



Metro

Metropolitan Transportation Authority

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**OPERATIONS COMMITTEE
NOVEMBER 15, 2007**

SUBJECT: METRO CUSTOMER CODE OF CONDUCT

ACTION: RECEIVE THE METRO CUSTOMER CODE OF CONDUCT

RECOMMENDATION

Receive the attached ordinance, Metro's Customer Code of Conduct, as set forth in Attachment A ("Customer Code"), enacting a new Title 6 to Metro's existing Administrative Code, at the November 2007 Board meeting. The proposed ordinance will be presented for final adoption at a subsequent Board meeting after the ordinance has been published for public comment.

ISSUE

In 2003 Metro's Board adopted an Administrative Code as required under Public Utilities Code Section 130105 to describe the powers and duties of its officers, as well as the methods, systems and procedures for its operation. That Administrative Code included an Employee Code of Conduct, Board Code of Conduct, and even a Contractors Code of Conduct. After adoption of the Administrative Code, the Board instructed staff to evaluate the efficacy of creating a Customer Code of Conduct in furtherance of the purposes for which the Administrative Code was adopted.

Attachment A to this report is that Customer Code that the Board instructed staff to prepare and if adopted, would be incorporated into the Administrative Code as Title 6.

With some exceptions noted below, the ordinance recommended does not contain significant substantive changes from current law, policy and practices. Rather, it is primarily a compilation (updated to reflect the most current amendments) of existing law, policies or practices.

The Customer Code was developed by a diverse committee including persons representing the operations, safety, transit security, legal, customer relations, operations training, communications, and ethics disciplines of the agency. The process for development of the Customer Code involved consideration of about 75 different topic areas, and review of over 20 other agencies rules compared to Metro's rules. Staff considered various approaches to the Customer Code and what provisions are appropriate and legally justified. The

committee went on field trips to ride every mode of transportation Metro provides to observe and ensure personal exposure and consideration of every likely customer concern. A draft of the Customer Code was sent to every Sector Governance Council Member, General Managers, the Unions, and internal subject matter experts for comment. Sector Governance Councils were visited as requested to receive their comments.

Some of the areas that are new to Metro's policies in the Customer Code include:

1. Certain "best practices" cited in section 6-05-60 such as asking an operator questions only when the bus is not in motion;
2. Instructions for the proper transporting of carts and strollers in section 6-05-070;
3. Instructions for persons who ride but can not care for themselves or follow Metro rules to be accompanied by a responsible companion in Section 6-05-080;
4. Instructions for persons not to come into a Metro facility or vehicle with anything that has an extreme repulsive odor causing a nuisance or safety hazard in Section 6-05-160; and
5. Enforcement of Metro's rules by fine, ejection, suspension, or similar methods through a Metro transit court, if the Board approves of that option, in Section 6-05-240.

The proposed Customer Code enacts Metro's current laws, policies and practices into a single ordinance with a uniform numbering system and a consistent format. It was contemplated that such future ordinances would be added to the current Metro Administrative Code in this format and numbering system.

For a new title to the Administrative Code to be enacted it must follow the same process as the original Administrative Code enactment, which is to first introduce it a Board meeting, then publish notice of it for public comment in a newspaper of general circulation, then return to the Board for its adoption including any revisions made as a result of public comment. Publication is also necessary after the ordinance is adopted. The effective will be at a date set by the Board, but no less than 30 days after adoption.

The Customer Code as written includes enforcement options that assume adoption of a Metro transit court next year. At an upcoming Board meeting Transit Security is expected to make a presentation to the Board on the transit court concept. If the Board chooses not to adopt the transit court option, the Customer Code will be modified to delete that concept prior to returning to the Board for final approval.

POLICY IMPLICATIONS

Adoption of the Customer Code will essentially continue existing policies, with minor updates to comply with current law. Administratively it will consolidate those policies with the current applicable California Penal Code sections all into one document. If the Board subsequently approves of the creation of a transit court at the next Board meeting, that policy change will be included within this matter when we return for final adoption of the Customer Code.

The goal in implementing the Customer Code is to increase ridership by making the riding experience an enjoyable and safe event for all riders. It will also assist our Transit Police have standardized and simplified enforcement. We believe it will make communication of Metro's rules more straightforward, enforcement more uniform, and education and information more easily accessible, for the benefit of Metro customers.

