptance of services was very minimal.

Chair Montgomery stated that part of our challenge is to find a balance with what was discussed here today with what can be a barrier to help. Chair Montgomery commented that as we develop a program, it is very important that we define the different functions of the outreach component and law enforcement.

8. Committee Member Comments

Ms. Galvez stated she would like to interact directly with security officers to ask what we could do better to help them. She would also like to speak to bus operators and/or people who have been victimized to see how they feel and to ask what they need from us so we can better serve them.

Public Security Committee Meeting – MINUTES

September 27, 2019

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9. Next Meeting Date

Next meeting is to be determined based on the members' availability.

10. Adjournment

Chair Montgomery adjourned the meeting at 3:55 p.m.

Chairperson

Attachment: Roll Call Sheet

PUBLIC SECURITY COMMITTEE
SAN DIEGO METROPOLITAN TRANSIT SYSTEM

ROLL CALL

MEETING OF: SEPTEMBER 27, 2019

CALL TO ORDER: 2:05 p.m.

ADJOURN: 3:55 p.m.

COMMITTEE MEMBER	PRESENT (TIME ARRIVED)	ABSENT (TIME LEFT)
AGUIRRE <input checked="" type="checkbox"/>	2:00 p.m.	3:55 p.m.
ARAMBULA <input checked="" type="checkbox"/>	2:00 p.m.	3:55 p.m.
FLETCHER <input type="checkbox"/>		
GALVEZ <input checked="" type="checkbox"/>	2:05 p.m.	3:55 p.m.
HALL <input checked="" type="checkbox"/>	2:00 p.m.	3:07 pm
MONTGOMERY <input checked="" type="checkbox"/>	2:00 p.m.	3:55 p.m.
SANDKE <input checked="" type="checkbox"/>	2:00 p.m.	3:00 p.m.

SIGNED BY THE CLERK OF THE COMMITTEE:



CONFIRMED BY MANUEL GUADERRAMA:



c: Clerk of the Committee
Accounts Payable
Attachment to Original and Draft Minutes



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Agenda Item No. 4

MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM PUBLIC SECURITY COMMITTEE

December 5, 2019

SUBJECT:

PATH SAN DIEGO PRESENTATION REGARDING OUTREACH SERVICES
(JONATHAN CASTILLO OF PATH)

INFORMATIONAL ONLY

Budget Impact

None with this action.

DISCUSSION:

PATH San Diego provides a variety of services for individuals experiencing homelessness that include employment, outreach, housing navigation, interim housing, rapid rehousing, and permanent supportive housing. In 2010, the City of San initiated a vision for a one-stop homeless services center and selected PATH as the lead agency for the project. PATH San Diego's Connections Housing is a partnership that brings a variety of agencies together under one roof to meet the many needs of the downtown homeless population. Representatives from PATH San Diego will provide a report on the types of services they offer and how MTS might partner with them in their efforts.

/s/ Paul C. Jablonski

Paul C. Jablonski
Chief Executive Officer

Key Staff Contact: Sharon Cooney, 619.557.4513, Sharon.Cooney@sdmts.com





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Agenda Item No. 5

MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM PUBLIC SECURITY COMMITTEE

December 5, 2019

SUBJECT:

SAN DIEGO METROPOLITAN TRANSIT SYSTEM (MTS) ORDINANCES NO. 2 AND 5
(MANUEL GUADERRAMA)

RECOMMENDATION

That the Public Security Committee:

- 1) Receive a report from staff regarding code enforcement regulations contained in MTS Ordinances No. 2 and 5; and
- 2) Provide direction regarding potential changes to those Ordinances.

Budget Impact

None with this action.

DISCUSSION:

MTS Code Compliance Officers enforce regulations based on two MTS Ordinances: Ordinance No. 2, "An Ordinance Requiring Proof of Fare Payment by Passengers Using the San Diego Trolley" (Attachment A) and Ordinance No. 5, "An Ordinance Relating to the Enforcement Authorities of Code Compliance Inspectors, Assistant Code Compliance Supervisors, the Code Compliance Inspection Supervisor, and Taxicab Inspectors I & II." (Attachment B) Staff will outline the provisions included in these Ordinances in order to initiate Committee discussion. Any Committee requests for potential changes will be reviewed by staff, and brought back to the Committee for final recommendation to the MTS Board.

