



Public Security Committee Agenda

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Live Verbal Public Comments:

Use the 'Raise Hand' icon every time you wish to make a public comment on an item. Raise your hand once the agenda item you wish to comment on has been called. In person public comments will be taken first, virtual attendees will be taken in the order in which they raise their hand. Requests to speak will not be taken after the public comment period ends, unless under the Chair's discretion. General Public Comment, at the beginning of the Board of Directors meeting only, will be limited to five speakers. Additional speakers with general public comments will be heard at the end of the meeting. Two-minutes of time is allotted per speaker, unless otherwise directed by the Chair.

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4. The Clerk will call out the last 4 digits of your phone number to announce you are next to speak
5. Dial *6 to unmute yourself



Written Public Comments (before the meeting): Written public comments will be recorded in the public record and will be provided to MTS Board Members in advance of the meeting. Comments must be emailed or mailed to the Clerk of the Committee* by 4:00pm the day prior to the meeting.



Translation Services: Requests for translation services can be made by contacting the Clerk of the Committee* at least four working days in advance of the meeting.



In-Person Participation: In-person public comments will be heard first. Following in-person public comments, virtual attendees will be heard in the order in which they raise their hand via the Zoom platform. Speaking time will be limited to two minutes per person, unless specified by the Chairperson. Requests to speak will not be taken after the public comment period ends, unless under the Chair's discretion.

Instructions for providing in-person public comments:

1. Fill out a speaker slip located at the entrance of the Board Room;
2. Submit speaker slip to MTS staff seated at the entrance of the Board Room;
3. When your name is announced, please approach the podium located on the right side of the dais to make your public comments.

Members of the public are permitted to make general public comment at the beginning of the agenda or specific comments referencing items on the agenda during the public comment period. General Public Comment, at the beginning of the Board of Directors meeting only, will be limited to five speakers. Additional speakers with general public comments will be heard at the end of the meeting.



Assistive Listening Devices (ALDs): ALDs are available from the Clerk of the Committee* prior to the meeting and are to be returned at the end of the meeting.



Reasonable Accommodations: As required by the Americans with Disabilities Act (ADA), requests for agenda information in an alternative format or to request reasonable accommodations to facilitate meeting participation, please contact the Clerk of the Committee* at least two working days prior to the meeting.



***Contact Information:** Contact the Clerk of the Committee via email at Jasiel.Estolano@sdmts.com, phone at (619) 595-4966 or by mail at 1255 Imperial Ave. Suite 1000, San Diego CA 92101.



Agenda del Comité de Seguridad Pública

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Funciones del Seminario En Línea:

 Levantar la mano	▶	Use la herramienta de levantar la mano cada vez que desee hacer un comentario público.
	▶	Los participantes pueden habilitar el subtitulado haciendo clic en el ícono CC. También puede ver la transcripción completa y cambiar el tamaño de letra haciendo clic en “configuración de subtítulos”. Estas herramientas no están disponibles por teléfono.
	▶	Este símbolo indica que usted se encuentra en silencio , haga clic en este ícono para quitar el silenciador de su micrófono.
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	▶	La herramienta de chat deben usarla los panelistas y asistentes únicamente para asuntos “pertinentes a la reunión”, ya que comentarios realizados a través de esta herramienta no se conservarán como parte del registro de la reunión. Consulte el Comentario público verbal en vivo para obtener instrucciones sobre cómo hacer un comentario público.



Teléfono Inteligente o Tableta: Descargue la aplicación de Zoom y participe en la reunión haciendo clic en el enlace o usando el ID del seminario web (que se encuentra en el enlace).



Teléfono:

1. Si está participando en la reunión mediante audio de su teléfono y viendo la reunión en un dispositivo, marque el número indicado en la pestaña de llamada telefónica “unirse por audio” en la ventana emergente inicial e ingrese el ID de la reunión (que se encuentra en el enlace).
2. Si está participando solo por teléfono, marque: **+1-669-900-9128** o **+1-253-215-8782** e ingrese el ID de la reunión que se encuentra en el enlace, pulse #. Tendrá acceso al audio de la reunión, **pero NO podrá ver las presentaciones en PowerPoint.**



Comentarios Públicos Verbales en Vivo: Use la herramienta “levantar la mano” cada vez que desee hacer un comentario público sobre alguno de los artículos. Levante la mano una vez que el artículo de la agenda sobre el que desea comentar haya sido convocado. Los comentarios públicos en persona se escucharán primero, se escuchará a los asistentes virtuales en el orden en el que levanten la mano. No se aceptarán solicitudes para hablar después de que termine el periodo para hacer comentarios públicos, a menos de que el presidente determine de otra forma a su discreción. Comentarios públicos generales, únicamente al inicio de la reunión de la Junta de Directores, se limitarán a cinco personas que deseen hablar. Las personas adicionales que deseen aportar comentarios públicos generales podrán hacerlo al final de la reunión. Se otorga dos minutos de tiempo por persona que desee hablar, a menos de que el presidente instruya de otra forma. *(Consulte la página 2 para obtener instrucciones sobre cómo hacer un comentario público.)*

Comentarios Públicos a Través de Zoom

1. Haga clic en el enlace que se encuentra en la parte superior de esta página de instrucciones
2. Haga clic en el ícono de levantar la mano en el centro inferior de la plataforma
3. El secretario anunciará su nombre cuando sea su turno de hablar
4. Desactive el silenciador para que pueda hablar

Comentarios Públicos Realizados Únicamente por Teléfono

1. Marque el **+1-669-900-9128**
2. Ingrese el ID de la reunión en Zoom que se encuentra en el enlace y pulse #
3. Marque *9 para levantar la mano por teléfono
4. El secretario indicará los últimos 4 dígitos de su número de teléfono para anunciar que usted será el siguiente en hablar
5. Marque *6 para desactivar el silenciador



Comentarios Públicos por Escrito (Antes de la Reunión): Los comentarios públicos por escrito se registrarán en el registro público y se entregarán a los miembros de la Junta de MTS antes de la reunión. Los comentarios deben enviarse por correo electrónico o postal al secretario del Comité* antes de las 4:00 p.m. el día anterior a la reunión.



Servicios de Traducción: Pueden solicitarse servicios de traducción comunicándose con el secretario del Comité* por lo menos cuatro días hábiles antes de la reunión.



Participación en Persona: Los comentarios públicos en persona se escucharán primero. Después de los comentarios públicos en persona, se escuchará a los asistentes virtuales en el orden en el que levanten la mano a través de la plataforma de Zoom. El tiempo para hablar se limitará a dos minutos por persona, a menos de que el presidente especifique de otra forma. No se recibirán solicitudes para hablar después de que termine el periodo para hacer comentarios públicos, a menos de que el presidente determine de otra forma a su discreción.

Instrucciones para brindar comentarios públicos en persona:

1. Llene la boleta para personas que desean hablar que se encuentran en la entrada de la Sala de la Junta.
2. Entregue la boleta para personas que desean hablar al personal de MTS que se encuentra sentado en la entrada de la Sala de la Junta.
3. Cuando anuncien su nombre, por favor, acérquese al podio ubicado en el lado derecho de la tarima para hacer sus comentarios públicos.

Los miembros del público pueden hacer comentarios públicos generales al inicio de la agenda o comentarios específicos que hagan referencia a los puntos de la agenda durante el periodo de comentarios públicos. Los comentarios públicos generales únicamente al inicio de la reunión de la Junta de Directores, se limitarán a cinco personas que deseen hablar. Las personas adicionales que deseen aportar comentarios públicos generales podrán hacerlo al final de la reunión.



Dispositivos de Asistencia Auditiva (ALD, por sus siglas en inglés): Los ALD están disponibles con el secretario del Comité* antes de la reunión y estos deberán ser devueltos al final de la reunión.



Facilidades Razonables: Según lo requerido por la Ley de Estadounidenses con Discapacidades (ADA, por sus siglas en inglés), para presentar solicitudes de información de la agenda en un formato alternativo o solicitar facilidades razonables para facilitar su participación en la reunión, por favor, comuníquese con el secretario del Comité* por lo menos dos días hábiles antes de la reunión.



***Información de Contacto:** Comuníquese con el secretario del Comité por correo electrónico en Jasiel.Estolano@sdmts.com, por teléfono al **(619) 595-4966** o por correo postal en **1255 Imperial Ave. Suite 1000, San Diego CA 92101.**



**Metropolitan
Transit
System**

Public Security Committee Agenda

April 10, 2026 at 1:00 p.m.

In-Person Participation: James R. Mills Building, 1255 Imperial Avenue, 10th Floor Board Room, San Diego CA 92101

Teleconference Participation: (669) 254-5252; Webinar ID: 161 282 7529, <https://www.zoomgov.com/j/1612827529>

NO.	ITEM SUBJECT AND DESCRIPTION	ACTION
1.	Roll Call	
2.	Public Comments	
3.	Approval of Minutes Action would approve the October 9, 2025 Public Security Committee Meeting Minutes.	Approve
DISCUSSION ITEMS		
4.	Special Investigator Program Overview (Dan Brislin)	Informational
5.	Proposed Revisions to Ordinance No. 2 Relating to Proof of Fare Payment by Passengers, Ordinance No. 5 Relating to the Enforcement Authorities of Designated MTS Employees, and Ordinance No. 13 Relating to Prohibited Conduct and Actions on Transit Vehicles, Transit Facilities, Trolley Stations and Bus Stops (Karen Landers) Action would forward a recommendation to the San Diego Metropolitan Transit System (MTS) Board of Directors to adopt the proposed amendments to Ordinance No. 2, Ordinance No. 5 and MTS Ordinance No. 13.	Possible Action
6.	Administrative Penalty Program under Public Utilities Code section 99580 for Fare Evasion and Passenger Conduct Violations (Karen Landers) Action would consider forwarding a recommendation to the San Diego Metropolitan Transit System (MTS) Board of Directors to adopt proposed Ordinance No. 14 Establishing Administrative Penalties, Fees, and Hearing Procedures for Specified Violations under Public Utilities Code Section 99580.	Possible Action

1255 Imperial Avenue, Suite 1000, San Diego, CA 92101-7490 • (619) 231-1466 • sdmts.com

San Diego 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 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. MTS is also the For-Hire Vehicle administrator for multiple cities in San Diego County.



OTHER ITEMS

7. **Committee Member Communications and Other Business**
8. **Next Meeting Date: July 10, 2026 and 1:00 p.m.**
9. **Adjournment**

DRAFT MINUTES
MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM
PUBLIC SECURITY COMMITTEE (PSC)

October 9, 2025

[Clerk's note: Except where noted, public, staff and Committee Member comments are paraphrased. The full comment can be heard by reviewing the recording at the [MTS website](#).]

1. Roll Call

Chair Montgomery Steppe called the Public Security Committee meeting to order at 9:04 a.m. A roll call sheet listing Public Security Committee Member attendance is attached as Attachment A.

2. Public Comments

There were no Public Comments.

3. Approval of Minutes

Committee Member Goble moved to approve the minutes of the May 30, 2025, MTS Public Security Committee meeting. Committee Member Dillard seconded the motion, and the vote was 5 to 0 in favor, with Committee Members Hall and Fernandez absent.

DISCUSSION ITEMS

4. Administrative Penalty Program Under Public Utilities Code Section 99580 (Section 99580) (Karen Landers)

Karen Landers, MTS General Counsel, presented on the Administrative Penalty Program Under Public Utilities Code Section 99580. She presented on: the PSC Direction to Staff provided on May 30th, 2025, Transition Plan Elements, Establishing the scope of the program, Penalty Amounts, Eligible Violations, Disqualifying Factors, Consequences for Unresolved or Multiple Violations, Draft Ordinances and Other Policy Changes, Contracts Needed to Implement Transition & Program, Additional Transition Activities and the Estimated Costs to Change to Administrative Model, and Staff Recommendations.

Public Comment

There were no Public Comments.

Committee Comment

Chair Montgomery Steppe thanked MTS Staff for the information, noting that the topic has been under discussion for several years. She shared that she had ideas regarding the staff's recommendation, emphasizing the importance of considering the agency's current limitations, violations, and costs. Chair Montgomery Steppe expressed her preference for the proposed penalty scale under the potential new program: a \$75 fine for the first offense, a reduced amount of \$55 for minors, the continuation of three hours of community service, a \$100 penalty for missing the deadline, and \$125 for missing the

second deadline. She suggested that this approach could serve as a hybrid version between the existing program and the new administrative penalty model.

Chair Montgomery Steppe also provided input on the types of violations to be included in the program, stating that the “Expectorating (Spitting)” violation should specify spitting on a person. Ms. Landers clarified that the existing statute defines the violation as occurring “in a facility or on a vehicle,” and that the agency could potentially expand the definition to include spitting on a person. Ms. Cooney added that, in her experience, the ordinance was only applied in situations where Code Compliance Inspectors were detaining a patron for another matter and the individual spat toward passengers. Chair Montgomery Steppe agreed that this violation should remain outside the scope of the Administrative Program parameters.

Ms. Landers asked whether Chair Montgomery Steppe would prefer to include the full statute description under the violation given its vague context or remove it entirely. Chair Montgomery Steppe stated that she would like it to reflect similar conditions to those of an assault case. She requested additional feedback once the ordinance language is developed and emphasized that the intent behind the violation should be carefully considered. Chair Montgomery Steppe expressed her personal view that spitting is offensive and unsanitary, noting that spitting on the ground or in a transit station is very different from spitting at or on another person. Ms. Landers agreed and responded that she could prepare language to clearly distinguish between those scenarios. Chair Montgomery Steppe then asked about the collection process, specifically regarding the potential use of the Franchise Tax Board (FTB) for debt recovery. She inquired about the possible financial impact and the level of infrastructure the agency would need to provide. Ms. Landers explained that the impact remains uncertain. She shared that, based on her research, other agencies such as SF Muni and BART have referred cases to the FTB. However, in order to do so, an agency must provide the patron’s Social Security Number (SSN) information. MTS does not currently collect that information for fare violations and would prefer not to begin collecting it. Chair Montgomery Steppe agreed with this position.

Ms. Landers noted that additional research is needed and that she may not have completed the findings by the December PSC meeting, but potentially by the March meeting. She added that it is unclear whether the FTB requirement for SSNs serves as a deterrent or is directly tied to the collection process. Ms. Landers further reported that, based on discussions with LA Metro and other agencies, obtaining accurate patron information is challenging. She mentioned that collection vendors typically ask for a minimum threshold for debt recovery and verification of data to ensure compliance with collection laws. Ms. Landers mentioned that this underscores the importance of SSN linkage to avoid pursuing incorrect individuals. Ms. Landers also mentioned uncertainty regarding how other agencies and courts manage their collection processes. She explained that the FTB’s minimum qualifying debt is \$10, but submission requires an SSN and compliance with various prioritization criteria. Chair Montgomery Steppe asked whether MTS currently has a Memorandum of Understanding (MOU) or referral agreement with the courts. Ms. Landers clarified that once citations are submitted to court, MTS receives limited follow-up, typically monthly or quarterly summaries that are not itemized. She added that the agency occasionally receives restitution for vandalism cases but otherwise lacks detailed visibility into payment outcomes. Ms. Landers

emphasized that the goal of the program is not revenue generation but rather to establish a structured system that encourages compliance and responsible fare payment. The objective is to deter fare evasion by creating accountability, not profiting from penalties.

Ms. Cooney stated that the agency's primary objective is to promote fare compliance, which is the foundation of the proposed program. Chair Montgomery Steppe noted that another consequence of implementing the program could involve exclusionary processes and orders, which can be challenging to manage. Ms. Landers explained that agencies are permitted to issue exclusion orders as part of their enforcement tools, allowing them to state, "If you do this, we have the right to exclude you." She mentioned that determining the total number of exclusion orders issued across agencies would require additional research and could be labor intensive. Ms. Landers further shared that MTS prepares exclusion orders but only issues them in connection with public safety concerns. Approximately ten have been issued to date, primarily involving individuals who pose ongoing threats to employees, operators, or public safety, or who interfere with safe operations. She added that while many individuals commit fare violations, she could not envision the agency managing over one hundred active exclusion orders at once.

Chair Montgomery Steppe commented that while many individuals violate the fare policy, not all citations are paid. She observed that there are distinctions among those who pay, those who do not, and those who repeatedly violate without payment. Ms. Cooney added that although exclusionary measures have not traditionally been a common industry practice, other agencies are increasingly adopting them as a more effective approach to address repeat offenders and harassment related behaviors. Ms. Landers concluded by noting that exclusion orders are applied with discretion and are not used for minors. The orders are primarily intended to remove individuals from transit vehicles or property when necessary. She emphasized that fare enforcement is not meant to strand passengers but to encourage compliance, for example, requiring a rider without a fare to disembark and purchase one. In the case of minors, the focus is educational, reminding them to utilize available tools such as the Youth Opportunity Pass, which is consistent with practices at other agencies. Ms. Landers provided an example, explaining that patrons who rely on public transit for work would go through the same enforcement process, and if found without proof of fare, would need to wait for the next trolley or bus to continue their trip.

Chair Montgomery Steppe stated that she believed her recommendations on at least two of the discussed items were clear and expressed interest in hearing feedback from the Committee Members. She also noted that the topic of exclusionary measures had been discussed in prior meetings and requested that the concept of exclusionary orders be further developed and presented to the Board of Directors for consideration. Vice Chair Dillard suggested that, for frequent offenders, if the Administrative Program moves forward, the agency could require the purchase of a monthly pass to continue using the transit system. Ms. Landers responded that the concept could be explored further, though specific language has not yet been developed. Vice Chair Dillard added the possibility of incorporating a "Traffic School" component into the program. Ms. Landers shared that LA Metro allows individuals cited for a first offense to purchase a monthly pass in lieu of paying a fine.

Vice Chair Dillard expressed interest in exploring that option and inquired whether the Traffic School concept would be managed by MTS or structured similarly to the DMV's Traffic School process. Ms. Landers stated that it is unclear whether LA Metro manages the program internally, through a vendor, or via an online platform. She noted that the cost of an online course would likely be minimal, and that the agency could potentially receive a notice of course completion as part of the compliance process. Vice Chair Dillard suggested that requiring the purchase of a monthly pass could serve as an appropriate alternative to completing Traffic School or community service hours. Chair Montgomery Steppe agreed, noting that the idea seemed fair and could be noted for further discussion to encourage broader participation in the program. Ms. Landers added that these options could be incorporated under community service as flexible alternatives and could be presented for consideration at future meetings. She also clarified that including such options would not interfere with her ongoing research on the Administrative Program. Chair Montgomery Steppe expressed support for including this alternative. Vice Chair Dillard clarified that her proposal would not apply to minors.