The implementation of a Customer Code will also support the hard work of Metro's Operations staff to provide maximum quality service.

Better communication and enforcement should reduce violations and result in better fare recovery while providing greater efficiency throughout the system.

This plan is also consistent with Metro's image, values, priorities, and vision for Metro... leading the nation in safety, mobility, and customer satisfaction.

ALTERNATIVES CONSIDERED

One alternative is to maintain the status quo and not update existing policies. That would result in some policies being out of date with current law, such as the smoking ban in public places has been expanded by a new law to include the area within 20 feet of any window or passageway. This would also result in no adjustment of our policies to reflect current circumstances such as the increased security concerns since 9/11 and technology issues like cell phone use by passengers and the integration of TAP equipment efficiencies into our operations.

Another alternative is to revise this proposed Customer Code according to the Board's instruction and/or as appropriate based on public comment received during the upcoming comment period. There are countless variations possible to the provisions being proposed, but these provisions reflect current policies as updated and have been vetted among the many reviewers of the Customer Code in its current form.

Staff serving on the customer code of conduct committee considered recommending Metro not have a written customer code, however, based on comments and complaints raised by law enforcement and riders of the system, the committee believes the written Customer Code is an appropriate document for the agency.

FINANCIAL IMPACT

There is no significant cost associated with the implementation of the Customer Code of Conduct. Any costs will be insignificant enough to be absorbed by existing budgets. There will be a cost for printing a brochure and flyer. Those can likely be made in-house at a lesser cost than using an outside printer. Also, some staff hours will be spent developing and implementing a training program for Operations staff and Transit Security, and in posting the Customer Code on Metro's website.

The costs associated with creating any transit court are not considered in this report.

BACKGROUND

The Board members who suggested creation of this Customer Code were particularly interested in the development of alternatives for enforcement of our existing rules. During the project, a bill was passed in the California legislature to de-criminalize Penal Code Section 640 and give Los Angeles and San Francisco transit authorities the option of creating a transit court. At the same time the Los Angeles Superior Court asked Metro to consider other options enforcement for Metro citations under Penal Code Section 640. For these reasons we incorporated into the Customer Code the concept of a transit court option.

Sector Governance Council members have been very supportive of this project. Persons from other transit agencies have expressed interest in what we are doing for possible adoption of a similar document at their agencies.

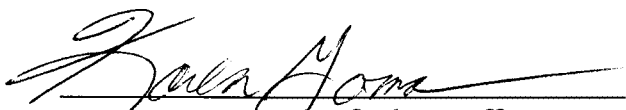
NEXT STEPS

Following this presentation, the Customer Code will be made available for public comment. At next month's Board meeting we anticipate that Transit Security will make a presentation concerning the related matter of the transit court. If the transit court proposal is adopted it will take 6 months to have that process ready, so upon our return to have this Customer Code adopted, we would ask that it be made effective on July 1, 2008, to correspond with the date that process is ready to proceed. During the interim, a bail schedule would be created, brochures would be printed and other communications strategies will be developed, and training would take place. If the transit court option is not adopted, then the Customer Code may be made effective 30 days after it is adopted at a subsequent Board meeting without further delay.

ATTACHMENTS

- A. Proposed Metro Customer Code of Conduct

Prepared by: Karen Gorman, Chief Ethics Officer



Karen Gorman, Chief Ethics Officer
Chair of the Customer Code of Conduct Committee

TITLE 6
Chapter 6-05
Customer Code of Conduct

Values

6-05-010 Values

- A. Patrons shall use the Metro system in a ~~frugal, responsible, compliant~~ manner to preserve and protect the aesthetics, and promote the longevity, of this essential public resource for greater mobility in Los Angeles County.
- B. Patrons shall treat other patrons and Metro representatives with consideration, patience, respect, and civility to allow use, operation, and enjoyment of the Metro system in a safe and gratifying manner for all persons.

Definitions

6-05-020 Definitions.