/s/ Paul C. Jablonski

Paul C. Jablonski
Chief Executive Officer



Key Staff Contact: Sharon Cooney, 619.557.4513, Sharon.Cooney@sdmts.com

Attachments:

- A. Ordinance No. 2, "An Ordinance Requiring Proof of Fare Payment by Passengers Using the San Diego Trolley"
- B. Ordinance No. 5, "An Ordinance Relating to the Enforcement Authorities of Code Compliance Inspectors, Assistant Code Compliance Supervisors, the Code Compliance Inspection Supervisor, and Taxicab Inspectors I & II."

SAN DIEGO METROPOLITAN TRANSIT SYSTEM

ORDINANCE NO. 2

(as adopted 6/8/81, and as amended through 1/19/12)

An Ordinance Requiring Proof of Fare Payment by Passengers Using the San Diego Trolley

The Board of Directors of the San Diego Metropolitan Transit System (MTS) do ordain as follows:

SECTION 1

Section 2.1: Findings

In 1979 by Resolution No. 79-2, MTS adopted a self-service, barrier-free fare collection system for use with respect to the Light Rail Transit System, after finding that such a fare collection system would maximize overall productivity. Those findings are hereby reaffirmed for the San Diego Trolley System. In order to make the self-service, barrier-free fare collection system as productive and efficient as possible, it is necessary to adopt this Ordinance pursuant to Sections 120105 and 120450 of the Public Utilities Code requiring proof of fare payment by passengers using the San Diego Trolley system.

Section 2.2: Definitions

The following terms as used in this Ordinance shall have the following meaning:

A. Inspector - An officer(s) or employee(s) of MTS or authorized by Ordinance by MTS or a peace officer(s) designated by MTS, to check passengers for valid proof of fare payment with the authority to arrest and issue a Citation of Fare Evasion to passengers not possessing or exhibiting valid proof of fare payment and to otherwise enforce the provisions of this Ordinance.

B. Proof of Fare Payment - Proof of fare payment means any of the following:

1. A Monthly or 30-Day Pass (Adult, Youth, or Senior/Disabled/Medicare), Day Pass or other time-delimited pass valid for use on the Trolley, purchased by or for the passenger, and valid for the time of use.

2. A single-ride ticket purchased by or for the passenger from a Trolley fare vending/validating machine. This single-ride ticket is valid provided the passenger in possession is qualified for the fare category printed on the ticket, the passenger is on a trolley traveling in a direction away from the boarding station printed on the ticket, the passenger is on a trolley within the distance from the boarding station for which the fare specified on the ticket is valid, and the passenger is using the ticket within two hours of the date and time printed on the ticket. The single-ride ticket must be valid for the entire length of time that the passenger in possession is onboard the Trolley.

3. A multi-ride ticket valid for use on the Trolley that has been validated using a Trolley fare vending/validating machine. This ticket is valid provided the passenger possessing the ticket is on a trolley traveling in a direction away from the boarding station most recently printed on the ticket, the passenger possessing the ticket is on a trolley within the distance from the station of validation of which the cash fare specified on the ticket is valid, and the passenger possessing the ticket is using the ticket within two hours of the date and time most recently printed on the ticket. The

multi-ride ticket must be valid for the entire length of time that the passenger in possession is onboard the Trolley.

C. Citation for Nonpayment of a Fare - Means the written notice to appear issued by an Inspector to a passenger arrested for violating this Ordinance whereby the passenger is released on his promise to appear in court at the date, time, and place specified in the written notice.

D. Passenger - any person occupying, riding or using any trolley vehicle, boarding or deboarding such a vehicle or waiting within a designated paid zone waiting area at a Trolley station.