Committee Member Goble thanked MTS staff for bringing forward this complex topic for discussion. He noted that transitioning from a criminal enforcement model to an administrative model represents a significant and costly shift and emphasized the importance of considering the broader impacts of such a change. Committee Member Goble explained that under the criminal model, the intent is to prevent individuals from being labeled as criminals for receiving a transit citation that could result in misdemeanor charges and in contrast, the administrative model shifts the issue toward collections, which may introduce different consequences. Committee Member Goble asked whether there is a monetary threshold below in which a collections agency would decline to pursue a debt, and whether unpaid citations could be reported to credit bureaus. He cautioned that credit reporting could have a lasting negative effect, potentially more severe than a criminal citation by impacting an individual's ability to obtain credit or secure a car loan needed for work travel. Committee Member Goble encouraged the committee to fully evaluate these potential unintended consequences and to seek clarity on how credit bureau reporting may apply. Committee Member Goble stated that if unpaid citations are not reported to a credit bureau or pursued by a collection agency, there would effectively be no penalty for nonpayment. He cautioned that this could create a *de facto* honor system in which fare evasion goes unaddressed, emphasizing the importance of evaluating the program from that perspective to ensure accountability.

He also highlighted the importance of maintaining the morale of the Code Compliance Inspectors and ensuring they understand the value and impact of their work. Committee Member Goble noted that, according to information that will be presented in the next agenda item, there has been a significant increase in enforcement and compliance presence across the system since February 2025. He added that despite approximately 5,200 citations being eligible for diversion during the first three months of implementation, no individuals have opted to complete community service, though he supported continuing to offer it as an available option. Committee Member Goble noted that only 2-4% of eligible diversion citations have been resolved through payment of the \$25 fine. He stated that MTS currently has one of the most lenient fee structures among agencies, as the statutory fine is \$75 but MTS charges only \$25. Despite the lower amount, payment compliance remains minimal, and after 120 days, unpaid citations are referred to the court for processing.

He added that under an administrative model, it would not be practical to set a collection amount higher than \$25, since most individuals would likely prefer to pay the lower fine. Committee Member Goble emphasized that collection agencies would not profit from pursuing a \$25 debt, and even if the fees were increased to \$100 to account for administrative costs, it would still be less efficient than the current process. He expressed that the broader discussion of criminal versus administrative enforcement remains complex and stressed the importance of ensuring community awareness and creating meaningful deterrents for repeat violators. Committee Member Goble added that MTS should leverage available technology to identify repeat offenders rather than relying solely on fare verification, noting that at present, the agency has no way to distinguish between first-time and repeat violations. He concluded that, in many cases, the most effective immediate response may simply be to instruct nonpaying riders to exit the vehicle, thereby creating a natural consequence for fare evasion. Committee Member Goble stated that fines and community service requirements have not produced meaningful compliance and emphasized that the larger issue is determining the appropriate enforcement response for those who fail to pay fares. Committee Member Goble compared fare violations to parking or other low-level infractions, stating that fare enforcement should be treated with similar consistency and recommended that individuals unable to afford a fare could seek assistance through county support programs. However, he reiterated his concern regarding the potential unintended consequences of involving credit bureaus in the collection process and requested additional information on that matter.

Committee Member Foster stated that, after listening to the discussion, he acknowledged that he may not be fully familiar with all aspects of the topic but expressed curiosity about how outreach efforts are conducted to inform the public about available options under the program. He noted that, to date, he personally was not aware of what options exist and emphasized the importance of ensuring riders are well informed as the program is implemented and evaluated. Committee Member Foster added that it is also important to understand the composition of MTS's ridership, which has been discussed and analyzed extensively, when considering the shift from a criminal to an administrative model. He emphasized that this distinction is central to the discussion and reiterated his support for pursuing an administrative process in line with the Committee's objectives. Council Member Foster also provided feedback on the proposed penalty structure, stating that the suggested amounts \$75 or a lower rate for students, and \$125 for the second deadline are reasonable and consistent amounts with the agency's understanding of its ridership and desired outcomes.

Committee Member Goble referred to the list of thirteen PUC 99580 violations proposed for inclusion in the administrative model and sought clarification on whether the agency has discretion to determine which violations would be a part of the administrative process. He referenced the violations highlighted in red on the presentation slide and specifically asked, if "Carrying Explosive or Acid, Flammable Liquid, or Toxic or Hazardous Material" were excluded from the administrative process, what the corresponding criminal charge would be for such an offense. Ms. Landers stated that she had not yet researched the specific penalties for each violation but believed that most are classified as infractions rather than misdemeanors. She added that fare evasion, for example, is an infraction unless an individual commits three or more violations, at which point it may be treated as a misdemeanor. She offered to review and

confirm the classifications. Committee Member Goble thanked her and said he would appreciate that information, additionally he stated, from a practical standpoint, that while spitting on a person could constitute assault, spitting on a facility or vehicle raises other operational concerns. He asked who was responsible for addressing such incidents.

Ms. Cooney responded that janitorial staff are responsible for cleaning transit vehicles. Committee Member Foster then asked what occurred if a rider urinated or defecated on a vehicle while it is in service. Ms. Cooney explained that in such cases, the operator would stop the vehicle and disembark passengers. Ms. Landers added that the vehicle would then be taken out of service at the next stop, depending on the severity of the situation. Committee Member Foster observed that this would result in service disruption while waiting for a replacement vehicle. Ms. Cooney agreed and noted that, depending on the circumstances, Hazardous Materials (HAZMAT) personnel may also be required. Ms. Landers acknowledged that this type of violation should have been emphasized more strongly, given its potential operational impact. Committee Member Foster concluded that violations such as spitting, particularly given public health concerns related to COVID-19, as well as carrying explosives or hazardous materials, urinating, or defecating, all present significant public safety and operational challenges. He stated that these should be carefully considered when determining which violations are eligible for inclusion in the administrative model and recommended continued review of these factors before final decisions are made.

Committee Member Foster stated that the discussion regarding potential credit reporting is important and should continue. He noted that while he may not agree that a criminal citation has less long-term impact than credit reporting, he believes both can be detrimental and create different types of obstacles for individuals. For that reason, he emphasized the need for further discussion on the issue and suggested that public input should also be considered to support a more comprehensive conversation. Committee Member Foster, regarding repeat violations, shared a phrase often used by his father: "A hard head makes us soft", emphasizing that accountability must exist and that at some point a clear line must be drawn. He noted that while fare evasion may be an isolated violation in some cases, certain offenses listed for a discussion may involve additional factors that warrant further consideration. Committee Member Foster added that these issues also relate to how the transit system interacts with communities of concern, including access to resources, services, and support that individuals may need. He acknowledged that the matter is complex but offered these comments as his feedback. He concluded by reiterating that while the administrative model allows the agency to work with riders to resolve violations, there should ultimately be a point at which repeated violators are addressed. Committee Member Foster also requested a follow up on the proposal to offer a monthly pass option in connection with fare evasion cases.

Chair Montgomery Steppe stated that she had a few additional comments, she agreed that there should be continued discussion regarding credit reporting implications, noting that her main concern lies between two approaches either not collecting payment at all or referring unpaid citations to the FTB. Chair Montgomery Steppe explained that, in her view, exclusionary orders help maintain accountability and ensure that the consequence matches the violation. Once enforcement extends beyond the transit system, such as through FTB collections, it begins to impact individuals in other areas of life. She believes that exclusionary measures within the system can provide an appropriate

balance of accountability without long-term financial consequences. Chair Montgomery Steppe emphasized that until federal funding allows for free service, riders are required to pay a fare. From her perspective, fare enforcement should affect an individual's ability to ride, not their long-term financial standing. She reiterated that accountability should remain within the transit environment and suggested exploring equipment or systems that could support a stronger exclusionary process. She referenced the work of the Transit Transformation Task Force, which is evaluating similar policies statewide and identifying technology capable of tracking repeat violations to strengthen exclusionary procedures. She expressed that, as with any criminal accountability, there should be a record of repeated offenses, and those unwilling to comply may ultimately forfeit access to transit services.

Chair Montgomery Steppe concluded by stating that further discussion will be needed to refine the agency's approach and acknowledged the Public Security committee for their ongoing efforts and the many ideas already implemented, expressing appreciation for the continued collaboration and thoughtful dialogue on the topic. Ms. Landers asked Chair Montgomery Steppe for clarification regarding next steps on the topic of collections. She inquired about the Chair's preferred areas of study and the Committee's direction to the Board regarding the fine structure. Ms. Landers suggested that staff could issue a Request for Information (RFI) to potential collection vendors to determine whether they would be willing to contract with MTS, the associated costs, and whether credit bureaus would be involved in the process. She added that the inquiry could also identify what specific information vendors would require to collect unpaid fines and what data could be shared with MTS. She noted that obtaining these details would help shape the administrative model the Committee envisions and allow staff to better define what consequences could be implemented, including whether unpaid citations would be pursued without credit bureau reporting. Ms. Landers proposed returning to the PSC in March 2026 with the findings and data collected to support a follow-up discussion and potential recommendations.

Chair Montgomery Steppe responded that, procedurally, the topic could potentially be revisited during the Committee's final scheduled meeting in December to determine how the ordinance should address credit reporting versus criminal records. Ms. Cooney noted that there may not be sufficient time to complete the necessary research before that meeting. Ms. Landers agreed, explaining that obtaining responses from credit bureaus and other relevant parties would likely take additional time. She indicated that staff would need to develop appropriate questions, distribute inquiries, and gather responses, and that the upcoming holiday period could further limit the timeline. Chair Montgomery Steppe stated that, if that were the case, it might not be necessary to hold a December meeting on the topic. Vice Chair Dillard asked Ms. Landers whether fines referring to collections such as \$25 or \$75 citations are automatically reported to credit bureaus once the collection process begins, or if there are limitations or conditions that determine when or whether reporting occurs. Ms. Landers responded that there are established rules governing credit reporting but noted that she did not have detailed knowledge of those requirements at the time. She stated that understanding those rules would be an important component of evaluating the program and determining whether such fines would ultimately be collectible.

Ms. Landers explained that staff would need to explore several related questions, including whether fines could be set below certain thresholds, whether collection agencies are required to report debts to credit bureaus, and whether the agency could instruct vendors not to report those debts. She noted that staff would likely compile a list of questions and distribute them to industry partners and potential vendors to gather information and insights. She added that staff could also examine how other jurisdictions handle similar processes, such as parking citations. Ms. Landers explained that parking violations are typically easier to enforce because they are tied directly to a vehicle. If a parking citation remains unpaid, the jurisdiction may place a hold on the vehicles' registration through the Department of Motor Vehicles (DMV), making it easier to connect the violation to the party responsible. Unlike parking violations, transit violations are not tied to a vehicle's registration, which creates fewer enforcement mechanisms when a citation remains unpaid. She noted that with parking citations, unresolved fines eventually affect a vehicle's registration, making it difficult to ignore the issue. In contrast, transit violations do not have a similar connection, which presents challenges in determining how to address nonpayment. Vice Chair Dillard asked whether violators would receive notice that an unpaid citation could be reported to credit bureaus.

Ms. Landers responded that under the current program no such notice is provided, as citations are referred directly to the court system. She noted that if an administrative program with collections were implemented, the agency could include notifications warning violators that failure to pay may result in the debt being referred to collections, encouraging payment before additional actions occur. Vice Chair Dillard stated that she would support including clear communication with violators, so they have an opportunity to resolve the issue before it progresses to collections. She also suggested that providing alternative options such as allowing individuals to purchase a monthly pass could offer another way for violators to resolve the citation and avoid further administrative or credit related consequences. Vice Chair Dillard emphasized that offering such options could allow individuals to address the violation and conclude the process without additional complications. Committee Member Rodriguez thanked staff for preparing the presentation and expressed appreciation for the information provided. He stated that, from an ideological perspective, all committee members share the goal of ensuring that MTS is successful and that the system remains safe. However, he emphasized that stricter penalties should not be implemented in a way that disproportionately impacts certain communities. He noted the importance of equity, particularly for communities in the South Bay, including National City, where many residents rely heavily on public transit. Committee Member Rodriguez asked how many citations are issued annually. Ms. Landers responded that the data has changed since February and will be presented in the next agenda item, noting that the current approximate volume is slightly over 2,000 citations per month.

Committee Member Rodriguez then asked whether staff had data showing where citations are issued throughout the system. Ms. Landers stated that staff did not have that information available. Committee Member Rodriguez commented that this data would be helpful in evaluating enforcement practices and ensuring that certain areas or groups are not disproportionately targeted. He also asked whether citations are issued in multiple languages, including Spanish. Ms. Landers stated that she believes the citations are currently issued only in English. Committee Member Rodriguez suggested that Spanish language citations should be considered, noting that a significant number of

riders travel from Tijuana and may primarily speak Spanish. Committee Member Rodriguez further asked about the number of officers assigned throughout the trolley system and whether they are distributed evenly across the network. Ms. Landers responded that this information would be addressed in the next presentation and that she was not the appropriate staff Member to provide those details.

Committee Member Rodriguez explained that his questions were intended to ensure that enforcement practices remain equitable. He reiterated his interest in understanding how officers are deployed throughout the system and emphasized that he would not support enforcement approaches that result in over-policing certain areas and asked whether personnel issuing citations spoke Spanish, noting that many riders are monolingual Spanish speakers. Committee Member Rodriguez suggested that the agency could consider providing stipends or incentives for employees who speak additional languages, as is done in some municipalities, in recognition of the region's linguistic diversity. Committee Member Rodriguez asked whether officers engage in a conversation with individuals when issuing a citation. Ms. Landers confirmed that they did. Committee Member Rodriguez asked whether Code Compliance Inspectors (CCIs) offer riders the option to purchase a ticket or monthly pass at the time a citation is issued. Ms. Landers responded that this is not part of the current program. She explained that the Board approved a change effective February 1, 2025, eliminating the option to purchase fares at the time of the citation, however, when a citation was issued, individuals are informed about the Diversion Program and provided with information about how to participate. Committee Member Rodriguez stated that he would be interested in revisiting the possibility of allowing riders to purchase a fare or monthly pass at the time of the citation in the future. He expressed agreement with Vice Chair Dillard's suggestion that providing an option such as purchasing a monthly pass on the spot could be beneficial. Committee Member Rodriguez also reiterated his support for the administrative citation process, while acknowledging that financial penalties can have lasting impacts on individuals, he noted that records and financial penalties could have lasting impacts on individuals as well. Committee Member Rodriguez noted that records and financial consequences can follow individuals in areas such as employment and other opportunities, and he emphasized the importance of being mindful of those impacts. He concluded by stating that he looks forward to reviewing additional data at the next meeting.

Committee Member Goble thanked the Chair and stated that he had several follow-up questions. He expressed agreement that issuing a request for information to collection agencies would be important in understanding the requirements for collections and noted that it would be necessary to determine whether information such as a Social Security number or California identification number would be required and what would occur if such information were not available, as this could affect the feasibility of pursuing collections. Committee Member Goble also stated that it would be helpful to understand the process used by the FTB and the potential impacts of referring to debts through that system. In addition, he requested information regarding the potential cost of investing in equipment that could identify individuals with prior violations. Committee Member Goble asked how the current court process functions once a citation is referred to court, including whether there are mechanisms for individuals to resolve or clear citations after the fact, specifically he asked whether citations could be dismissed or expunged once payment is made, and whether the total amount owed would include

both the citation and court costs. Ms. Landers responded that MTS has a positive working relationship with the Homeless Court program. She explained that even individuals who are not part of the homeless community may be referred to available services. Additionally, Ms. Landers described that Homeless Court holds outreach events where individuals with existing court violations or cases sent to collections may have those matters reviewed and potentially dismissed or resolved. Ms. Landers stated that, although such situations are relatively rare, MTS has occasionally worked with the Homeless Court team to assist individuals seeking to resolve past violations. She explained that the San Diego Superior Court, along with the local prosecutor's office and public defender's office, already have infrastructure in place to support this process, and MTS has been able to participate when appropriate.

Committee Member Goble noted that the process sounded somewhat complex but suggested that there may be an opportunity to explore a similar concept for transit-related violations. He mentioned the possibility of creating a "Transit Court" model, similar to how Homeless Court events are held in community settings, where individuals could address multiple violations in a more accessible manner. Committee Member Goble suggested that the agency could consider offering similar assistance at a transit station or other accessible location, where patrons could be invited to resolve outstanding violations, potentially resulting in a dismissal through the court system. Ms. Landers responded that participation in such events could be possible. She noted that MTS currently does not send its own representatives to staff to set informational tables at those events but stated that staff could explore that option. Committee Member Goble asked whether riders are aware of these opportunities, noting that the program is primarily branded as Homeless Court, and may limit awareness among riders who might benefit from the program. Ms. Landers clarified that if patrons contact MTS in advance, staff can assist them with resolving citations. She added that if a citation has already been processed through the court system, additional resources are available on the MTS website to help individuals address those cases. Committee Member Goble acknowledged that the discussion may be moving slightly ahead of the current agenda item and referenced Slide 20, which displayed an informational postcard about the Diversion Program, asking whether that material is currently provided to patrons. Samantha Leslie, MTS Deputy General Counsel, responded that the flyer referenced would be discussed in greater detail during the next agenda item and explained that the flyer was created as a pilot resource for the Office of Homeless Solutions to distribute through hygiene kits provided to individuals experiencing homelessness. Ms. Leslie stated that MTS staff planned to include the flyer in these kits along with other resource information in order to evaluate whether this approach helps increase awareness of the Diversion Program. She noted that the initiative is intended to test new methods of providing information beyond the agency's standard outreach channels. Committee Member Goble thanked Ms. Leslie for the information.

Action Taken

Informational item only. No action taken.

5. Transit Security and Passenger Safety Department Report Fiscal Year 24-25 (Dan Brislin)

Dan Brislin, MTS Deputy Director of Transit Security and Passenger Safety and Samantha Leslie, MTS Deputy General Counsel, presented on Transit Security and Passenger Safety Department Report Fiscal Year 24-25. He presented on: Transit Security & Passenger Safety staff, New Training Efforts, Homeless Outreach Team (H.O.T), Naloxone (NARCAN), Encampment Details, Bus Enforcement Support Team (B.E.S.T), K-9 Program (Regional Asset), Data Driven Crime Reduction Efforts, Law Enforcement Collaboration, Communication Center, Fare Inspections & Citations, Special Enforcement Detail, the current Fare Enforcement Diversion Program, Diversion Participation, Partner Outreach and Fare Revenue, Crime and Incident Data (CY 2024-2025), Assaults, Assaults on Code Compliance Inspectors and Transit Security Officers, Non-Compliant Arrests, Group A Crimes: Trolley, Group A Crimes: Bus, Overall Crime Reduction, TSA Gold Standard Award and department representation.