- A. "Abuse" and "harassment" means any extreme physical or verbal mistreatment, including hitting, kicking, gestures, yelling, spitting, threats, intimidation, assaults, slurs, and cursing.
- B. "Commercial activity" means any for-profit activity including selling goods, food, services, or distributing commercial materials.
- C. "Fare" means the monetary charges established by Metro for the use of its facilities and vehicles.
- D. "Fare media" means the methods by which fares are paid, issued by or on behalf of Metro for the payment of fare, including tokens, passes, cards, transfers, tickets, and vouchers.
- E. "Graffiti" means any unauthorized inscription, word, figure, mark, or design that is written, marked, etched, scratched, drawn, or painted on Metro facilities or vehicles.
- F. "Loitering" means unnecessary lingering in Metro facilities or vehicles or other location where it interferes with a Metro facility or vehicles or use thereof.
- G. "Metro" means the Los Angeles County Metropolitan Transportation Authority and its subsidiary, Public Transportation Services Corporation, and their contractors.
- H. "Metro representative" means a Metro transit police officer, operator, fare inspector, or other authorized Metro employee, board or sector council member, or contractor.
- I. "Metro facility" means all property and equipment, including rights of way and related trackage, rails, signals, power, fuel, communication systems, ventilation systems, power plants, cameras, signs, loudspeakers, fare collectors or registers, sound walls, stations, vacant parcels, bike paths, terminals, platforms, plazas, waiting areas, signs, art work, storage yards, depots, repair and maintenance shops, yards, offices, parking areas, and other real estate or personal property owned or leased by Metro, used for any Metro activity, or authorized to be located on Metro property.

- J. "Metro vehicle" means a Metro bus, train, car, or other vehicle owned, operated, or used by Metro or its contract service providers transporting Metro representatives or patrons.
- K. "Nonpublic" areas mean train operators' cabs, bus operators' seats, closed-off areas, mechanical or equipment rooms, Metro employee only areas, storage areas, interior rooms, tracks, roadbeds, tunnels, shops, barns, train or bus yards, garages, depots, areas marked as restricted or dangerous, and underground areas.
- L. "Patron" and "Customer" mean any person in or on, using or attempting to access, a Metro facility or vehicle including without limit paying riders.
- M. "Peak hours" means 6:30 a.m. to 8:30 a.m. and 4:30 p.m. to 6:30 p.m., Monday through Friday, in the direction of the heaviest flow of riders.
- N. "Person" includes an individual, firm, partnership, corporation, association, or company.
- O. "Rules" or "Code" or "Customer Code of Conduct" means Title 6 of Metro's Administrative Code as amended from time to time.
- P. "Sound device" means a radio, receiver, communication device, phonograph, television, musical instrument, tape recorder, cassette player, CD player, MP3 player, DVD player, game, speaker system, audio system, sound amplifier, or other device that plays music or emits noise. Sound device does not include assistive hearing devices for persons who have impaired hearing.
- Q. "Weapon or instrument intended for use as a weapon" includes but is not limited to firearms, switchblade knives, axes, gravity knives, box cutters, straight razors, unpackaged razor blades, swords, nunchucks, explosives, dangerous chemicals or devices, radioactive materials, and highly combustible materials.
- R. "Wheelchair" means, pursuant to Federal Transit Administration Section 37.3, a mobility aid belonging to any class of three- or four-wheeled devices, usable indoors, designed for and used by individuals with mobility impairments, and either motorized or operated manually.

Conduct

6-05-030 Animals.

- A. Animals are not permitted in Metro facilities or vehicles, unless one of the following applies:
 - 1. The animal is in a secure carrier;
 - 2. The animal is a certified police or security animal and is accompanied by a peace officer; or
 - 3. The animal is a service animal, as defined by the Americans with Disabilities Act, and is accompanied by a patron. A Metro representative may ask whether an animal is a pet and what service the animal performs for the handler.
- B. Handlers shall maintain control of their animals. No animal is permitted in a Metro facility or vehicle that is not under the control of its handler or poses a threat to a Metro representative or patron. A non-service animal may be ejected if it unreasonably annoys patrons.
- C. Handlers of animals shall promptly remove all animal waste from Metro facilities and vehicles. Leaving animal waste in a Metro facility or vehicle is prohibited.

- D. Handlers must ensure that an animal shall not deprive a patron of a seat or block an aisle.