(Section 2.2 adopted & amended 1/19/12)

Section 2.3: Proof of Payment

No unauthorized person shall board, occupy, ride in, use or deboard any trolley vehicle or stand within a designated paid zone waiting area at a Trolley station without possessing and exhibiting, upon demand of an Inspector, valid proof of fare payment.

(Section 2.3 amended January 14, 1993)

Section 2.4: Agreement

The use of any trolley vehicle shall constitute an agreement by the user to pay the applicable fare in accordance with the effective fare Ordinance established by MTS and to have in his/her immediate possession proof of fare payment.

Section 2.5: Proof of Fare Payment Procedures

A. Upon demand of an Inspector, every passenger occupying, riding or using any trolley vehicle, boarding or deboarding such a vehicle or waiting within a designated paid zone waiting area at a Trolley station shall exhibit proof of fare payment to the Inspector as required by this Ordinance.

B. If a passenger does not possess or exhibit valid proof of fare payment, the Inspector shall arrest such passenger and, if the passenger does not demand to be taken before a magistrate, the Inspector shall deliver to that passenger a Citation for Nonpayment of a Fare. The Citation for Nonpayment of a Fare shall contain the name and address of the passenger, the date the citation was issued, a description of the violation, the date, time, and place when and where such passenger shall appear in court, the name of the Inspector, and the signature of the passenger to whom this citation is delivered, which signature shall indicate the passenger's promise to appear in court at the date, time, and place specified in the citation. The Citation for Nonpayment of a Fare shall also state a warning that the passenger's willful failure to appear in court as promised is a separate violation for which the passenger may be arrested and punished pursuant to the California Penal Code.

C. The failure or refusal of any passenger to exhibit proof of fare payment, provide positive identification as to his/her full name and residence, or sign the citation for Nonpayment of a Fare shall subject the passenger to all other provisions and remedies provided by law.

D. Failure of or refusal by the passenger to sign the Citation for Nonpayment of a Fare shall not affect the enforceability of this Ordinance.

(Section 2.5 amended January 14, 1993)

Section 2.6: Penalties

Any violation of Section 2.3 of this Ordinance shall be an infraction punishable by a fine not exceeding seventy-five dollars (\$75), except that such a violation by a person, after the second conviction under the Ordinance, shall be a misdemeanor punishable by a fine not exceeding five hundred dollars (\$500) or by imprisonment not exceeding six months, or by both such fine and imprisonment. For purposes of this section, a bail forfeiture shall be deemed to be a conviction of the offense charged.

(Section 2.6 adopted & amended 1/19/12)

SECTION 2: Public Notice

Before the expiration of fifteen (15) days after its passage, this Ordinance shall be published once with the names of the members voting for and against the same in a newspaper of general circulation published in the County of San Diego.

SECTION 3: Operative Date

This Ordinance shall be operative on October 1, 2000.

JAN19-12.32.AttB.ORD 2.PROOF OF FARE.MTHOMSEN.doc

Adopted & Amended: 1/19/12

Amended: 7/13/00

Amended: 9/26/96

Amended: 1/14/93

Repealed & Readopted: 2/27/84

Adopted: 6/8/81

SAN DIEGO METROPOLITAN TRANSIT DEVELOPMENT BOARD
(also known as San Diego Metropolitan Transit System)

CODIFIED ORDINANCE NO. 5
(as amended 5/12/2016)

An Ordinance Relating to the Enforcement
Authorities of Code Compliance Inspectors,
Assistant Code Compliance Supervisors,
the Code Compliance Inspection Supervisor,
and Taxicab Inspectors I & II

The Board of Directors of the San Diego Metropolitan Transit System (MTS) do ordain as follows:

Section 5.1 Statutory Authorities

A. The Metropolitan Transit System has been created by State law (Public Utilities Code Section 120000 through 12054) as a public agency with the authority and duty to plan and construct exclusive public mass transit guideways (Section 120260) and to acquire, construct, maintain, and operate or let a contract to operate public transit systems and related transportation facilities and services (Section 120264).