[Clerk's note: During the meeting, staff reported the following 2024 Homeless Outreach stats: 16,708 homeless outreach contacts, 209 accepted shelter placements, 15 individuals successfully placed into permanent housing, 5,083 resources accepted, and 429 outreach events were conducted by MTS. Following the meeting, staff conducted a review and provided the following updated stats 12,612 homeless outreach contacts, 177 accepted shelter placements, 15 individuals successfully placed into permanent housing, 1,933 resources accepted, and 282 events were conducted by MTS during 2024.]

Public Comment

There were no Public Comments.

Committee Comment

Committee Member Goble thanked staff for the presentation and asked how the department determines where to deploy resources when addressing crime reduction, referencing statistics presented on incidents such as arson, vandalism, assault, and robbery. Mr. Brislin responded that the department's Crime Analyst, Josh Ortiz's, current role is to track crime trends across the system on a daily basis. He noted that the analysis includes reviewing crime reports and reports prepared by staff, verifying incidents through Closed-Circuit Television (CCTV) footage when necessary, and aggregating the information to identify recurring issues and based on this data driven approach, resources are deployed to address specific criminal activity trends, such as increases in drug activity, lewd conduct, or vandalism in a particular area. Mr. Brislin explained that the information used is actionable and not subjective, allowing the department to deploy the Passenger Safety team to focus attention on areas where issues are occurring in order to reduce incidents. Mr. Brislin followed up on whether incidents are geotagged to identify specific buses, trolleys, or locations between stops

and stated that the department is continuing to develop those capabilities in collaboration with law enforcement agencies and through tools such as Power BI to better understand where incidents occur within the system. He offered to have the department's crime analyst to provide additional details. Committee Member Goble thanked Mr. Brislin for the information and declined the additional presentation due to the limited time remaining.

Committee Member Goble referenced slide 13 and noted the yellow transit Security Dispatch sign displayed on trolleys and at stations that provide contact information for reporting issues. Drawing from his experience in marketing, he stated that black lettering on a yellow background is one of the most visible color combinations and suggested that the visibility of the signage may contribute to the high number of calls for service reported, which totaled 46,633. Committee Member Goble asked whether additional Dispatch operators were needed to accommodate the increase in calls. Mr. Brislin responded that the department is currently developing and expanding its Dispatch staffing. He stated that additional permanent staff are being added and that supervisors are becoming more specialized in their roles. He noted that supervisors have been sent through the POST Dispatch Academy to further professionalize the program and that staff regularly coordinate with fire agencies to ensure more seamless responses to medical aid calls. Mr. Brislin stated that the Dispatch staff have done an outstanding job supporting the program. Committee Member Goble asked whether staff could provide the location of the 17 special enforcement details referenced in the presentation. Mr. Brislin responded that staff could provide that information. Committee Member Goble further commented on outreach efforts related to fare enforcement and the Diversion Program. He noted that while some programs focus on individuals experiencing homelessness, there are also fare evaders who are not part of that population. He suggested that efforts should ensure those individuals are also aware of opportunities to resolve citations and clear violations. Committee Member Goble referenced the concept of a "transit court" or similar program that could allow individuals to resolve violations more quickly than through traditional processes, noting the potential value of such opportunities.

Committee Member Goble commented on the reported increase in fare revenue, noting that the annualized increase of \$2.8 million contributes to a total increase of approximately \$6.8 million. He observed that the additional CCI's cost approximately \$4 million and stated that the program has effectively paid for itself while providing additional value to the system. He added that the presence of CCI's is likely to contribute to avoided costs related to vandalism, arson, and other crimes, noting that robbery incidents were reported to be down 24 percent. Committee Member Goble concluded by stating that the CCI program has exceeded expectations and commended staff for their work. Committee Member Rodriguez thanked staff for the presentation and expressed appreciation for the work of the department. He agreed with Committee Member Goble that increased staff presence can help encourage compliance, as

individuals become more aware that fare inspections may occur and are therefore more likely to purchase a ticket. Committee Member Rodriguez then referenced the “broken windows theory” and asked Mr. Brislin to briefly summarize it for the committee. Mr. Brislin explained that the theory suggests that when smaller issues are not addressed, they can escalate into larger problems. Committee Member Rodriguez clarified that if a broken window in a building is left unrepaired, it may signal that no one is maintaining the property, which can lead to additional damage or disorder.

He noted that the concept is relevant when considering the transit system holistically, emphasizing the importance of maintaining a visible presence to ensure that patrons feel safe using the trolley system. Committee Member Rodriguez added that in areas with higher ridership, issues such as graffiti and cleanliness should be addressed promptly and requested staff to consider providing a report on response times and how quickly such incidents are addressed.

Vice Chair Dillard thanked staff for the presentation and acknowledged the work of the Transit Security and Passenger Safety team. She also referenced previous discussions regarding implicit bias and anti-discrimination training and expressed appreciation that the department incorporated those considerations. Vice Chair Dillard noted that the presentation demonstrated progress in several areas and commended staff for their work, describing the report as excellent.

Chair Montgomery Steppe also congratulated the department on receiving the Transportation Security Administration (TSA) Gold Standard Award, noting that it was a significant accomplishment. She highlighted the reported 58 percent decrease in vandalism and recognized the role of CCIs in increasing presence throughout the system. She further noted that the reduction in vandalism helps avoid additional costs associated with cleanup and repairs and contributes to the overall reduction in crime across the transit system. Chair Montgomery Steppe mentioned that ongoing efforts, including improvements to lighting, murals, and other initiatives, reflect a holistic approach to enhancing the transit environment and concluded by thanking staff.

Action Taken

Informational item only. No action taken.

OTHER ITEMS

6. Committee Member Communications

There was no Committee Member Communications and Other Business discussion.

7. Next Meeting Date

The next Public Security Committee meeting is scheduled for December 5, 2025, at 10:00 a.m.

8. Adjournment

Chair Montgomery Steppe adjourned the meeting at 11:02 a.m.

Chairperson
San Diego Metropolitan Transit System

Committee Clerk
San Diego Metropolitan Transit System

Attachment: A. Roll Call Sheet

SAN DIEGO METROPOLITAN TRANSIT SYSTEM
PUBLIC SECURITY COMMITTEE MEETING

ROLL CALL

MEETING OF (DATE): October 9, 2025 CALL TO ORDER (TIME): 9:04 am

ADJOURN: 11:02 am

REPRESENTING	BOARD MEMBER	ALTERNATE	PRESENT (time arrived)	ABSENT (time left)
Chair	Montgomery Steppe <input checked="" type="checkbox"/>	no alternate	9:04 am	11:02 am
Vice Chair	Dillard <input checked="" type="checkbox"/>	no alternate	9:04 am	11:02 am
Committee Representative	Fernandez <input type="checkbox"/>	no alternate	ABSENT	ABSENT
Committee Representative	Foster <input checked="" type="checkbox"/>	no alternate	9:04 am	11:02 am
Committee Representative	Goble <input checked="" type="checkbox"/>	no alternate	9:04 am	11:02 am
Committee Representative	Hall <input type="checkbox"/>	no alternate	ABSENT	ABSENT
Committee Representative	Rodriguez <input checked="" type="checkbox"/>	no alternate	9:04 am	11:02 am

COMMITTEE CLERK: /S/ Jasiel Estolano



**Metropolitan
Transit
System**

Agenda Item No. 4

MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM
PUBLIC SECURITY COMMITTEE (PSC)

April 10, 2026

SUBJECT:

Special Investigator Program Overview (Dan Brislin)

INFORMATIONAL ONLY

Budget Impact

None with this action.

DISCUSSION:

This presentation will provide an overview of the core responsibilities of the San Diego Metropolitan Transit System (MTS) Special Investigator position and its development over the past year. Through consistent collaboration with local law enforcement and the City Attorney's Office, MTS has created processes to not only support criminal investigations, but also directly submit cases for crimes that fall within the scope of MTS authority. This has resulted in prosecution of significant offenses like lewd acts and assaults.

The Special Investigator also provides victim support/advocacy and is proving effective at increasing prosecutorial review and accountability. Law enforcement resources are taxed throughout our system. The MTS Special Investigator provides major crime scene support, acts as liaison, and conducts investigations for crimes that may have otherwise gone uninvestigated.

/S/ Sharon Cooney

Sharon Cooney
Chief Executive Officer

Key Staff Contact: Julia Tuer, 619.557.4515, Julia.Tuer@sdmts.com

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San Diego 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 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. MTS is also the For-Hire Vehicle administrator for multiple cities in San Diego County.



Special Investigator Program Overview

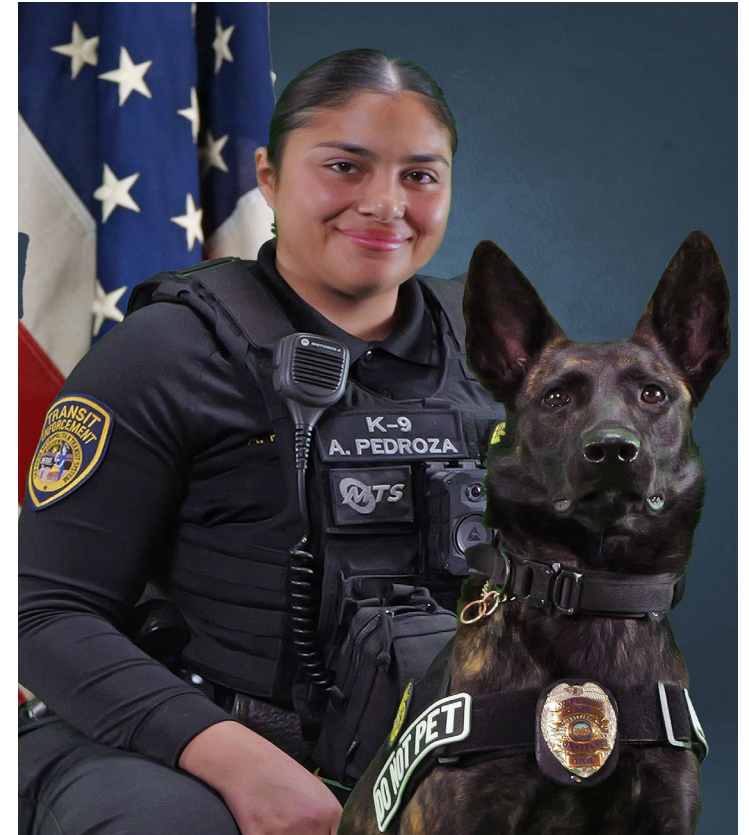


Public Security Committee

MTS Specialized Positions



- HOT Team
- K-9 Unit
- CAMPS Team
- Training
- Bus Team
- Passenger Safety Team
- Crime analysis



Special Investigator

- Prior to the creation of this position, MTS had no ability to conduct follow up criminal investigations.
- MTS recognized that law enforcement resources are taxed and in need of investigative support.
- The Special Investigator position was created to provide support to victims, employees, local law enforcement and San Diego's prosecutorial branches.

Overview

Special Investigator – Core Responsibilities

- Conduct **criminal investigations** into crimes that fall within the scope of MTS authority
- Victim support and advocacy
- Serve as **liaison with local law enforcement agencies**
- Prepare and submit/support cases:
 - Law enforcement agencies in MTS jurisdiction.
 - San Diego City Attorney's Office
 - San Diego District Attorney's Office
- Ensure cases are **properly documented, reviewed, and submitted to appropriate branch**

Primary Focus: Crimes Against Persons

Emphasis:

- Lewd conduct
- Indecent exposure
- Battery
- Investigative support for law enforcement cases

Key Objective:

- Ensure these cases are **investigated, documented, and submitted** rather than remaining unaddressed. Victim support is paramount.

Citation Case Submission

Investigator submits citation cases to the **San Diego City Attorney's Office** for review

When Used:

- Refusal to sign citation and unable to take person in front of a magistrate
- Case cannot be completed in the field

Outcome:

- Ensures **prosecutorial review and accountability if appropriate**

Examples of Case Results



Mentorship and Training Role

- Expanding Organizational Capability
 - Mentorship of:
 - Code Compliance Inspectors (CCI)
 - Transit Security Officers (TSO)
 - Participation in:
 - CCI Academy Instruction
- Focus Area
 - Investigative techniques
 - Report writing quality
 - Legal articulation
 - Case preparation

Major Incident Response

Expanded Role in Transit Enforcement

- Responds to:
 - Major crimes on the system
 - Special enforcement details
- Acts as:
 - Liaison with law enforcement
 - On-scene investigative advisor
 - Case agent for MTS investigations

Organizational Impact

Program Benefit

- Enhanced employee confidence
- Strengthened partnership with law enforcement
- Greater accountability for offenders
- **PATRON SAFETY**

Future Goals

Program Development

- Expand investigative tracking metrics
- Expand training and mentorship programs
- Strengthen prosecution pathways
- Enhance collaboration with regional agencies

MISSION STATEMENT

Our mission, in partnership with the communities we serve, is to provide a safe and pleasant public transportation experience.



K-9 ASKA Retired!

- Dates of Service:
9/27/2017 – 3/31/2026



Questions/Comments



**Metropolitan
Transit
System**

Agenda Item No. 5

MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM
PUBLIC SECURITY COMMITTEE

April 10, 2026

SUBJECT:

Proposed Revisions to Ordinance No. 2 Relating to Proof of Fare Payment by Passengers, Ordinance No. 5 Relating to the Enforcement Authorities of Designated MTS Employees, and Ordinance No. 13 Relating to Prohibited Conduct and Actions on Transit Vehicles, Transit Facilities, Trolley Stations and Bus Stops.

RECOMMENDATION:

That the Public Security Committee forward a recommendation to the San Diego Metropolitan Transit System (MTS) Board of Directors to adopt the proposed amendments to:

1. Ordinance No. 2 (An Ordinance Requiring Proof of Fare Payment by Passengers Using the San Diego Trolley) (Attachment A);
2. Ordinance No. 5 (An Ordinance Relating to the Enforcement Authorities of Designated MTS Employees) (Attachment B); and
3. MTS Ordinance No. 13 (An Ordinance Regarding Prohibited Conduct Onboard Transit Vehicles and Prohibited Actions on or About a Transit Facility, Trolley Station or Bus Stop) (Attachment C).

Budget Impact

None with this action.

DISCUSSION:

Public Utilities Code Section 120105 vests the MTS Board of Directors with the duty to adopt ordinances and make rules and regulations necessary to regulate the use and operation of its property, facilities and vehicles, and services. As such, the Board has over time adopted various MTS Ordinances.¹

Examples include:

¹ A full list of MTS Ordinances can be found here: <https://www.sdmts.com/business-center/reports-records-and-policies/ordinances>.



- MTS Ordinance No. 2 (Proof of Fare Payment),
- MTS Ordinance No. 4 (Regulations at MTS Parking Lots),
- MTS Ordinance No. 11 (For-Hire Vehicle Administration Regulations)
- MTS Ordinance No. 13 (Prohibited Conduct at MTS Facilities and Vehicles)

Through Ordinance No. 5 (Enforcement Authorities of Designated MTS Employees), the Board has authorized certain employees² to enforce the above ordinances, in addition to other local and state code sections and regulations applicable to prohibited conduct at MTS's facilities and vehicles.

Staff conducted a review of the above ordinances and concluded that changes are warranted for Ordinance No. 2 (Proof of Fare Payment), Ordinance No. 5 (Enforcement Authorities of Designated MTS Employees), and Ordinance No. 13 (Prohibited Conduct on MTS Facilities and Vehicles).

The recommended changes are discussed below.

Assaults Against MTS Employees and Passengers

Currently, when a battery occurs (e.g. punching of a person by another person), MTS requests local law enforcement assistance. In situations when local law enforcement cannot timely arrive to assist, designated MTS Security staff may arrest and issue a citation for battery to ensure these crimes can still progress into a criminal case.

Currently, MTS Security is authorized to enforce violations of Penal Code Section 242 "Battery", which is the willful and lawful force on another person.

Proposed changes: MTS has identified additional code sections that more specifically involve an assault or battery against a transportation worker, passenger, or person on a public transit vehicle or property, which involve increased penalties. MTS has also identified a code section that involves attempts or threats to cause injury to, or a battery against, public officers.

MTS takes assault and battery against MTS passengers, employees, contractors and the public on MTS vehicles and property seriously. Allowing designated MTS Security to arrest and cite for these violations would provide an additional tool to deter harmful behavior and enhance safety across MTS's system. Therefore, it is recommended that designated MTS Security staff be authorized to enforce violations of:

- Penal Code Section 71 (Threatening school or public officers or employees)
- Penal Code Section 241.3 (Assault against transportation worker or passenger)
- Penal Code Section 243.3 (Battery against transportation worker or passenger)
- Penal Code Section 243.35 (Battery on public transportation)

These proposed revisions are reflected in Ordinance No. 5 (Attachment B).

² Per MTS Ordinance 5, designated MTS Security employees that are authorized to detain, arrest and/or issue citations include the following: Code Compliance Inspectors, Code Compliance Supervisors, Code Compliance Investigators, Assistant Field Operations Managers, and Field Operations Managers.

Trespassing

Currently, designated MTS Security may arrest and issue a cite to any person who refuses or fails to leave MTS property that is not open to the general public (Penal Code Section 602(o)) or a MTS building outside of business hours (Penal Code Section 602(q)).

Proposed changes: There are instances in which Security staff may request individuals to also leave an MTS trolley or bus, trolley station, bus facility, or other property that is open to the general public. This may be used to deescalate incidents where the individual is failing to comply with lawful requests of Security to stop certain prohibited conduct. MTS has identified additional code sections that more specifically involve individuals that refuse or fail to leave MTS property, facilities or vehicles when their conduct is interfering with the safe and efficient operations of MTS and when entry is prohibited based on posted signage. Therefore, it is recommended that designated MTS Security staff be authorized to enforce violations of:

- Penal Code 369i (Unauthorized entry or presence upon railroad property or transit-related property)
- Penal Code 555 (Entry upon posted property; separate offense)

These proposed revisions are reflected in Ordinance No. 5 (Attachment B).

In addition, stay away orders prohibiting a person from entering MTS property are sometimes issued by the court as part of an individual defendant's sentencing after being convicted of a crime(s) committed against MTS. However, designated MTS Security staff are not currently authorized by Ordinance No. 5 to issue citations if a person violates a court-issued stay away order. MTS's current option is to request local law enforcement assistance in the event an individual with a stay away order is found on MTS property. Because local law enforcement often cannot timely arrive at an MTS location to assist with these incidents, it is recommended that designated MTS Security staff be authorized to enforce violations of:

- Penal Code 166 (a)(4), and (c)(1) (Contempt of court; Stalking; Punishments)

This proposed revision is reflected in Ordinance No. 5 (Attachment B).

Finally, there have been occurrences of passengers attempting and/or entering the locked, non-public, enclosed area of the trolley cabin, where the trolley operator operates the vehicle. Security staff found there was no applicable code or ordinance section that specifically prohibits this activity, which poses significant safety concerns.

Therefore, it is recommended that a prohibition from entering into the enclosed trolley operator cabin be added to Ordinance No. 13 (Attachment C).