6-05-040 Bicycles and Skates.

- A. Bicycles, including skates, skateboards, scooters, razers, and other wheeled riding devices, may not be ridden in Metro facilities or vehicles, except for public bike or road ways clearly intended for those types of devices.¹
- B. A person may carry or walk wheeled riding devices in a safe manner on Metro facilities to park or board Metro vehicles.²
- C. Tandem, three-wheeled, or fuel-powered bicycles are not permitted in Metro facilities or vehicles. Recumbent bicycles can not be over 6 feet long.
- D. A person who enters a Metro facility or vehicle with a bicycle must do the following:
 - 1. Hold a bicycle when it is not in the rack.
 - 2. Use available bicycle racks.
 - 3. If racks on a bus are full, wait for the next bus.
 - 4. Inform the bus operator before exiting that you will be removing a bicycle from a rack in front of the bus.
 - 5. Not block aisles, doorways, or operators' exit way.
 - 6. Board at bicycle-designated doors and keep the bicycle in bicycle-designated areas, such as non-operating cab areas.
 - 7. Not board trains during peak hours.
 - 8. Not board overcrowded trains where to do so could cause a safety hazard.
 - 9. Not take the bicycle down train aisles.
 - 10. Yield space in designated areas to wheel chairs or other mobility devices for persons with disabilities.
 - 11. Load and unload bicycles from the front of a Metro bus to the curbside and not into traffic.
 - 12. Not attempt to access the bicycle rack after the bus has left the curb.
 - 13. Use elevators, not escalators, to transport bicycles or other wheeled devices in Metro facilities.
- E. Restrictions in this section on bicycles do not apply to wheelchairs or other mobility devices for persons with disabilities.
- F. Folded bicycles may be carried into a Metro vehicle at any time without using the rack or waiting for non-peak hours.

6-05-050 Blocking. The following acts are prohibited in Metro facilities and vehicles:

- A. Willfully blocking or impeding the free movement of another person.³
- B. Blocking an aisle, elevator, escalator, door, or stairway with one's body or an object, in a way that poses a danger, unreasonably impedes a patron's movement, or displaces a person.
- C. Operating, stopping, or parking a vehicle in a location that is reserved for transit vehicles or is otherwise restricted.⁴
- D. Obstructing or impeding the flow of a Metro vehicle or interfering with the operation or use of transit services.
- E. Preventing a door from closing.
- F. Reclining on, placing objects on, or blocking a seat.

- G. Occupying more than one seat.
- H. Willfully interfering with the operator or operation of a Metro vehicle in a manner that affects the operator's control of the vehicle.⁵
- I. Impeding the safe boarding or exiting of passengers.⁶

6-05-060 Boarding, Exiting, and Seating.

- A. To safely ride a Metro vehicle it is best to do the following:
 - 1. Arrive early to purchase a ticket.
 - 2. Have fare media ready to show to a Metro representative or to insert into the fare collection device before boarding.
 - 3. Board and exit Metro facilities and vehicles only at designated stops.
 - 4. Check the head (destination) sign or ask the operator for the route number and destination to board the correct route.
 - 5. To board buses, wait on the sidewalk by the bus sign, away from the curb, and to board trains, wait on the platform, away from the edge. Signal a bus operator to stop by waving hands from the sidewalk without touching the bus.
 - 6. Wait until the Metro vehicle comes to a complete stop and the door opens fully before attempting to board.
 - 7. Do not attempt to board by running to a moving Metro vehicle.
 - 8. Wait for exiting patrons to leave before boarding a Metro vehicle.
 - 9. Do not attempt to board a Metro vehicle that is already filled to maximum capacity.
 - 10. Only board at the front of a bus unless tickets are obtained prior to boarding.
 - 11. Use handrails to board or exit a Metro vehicle. Hold handrails when in a Metro vehicle, or remain seated until the Metro vehicle stops.
 - 12. Inform the operator if use of an available lift, kneel, or ramp device is necessary to board or exit a Metro vehicle. When boarding a Metro vehicle lift with a wheelchair, use the wheelchair brake while on the lift and while the Metro vehicle is moving, allow the operator to secure the wheelchair, use the handrails, be alert to hazards, follow operator instructions, and observe other safety requirements.
 - 13. Do not cause unreasonable delays in boarding or exiting.
 - 14. Do not sit or stand in stair or door wells or by bus doors and stay behind the safety line when the Metro vehicle is moving.
 - 15. Ask operators questions only when boarding, exiting, or when the vehicle is stopped.
 - 16. During peak hours or other crowded conditions move as far back in a bus as possible.
 - 17. Watch for the desired destination and use the automated signage or, if necessary, ask the operator in advance of a stop to call out the desired stop if no automated audio announcement is operating on the Metro vehicle.
 - 18. One block before a desired bus stop, signal the operator to stop by pressing the rubber strip or pulling the cord located next to the windows.
 - 19. Be near the door and promptly exit when the vehicle arrives at the desired stop.
 - 20. When approaching a desired stop with a bicycle, inform the operator before attempting to remove the bicycle from the bicycle rack.