B. Additionally, the Board is vested with the duty to adopt all ordinances and make all rules and regulations proper and necessary to regulate the use, operation, and maintenance of its property and facilities, including its public transit systems and related transportation facilities and services (Section 120105). The violation of any ordinance, rule, or regulation enacted by the Board relating to evasion of fares in any transit facility owned or controlled by the Board is an infraction and upon a violation after the second conviction is a misdemeanor (Section 120450).

C. The provision of information known to be false to a Code Compliance Inspector, Assistant Code Compliance Supervisor, the Code Compliance Inspection Supervisor, or the Transit Security Administrator (hereinafter cumulatively referred to as Inspectors) is similarly an infraction or misdemeanor (Section 120450.5).

D. The violation of any ordinance, rule, or regulation prohibiting unauthorized operation or manipulation of transit facilities or prohibiting unauthorized tampering or interference with transit facilities is similarly an infraction or misdemeanor (Section 120451).

E. The violation of any ordinance, rule, or regulation prohibiting the unauthorized entering into, climbing upon, holding onto, or in any manner attaching oneself to vehicles operated upon exclusive public mass transit guideways is an infraction or misdemeanor (Section 120452).

F. In implementation of those provisions of State law, the Board has adopted Ordinance No. 13, prohibiting specified conduct onboard transit vehicles and prohibiting specified actions on or about the transit facilities. The Board has further adopted Ordinance No. 2 requiring proof of fare payment by passengers using the San Diego Trolley and Ordinance No. 3, regulating parking in the San Diego Trolley parking lots and other transit facilities.

G. The Board is authorized to contract with cities and the County to license or regulate by ordinance any transportation services within such cities or the unincorporated area (Section 120266) and has done so by adoption of Ordinance No. 11, the enforcement of which will be done by Taxicab Inspectors I & II, and other Taxicab Administration staff designated in Section 5.3.

H. Pursuant to Penal Code Section 836.5, the Board may authorize public officers and employees to arrest a person without warrant, including officers and employees of a nonprofit transit corporation wholly owned by a local agency and formed to carry out the purposes of the local agency and San Diego Trolley, Inc., is such a corporation.

(Section 5.1 amended 11/15/2012)
(Section 5.1 amended 7/12/2001)
(Section 5.1 amended 9/26/1996)
(Section 5.1 amended 1/11/1996)
(Section 5.1 amended 11/10/1994)
(Section 5.1 amended 8/12/1993)

Section 5.2 Purposes

In view of the multitude of regulations applicable to the facilities and vehicles of the San Diego Metropolitan Transit Development Board, it is desirable to clarify and specify the authority of the Inspectors, relative to various acts committed on or about the property.

Section 5.3 Duties and Authorizations

A. Inspectors employed by the San Diego Metropolitan Transit System (MTS) and Inspectors employed by San Diego Trolley, Inc., are hereby vested with the duty to enforce MTS Ordinances No. 2, No. 3, No. 4, No. 11, and No. 13 and the following code sections; Business and Professions Code Sections 4140 and 25662, Health and Safety Code Sections 11364 and 11357(b), and 11532, Public Utilities Code Sections 5411.5, 120450, 120450.5, 120451, and 120452, Penal Code Sections 148, 219.2, 308(b), 369(g), 417.25(a), 470(a), 481.1, 555.1, 555.2, 587(a), 594, 594.1, 594.2, 594.4, 602(f), 602(o), 602(q), 640, 640(a), 640.5, 647(a), 647(c), 647(j), and 653(k), Vehicle Code Sections 5204(a), 21456, 21461(a), 21955, 22500, 22507, 22521, and 22526, San Diego City Municipal Code Sections 56.54 (at transit facilities owned, controlled, or used by the Board, including but not limited to transit centers, rail stations, bus shelters, and bus stops on public and private property), 58.05(b)(1), and 58.05(b)(2), and San Diego County Code of Regulatory Ordinances Section 32.1303. In accordance with Penal Code Section 836.5, Inspectors employed by MTS are authorized to arrest a person without a warrant whenever an Inspector has reasonable cause to believe that the person to be arrested has committed an infraction or misdemeanor in the Inspector's presence which is a violation of the statutes and ordinances which he or she has the duty to enforce.