Weapons

There have been instances when passengers have been found with weapons on the MTS System. MTS staff has identified Penal Code Section 171.7 which prohibits firearms, grenades, undetectable knives and other types of weapons on public transit facilities. Therefore, it is recommended that designated MTS Security staff be authorized to enforce violations of:

- Penal Code Section 171.7 (Possession of firearms, grenades, tear gas, replicas, and other weapons in a public transit facility)

This proposed revision is reflected in Ordinance No. 5 (Attachment B).

Cargo Policy

To comply with Title 13 of California Code of Regulations section 1216, MTS is required to prohibit cargo or baggage in vehicles that could cause safety concerns and to keep aisles, doors, steps and emergency exits clear to ensure unobstructed egress and ingress in the event of an emergency. Bus operators and MTS Security staff are trained to educate passengers on MTS's cargo policy, and MTS's Cargo Policy is included on MTS's website (<https://www.sdmts.com/rider-info/how-ride/rules-riding>).

Proposed changes: Notwithstanding MTS's current policies and rules, there are instances in which passengers still bring large cargo onto vehicles and place it in a way that blocks aisles and doorways, and/or that leaks and causes safety concerns. There is uncertainty regarding when and how MTS can enforce these rules and issue a citation if a person refuses to follow such rules. Therefore, it is recommended that a prohibition from bringing cargo that blocks aisles and doorways of a transit vehicle, or that leaks or causes soiling, be added. This proposed revision is reflected in Ordinance No. 13 (Attachment C). Enforcement through measures such as a citation would be used only if educational efforts are unsuccessful and a person refuses to remove the offending cargo.

Contactless Fare Payments: Present Payment Method Upon Request

Recently, MTS implemented a "contactless payment" fare option.³ Contactless payment allows passengers to pay their fare with the direct tap of a debit or credit card or other contactless payment option such as a smartphone or smartwatch. Fare inspections take place the same way they happen with a PRONTO card or app. Code Compliance Inspectors use a handheld device to tap the passenger's credit card or enabled smartphone. The inspection process does not create a charge (or "double charge") on the credit card – it simply verifies that the payment method was "tapped" on the PRONTO validator. The payment method is charged at the PRONTO validator/tapping stage, not the inspection stage.

Proposed changes: MTS Ordinances have not been revised to reflect this new payment method or describe how MTS Security staff can verify fare using contactless payments. Therefore, it is recommended that a contactless payment section be added to Ordinance No. 2, expressly requiring that the contactless payment method be presented to MTS Staff security upon request to verify valid fare. This proposed revision is reflected in Ordinance No. 2 (Attachment A).

Removing Obsolete, Inapplicable, or Unused Code Sections from Ordinance No. 5

As part of MTS staff's comprehensive review, code sections within MTS Ordinance No. 5 were identified that MTS Security staff does not enforce. This may be because the code section is not directly relevant to MTS transit operations and/or safety or security at MTS facilities or on vehicles, or it could be because MTS does not have the specialized skill, training, or tools

³ See <https://www.ridepronto.com/contactless-payments>

required to properly cite a person for violating the specific code section. Therefore, it is recommended the following be removed from Ordinance No. 5, Section 5.3(A) (Attachment B):

- Health and Safety Code Section 11357(b) (possession of certain amount of cannabis)
- Penal Code Section 308(b) (selling or furnishing tobacco or smoking paraphernalia to person under 21)
- Penal Code Section 470(a) (forgery of checks or other legal documents)
- Vehicle Code Section 5204 (expired vehicle registration tags)

Please note, it is still recommended that MTS For-Hire Vehicle Administration retain the authority to enforce violations of Vehicle Code Section 5204 (expired vehicle registration tags) as it relates to for-hire vehicles (e.g. taxicabs, non-emergency medical vehicles). Therefore, no changes are recommended for Section 5.3(B) of Ordinance No. 5.

Other Minor Revisions

Other non-substantive revisions were made throughout these Ordinances to reflect updated terminology. For example, the term “Compass Card” was changed to “PRONTO” in Ordinance No. 2 (Attachment A) and Ordinance No. 13 (Attachment C). Compass Card is the name of MTS’s previous electronic fare payment system that was in place before the conversion to PRONTO took place in late 2021. Revisions were made to Ordinance No. 2 to reflect that payment of fare is required not only on trolley service, but also on bus service (Attachment A).

In addition, Ordinance No. 13 is currently organized by listing out the prohibited conduct on transit vehicles in one section and prohibited actions on transit facilities in a separate section. Since many of these prohibited actions are applicable to both transit vehicles and transit facilities, staff recommend Ordinance No. 13 be organized in a way that all prohibited conduct is listed within one section. These organizational revisions are reflected in Attachment C.

Lastly, clarifying language was made to MTS’s service animal provisions in accordance with Department of Transportation (DOT) Americans with Disabilities Act (ADA) regulations, which are reflected in Ordinance No.13 (Attachment C).

Staff Recommendation

Therefore, it is staff’s recommendation that the Public Security Committee forward a recommendation to the MTS Board of Directors to adopt the proposed amendments to:

1. Ordinance No. 2 (An Ordinance Requiring Proof of Fare Payment by Passengers Using the San Diego Trolley) (Attachment A);
2. Ordinance No. 5 (An Ordinance Relating to the Enforcement Authorities of Designated MTS Employees) (Attachment B); and
3. MTS Ordinance No. 13 (An Ordinance Regarding Prohibited Conduct Onboard Transit Vehicles and Prohibited Actions on or About a Transit Facility, Trolley Station or Bus Stop) (Attachment C).

/S/ Sharon Cooney

Sharon Cooney
Chief Executive Officer

Key Staff Contact: Julia Tuer, 619.557.4515, Julia.Tuer@sdmts.com

Attachment: A. MTS Ordinance No. 2 (track changes in red-line)
B. MTS Ordinance No. 5 (track changes in red-line)
C. MTS Ordinance No. 13 (track changes in red-line)

SAN DIEGO METROPOLITAN TRANSIT SYSTEM

ORDINANCE NO. 2
*(as adopted 6/8/81, and as amended
 through 1/19/12 through 5/21/2026)*

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 MTS Trolley System service. 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 MTS Trolley service. Similarly, fare enforcement efforts are required on fixed route bus services. The Board finds consistent fare enforcement rules are important for fairness and effective customer education and engagement.
~~system.~~

(Section 2.1 amended 5/21/2026)

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 MTS Bus and Trolley, purchased by or for the passenger, and valid for the time of use. A monthly pass includes a monthly pass that has been achieved through fare capping.

2. A single-ride pass (e.g., one-way ticket), purchased by or for the passenger ~~from~~ a, valid for use on the MTS Bus or Trolley, that has been validated using a Trolley fare vending/validating machine or an onboard Bus Validator. This single-ride ticket/pass is valid provided the passenger in possession is qualified for the fare category printed on the ticket/pass, the passenger is on a trolley or bus traveling in a direction away from the boarding station or bus stop in which the pass was validated, and the passenger is using the pass within two (2) hours of the date and time on the pass. The single-ride pass must be valid for the entire length of time that the passenger in possession is onboard the Bus or Trolley.

3. A multi-ride pass valid for use on the MTS Bus or Trolley (e.g., day pass or special event pass) that has been validated using a Trolley fare vending/validating machine or an

onboard Bus Validator. This pass is valid provided the passenger possessing the pass is on a trolley or bus 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 or bus stop in which the fare specified on the ticket is valid pass was most recently validated, and the passenger possessing the pass is using the ticket pass within two (2) hours of the date and time printed on the ticket most recently validated. The single multi-ride ticket pass must be valid for the entire length of time that the passenger in possession is onboard the Bus or Trolley.

~~3. A multi-ride ticket valid for use on the Trolley pass includes a day pass that has been validated using achieved through fare capping.~~

4. A debit or credit card, smartphone, or wearable (e.g. watch) equipped with contactless payment, that has been validated at a Trolley fare vending/validating machine. This ticket or an onboard Bus Validator. Contactless payment 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 contactless payment is using it within two hours of the date and time most recently printed on the ticket. The (2) hours of validation.

~~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 fare zone ~~waiting area~~ at a Trolley station.

E. Designated Paid Fare Zone – Means any enclosed or unenclosed portion of a Trolley Station that begins at the Trolley boarding curb and extends approximately 15 feet deep to the back of the station boarding area. The outside edge of the Designated Paid Fare Zone is marked with painted lines, change in concrete or paver pattern, and/or signs. The Designated Paid Fare Zone extends the width of the Trolley boarding area, including any designated pedestrian crossing points at each end of the Trolley Station.

(Section 2.2 amended 5/21/2026)

(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 or bus vehicle or stand within a designated paid fare 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 5/21/2026)

(Section 2.3 amended January 14, 1993)

Section 2.4: Agreement

The use of any bus or 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/their immediate possession proof of fare payment.

(Section 2.4 amended 5/21/2026)

Section 2.5: Proof of Fare Payment Procedures

A. Upon demand of an Inspector, every passenger occupying, riding or using any bus or trolley vehicle, boarding or deboarding such a vehicle or waiting within a designated paid fare 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~~their full name and ~~residence~~address, 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 5/21/2026)

(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

Amended: 5/21/2026

Adopted & Amended: 1/19/~~12~~2012

Amended: 7/13/~~00~~2000

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 **06/20/2024****5/21/2026**)

An Ordinance Relating to the Enforcement
Authorities of Designated MTS Employees

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

Section 5.1 Statutory Authorities

A. MTS has been created by State law (Public Utilities Code Section 120000 through 120702) 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).

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

GD. The Board is authorized to contract with any city in the County of San Diego to license or regulate by ordinance any for-hire vehicle services rendered wholly within the city's corporate limits or within the unincorporated area (Section 120266) and has done so by adoption of MTS Ordinance No. 11, the enforcement of which will be done by For-Hire Vehicle Administration Regulatory Inspectors and Regulatory Supervisors.

HE. 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 5/21/2026)
(Section 5.1 amended 6/20/2024)
(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 MTS, it is desirable to clarify and specify the authority of designated MTS employees, relative to various acts committed on or about the property and vehicles.

(Section 5.2 amended 6/20/2024)

Section 5.3 Duties and Authorizations

A. Code Compliance Inspectors, Code Compliance Supervisors, Code Compliance Investigators, Assistant Field Operations Managers, and Field Operations Managers employed by MTS are hereby vested with the duty to enforce MTS Ordinances No. 2, No. 3, No. 11, and No. 13 and the following code sections:

1. Business and Professions Code Section 25662;
2. Health and Safety Code Sections 11364 ~~and 11357(b)~~, and 11532;
3. Public Utilities Code Sections 5411.5, 120450, 120450.5, 120451, and 120452;
4. Penal Code Sections 71, 148, 166 (a)(4) and (c)(1), 171.7, 219.2, 241.3, 242, 243.3, 243.35, ~~308(b)~~, 314, 369g, 369i, 417.25(a), ~~470(a)~~, 481.1, 555, 555.1, 555.2, 587, 594, 594.1, 594.2, 594.4, 602(f), 602(o), 602(q), 640, 640.5, 647(a), 647(c), and 647(j);
5. Vehicle Code Sections ~~5204~~, 21461, 21955, 22500, 22507, 22521, and 22526;
6. 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
7. San Diego County Code of Regulatory Ordinances Section 32.703.

In accordance with Penal Code Section 836.5, Code Compliance Inspectors, Code Compliance Supervisors, Code Compliance Investigators, Assistant Field Operations Managers, and Field Operations Managers employed by MTS are authorized to arrest a person without a warrant whenever they have reasonable cause to believe that the person to be arrested has committed an infraction or misdemeanor in their presence which is a violation of the statutes and ordinances which they have the duty to enforce.

B. For-Hire Vehicle Administration Regulatory Inspectors and Regulatory Supervisors employed by MTS are hereby vested with the duty to enforce MTS Ordinances No.3, No. 11, and No. 13 and the following code sections:

1. Government Code Section 53075.5 (i)(1);
2. Penal Code Section 654.1;
3. Public Utilities Code Sections 5360.5, 5371, 5379, 5381.5, 5386.5, and 5411;
4. California Public Utilities Commission General Order 157-E Sections 3.01 and 3.03; and
5. Vehicle Code Sections 4000(a)(1), 260(a), 16502(a), 5204, 21100.4, 22507.8, 23123 and 23123.5.

In accordance with Penal Code Section 836.5, For-Hire Vehicle Administration Regulatory Inspectors and Regulatory Supervisors employed by MTS are authorized to arrest a person without a warrant whenever they have reasonable cause to believe that the person to be arrested has committed

an infraction or misdemeanor in their presence which is a violation of the statutes and ordinances which they have the duty to enforce.

C. Right-of-Way Agents, designated by the Chief Executive Officer 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 they have the duty to enforce.

(Section 5.3 amended 5/21/2026)
(Section 5.3 amended 6/20/2024)
(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.

Adopted: 7/25/1983	Amended: 6/28/2007
Amended: 2/27/1984	Amended: 11/15/2012
Amended: 10/4/1984	Amended: 9/17/2015
Amended: 10/13/1988	Amended: 5/12/2016
Amended: 2/8/1990	Amended: 6/20/2024
Repealed & Readopted: 12/12/1991	<u>Amended: 5/21/2026</u>
Amended: 8/12/1993	
Amended: 11/10/1994	
Amended: 1/11/1996	
Amended: 9/26/1996	
Amended: 3/23/2000	
Amended: 8/9/2001	
Amended: 10/3/2002	
Amended: 10/28/2004	

Clerk Affidavit

PASSED AND ADOPTED, by the Board of Directors this 21st day of May 2026. The Ordinance amended was adopted by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAINING:

Chairperson
San Diego Metropolitan Transit System

ATTEST my hand and the seal of the San Diego Metropolitan Transit System this 21st day of May 2026.

Approved as to form:

Clerk of the Board
San Diego Metropolitan Transit System

General Counsel
San Diego Metropolitan Transit System

Ordinance No.5

SAN DIEGO METROPOLITAN TRANSIT SYSTEM

CODIFIED ORDINANCE NO. 13
*(as Adopted 8/9/2001 and amended through
[01/14/2016](#)5/21/2026)*

An Ordinance Regarding Prohibited Conduct Onboard Transit Vehicles
and Prohibited Actions on or About a Transit Facility, Trolley Station, or Bus Stop

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

Section 13.1: General

The use of the [San Diego Metropolitan MTS Facilities, Bus Stop, Trolley Station and Transit Vehicles \(MTS System\)](#) (~~MTS facilities~~) shall be conditioned upon the observance of this ordinance or any rules and regulations hereafter promulgated by MTS or pursuant to its authority; all rights, privileges, licenses and permits, express or implied, for the use of MTS [facilities System](#) are revocable; and each such right, privilege, license or permit shall at the option of MTS or its duly authorized representative be revoked and canceled by and upon the breach of this ordinance or of the violation while in or upon MTS [facilities System](#) or any applicable laws or ordinances.

Nothing herein contained or omitted from this ordinance shall be construed to relieve any person whatsoever from exercising all reasonable care to avoid or prevent injury or damage to persons or property.

Any requirement or provision of these rules relating to any prohibited act shall respectively extend to and include the causing, procuring, aiding or abetting, directly or indirectly, of such act; or the permitting or the allowing of any minor in the custody of any person, doing any act prohibited by a provision hereof.

Any act otherwise prohibited by these rules shall be lawful if performed under, by virtue of, and strictly in compliance with the provisions of an agreement, permit, or license issued or approved by MTS and/or San Diego Trolley, Inc. (SDTI), and/or San Diego Transit Corporation (SDTC), and to the extent authorized thereby.

These rules are in addition to and supplement all applicable laws or ordinances.

Section 13.2: Definitions

The following terms, as used in this ordinance shall, unless otherwise expressly stated or unless the context clearly requires a different interpretation, have the following meaning.

A. Bicycle - A "bicycle" is a device upon which any person may ride, propelled exclusively by human power through a belt, chain, or gears, and having two wheels.

B. Bus - A "bus" is any motor vehicle, other than a motor truck or truck tractor, designed for carrying more than 10 persons including the driver, and used or maintained for the transportation of passengers, except that any motor vehicle, other than a motor truck or truck tractor, designed for carrying not more than 12 persons, including the driver, which is maintained and used in the nonprofit transportation of adults to and from a work location as part of a carpool program or when transporting only members of the household of the owner thereof, shall not be considered to be a bus for the purposes of this section.

C. Bus Stop – A "bus stop" is a designated area marked by a sign depicting a specific route

number or numbers for the loading and unloading of passengers from or onto a bus, which may or may not include a bench or shelter.

~~D. Elderly – The “elderly” is any person that is age 65 or older.~~

~~ED. Facility or Transit Facility – A “facility” or “transit facility” includes, but is not limited to, transit centers, trolley stations, bus shelters, bus stops on public or private property, parking lots and or lands or properties that are utilized, owned, operated or controlled by MTS, its contractors or its subsidiaries.~~

~~FE. Individuals with Disabilities – “Individuals with Disabilities” is an individual with a physical or mental impairment that substantially limits one or more of the major life activities of that individual and any individual who identifies to MTS personnel that the individual has a disability. This definition shall only be applicable for purposes of this Priority Seating and Wheelchair/Securement Area Policy and is intended to follow the ADA DOT Definition of Individuals with Disabilities.~~

~~GF. Pedestrian – A “pedestrian” is any person who is afoot or who is using a means of conveyance propelled by human power other than a bicycle.~~

~~HG. Priority Seating (Fixed Route Bus) – “Priority Seating” for Fixed Route Buses means the second row of forward-facing seats that are designated seating for individuals with disabilities and the elderly and is marked as such by signage. Priority Seating is different than the Wheelchair / Securement Area.~~

~~HH. Priority Seating (Trolley) – “Priority Seating” for Trolleys means the seats immediately adjacent to trolley doors that are designated seating for individuals with disabilities and the elderly and is marked as such by signage.~~

~~JJ. Securement Area (Fixed Route Bus) – “Securement Area” for Fixed Route Buses means the front fold-down seats that are the designated area for securing a wheelchair and is marked as such by signage.~~

~~KJ. Senior - A “senior” is any person that is age 65 or older.~~

~~K. System – A Bus, Bus Stop, Trolley, Transit Vehicle, Trolley Station, Facility or Transit Facility.~~

~~L. Tailgate – Any person standing, sitting, or remaining in the area of a vehicle, chair, table, ice-chest, barbeque, or similar device for the purpose of consuming any food or beverage, or for the purpose of socializing before during or at the conclusion of an event.~~

~~LM. Trolley – A “trolley” is a vehicle which is propelled by electric power obtained from overhead trolley wires and is operated upon rails.~~

~~MN. Trolley Station – A “trolley station” is a designated area marked by a sign depicting a specific rail service line; i.e., Orange, Blue, Red, Green, etc., for the loading and unloading of passengers from or onto a trolley, which may or may not include a bench or shelter.~~

~~NO. Transit Vehicle – A “transit vehicle” shall mean buses and trolleys or any other form of public conveyance utilized, owned, operated or controlled by MTS, their contractors or its subsidiaries.~~

~~OP. Validator – A “Validator” is a device or machine used for tapping a Compass or scanning a PRONTO Card or Contactless Payments prior to a passenger boarding a bus or trolley.~~

~~PQ. Wheelchair Area (Trolley) – “Wheelchair Area” for Trolleys means the designated fold-down seats and floor space immediately adjacent to a trolley door equipped with a lift or ramp and is marked as such by signage.~~

QR. Wheelchair – A “wheelchair” is a mobility aid belonging to any class of three- or more-wheeled devices, usable indoors, designed or modified for and used by individuals with mobility impairments, whether operated manually or powered. This definition of wheelchair does not include devices not intended for indoor uses (e.g. golf carts or all-terrain vehicles), devices not primarily designed to assist individuals with mobility impairments (e.g. tricycles, shopping carts or skateboards) or devices that that are used in ways that depart from or exceed their intended use (e.g. sitting in a walker that has built-in seats to ride in the wheelchair / securement area). This definition also does not include a wheelchair and occupant if the combined weight exceeds that of the lift and ramp specifications or if carriage of the wheelchair is demonstrated to be inconsistent with legitimate safety concerns. This definition is intended to follow the ADA DOT Definition of Wheelchairs.