21. Whenever possible, exit using the rear door of a Metro vehicle to speed the boarding of new passengers through the front door.
 22. Remove all personal belongings, including newspapers and trash, when exiting a Metro vehicle.
 23. Step away from a Metro vehicle after exiting. Wait for the Metro vehicle to leave before attempting to retrieve an item dropped outside the Metro vehicle. Never attempt to retrieve an item dropped on Metro train tracks. Use the platform or station intercom to request assistance to retrieve such items.
 24. Become familiar with the exits and any emergency signs in the Metro facilities and vehicles.
 25. Do not cross the street in front of a bus except in a cross walk with a traffic control device.
 26. Report any suspicious activity or package to law enforcement or a Metro representative.
- B. The following acts are required in Metro facilities and vehicles:
1. Never go onto a track except through designated crossings and never step or put arms, legs, or objects in the path of a Metro vehicle.
 2. Maintain control of children at all times in or on Metro vehicles or facilities including when a Metro vehicle is approaching.
 3. Do not signal in the path of or by touching the bus when it is moving.
 4. Yield priority, reserved, wheelchair, or similarly designated seating to senior citizens and passengers with disabilities.
 5. Do not leave trash in Metro facilities or vehicles.

6-05-070 Carts and Strollers.

- A. Commercial or large size carts, or dollies and strollers are prohibited on Metro vehicles, unless collapsed. If a small personal use size stroller is occupied by a child or small cart is filled, then it must be securely held and not block passageways.
- B. Carts, dollies, and strollers that create an unsafe condition are prohibited.
- C. During crowded conditions or peak hours, remove children from strollers and materials from carts, and collapse, or wait for the next Metro vehicle that has room for the cart or stroller. This provision does not apply to wheelchairs or other mobility devices for persons with disabilities.
- D. In Metro facilities carts and strollers are to be transported in elevators, not on escalators.

6-05-080 Civility, Compliance, and Cooperation.

- A. Abuse and harassment of Metro representatives or patrons is prohibited in Metro facilities and vehicles.
- B. A person must comply with all lawful orders and directives given by an authorized Metro representative relative to Metro facilities or vehicles consistent with the Code including any instruction to leave a Metro vehicle or facility for safety reasons, for a violation of the Code, or following a notice of exclusion.
- C. A person must provide accurate and complete information and documentation when lawfully requested to do so by an authorized Metro representative.

- D. A person may not falsely represent himself or herself to be a Metro representative through words, actions, clothes, insignia, badge, or equipment.
- F. A person must wear a shirt, pants or skirt, and shoes, while in a Metro facility or vehicle. Infants being held or in strollers and persons in wheelchairs are not required to wear shoes.
- G. Patrons unable to care for themselves, who do not exhibit an ability to comply with Metro's Code, or who pose a safety risk, must be accompanied by a service animal or a responsible individual who can care for the Patron when in a Metro facility or vehicle.

6-05-090 Commercial Activity.

- A. Persons must not engage in commercial activity in a Metro facility or vehicle without first obtaining a Metro permit and paying all required fees.
- B. Persons who engage in permitted commercial activity in a Metro facility or vehicle must comply with all Metro instructions, safety requirements, and applicable laws.
- C. Commercial activity is prohibited on loading platforms and in any location where it interferes with transit services or the movement of patrons or where it creates a safety hazard.