B. Taxicab Regulatory Inspectors, Regulatory Analysts, and the Taxicab Administrator, employed by MTS, are hereby vested with the duty to enforce MTS Ordinances Nos. 5 and 11, and the following code sections: Penal Code 654.1, Public Utilities Code sections 5360.5, 5371, 5379, 5381.5, 5386.5, 5411 and California Public Utilities Commission General Order 157-D Sections 3.01 and 3.03, San Diego County Regional Airport Authority (SDCRAA) 9.13(a), San Diego Municipal Code (SDMC) 31.0121, 33.1406 and 86.0105 and California Vehicle Code Sections 4000(a)(1) per 260(a), 16502(a), 5204(a), 21100.4, 22507.8, 23123 and 23123.5. In accordance with Penal Code Section 836.5, Taxicab Regulatory Inspectors, and the Taxicab Administrator, employed by MTS are authorized to arrest a

person without a warrant whenever a Taxicab Inspector has reasonable cause to believe that the person to be arrested has committed an infraction or misdemeanor in the Inspector's presence which is a violation of the statutes and ordinances which he or she has the duty to enforce.

C. Right-of-Way Agents, designated by the General Manager and employed by MTS are hereby vested with the duty to enforce MTS Ordinance No. 3 and, in accordance with Penal Code Section 836.5, are authorized to arrest a person without a warrant whenever an agent has reasonable cause to believe that the person to be arrested has committed an infraction or misdemeanor in the Agent's presence which is a violation of the statutes and ordinances which he or she has the duty to enforce.

(Section 5.3 amended 5/12/2016)
(Section 5.3 amended 9/17/2015)
(Section 5.3 amended 11/15/2012)
(Section 5.3 amended 10/28/2004)
(Section 5.3 amended 10/3/2002)
(Section 5.3 amended 7/12/2001)
(Section 5.3 amended 3/23/2000)
(Section 5.3 amended 9/26/1996)
(Section 5.3 amended 1/11/1996)
(Section 5.3 amended 11/10/1994)
(Section 5.3 amended 8/12/1993)


Section 5.4 Severability

The provisions of this Ordinance are severable, and if any of the provisions, clauses, sentences, subsections, sections, words, or parts thereof is held illegal, invalid, or unconstitutional or inapplicable to any person or circumstance, such illegality, invalidity, unconstitutionality or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, sections, words or parts of this Ordinance or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Ordinance would have been adopted if such illegal, invalid, or unconstitutional provision, clause, sentence, subsection, section, word, or part had not been included therein or such person or circumstance to which the Ordinance or part thereof is held inapplicable has been specifically exempted therefrom.

Amended: 5/12/2016
 Amended: 9/17/2015
 Amended: 11/15/2012
 Amended: 6/28/2007
 Amended: 10/28/2004

Amended: 10/3/2002
Amended: 8/9/2001
Amended: 3/23/2000
Amended: 9/26/1996
Amended: 1/11/1996
Amended: 11/10/1994
Amended: 8/12/1993
Repealed & Readopted: 12/12/1991
Amended: 2/8/1990
Amended: 10/13/1988
Amended: 10/4/1984
Amended: 2/27/1984
Adopted: 7/25/1983

PASSED, APPROVED AND ADOPTED THIS 12th day of May 2016.



Chairman
San Diego Metropolitan Transit System

This Ordinance amendment was adopted by the following vote:

AYES: Bragg, Cole, Cunningham, Gastil, Gloria, Mathis, McClellan, McWhirter,
Minto, Rios, Roberts, Salas, Sandke, Zapf

NAYES:

ABSENT: Alvarez

ABSTAINING:

ATTEST my hand and the seal of the San Diego Metropolitan Transit System this 12th day of May 2016.



Clerk of the Board
San Diego Metropolitan Transit System

Approved as to form:



General Counsel
San Diego Metropolitan Transit System