Section 13.3: Fares

Passengers shall be permitted on a transit vehicle ~~or in a transit, transit station or designated paid fare zone of a trolley~~ station utilized, owned, operated or controlled by MTS or its subsidiaries or contractors only upon payment of such fares and under such circumstances as may from time to time be ordained by MTS. It is unlawful for any person to refuse to pay, or to evade or attempt to evade the payment of such fares.

It is unlawful for any person to resell, or attempt to resell, any ticket, pass, token, or other form of fare media that has already been used by another passenger, or to solicit, collect, or attempt to collect any ticket, pass, token, or other form of fare media from a passenger, trash can, or other location with the intent to resell the ticket, pass, token, or other form of fare media. MTS reserves the right to confiscate any previously used or resold ticket, pass, token, or other form of fare media.

It is unlawful to purchase any used or unused ticket from any person or entity or purchase any fare media from any person or entity other than an authorized MTS ticket, pass, token, or other fare media sales agent or ticket vending machine.

If passengers are utilizing a CompassPRONTO Card ~~or Contactless Payments~~ (as defined in MTS Ordinance No. 4), they must present their card to a fare Validator when entering a bus, prior to waiting in any designated fare paid zone, and prior to boarding a trolley. This procedure is known as “Tap or Tapping.” Tapping is a condition precedent to utilizing MTS bus and trolley service ~~and the Compass Card.~~ It shall be unlawful for passengers to refuse to Tap, or to evade Tapping, or to attempt to evade Tapping when utilizing a CompassPRONTO Card ~~or Contactless Payments~~. MTS reserves the right to confiscate the CompassPRONTO Card for noncompliance with this provision or the provisions of MTS Ordinance No. 4.

Section 13.4: Prohibited Conduct Onboard Transit Vehicles

It shall be unlawful for ~~passengers or occupants while aboard a bus or trolley while the vehicle is transporting passengers in regular route service, contract, special, or community type service within individuals on~~ the MTS ~~jurisdictional area~~System to:

- A. A.—Consume any food or beverage, except that passengers may consume nonalcoholic beverages ~~while onboard a transit vehicle~~ if the beverages are contained in a spill-proof or screw-top container or bottle. Examples of such spill-proof or screw-top containers or bottles include, but are not limited to, water bottles and soda bottles with screw tops, personal beverage containers with snap-on or screw-on lids, and coffee cups or mugs with snap-on or screw-on lids.

~~B.~~—~~Smoke or carry a lighted or smoldering pipe, cigar, cigarette, or tobacco or use any electronic smoking product or device that causes smoke, mist or vapor in any form.~~

- ~~EB.~~ Operate any radio, tape player, speaker or other such instrument that is audible to any other person ~~on a transit vehicle.~~ This does not include use of headphones to play an audio device so long as it is not audible to any other person ~~on a transit vehicle.~~
- ~~EC.~~ Expectorate.
- ~~ED.~~ Discard litter in any place other than a designated trash container.
- ~~EE.~~ Extend ~~his/her/their~~ head, hand, arm, foot, leg, or other portion of the body through any Transit Vehicle window.
- ~~EF.~~ Interfere in any manner whatsoever with the operator or operation of ~~any bus/the MTS System.~~
- ~~G.~~ Bring onboard cargo that blocks aisles, doors, steps, or trolley-emergency exits of a Transit Vehicle or otherwise violates MTS's Full Cart, Stroller, and Cargo Policy (<https://www.sdmts.com/rider-info/how-ride/rules-riding>).
- ~~H.~~ ~~Possess an open alcoholic beverage container, irrespective of whether the container is spill-proof or screw-top.~~
- ~~I.~~ ~~Ride any bicycle, skateboard, or scooter.~~
- ~~H.~~ Bring cargo that is wet, leaking or hazardous, or that would leave grease, oil, paint, dirt, or any other substance on the MTS system
- ~~I.~~ Ride any bicycle, skateboard, or scooter on the MTS System; provided, however, that this does not apply to an activity that is necessary for utilization of a MTS System facility by a bicyclist, including but not limited to an activity that that is necessary for parking a bicycle or transporting a bicycle aboard a Transit Vehicle, if that activity is done in compliance with MTS's rules for bikes (<https://www.sdmts.com/rider-info/how-ride/bikes>) and in a manner that does not interfere with the safety of the bicyclist or other patrons of the MTS System facility.
- ~~J.~~ ~~No person shall put his~~Place their foot on any seat or bench provided for ~~any~~ passengers ~~on a bus or trolley~~, or place any article on such seat which would leave grease, oil, paint, dirt, or any other substance on such seat or bench.
- ~~K.~~ ~~No person shall activate~~Activate without reasonable justification, mutilate, deface or misuse in any manner, any safety device or intercom ~~located onboard a bus or trolley.~~
- ~~L.~~ ~~No person shall ride~~Ride upon the outside or roof of any ~~bus~~Transit Vehicle.
- ~~M.~~ ~~Except MTS employees, agents, or authorized visitors, attempt to unlock or trolley-enter the enclosed Trolley operator cabin.~~
- ~~M.~~ ~~No person shall urinate~~N. Urinate or defecate in or upon unauthorized locations ~~on the transit vehicle~~ unless the person cannot comply as a result of a disability, age, or a medical condition.
- ~~N.~~ ~~No person shall post~~O. Post or affix signs, advertisements, circulars, handbills, or written material ~~on or within a transit vehicle.~~
- ~~O.~~ ~~No person, except~~P. Except other individuals with a disability or ~~elderly persons, shall seniors,~~ fail to comply with any lawful request from MTS personnel to vacate Priority Seating if an individual with a disability or ~~elderly persons~~senior needs to sit in Priority

Seating.

~~P. No person, except~~ Q. Except other individuals with a disability using a wheelchair, ~~shall~~ fail to comply with any lawful request from MTS personnel to vacate a Wheelchair / Securement area if an individual with a disability using a wheelchair needs to use the Wheelchair / Securement area. This prohibition shall not include when:

- (1) An individual with a disability, whom due to some disability related reason, needs to remain in the Wheelchair / Securement Area;
- (2) An individual with a disability who uses a non-wheelchair mobility device that cannot, either for physical limitations or safety concerns, be located in any other area of the bus or trolley; or
- (3) ~~An elderly person~~ A senior, whom due to a physical limitation, needs to remain in the Wheelchair / Securement Area.

Section 13.5: Prohibited Actions on or About a Transit Facility

~~A. No person (except~~ R. Except MTS/SDTI/SDTC employees, agents, or authorized visitors) ~~shall~~ enter upon the roadbed, tracks, structures, right-of-way, or other parts of a ~~transit facility~~ Transit Facility, which are not open to passengers or to the public.

BS. No person shall drink any alcoholic beverage or possess an open alcoholic beverage container ~~on or in a transit facility, irrespective of whether the container is spill-proof or screw-top,~~ except on premises licensed therefor.

~~C. No person shall sit~~ T. Sit, lie, or stand with any portion of ~~his/her~~ their body extending within 8 feet 6 inches of the centerline of the outside rail on straight track or within 9 feet 6 inches of the centerline of the outside rail on curved track except while entering or alighting from a ~~trolley~~ Trolley stopped at that ~~station~~ Trolley Station.

~~D. No person shall injure~~ U. Injure, deface, destroy, loosen, remove, or tamper with the ~~transit facility~~ MTS System.

~~E. No person shall injure~~ V. Injure, mutilate, deface, alter, change, displace, remove, or destroy any sign, notice, signal, or advertisement on the ~~transit facility~~ MTS System.

~~F. No person shall interfere~~ W. Interfere with any lamp, electric light, electric fixture, or density on the ~~transit facility~~ MTS System.

~~G. No person shall write~~ X. Write, paint, or draw any inscription or figure on or deface ~~any transit facility~~ on the MTS System.

~~H. No person shall disobey~~ Y. Disobey or disregard the notices, prohibitions, instructions, or directions on any sign posted ~~on the transit facility~~.

~~I. No person shall interfere~~ Z. Interfere with, encumber, obstruct, or render dangerous any ~~transit facility~~.

~~J. No person shall throw~~ MTS System.

AA. Throw or project a stone ~~or other~~ missile or object at any ~~trolley, bus~~ MTS System or ~~at any person or thing on or in the transit facility~~ person.

~~K. No person shall throw or project a stone or other missile from any transit facility or transit~~

vehicle.

~~L. No person shall fail~~BB. Fail or refuse to comply with any lawful order or direction of any MTS inspector, security officer, whether an employee or designated agent of MTS, or any peace officer.

~~M. No person shall do~~CC. Do, aid, abet, or assist in doing any act which may be dangerous, harmful, or injurious to any person or property within the transit facility~~MTS System~~, said act being not specifically prohibited herein.

~~N. No person shall put his foot on any bench provided for any passengers of the transit facility or place any article on such bench which would leave grease, oil, paint, dirt, or any other substance on such seat.~~

~~O. No person shall urinate or defecate in or upon unauthorized locations on the transit facility unless the person cannot comply as a result of a disability, age, or a medical condition.~~

~~P. No person shall post or affix signs, advertisements, circulars, handbills, or written material on or within the transit facility.~~

~~Q. No person shall climb~~

DD. Climb upon or jump the trolley couplers.

~~R. No person shall discard litter in any transit facility.~~

~~S. No person shall loiter~~EE. Loiter in the immediate vicinity of any posted property.

~~T. No person shall tailgate.~~

~~U. Operate any radio, tape player, speaker or other such instrument that is audible to any other person at transit centers, trolley stations, bus shelters, and bus stops on public or private property. This does not include use of headphones to play an audio device so long as it is not audible to any other person.~~FF. Tailgate.

Section 13.65: Animals

A. Pets

No person shall bring, carry unto, or convey upon the transit facility or transit vehicle, ~~a dog, or other an~~ animal, including an emotional support or comfort animal,, unless it is completely enclosed in a carrying case, which can be accommodated in the lap of a passenger with no danger or annoyance to other passengers. This rule shall not apply to a service animal.

B. Service Animals

A service animal is trained to assist persons with disabilities. Such animals shall be properly harnessed ~~when possible, leashed, or tethered, unless the individual's disability prevents using these devices or these devices interfere with the service animal's safe, effective performance of tasks.~~ . The service animal must not occupy a seat or block a path of travel, including aisles and access doors. MTS reserves the right to inquire about the status of such animals, including whether an animal is a service animal and what task the service animal has been trained to perform.

Service animals must be under the control of the person at all times and must be housebroken. If person does not take effective action to control the service animal, if the service animal is causing

[serious disruption to operations](#), or if the service animal is a direct threat to the health or safety of passengers, personnel, MTS transit facilities or MTS transit vehicles, MTS can ask that the service animal be removed from MTS property.

C. Damage

In the event that an animal or service animal causes damage to any transit facility or transit vehicle, the person responsible for the animal or service animal may be liable for reimbursement to MTS for damages.

Section 13.~~76~~: First Amendment Activity

No person shall hold any meeting, perform any ceremony, make any speech, address or oration, exhibit, or distribute any sign, placard, notice, declaration, or appeal of any kind or description within any transit facility or upon any transit vehicle or platform without a First Amendment Activity Permit authorized per MTS Board Policy No. 62. First Amendment Activity is only allowed within Designated Areas as prescribed within MTS Board Policy No. 62.

Section 13.~~87~~: Commercial Activity

No person shall engage in any commercial activity on or about any transit facility, transit station or transit vehicle. Commercial Activity includes, but is not limited to, the following prohibitions:

A. No person shall advertise, exhibit, sell, or offer for sale, hire or lease any object, merchandise, service, event or other property interest, except concessions under contract to MTS or as authorized per MTS Board Policy No. 21.

B. No person shall engage in commercial photography, filming or recording unless authorized per a Right of Entry Permit. This prohibition on commercial photography, filming or recording does not include:

(1) Use of photography or film through a handheld camera or phone for a transit passenger's own personal, non-commercial use. All transit passengers may use photography or film incidental to their transit uses within transit facilities, transit stations and transit vehicles provided the individual complies with all other sections of this Ordinance (e.g. Ord. 13 §§ 13.3 – Fares, 13.4 – Prohibited Conduct ~~Onboard Transit Vehicles~~, ~~13.5 Prohibited Actions on or About a Transit Facility~~);

(2) News media crews filming staged events, scheduled press conferences or other non-breaking news topics which require prior approval from the MTS Marketing Department; and

(3) News media crews filming breaking news (an event that cannot be covered at any other time or location and the immediacy of the event does not allow for obtaining prior approval) are subject to reasonable restrictions and conditions, such as MTS staff and transit security monitoring and directing the activities to ensure safety.

Section 13.~~9~~: Bicycles

~~Bicycles are permitted on transit vehicles under the following conditions:~~

~~A. Bicyclists must be at least 16 years of age and have a valid proof of payment of fare.~~

~~B. Only one bicycle is allowed onboard a trolley during the hours of 6:00 a.m. to 9:00 a.m. and 3:00 p.m. to 6:00 p.m. weekdays. At any other time, no more than two bicycles per trolley will be allowed. No bicycles will be permitted in the aisle ways at any time.~~

~~C. On high-floor trolleys (2000-series trolleys), bicycles will be permitted to board trolleys at the rear doors only and must be placed against the rear driver's cab.~~

~~D. Bicyclists must remain with their bicycles at all times.~~

~~E. When part of a group charter, more than two bicycles per car may be permitted at the sole discretion of MTS.~~

Section 13.108: No Smoking or Use of Any Device That Causes Smoke, Mist or Vapor

No person shall smoke ~~any materials, whether tobacco or any other product, using a carry a lighted or smoldering pipe, cigar,~~ cigarette, ~~cigar, pipe, or any other apparatus, or utilize any smoking device, tobacco, cannabis~~ cigarette, ~~cigar, pipe, or similar product, or use any~~ electronic smoking product or ~~other~~ device that causes smoke, mist or vapor in any form, at the following locations owned, operated, or controlled by MTS, SDTI and/or SDTC unless otherwise posted:

- A. Within 25 feet from any bus stop;
- B. Within 25 feet of any trolley station; ~~and~~
- C. Within 25 feet of any transit facility; ~~and~~

D. Within a transit vehicle.

- Amended: 5/21/2026
- Amended: 01/14/2016
- Amended: 06/18/2015
- Amended: 01/19/2012
- Amended: 05/28/2009
- Amended: 11/13/2008
- Amended: 06/28/2007
- Amended: 01/18/2007
- Amended: 06/09/2005
- Amended: 05/26/2005
- Amended: 10/28/2004
- Adopted: 08/09/2001

Clerk Affidavit

PASSED AND ADOPTED, by the Board of Directors this 21st day of May 2026. The Ordinance amended was adopted by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAINING:

Chairperson
San Diego Metropolitan Transit System

ATTEST my hand and the seal of the San Diego Metropolitan Transit System this 21st day of May 2026.

Approved as to form:

Clerk of the Board
San Diego Metropolitan Transit System

General Counsel
San Diego Metropolitan Transit System

Ordinance No. 13



Metropolitan
Transit
System

Item 5, 4/10/2026

Proposed Revisions to Ordinance No. 2 Relating to Proof of Fare Payment by Passengers, Ordinance No. 5 Relating to the Enforcement Authorities of Designated MTS Employees, and Ordinance No. 13 Relating to Prohibited Conduct and Actions on Transit Vehicles, Transit Facilities, Trolley Stations and Bus Stops.

Public Security Committee



Board Adoption of Ordinances

- Public Utilities Code Section 120105 vests the MTS Board of Directors with the duty to adopt ordinances and make rules and regulations necessary to regulate the use and operation of its property, facilities and vehicles, and services.
- Board has adopted various MTS Ordinances, which can all be found on MTS's website.
- Staff has reviewed and changes are recommended for:
 - Ordinance No. 2 (Proof of Fare Payment),
 - Ordinance No. 5 (Enforcement Authorities of Designated Employees)
 - Ordinance No. 13 (Prohibited Conduct on MTS Facilities and Vehicles)

Ordinance No. 5

- Board has authorized certain employees to enforce violations of MTS Ordinances and other local and state code sections and regulations applicable to prohibited conduct at MTS's facilities and vehicles.
- Proposed revisions to Ordinance No. 5 include
 - Adding state code sections involving:
 - Assaults Against MTS Employees and Passengers
 - Trespassing
 - Weapons
 - Removing obsolete, inapplicable or unused code sections

Assaults Against MTS Employees and Passengers

- Currently, when a battery occurs, MTS requests local law enforcement assistance. When local law enforcement cannot timely arrive, designated MTS Security staff may arrest and issue a citation for battery (Penal Code (PC) Section 242).
- As an additional tool to deter harmful behavior, recommended Ordinance 5 be revised to authorize the enforcement of:
 - PC Section 71 (Threatening public officers or employees)
 - PC Section 241.3 (Assault against transportation worker or passenger)
 - PC Section 243.3 (Battery against transportation worker or passenger)
 - PC Section 243.35 (Battery on public transportation)

Trespassing

- Currently, designated MTS Security may arrest and issue a cite to any person who refuses or fails to leave MTS property that is not open to the general public (PC Section 602(o)) or a building outside of business hours (PC Section 602(q)).
- For those that fail to leave property open to public, recommend Ordinance 5 be revised to authorize the enforcement of:
 - PC 369i (Unauthorized entry or presence upon transit-related property)
 - PC 555 (Entry upon posted property)
 - PC 166 (a)(4), and (c)(1) (Contempt of court)

Weapons

- There have been instances when passengers have been found with weapons on the MTS System.
- As an additional tool to ensure safety across the MTS system, recommended Ordinance 5 be revised to authorize the enforcement of:
 - PC Section 171.7 (Possession of firearms, grenades, tear gas, replicas, and other weapons in a public transit facility)

Ordinance No. 13

- Board has prohibited certain conduct onboard vehicles and at MTS Facilities within Ordinance No. 13.
- Proposed revisions to Ordinance No. 13 include:
 - Adding:
 - Prohibition of entering the enclosed trolley operator cabin
 - Prohibition of bringing cargo that blocks aisles and doorways of a transit vehicle, or that leaks or causes soiling
 - Changes in organization of ordinance provisions
 - Clarifications on service animals in compliance with ADA Department of Transportation regulations
 - Replacing dated terminology (e.g. elderly to senior)

Ordinance No. 2

- The Board requires proof of valid fare payment through MTS Ordinance No. 2.
- Proposed revisions to Ordinance No. 2 include:
 - Requiring that if contactless payment method is being used, that it be presented to MTS Staff security upon request to verify valid fare.
 - Clarifying that proof of fare payment required not only on trolley service, but on bus service.
 - Replacing dated terminology (e.g. Compass Card changed to PRONTO).