6-05-100 Disorderly Conduct. The following acts are prohibited in Metro facilities and vehicles:

- A. Expecterating (spitting).⁷
- B. Carrying any explosive, acid, flammable liquid, or toxic or hazardous material.⁸
- C. Urinating or defecating, except in a lavatory. This subsection does not apply to a person who cannot comply as a result of disability, age, or a medical condition.⁹
- D. Throwing an object at a patron, Metro representative, or a Metro facility or vehicle.
- E. Gambling to win money or anything of value.
- F. Hanging from, swinging from, or attaching anything to hand rails. This does not apply to holding a hand rail to stabilize one's body during transit.
- G. Inciting violence or posing a clear and present danger to other persons, including making verbal or visual gang affiliation or provocation signs.¹⁰
- H. Intimidating or harassing another person.
- I. Engaging in or soliciting another person to engage in lewd conduct.¹¹
- J. Engaging in or soliciting another person to engage in prostitution.¹²
- K. Placing feet or shoes on seats or furnishings.
- L. Defacing with graffiti, vandalizing, damaging, destroying, or tampering with Metro facilities or vehicles.¹³
- M. Littering or dumping.
- N. Injuring another person or damaging another person's property or possessions.¹⁴
- O. Engaging in any unsafe activity including those described in Safety subsection 6-05-190 of the Code.
- P. Throwing an object from a Metro vehicle.¹⁵

6-05-110 Food, Alcohol, and Drugs. The following acts are prohibited in Metro facilities and vehicles:

- A. Eating, drinking, smoking, or carrying a lit cigar, cigarette, or pipe, except in designated areas permitting that activity.¹⁶

- B. Placing chewed gum onto any surface in a Metro facility or vehicle other than into a trash receptacle.
- C. Drinking or possessing in an open container an alcoholic beverage, except in designated areas where there is notice that drinking alcohol is permitted and all required permits have been obtained. Permits from Metro will only be granted if part of a scheduled special event, if the proposed location is not in use for transit purposes during the event.
- D. Possessing an illegal drug or substance.
- E. Being under the influence of alcohol, a drug, a controlled substance, toluene, or any combination of those items, and unable to care for one's own safety or the safety of others, or interfering with the use of a Metro facility or vehicle.¹⁷
- E. Creating a public nuisance or a health hazard by dropping food other than in a proper waste disposal receptacle.
- F. Smoking is also not allowed within 20 feet of any Metro facility entrance, exit or operable window.¹⁸

6-05-120 Loitering.

- A. Loitering is prohibited in Metro facilities and vehicles.¹⁹
- B. Loitering includes the following:
 1. Storing personal property in a Metro facility or vehicle.
 2. Camping in a Metro facility or vehicle.²⁰
 3. Sleeping in a Metro facility or vehicle other than while riding in a bus or train for a transportation purpose.
 4. Remaining in a Metro facility or vehicle without lawful transportation purpose or refusing to provide identification.²¹

6-05-130 Lost and Found.

- A. Items found in a Metro facility or vehicle shall be turned in to a Metro operator or customer service center personnel, who will forward the items to the Metro lost and found.
- B. Items can be claimed in person at the Metro lost and found by providing proof of ownership. Items that remain unclaimed for 30 days will be discarded or donated to a charitable organization, without liability for Metro to anyone.
- C. Metro is not responsible for items lost in a Metro facility or vehicle.

6-05-140 Miscellaneous.

- A. The Code is not intended to affect lawful activity or first amendment rights protected by state or federal law, including laws related to collective bargaining, labor relations, or labor disputes.
- B. Metro reserves the right to suspend, waive, modify, limit, or revoke the application of the Code.
- C. Metro may refuse service, or access to Metro facilities or vehicles, including eject or exclude, to any person who does not comply with the Code or applicable laws.
- D. The Code incorporates all relevant applicable legislative changes that occur after the date the Code are adopted.
- E. Acts prohibited under the Code are permitted if authorized by agreement, permit, license, or a writing signed by an authorized Metro representative.

- F. The Code applies with equal force to any person who aids or abets in any of the acts prohibited by the Code or in the avoidance of any of the requirements of the Code.