Staff Recommendation

- Therefore, it is staff's recommendation that the Public Security Committee forward a recommendation to the MTS Board of Directors to adopt the proposed amendments to:
 - 1) Ordinance No. 2 (An Ordinance Requiring Proof of Fare Payment by Passengers Using the San Diego Trolley) (Attachment A);
 - 2) Ordinance No. 5 (An Ordinance Relating to the Enforcement Authorities of Designated MTS Employees) (Attachment B); and
 - 3) MTS Ordinance No. 13 (An Ordinance Regarding Prohibited Conduct Onboard Transit Vehicles and Prohibited Actions on or About a Transit Facility, Trolley Station or Bus Stop) (Attachment C).



**Metropolitan
Transit
System**

Agenda Item No. 6

MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM
PUBLIC SECURITY COMMITTEE

April 10, 2026

SUBJECT:

Administrative Penalty Program under Public Utilities Code section 99580 for Fare Evasion and Passenger Conduct Violations

RECOMMENDATION:

That the Public Security Committee consider forwarding a recommendation to the San Diego Metropolitan Transit System (MTS) Board of Directors to adopt proposed Ordinance No. 14 Establishing Administrative Penalties, Fees, and Hearing Procedures for Specified Violations Under Public Utilities Code Section 99580.

Budget Impact

None with this action. The potential costs to implement and administer a Section 99580 program will be dependent on the costs for several contracts including: replacement hardware and ongoing software for a new electronic citation program; administrative vendor to manage program – notices, initial review process, appeal hearings, superior court appeals, and penalty collection efforts.

Current staff estimates are \$375,000 in one-time startup costs and \$600,000 to \$725,000 in estimated annual costs to administer the program. If MTS is able to collect the fines for up to 26% of total citations, then offsetting revenue is estimated to be between \$225,000 and \$465,000. This would result in a net annual cost of the program between \$340,000 and \$465,000.

DISCUSSION:

Passenger Safety & Comfort and Financial Sustainability

Passenger safety and comfort is one of MTS's highest priorities and requires contributions and efforts by almost every MTS department – cleanliness of vehicles and stations; availability of information and assistance while traveling; transit amenities such as benches, shelters, trash cans, lighting, signage, art, concessions, and restrooms; and security presence to prevent and respond to illegal behavior. MTS's ridership goals are heavily dependent on local residents, visitors, and workers *wanting* to ride transit and feeling safe to do so.

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San Diego 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 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. MTS is also the For-Hire Vehicle administrator for multiple cities in San Diego County.



MTS's financial sustainability and ability to maximize the transit services operated across the region are also dependent upon passengers paying their fare each time they ride. Although fares are minimized by subsidies from local, state, and federal taxes and grant funding, they are still a major component of MTS's financial sustainability strategy. Fare revenue currently accounts for 17% of MTS's operating budget (approximately \$81 million out of a \$470 million budget for FY26). Over the last 7 years, fare revenue has reduced and not kept pace with operating expenses. In Fiscal Year 2019, fare revenue was 32% of MTS's operating budget (\$92 million out of a \$290 million budget).

MTS is undertaking a multi-pronged approach to increase fare revenue, including campaigns to increase ridership, increased fare enforcement to make sure passengers are paying each time they ride, and the ongoing fare study with potential fare changes being led by the San Diego Association of Governments (SANDAG).¹

Rules for Riding

Passenger safety and comfort is not something that MTS alone can achieve – it requires fellow passengers and neighbors to respect their fellow riders, MTS property, and the general rules and laws governing behavior on transit.

MTS has various ordinances that establish infractions and other penalties for violating rules and regulations that govern how to pay for and use MTS's public transit services and facilities. There are also various statutes that cover the same or similar violations. For MTS, there are two primary ordinances that govern the Rules for Riding:

- Ordinance No. 2 – Requiring Proof of Fare Payment by Passengers Using the San Diego Trolley²
- Ordinance No. 13 – Prohibited Conduct Onboard Transit Vehicles and Prohibited Actions on or About a Transit Facility, Trolley Station, or Bus Stop³

MTS's website also includes plain language explanations of common rules and issues:

- Rules for Riding: <https://www.sdmts.com/rider-info/how-ride/rules-riding>
- Respect the Ride – Transit Rider Etiquette Guide campaign: <https://www.sdmts.com/rider-info/respect-ride>

Penalties for Infractions on MTS Property and Vehicles

Enforcement of the rules and laws on MTS property is a collaborative effort between MTS and local law enforcement agencies. MTS employs Code Compliance Inspectors (CCIs) and contracts with InterCon for security guards that provide additional coverage and assistance across the MTS transit system. CCIs are considered “public officers” under Penal Code section

¹ An update on the fare study and potential changes to be recommend to SANDAG will be discussed at the MTS Board of Director's April 16, 2026 meeting.

² <https://www.sdmts.com/sites/default/files/Ordinance%20No.%202.pdf>

³ https://www.sdmts.com/sites/default/files/ordinance_no_13.pdf

836.5 and are authorized by MTS Ordinance No. 5 to issue citations and make arrests for certain violations that occur at MTS facilities and onboard MTS vehicles. Local law enforcement is needed for response to more serious incidents and violations, including crimes that require transport to a local jail for processing.

Currently, all citations for MTS Ordinance violations issued by MTS CCIs are sent to the San Diego Superior Court for adjudication. In 2020, the MTS Board of Directors approved a Diversion Program for fare evasion citations (<https://www.sdmts.com/rider-info/mts-security/diversion-program>), which provides opportunities to administratively resolve a fare evasion citation through appeal, payment of a reduced \$25 fine, or completion of community service. If not resolved under the Diversion Program within 120 days, the citation is sent to the Superior Court for adjudication. This is considered a criminal/administrative “hybrid” enforcement model.

Beginning with the September 20, 2024 (Agenda Item (AI) 4) meeting, the Public Security Committee (PSC) and staff have been researching California transit agency fare enforcement models, including the administrative penalty program option that is included in Public Utilities Code section 99580, *et seq* (Section 99580). On May 30, 2025 (AI 5), the PSC recommended that MTS staff prepare a transition plan to potentially change from MTS’s current hybrid fare enforcement model to a fully administrative fare enforcement model. On October 9, 2025 (AI 4), staff presented an outline of transition plan elements and sought direction from the PSC on various elements that would define the scope of a proposed MTS administrative penalty program under Section 99580.

Today’s presentation and proposed action follow up on the October 9, 2025 PSC meeting, and includes a draft Section 99580 Program Ordinance, an estimated timeline for transition to a Section 99580 program, and an estimated cost of the program.

Proposed Section 99580 Program Scope

If MTS were to transition to a Section 99580 Administrative Penalty Program, that would mean that certain citations would no longer be sent to the San Diego Superior Court for processing, adjudication, and fine collection.⁴ Instead, MTS would have to establish and fund a process to provide for adjudication and challenge of citations issued by MTS, including a process to send notices of the citation and applicable deadlines and hearing dates, employ hearing officers to hold hearings, and establish a process to collect the fines assessed by the citations.

The major elements of a Section 99580 Program are: (a) penalty amount; (b) list of eligible violations; (c) disqualifying factors; and (d) consequences of multiple violations. Based on staff’s review of other agency’s Section 99580 programs and the PSC feedback that was provided on October 9, 2025, staff proposes that an MTS Section 99580 program include the following:

⁴ The Superior Court does not provide MTS with an itemized list of citations and associated fines paid and remitted to MTS. Instead, MTS receives a monthly payment from each division of the Superior Court that includes the total money collected from certain citations for that particular month (these could be fines for recent or old fare or other passenger conduct citations and parking fines, whether it be partial or full payments of citation fees).

(a) Penalty Amount:

- i. Initial Fine: \$75.00;
- ii. Late Fee (not paid within 21 days of citation or denial of Initial Review): \$25.00;
- iii. Collections Fee (not paid within 90 days of first reminder notice): \$25.00
- iv. Maximum Administrative Penalty: $\$75.00 + \$25.00 + \$25.00 = \125.00

(b) Eligible Violations

All violations listed under Section 99580(b) EXCEPT: expectorating (i.e., spitting); carrying an explosive or acid, flammable liquid, or toxic or hazardous material in a MTS facility or vehicle; and urinating or defecating in a MTS facility or vehicle.

- i. Fare evasion
- ii. Misuse of Fare Product
- iii. Smoking, Eating, Drinking when/where prohibited
- iv. Willfully Disturbing Others with Boisterous and Unruly Behavior
- v. Willfully Blocking the Free Movement of Another Person
- vi. Skateboarding, Roller Skating, Bicycle Riding, or Roller Blading when/where prohibited
- vii. Unauthorized use of discount fare ticket or failure to show proof of eligibility
- viii. Selling goods, merchandise, property, or services on MTS property without permission
- ix. Failing to yield seating reserved for an elderly or disabled person

The excluded provisions were recognized at prior PSC meetings as being especially impactful on other passengers and MTS's ability to continue transit service without interruption, potentially dangerous, and otherwise more complicated or nuanced than the eligible violations. In each of the listed exclusions, MTS may be required to take a transit vehicle out of service for cleaning or other reasons.

(c) Disqualifying Factors

Under the proposed Section 99580 program, two disqualifying factors would apply:

- i. *Third or Subsequent Violations for Adult Offenders.* After two administrative citations of the same provision, adults would no longer be eligible to participate in the Section 99580 program and would instead be issued a criminal citation to be processed by the superior court. Minors would still be eligible for the administrative penalty program process of all violations, as required by law.
- ii. *Eligible citation that is paired with non-eligible violations.* For example, a fare evasion citation paired with a vandalism citation; or a fare evasion citation paired with a failure to comply citation.

The proposed disqualifying factors take into account concerns related to escalating or repeat violations and also the difficulty of separating an eligible citation from an incident that was much more serious in nature.

(d) Program Features (as required by statute)

- i. Printed Information about program requirements and deadlines
- ii. Late notices issued after 21-day deadline missed, or after 90-day deadline for collection efforts.
- iii. Written notice of decisions in Initial Review and Administrative Hearing stages.
- iv. Right to appeal to superior court
- v. Option for community service or payment plan upon proof of inability to pay

Estimated Program Costs & Fine Revenue

The potential costs to implement and administer a Section 99580 program will be dependent on the costs for several contracts including: replacement hardware and ongoing software for a new electronic citation program, including how to integrate it with PRONTO inspection process and a administrative vendor to manage program – notices, initial review process, appeal hearings, superior court appeals, and penalty collection efforts. The other agencies reviewed by MTS did not have a program that would be comparable in size or scope to an MTS program, so many of the costs below are staff's best estimate based on a review of available information. True costs would be determined after competitive solicitations.

One Time Costs

\$375,000 in estimated one-time startup costs

- Program Management – 1 full time employee or outside consultant (\$175K)
- Customization and development of electronic citation handheld device programming and reports (\$178K)
- Development of potentially combining new handheld electronic issuance device with current handheld fare validation device so as to reduce the number of devices designated MTS Security has to carry in the field (unknown at this time)
- Marketing costs to advertise revised program and conduct necessary outreach (unknown at this time)
- Staff research costs (e.g. travel to other transit agencies that implement an administrative fare program (\$24K)

Annual Costs

\$600,000 to \$725,000 in estimated annual costs (may increase each year due to inflation)⁵
(Year 2+)

- Program Management – 1 full time employee or outside consultant (\$175K)
- Lease of new handheld device with capability to look up citation history and print citations (\$315K)⁶
- Software license, cloud storage, wireless internet for devices, banking service fees etc. (unknown, but likely at least \$20K or more)
- Vendor processing fee to prepare and manage citations (\$46K to \$93K)
- Vendor processing and mailing fee to send required notices about warnings or late citations (\$25K to \$51K)
- Vendor processing fee to manage appeal decisions from Hearing Officers, or requests for community services or payment plans (\$1K to \$2K)
- Collections vendor fee to process a citation under collections (\$21K to \$42K)
- Hearing officers to adjudicate administrative hearings (\$14K to \$20K)
- Office space (unknown)
- As needed customization and development fees to update and revise electronic citations or reports (\$7K)

Projected Offsetting Revenue

\$225,000-\$465,000 in estimated annual revenue

These estimates are highly variable and uncertain. The current estimates are based on current participation rates in the Diversion Program. The revenue aspect is uncertain because of the unknown impact of multiple fare evaders no longer being eligible for administration citations after third fare evasion / passenger conduct citation; assuming a potential 50% reduction in revenue from this ineligibility based on current assumption on number of multiple fare evaders of Diversion eligible citations.

- Admin citation fine amount of \$75 collected (\$81K to \$162K)
- Admin citation fine amount of initial \$75 fine, plus \$25 late fee collected (\$12K to \$24K)
- Fine amounts received through collections vendor, including initial \$75 fine, plus \$25 late fee and \$25 collections fee (\$219K to \$438K)
- Collections vendor commission on amount received through collections (-\$55K to -\$110K)
- Reduction in currently received \$25 Diversion revenue (-\$12K)
- Reduction in currently received Court revenue (-\$20K to -\$39K)

⁵ Some costs that are based on per-citation notices and other activities assumes an estimated 2000 eligible citations per month; actual costs will depend on citation statistics and whether citations meet Administrative Penalty Program eligibility requirements. The range shown includes a low end of 50% of current citation volume being ineligible (or 1000 citations/month) up to ALL citations participating in the program (or 2000 citations/month).

⁶ Integration with existing INIT/PRONTO devices may be required.

Net Program Cost Estimate

Estimated One Time Costs	\$375,000
Annual Costs	\$600,000 to \$725,000
Annual Revenue	+ (\$225,000 to \$465,000) (assumes % of collected fines)
Annual Net Cost	\$340,000 to \$465,000

Next Steps

If the PSC decides to recommend that the Board adopt proposed Ordinance No. 14 implementing a Section 99580 program, the following timeline is estimated:

1. June or July 2026: Included on Board agenda
2. July 2026 to June 30, 2027: Hire program manager; conduct competitive solicitations to contract with vendor(s) to (a) procure and maintain a new electronic citation hardware and software program; and (b) manage the administrative portions of the program.
3. July 1, 2027 to June 30, 2028: Implement new electronic citation hardware (rollout, certification, training, integration); and have new program vendor draft various policies, procedures, and public outreach necessary to implement the program.
4. July 1, 2028: approximate date to roll out new program

/S/ Sharon Cooney

Sharon Cooney
Chief Executive Officer

Key Staff Contact: Julia Tuer, 619.557.4515, Julia.Tuer@sdmts.com

Attachment: A. Draft MTS Ordinance No. 14
B. Penal Code section 640
C. Public Utilities Code sections 99580 to 99582

SAN DIEGO METROPOLITAN TRANSIT SYSTEM

Ordinance No. 14

(as adopted on _____)

An Ordinance Establishing Administrative Penalties, Fees, and Hearing Procedures for Specified Violations Under Public Utilities Code Section 99580

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

Section 14.1 Findings

- A. California Penal Code section 640, subdivision (e), and Public Utilities Code Section 99580, *et seq.*, permit MTS to enact an ordinance to impose and enforce administrative penalties for fare evasion and passenger conduct violations on or in a transit facility or vehicle in lieu of being subject to citation for a violation of Penal Code section 640 and adjudication through the local court system.
- B. MTS's requirements for payment of transit fares are intended to provide sufficient revenue to allow MTS to continue providing a high level of transit service in the communities it serves.
- C. MTS's prohibition of certain acts on or in a transit facility or vehicle are intended to provide a safe, respectful, and positive transit experience and to avoid harm to people and property.
- D. The Board recognizes and supports the value of offering a non-criminal path to learn from and resolve violations of the laws related to fare evasion and prohibited conduct on or in a transit facility or vehicle.
- E. MTS has found that enforcing proof of fare payment violations (pursuant to MTS Ordinance No. 2, Public Utilities Code section 120450, and Penal Code section 640, subdivision (c)) and certain passenger conduct violations (pursuant to MTS Ordinance No. 13 and Penal Code section 640, subdivisions (b) and (d)) exclusively through the superior court creates challenges for persons that may be mitigated by an administrative citation process for first and second time offenses.
- F. The Board desires to adopt an administrative citation and civil infraction process as an additional enforcement mechanism that is an alternative to the issuance of criminal citations for first and second-time fare evasion offenses of the violations listed below.

Section 14.2 Definitions

- A. Adult means a person aged 18 years old or older.
- B. Days means calendar days unless specified otherwise.

- C. Enforcement Agent means any person authorized to conduct enforcement on behalf of MTS pursuant to MTS Ordinance No. 5.
- D. Minor means a person aged 17 years old or younger.
- E. Person means an individual issued a citation for fare evasion or a passenger conduct violation under this Ordinance.
- F. Third-Party Processing Agent refers to an agent designated by the MTS to process notices of violations, collect administrative penalties, administer review and appeals processes, and perform other related tasks.

Section 14.3 Violations Eligible for Administrative Penalty Process

- A. The following violations of Penal Code section 640, or a similarly applicable provision of MTS Ordinance No. 2 or No. 13, upon a first or second offense, shall be eligible for the Administrative Penalty process set forth in Section 14.5 below:
 - 1. Evasion of the payment of a fare of the system.
 - 2. Misuse of a transfer, pass, ticket, or token with the intent to evade the payment of a fare.
 - 3. Playing unreasonably loud sound equipment on or in a system facility or vehicle, or failing to comply with the warning of a transit official related to disturbing another person by loud or unreasonable noise.
 - 4. Smoking a tobacco product, eating, or drinking in or on a system facility or vehicle in those areas where those activities are prohibited by that system.
 - 5. Willfully disturbing others on or in a system facility or vehicle by engaging in boisterous or unruly behavior.
 - 6. Willfully blocking the free movement of another person in a system facility or vehicle; provided, however, that this prohibition shall not be interpreted to affect any lawful activities permitted or First Amendment rights protected under the laws of this state or applicable federal law, including, but not limited to, laws related to collective bargaining, labor relations, or labor disputes.
 - 7. Skateboarding, roller skating, bicycle riding, or roller blading in an MTS facility, including a parking structure, or in an MTS vehicle when doing so is not necessary for utilization of the transit facility by a bicyclist, including, but not limited to, an activity that is necessary for parking a bicycle or transporting a bicycle aboard a transit vehicle, if that activity is conducted with the permission of MTS in a manner that does not interfere with the safety of the bicyclist or other patrons of the transit facility.

8. Unauthorized use of a discount ticket or failure to present, upon request from an MTS representative, acceptable proof of eligibility to use a discount ticket, in accordance with Public Utilities Code section 99155, and posted policies when entering or exiting an MTS station or vehicle. Provided, however, that if an eligible discount ticket user is not in possession of acceptable proof at the time of request, an issued notice of fare evasion or passenger conduct violation shall be held for a period of 72 hours to allow the user to produce acceptable proof. If the proof is provided, that notice shall be voided. If the proof is not produced within that time period, that notice shall be processed.
9. Selling or peddling any goods, merchandise, property, or services of any kind whatsoever on the facilities, vehicles, or property of the public transportation system without the express written consent of the public transportation system or its duly authorized representatives.
10. Failing to yield seating reserved for an elderly or disabled person.

- B. Consistent with Penal Code section 640, subdivision (g), and Public Utilities Code section 99580, a third or subsequent violation of Section 14.3(A)(1), 14.3(A)(2), and 14.3(A)11) by a minor shall also be subject to the administrative penalty process set forth in Section 14.5 below.
- C. The violations specified in Section 14.3(A) shall not be eligible for the administrative penalty process set forth in Section 14.5 if the person is also cited for violation of a separate law, ordinance, or regulation in the same Notice of Violation. For example, if a person is cited for both fare evasion (eligible under Section 14.3(A)(1)) and vandalism (not eligible under Section 14.3(A)), then the person is not eligible to participate in the administrative penalty program and an Enforcement Agent will issue a criminal citation to be processed through the superior court rather than the administrative process set forth in this Ordinance.

D. Section 14.4 Enforcement

- A. Violations. A patron who commits a violation listed in Section 14.3(A) above is subject to a Notice of Violation administrative citation and subsequent imposition of any and all applicable remedies, fines, criminal sanctions, damages, and penalties set forth in this Ordinance and otherwise available by law. Except as set forth in Section 14.3(B), the administrative citation process is not available to persons with two prior citations of the same violation.
- B. Notice of Violation. Upon determination that a person has committed a violation referenced in Section 14.3(A), and that the violation is the person's first or second such violation, an Enforcement Agent will issue a Notice of Violation. To the extent such information can reasonably be known or discovered by the Enforcement Agent during

the citation process, each Notice of Violation issued under this Ordinance for administrative enforcement will include:

1. The date and approximate time of the violation;
2. The violation number;
3. The person's First Name, Middle Initial, and Last Name;
4. The person's Address and Date of Birth;
5. The person's Driver License Number or other government-issued identification;
6. Individual descriptors of the person;
7. A reference to this Ordinance and the section of the Ordinance violated;
8. The Administrative Penalty amount (\$75.00);
9. The location where the violation occurred, including whether the citation was issued on a transit vehicle;
10. The nearest MTS station to where the violation occurred;
11. The name and identification number of the issuing Enforcement Agent;
12. The signature of the person receiving the citation;
13. The date when payment is required under Section 14.5(B);
14. Available payment options;
15. Directions on the Initial Review Process; and
16. Directions on the Administrative Hearing Process.

Section 14.5 Administrative Penalty and Fees

- A. Administrative Penalties. Upon issuance of a Notice of Violation pursuant to Section 14.4(B) of this Ordinance, an administrative penalty of \$75.00 will be imposed.
- B. Payment of Penalties. A person who is issued a Notice of Violation under this Ordinance must pay the associated administrative penalty or contest the notice within 21 days of issuance. Penalties may be paid online, in person, or by mail.
- C. Late Payment. Failure to make a required payment, or contest a notice, within 21 days from issuance of the Notice of Violation will result in an additional penalty of \$25.00. If

MTS uses a collection service or enlists assistance from the Franchise Tax Board to collect administrative and late penalties, the person who was issued the Notice of Violation will be required to pay an additional \$25.00, for a total administrative penalty of \$125.00.

- D. Late Payment Notices. MTS or its designated Third-Party Processing Agent will mail at least one reminder notice to all patrons with late, unpaid penalties upon expiration of the 21-day payment period. The notice will demand payment for the uncollected amount and associated late penalty amounts, and provide information on payment options including addresses and methods of payment. Persons with unpaid penalties after 90 days from mailing of the first reminder notice will be sent a delinquency notice indicating MTS's intent to pursue collections.
- E. Inability to Pay. Patrons who owe \$200 or more in administrative penalties and late payments, and who provide satisfactory evidence of an inability to pay the amounts owed, may apply to pay in installments or by deferred payment, or perform community service in lieu of payment.
- F. Community Service in Lieu of Fine for Minors. In the event the violation in Section 14.3(B) was committed when the person was a minor, MTS shall permit the completion of community service in lieu of payment of the administrative penalty.

Section 14.6 Initial Review

- A. Persons are entitled to seek an Initial Review of any Notice of Violation administrative citation following a process including all of the following steps:
 - 1. Within 21 calendar days from the issuance of the Notice of Violation, a person may request an initial review of the violation by MTS or its designated Third-Party Processing Agency.
 - 2. The request may be made by telephone, in writing, online, or in person.
 - 3. There is no charge for this review.
 - 4. If, following the initial review, MTS is satisfied that the violation did not occur or that extenuating circumstances make dismissal of the Notice of Violation appropriate in the interests of justice, MTS will dismiss the Notice of Violation.
 - 5. MTS or its designated Third-Party Processing Agency will notify the person, in writing by mail, of the results of the Initial Review.
 - 6. If the Notice of Violation is not dismissed, MTS or its designated Third-Party Processing Agency will notify the person of a reason for that denial, of the person's right to request an administrative hearing, and of the procedure for waiving prepayment of a penalty (in case of an appeal) based upon inability to pay.

7. If the person is found not liable during the Initial Review process, any amount paid will be refunded.

Section 14.7 Administrative Hearing

- A. Deadline to Request Administrative Hearing. If a person is dissatisfied with the results of an Initial Review, the person may request an administrative hearing no later than 21 calendar days following the mailing of the results of MTS or its Third-Party Processing Agency's initial review.
- B. Prepayment of Penalty Required. The person requesting an administrative hearing shall deposit with the processing agency the amount due under the notice for which the administrative hearing is requested.
 1. Waiver of Penalty Prepayment Requirement. The MTS Chief Executive Officer or their designee shall adopt a written procedure to allow a person, upon satisfactory proof of an inability to pay the amount due, to request an administrative hearing without payment of the amount due.
- C. Administrative Hearing Date. The Administrative Hearing will be held within 90 calendar days following the receipt of the request for the Administrative Hearing. The person requesting the Administrative Hearing may request one continuance, not to exceed 21 calendar days.
- D. The Administrative Hearing process shall include all of the following:
 1. The person requesting the Administrative Hearing has the choice of a hearing by mail or in person. An in-person hearing will be conducted within the jurisdiction of MTS, at a location designated by MTS.
 2. The Administrative Hearing shall provide an independent, objective, fair, and impartial review of the contested violation(s) in accordance with written procedures established by the MTS Chief Executive Officer or their designee.
 3. The Administrative Hearing will be conducted before a hearing officer. MTS will designate a hearing officer for the Administrative Hearing process. The compensation, continued employment, performance evaluation, and benefits of the hearing officer must not be directly or indirectly affected by the amount of fare evasion or passenger conduct violation penalties imposed or upheld by the hearing officer.
 4. The Enforcement Agent who issued the Notice of Violation is not required to participate in the Administrative Hearing. MTS will not be required to produce any evidence other than the Notice of Violation. The Notice of Violation, in proper form, will be deemed prima facie evidence of the violation.

5. Following a determination by the hearing officer that a person committed the violation, the hearing officer must issue written reasons in support of the decision rendered.
6. If the person is found to have committed the violation, the person must be provided with the opportunity to apply to make deferred payments, pay under a payment plan or perform community service in lieu of payment as provided under Section 14.5(E) or (F).
7. The hearing officer's decision following the Administrative Hearing must be in writing and must either be personally delivered or sent by first class mail.
8. If the person requesting the hearing is found not liable during the Administrative Hearing process, any amount paid will be refunded.

Section 14.8 Appeals

- A. Within 30 days after mailing or personal delivery of the decision of the Administrative Hearing pursuant to Section 14.7(D)(7), the person may seek review by filing an appeal to be heard by the superior court in the county indicated on the Notice of Violation as the county where the violation occurred. If a notice of appeal is not filed within the 30-day period, that decision shall be deemed final.
- B. An appeal under this Section 14.8 shall be heard *de novo*, except that the contents of the Administrative Hearing file will be submitted as evidence. A copy of the Notice of Violation will be admitted into evidence as *prima facie* evidence of the facts. The appeal will be conducted as otherwise provided by law, including the provisions of Public Utilities Code section 99582.
- C. As required by Public Utilities Code section 99582, the person filing the appeal shall cause a copy of the notice of appeal to be served in person or by first-class mail upon MTS.
- D. For purposes of computing the 30-calendar-day period in Section 14.8(A), Code of Civil Procedure section 1013 shall be applicable. The appeal shall be considered a limited civil case in the superior court. The superior court may charge a filing fee for processing an appeal under this Section 14.8 in the amount permitted by Government Code section 70615.

Section 14.9 Enforcement for Third and Fourth Offenses

Except as limited by Section 14.3(B), upon determination that a person has committed a fare evasion or passenger conduct violation, and that the violation is the person's third or subsequent violation, an Enforcement Agent will issue a criminal citation to be processed through the superior court rather than the administrative process set forth in this Ordinance.

Section 14.10 Effective Date.

This Ordinance will be effective _____.

Section 14.11 Preemption; Severability

Nothing in this Ordinance shall be interpreted or applied to create any power, duty, or obligation in conflict with, or preempted by, any Federal or State law. If it is determined that a provision included herein becomes preempted by Federal or State law, that preempted provision will be automatically rescinded from this Ordinance. Such rescission will not affect the validity of the remaining portions of this Ordinance. Furthermore, if any provision of this Ordinance, or the application thereof to any person or circumstance, is deemed invalid by a court of competent jurisdiction, such invalidity will not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this Ordinance are severable.


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PENAL CODE - PEN

PART 1. OF CRIMES AND PUNISHMENTS [25 - 680.4] (Part 1 enacted 1872.)

TITLE 15. MISCELLANEOUS CRIMES [626 - 653.75] (Title 15 enacted 1872.)

CHAPTER 2. Of Other and Miscellaneous Offenses [639 - 653.2]

 (Chapter 2 enacted 1872.)

640. (a) (1) Any of the acts described in paragraphs (1) to (6), inclusive, of subdivision (b) is an infraction punishable by a fine not to exceed two hundred fifty dollars (\$250) and by community service for a total time not to exceed 48 hours over a period not to exceed 30 days, during a time other than during the violator's hours of school attendance or employment. Except as provided in subdivision (g), any of the acts described in paragraphs (1) to (3), inclusive, of subdivision (c), upon a first or second violation, is an infraction punishable by a fine not to exceed two hundred fifty dollars (\$250) and by community service for a total time not to exceed 48 hours over a period not to exceed 30 days, during a time other than during the violator's hours of school attendance or employment. Except as provided in subdivision (g), a third or subsequent violation of any of the acts described in paragraphs (1) to (3), inclusive, of subdivision (c) is a misdemeanor punishable by a fine of not more than four hundred dollars (\$400) or by imprisonment in a county jail for a period of not more than 90 days, or by both that fine and imprisonment. Any of the acts described in subdivision (d) shall be punishable by a fine of not more than four hundred dollars (\$400), by imprisonment in a county jail for a period of not more than 90 days, or by both that fine and imprisonment.

(2) This section shall apply only to acts committed on or in a facility or vehicle of a public transportation system.

(b) (1) Eating or drinking in or on a system facility or vehicle in areas where those activities are prohibited by that system.

(2) Playing unreasonably loud sound equipment on or in a system facility or vehicle, or failing to comply with the warning of a transit official related to disturbing another person by loud or unreasonable noise.

(3) Smoking in or on a system facility or vehicle in areas where those activities are prohibited by that system.

(4) Expectoring upon a system facility or vehicle.

(5) Skateboarding, roller skating, bicycle riding, roller blading, or operating a motorized scooter or similar device, as defined in Section 407.5 of the Vehicle Code, in a system facility, vehicle, or parking structure. This paragraph does not apply to an activity that is necessary for utilization of the transit facility by a bicyclist, including, but not limited to, an activity that is necessary for parking a bicycle or transporting a bicycle aboard a transit vehicle, if that activity is conducted with the permission of the transit agency in a manner that does not interfere with the safety of the bicyclist or other patrons of the transit facility.

(6) Selling or peddling any goods, merchandise, property, or services of any kind whatsoever on the facilities, vehicles, or property of the public transportation system if the public transportation system has prohibited those acts and neither the public transportation system nor its duly authorized representatives have granted written consent to engage in those acts.

(c) (1) Evasion of the payment of a fare of the system. For purposes of this section, fare evasion includes entering an enclosed area of a public transit facility beyond posted signs prohibiting entrance without obtaining valid fare, in addition to entering a transit vehicle without valid fare.

(2) Misuse of a transfer, pass, ticket, or token with the intent to evade the payment of a fare.

(3) (A) Unauthorized use of a discount ticket or failure to present, upon request from a transit system representative, acceptable proof of eligibility to use a discount ticket, in accordance with Section 99155 of the Public Utilities Code and posted system identification policies when entering or exiting a transit station or vehicle. Acceptable proof of eligibility must be clearly defined in the posting.

(B) If an eligible discount ticket user is not in possession of acceptable proof at the time of request, a citation issued shall be held for a period of 72 hours to allow the user to produce acceptable proof. If the proof is provided, the citation shall be voided. If the proof is not produced within that time period, the citation shall be processed.

(d) (1) Willfully disturbing others on or in a system facility or vehicle by engaging in boisterous or unruly behavior.

(2) Carrying an explosive, acid, or flammable liquid in a public transit facility or vehicle.

(3) Urinating or defecating in a system facility or vehicle, except in a lavatory. However, this paragraph shall not apply to a person who cannot comply with this paragraph as a result of a disability, age, or a medical condition.

(4) Willfully blocking the free movement of another person in a system facility or vehicle. This paragraph shall not be interpreted to affect any lawful activities permitted or First Amendment rights protected under the laws of this state or applicable federal law, including, but not limited to, laws related to collective bargaining, labor relations, or labor disputes.

(5) Willfully tampering with, removing, displacing, injuring, or destroying any part of a facility or vehicle of a public transportation system.

(e) Notwithstanding subdivision (a) or (g), a public transportation agency, as defined in paragraph (4) of subdivision (c) of Section 99580 of the Public Utilities Code, may do either of the following:

(1) Enact and enforce an ordinance providing that a person who is the subject of a citation for any of the acts described in subdivision (b) of Section 99580 of the Public Utilities Code on or in a facility or vehicle described in subdivision (a) for which the public transportation agency has jurisdiction shall, under the circumstances set forth by the ordinance, be afforded an opportunity to complete an administrative process that imposes only an administrative penalty enforced in a civil proceeding. The ordinance for imposing and enforcing the administrative penalty shall be governed by Chapter 8 (commencing with Section 99580) of Part 11 of Division 10 of the Public Utilities Code.

(2) Enforce as an infraction pursuant to subdivision (b) the act of failing to yield seating reserved for an elderly or disabled person in a facility or vehicle for which the public transportation agency has jurisdiction, provided that the governing board of the public transportation agency enacts an ordinance to that effect after a public hearing on the issue.

(f) For purposes of this section, "facility or vehicle of a public transportation system" means any of the following:

(1) A facility or vehicle of a public transportation system as defined by Section 99211 of the Public Utilities Code.

(2) A facility of, or vehicle operated by, an entity subsidized by, the Department of Transportation.

(3) A facility or vehicle of a rail authority, whether owned or leased, including, but not limited to, any part of a railroad, or track of a railroad, or any branch or branchway, switch, turnout, bridge, viaduct, culvert, embankment, station house, or other structure or fixture, or any part thereof, attached or connected to a railroad.

(4) A leased or rented facility or vehicle for which any of the entities described in paragraph (1), (2), or (3) incurs costs of cleanup, repair, or replacement as a result of any of those acts.

(g) A minor shall not be charged with an infraction or a misdemeanor for violation of paragraphs (1) to (3), inclusive, of subdivision (c). Nothing in this subdivision shall limit the ability of a public transportation agency to assess an administrative penalty as established in paragraph (1) of subdivision (e) and in Section 99580 of the Public Utilities Code, not to exceed one hundred twenty-five dollars (\$125) upon a first or second violation and not to exceed two hundred dollars (\$200) upon a third or subsequent violation, to permit the performance of community service in lieu of payment of the fare evasion or passenger conduct penalty pursuant to Section 99580 of the Public Utilities Code, or to allow payment of the fare evasion or passenger conduct penalty in installments or deferred payment pursuant to Section 99580 of the Public Utilities Code.

(Amended by Stats. 2017, Ch. 219, Sec. 1. (SB 614) Effective January 1, 2018.)



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PUBLIC UTILITIES CODE - PUC

DIVISION 10. TRANSIT DISTRICTS [24501 - 107025] (*Division 10 repealed and added by Stats. 1955, Ch. 1036.*)

PART 11. PROVISIONS APPLICABLE TO ALL PUBLIC TRANSIT [99150 - 99582] (*Part 11 added by Stats. 1968, Ch. 1325.*)

CHAPTER 8. Administrative Enforcement for Fare Evasion and Prohibited Conducts [99580 - 99582] (*Chapter 8 added by Stats. 2006, Ch. 258, Sec. 2.*)

99580. (a) Pursuant to subdivision (e) of Section 640 of the Penal Code, a public transportation agency may enact and enforce an ordinance to impose and enforce an administrative penalty for any of the acts described in subdivision (b).

(b) (1) Evasion of the payment of a fare of the system.

(2) Misuse of a transfer, pass, ticket, or token with the intent to evade the payment of a fare.

(3) Playing unreasonably loud sound equipment on or in a system facility or vehicle, or failing to comply with the warning of a transit official related to disturbing another person by loud or unreasonable noise.

(4) Smoking a tobacco product, eating, or drinking in or on a system facility or vehicle in those areas where those activities are prohibited by that system.

(5) Expectorating upon a system facility or vehicle.

(6) Willfully disturbing others on or in a system facility or vehicle by engaging in boisterous or unruly behavior.

(7) Carrying an explosive or acid, flammable liquid, or toxic or hazardous material in a system facility or vehicle.

(8) Urinating or defecating in a system facility or vehicle, except in a lavatory. However, this paragraph shall not apply to a person who cannot comply with this paragraph as a result of a disability, age, or a medical condition.

(9) (A) Willfully blocking the free movement of another person in a system facility or vehicle.

(B) This paragraph shall not be interpreted to affect any lawful activities permitted or First Amendment rights protected under the laws of this state or applicable federal law, including, but not limited to, laws related to collective bargaining, labor relations, or labor disputes.

(10) Skateboarding, roller skating, bicycle riding, or roller blading in a system facility, including a parking structure, or in a system vehicle. This paragraph does not apply to an activity that is necessary for utilization of a system facility by a bicyclist, including, but not limited to, an activity that is necessary for parking a bicycle or transporting a bicycle aboard a system vehicle, if that activity is conducted with the permission of the agency of the system in a manner that does not interfere with the safety of the bicyclist or other patrons of the system facility.

(11) (A) Unauthorized use of a discount ticket or failure to present, upon request from a system representative, acceptable proof of eligibility to use a discount ticket, in accordance with Section 99155, and posted system identification policies when entering or exiting a system station or vehicle. Acceptable proof of eligibility must be clearly defined in the posting.

(B) If an eligible discount ticket user is not in possession of acceptable proof at the time of request, an issued notice of fare evasion or passenger conduct violation shall be held for a period of 72 hours to allow the user to produce acceptable proof. If the proof is provided, that notice shall be voided. If the proof is not produced within that time period, that notice shall be processed.

(12) Selling or peddling any goods, merchandise, property, or services of any kind whatsoever on the facilities, vehicles, or property of the public transportation system without the express written consent of the public transportation system or its duly authorized representatives.

(13) Failing to yield seating reserved for an elderly or disabled person.

(c) (1) The public transportation agency may contract with a private vendor or governmental agency for the processing of notices of fare evasion or passenger conduct violation, and notices of delinquent fare evasion or passenger conduct violation pursuant to Section 99581.

- (2) For the purpose of this chapter, "processing agency" means either of the following:
- (A) The agency issuing the notice of fare evasion or passenger conduct violation and the notice of delinquent fare evasion or passenger conduct violation.
 - (B) The party responsible for processing the notice of fare evasion or passenger conduct violation and the notice of delinquent violation, if a contract is entered into pursuant to paragraph (1).
- (3) For the purpose of this chapter, "fare evasion or passenger conduct violation penalty" includes, but is not limited to, a late payment penalty, administrative fee, fine, assessment, and costs of collection as provided for in the ordinance.
- (4) For the purpose of this chapter, "public transportation agency" shall mean a public agency that provides public transportation as defined in paragraph (1) of subdivision (f) of Section 1 of Article XIX A of the California Constitution.
- (5) All fare evasion and passenger conduct violation penalties collected pursuant to this chapter shall be deposited with the public transportation agency that issued the citation.
- (d) (1) If a fare evasion or passenger conduct violation is observed by a person authorized to enforce the ordinance, a notice of fare evasion or passenger conduct violation shall be issued. The notice shall set forth the violation, including reference to the ordinance setting forth the administrative penalty, the date of the violation, the approximate time, and the location where the violation occurred. The notice shall include a printed statement indicating the date payment is required to be made, and the procedure for contesting the notice. The notice shall be served by personal service upon the violator. The notice, or copy of the notice, shall be considered a record kept in the ordinary course of business of the issuing agency and the processing agency, and shall be prima facie evidence of the facts contained in the notice establishing a rebuttable presumption affecting the burden of producing evidence.
- (2) When a notice of fare evasion or passenger conduct violation has been served, the person issuing the notice shall file the notice with the processing agency.
 - (3) If, after a notice of fare evasion or passenger conduct violation is issued pursuant to this section, the issuing officer determines that there is incorrect data on the notice, including, but not limited to, the date or time, the issuing officer may indicate in writing on a form attached to the original notice the necessary correction to allow for the timely entry of the corrected notice on the processing agency's data system. A copy of the correction shall be mailed to the address provided by the person cited at the time the original notice of fare evasion or passenger conduct violation was served.
 - (4) If a person contests a notice of fare evasion or passenger conduct violation, the issuing agency shall proceed in accordance with Section 99581.
- (e) In setting the amounts of administrative penalties for the violations listed in subdivision (b), the public transportation agency shall not establish penalty amounts that exceed one hundred twenty-five dollars (\$125) upon a first or second violation and two hundred dollars (\$200) upon a third or subsequent violation.
- (f) The issuing agency shall allow payment of the fare evasion or passenger conduct penalty or penalties in installments or deferred payment if the total amount of the fines is two hundred dollars (\$200) or more and the person provides satisfactory evidence of an inability to pay the penalty or penalties in full.
- (g) (1) Except as provided in paragraph (2), the issuing agency shall permit the performance of community service in lieu of payment of the fare evasion or passenger conduct penalty if the person is under 18 years of age or if the person provides satisfactory evidence of an inability to pay the fare evasion or passenger conduct penalty in full. The issuing agency may require the performance of community service at transit facilities, as defined in subdivision (f) of Section 640 of the Penal Code.
- (2) The issuing agency is not required to permit the performance of community service in lieu of payment for a fare evasion or passenger conduct penalty if the person has had more than three fare evasion or passenger conduct penalties for which he or she was permitted to perform community service pursuant to paragraph (1), and did not complete any community service, provided that the person was offered a community service placement and was given adequate time to comply with the community service requirement.
- (h) A person who receives a notice of fare evasion or passenger conduct violation pursuant to this section shall not be subject to citation for a violation of Section 640 of the Penal Code.
- (i) If an entity enacts an ordinance pursuant to this section it shall, both two years and five years after enactment of the ordinance, report all of the following information to the Senate Committee on Transportation and Housing and the Assembly Committee on Transportation:
- (1) A description of the ordinance, including the circumstances under which an alleged violator is afforded the opportunity to complete the administrative process.
 - (2) The amount of the administrative penalties.
 - (3) The number and types of citations administered pursuant to the ordinance.
 - (4) To the extent available, a comparison of the number and types of citations administered pursuant to the ordinance with the number and types of citations issued for similar offenses and administered through the courts both in the two years prior to the ordinance and, if any, since enactment of the ordinance.
 - (5) A discussion of the effect of the ordinance on passenger behavior.

(6) A discussion of the effect of the ordinance on revenues to the entity described in subdivision (a) and, in consultation with the superior courts, the cost savings to the county courts. The superior courts are encouraged to collaborate on and provide data for this report.

(j) For purposes of this section, "smoking" has the same meaning as in subdivision (c) of Section 22950.5 of the Business and Professions Code.

(k) For purposes of this section, "tobacco product" means a product or device as defined in subdivision (d) of Section 22950.5 of the Business and Professions Code.

(Amended by Stats. 2017, Ch. 219, Sec. 2. (SB 614) Effective January 1, 2018.)

99580.5. A transit district's ordinance may be enforced outside of the transit district's jurisdiction only where the local jurisdiction has adopted the transit district's ordinance by reference as authorized by the local jurisdictions' governing body.

(Added by Stats. 2021, Ch. 534, Sec. 4. (AB 1337) Effective January 1, 2022.)

99581. (a) For a period of 21 calendar days from the issuance to a person of the notice of fare evasion or passenger conduct violation, the person may request an initial review of the violation by the issuing agency. The request may be made by telephone, in writing, or in person. There shall be no charge for this review. If, following the initial review, the issuing agency is satisfied that the violation did not occur or that extenuating circumstances make dismissal of the administrative penalty appropriate in the interest of justice, the issuing agency shall cancel the notice. The issuing agency shall advise the processing agency, if any, of the cancellation. The issuing agency or the processing agency shall mail the results of the initial review to the person contesting the notice and if following that review, cancellation of the notice does not occur, the agency shall include a reason for that denial, notification of the ability to request an administrative hearing, and notice of the procedure adopted pursuant to subdivision (b) for waiving prepayment of the penalty based upon inability to pay.

(b) If the person is dissatisfied with the results of the initial review, the person may request an administrative hearing of the violation no later than 21 calendar days following the mailing of the results of the issuing agency's initial review. The request may be made by telephone, in writing, or in person. The person requesting an administrative hearing shall deposit with the processing agency the amount due under the notice for which the administrative hearing is requested. The issuing agency shall adopt a written procedure to allow a person to request an administrative hearing without payment of the amount due upon satisfactory proof of an inability to pay the amount due. An administrative hearing shall be held within 90 calendar days following the receipt of a request for an administrative hearing, excluding time tolled pursuant to this chapter. The person requesting the hearing may request one continuance, not to exceed 21 calendar days.

(c) The administrative hearing process shall include all of the following:

(1) The person requesting a hearing shall have the choice of a hearing by mail or in person. An in-person hearing shall be conducted within the jurisdiction of the issuing agency. If an issuing agency contracts with a private vendor pursuant to paragraph (1) of subdivision (c) of Section 99580, hearings shall be held within the jurisdiction of the issuing agency.

(2) The administrative hearing shall be conducted in accordance with written procedures established by the issuing agency and approved by the governing body or chief executive officer of the issuing agency. The hearing shall provide an independent, objective, fair, and impartial review of contested violations.

(3) The administrative review shall be conducted before a hearing officer designated to conduct the review by the issuing agency's governing body or chief executive officer. In addition to any other requirements of employment, a hearing officer shall demonstrate those qualifications, training, and objectivity prescribed by the issuing agency's governing body or chief executive as are necessary and which are consistent with the duties and responsibilities set forth in this chapter. The hearing officer's continued employment, performance evaluation, compensation, and benefits shall not be directly or indirectly linked to the amount of fare evasion or passenger conduct violation penalties imposed by the hearing officer.

(4) The person who issued the notice of fare evasion or passenger conduct violation shall not be required to participate in an administrative hearing. The issuing agency shall not be required to produce any evidence other than the notice of fare evasion or passenger conduct violation. The documentation in proper form shall be prima facie evidence of the violation pursuant to paragraph (1) of subdivision (d) of Section 99580.

(5) The hearing officer's decision following the administrative hearing may be personally delivered to the person by the hearing officer or sent by first-class mail.

(6) Following a determination by the hearing officer that a person committed the violation, the hearing officer may, and consistent with subdivision (f) of Section 99580, shall, allow payment of the fare evasion or passenger conduct penalty in installments or deferred payment if the person provides satisfactory evidence of an inability to pay the fare evasion or passenger conduct penalty in full. The hearing officer may, and consistent with subdivision (g) of Section 99580, shall, permit the performance of community service in lieu of payment of the fare evasion or passenger conduct penalty.

(Amended by Stats. 2017, Ch. 219, Sec. 3. (SB 614) Effective January 1, 2018.)

99582. (a) Within 30 calendar days after the mailing or personal delivery of the decision described in subdivision (c) of Section 99581, the person may seek review by filing an appeal to be heard by the superior court where the same shall be heard de novo, except that the contents of the processing agency's file in the case shall be received in evidence. A copy of the notice of fare evasion or passenger

conduct violation shall be admitted into evidence as prima facie evidence of the facts stated therein establishing a rebuttable presumption affecting the burden of producing evidence. A copy of the notice of appeal shall be served in person or by first-class mail upon the processing agency by the person filing the appeal. For purposes of computing the 30-calendar-day period, Section 1013 of the Code of Civil Procedure shall be applicable. A proceeding under this subdivision is a limited civil case.

(b) Notwithstanding any other provision of law, the fee for filing the notice of appeal shall be as provided in Section 70615 of the Government Code. The court shall request that the processing agency's file on the case be forwarded to the court, to be received within 15 calendar days of the request. The court shall notify the appellant of the appearance date by mail or personal delivery. The court shall retain the fee regardless of the outcome of the appeal. If the court finds in favor of the appellant, the amount of the filing fee shall be reimbursed to the appellant by the processing agency. Any deposit of fare evasion or passenger conduct penalty shall be refunded by the processing agency in accordance with the judgment of the court.

(c) The conduct of the appeal under this section is a subordinate judicial duty that may be performed by a commissioner and other subordinate judicial officers at the direction of the presiding judge of the court.

(d) If a notice of appeal of the processing agency's decision described in subdivision (c) of Section 99581 is not filed within the period set forth in subdivision (a), that decision shall be deemed final.

(Amended by Stats. 2007, Ch. 738, Sec. 42. Effective January 1, 2008.)



**Metropolitan
Transit
System**

Item 6, 4/10/2026

Administrative Penalty Program for Fare Evasion and Passenger Conduct Violations

Public Security Committee



Passenger Safety & Comfort and Financial Sustainability

- *Passenger Safety & Comfort* → MTS ridership goals are heavily dependent upon people wanting to ride transit and feeling safe to do so
 - *Financial Sustainability* → dependent upon people paying their fare each time they ride.
 - FY 2019 – fare revenue was 32% of operating budget (\$92M out of \$290M)
 - FY 2026 – fare revenue is 17% of operating budget (\$81M out of \$470M)
- fare revenue not yet at pre-pandemic levels while expenses have significantly increased over last 7 years; various financial sustainability measures under consideration by Board to solve structural budget deficit

Passenger Conduct – Rules for Riding

- Passenger safety and comfort requires people to respect fellow riders, MTS property, applicable rules & laws:
 - Ordinances (2 – Requiring Proof of Fare Payment; 13 – Prohibited Conduct)
 - Rules for Riding: <https://www.sdmts.com/rider-info/how-ride/rules-riding>
 - Respect the Ride – Transit Rider Etiquette Guide campaign: <https://www.sdmts.com/rider-info/respect-ride>

MTS's Fare Enforcement Model: Hybrid

- Diversion Program (*first 120 Days*)
 - Request one-time waiver, pay reduced fine of \$25, or complete 3 hours of community service within 120 days
 - Request a limited appeal if proof of valid fare or broken ticket vending machine within 15 days
 - Citation voided if successfully complete Diversion Program; if not, citation sent to Court for adjudication
- Criminal Adjudication (*after 120 Days with no Diversion Participation*)
 - Citation sent to court for adjudication
 - Court resolves and handles collections, etc.
 - MTS does not receive detailed reports on results or fines imposed & collected on individual cases (receive ~ \$20-\$39K per year as share of fines collected)

Administrative Penalty Program

- Penal Code 640 and Public Utilities Code 99580-99582 → authorize transit agencies to establish an administrative penalty option (non-criminal path) for fare evasion and some passenger conduct violations
- Program administered completely by the transit agency
- Statutes set forth maximum fines and required process for administratively handling them (notice periods, appeal periods, hearing procedures, community service options for inability to pay)

PSC Direction

- Discussed at prior PSC Meetings:
 - September 20, 2024
 - May 30, 2025
 - October 9, 2025
- Instructed staff to do further research and develop proposed Administrative Penalty program for PSC to consider recommending to the Board

Draft Ordinance No. 14 (Section 99580 Penalty Program)

ADMINISTRATIVE PENALTY

- Fine Amount: \$75
- Late Fee: \$25 (UNCONTESTED: if not paid within 21 days of citation; CONTESTED: not paid within 21 days of denial of initial review)
- Collections fee: \$25 (not paid within 90 days of first reminder notice)

Maximum Fine: \$125

Draft Ordinance No. 14 (Section 99580 Penalty Program)

ELIGIBLE VIOLATIONS

- Fare evasion
- Misuse of fare product
- Unauthorized use of discount ticket or failure to show proof of eligibility
- Smoking, eating, drinking where/when prohibited
- Willfully disturbing others with boisterous & unruly behavior
- Willfully blocking the free movement of another person
- Skateboarding/Roller Skating/Bike Riding/Roller Blading where/when prohibited
- Selling goods etc on MTS property without permission
- Failing to yield seating reserved for “elderly or disabled person”

Draft Ordinance No. 14 (Section 99580 Penalty Program)

EXCLUDED VIOLATIONS

- Spitting (expectorating)
- Carrying an explosive or acid, flammable liquid, or toxic or hazardous material in an MTS facility or vehicle
- Urinating or defecating in an MTS facility or vehicle

→ Excluded because the circumstances where citation would be issued would be intentional, create dangerous or unsafe conditions, and have a potential to disrupt MTS transit operations because of the safety and cleaning response required

Draft Ordinance No. 14 (Section 99580 Penalty Program)

DISQUALIFYING FACTORS

- 3rd or Subsequent Violations of the SAME PROVISION
 - Eligible violation that is paired with non-eligible violations
 - E.g., fare evasion + vandalism; fare evasion + failure to comply
- These violations would follow normal criminal citation process

EXCEPT: all eligible violations by a minor (under age 18) would be processed under Ordinance 14 – even 3rd or subsequent violations

Draft Ordinance No. 14 (Section 99580 Penalty Program)

OTHER FEATURES

- Printed information about program requirements and deadlines
- Late notices will be issued after 21-day deadline missed, or after 90-day deadline for collections
- Written notice of decisions for Initial Review & Admin Hearing stages
- Right to appeal to superior court
- Option for community service or payment plan upon proof of inability to pay

Estimated Costs

One Time Costs: \$375K

- Program Mgmt
- Electronic Citation Device Customization
- Marketing/Outreach
- Additional research/site visit cost

Annual Costs: \$600K to \$725K

- Program Mgmt
- Electronic Citation Device Lease
- Software, cloud storage, etc
- Vendor processing fees
- Hearing officer fees

Offsetting Revenue: \$225K to \$465K

- Citation fines collected less collections commission
- Less current Diversion Program revenue
- Less current Court revenue

Net Program Cost Estimate:

One-Time: \$375K

Annual: \$340K to \$465K

Timeline if PSC Votes to Proceed:

- *June/July 2026*: Ordinance 14 included on Board agenda
- *FY 2027 (to June 30, 2027)*:
 - Hire MTS Project Manager and conduct competitive solicitations for (a) new electronic citation hardware & software; and (b) administrative program vendor
- *FY 2028 (July 1, 2027 to June 30, 2028)*:
 - Implement new electronic citation hardware (rollout, certification, training, integration with PRONTO)
 - Draft various policies & procedures
 - Public outreach/education campaign
- *July 1, 2028*: approximate date to roll out new program

STAFF RECOMMENDATION

That the Public Security Committee consider forwarding a recommendation to the San Diego Metropolitan Transit System (MTS) Board of Directors to adopt proposed Ordinance No. 14 Establishing Administrative Penalties, Fees, and Hearing Procedures for Specified Violations Under Public Utilities Code Section 99580.