6-05-150 Noise. The following acts are prohibited in Metro facilities and vehicles:

- A. Disturbing others by engaging in boisterous or unruly behavior.²²
- B. Creating noise, including unnecessary cell phone or other conversation, that is so loud, lengthy, sexually explicit, threatening, violent, or disruptive, that it causes a nuisance or unreasonably interferes with the use, operation, or enjoyment of the Metro facilities or vehicles for Metro representatives or patrons, or creates an unsafe condition, such as distracting operators of Metro vehicles.
- C. Playing a sound device, except when using headphones or earphones that make the sound inaudible to others unless a permit has been issued for usage of such sound device by Metro.²³

6-05-160 Odors.

- A. A person may not be in a Metro facility or vehicle with an unavoidable grossly repulsive odor so extreme it causes a nuisance, unreasonably interferes with the use, operation, or enjoyment of the Metro facilities or vehicles for Metro representatives or patrons, or creates an unsafe condition.
- B. Extreme odors may arise from a variety of sources, including one's body, possessions, clothing, food, chemicals, or accompanying animals.

6-05-170 Parking and Use of Metro Facilities and Vehicles.

- A. Parking a vehicle at a Metro facility shall not exceed the posted allowed period of time.
- B. Parking or storage of items in Metro facilities may only be used for the designated Metro related transportation purposes.
- C. A person may not perform non-emergency maintenance on a non-Metro vehicle at a Metro facility unless authorized by Metro.
- D. Driver training is prohibited at Metro facilities unless authorized by Metro.
- E. A person may not enter nonpublic areas in Metro facilities or vehicles, unless authorized by Metro.
- F. Persons wishing to hold an event, special meeting, or use for commercial purposes, a Metro facility or vehicle, should contact Metro for information on its policies and procedures, and obtain its approval, for such use.

6-05-180 Photography and Recording.

- A. A person may not photograph, film, duplicate, record, or sketch a Metro facility or vehicle for commercial purposes, without first obtaining a Metro permit and any other required permits, and paying all required fees.
- B. A person who is ~~permitted by Metro to~~ photographs, films, duplicates, records, or sketches a Metro facility or vehicle must comply with all Metro instructions, safety requirements, agreements, licenses, and applicable laws including copyright laws.
- C. A person may not photograph, film, duplicate, record, or sketch a Metro facility or vehicle in a manner, time, or place that interferes with or creates a risk to the operation, safety, or security of Metro representatives or patrons.

6-05-190 Safety.

- A. The following acts are prohibited in Metro facilities and vehicles:
 - 1. Attaching to, hanging from, or riding on any part of the outside of a Metro vehicle, or being inside an area in which the public are prohibited. This section does not apply to an employee conducting Metro business.²⁴
 - 2. Interfering with the safe operation or movement of a Metro vehicle.
 - 3. Abandoning personal items.
 - 4. Throwing or kicking a ball, disc, or other object where it is not safe to do so.
 - 5. Standing, lying, or climbing on a sign, bench, passenger shelter, trash container, or planter.
 - 6. Extending anything in the path of or through a door or window on a Metro vehicle.
 - 7. Entering or crossing rail tracks in a Metro facility, except in marked crosswalks or designated waiting areas, or at the direction of a Metro representative.
 - 8. Engaging in sport, horseplay, or recreational activities.
 - 9. Creating a danger to other persons.
 - 10. Extending any portion of the body through any window opening of a Metro vehicle in an unsafe manner.²⁵
- B. To avoid injury, patrons must use care at all times when on or in a Metro facility or vehicle.
- C. Patrons should be alert and promptly report to Metro or law enforcement any unsafe condition, broken equipment, or suspicious activity, odor, or package.
- D. Emergencies should be reported immediately to a Metro representative, law enforcement, or emergency personnel. Emergencies may be reported using telephones or intercoms if available in the Metro facilities or vehicles.
- E. If a Metro representative or other authorized personnel evacuates a Metro facility or vehicle, patrons shall promptly and orderly follow instructions to avoid injury to other persons.
- F. No person shall commit any act or engage in any behavior that may, with reasonable foreseeability, cause harm or injury to any person or property.²⁶
- G. Elevators shall not be used in a Metro facility in the event of a fire.

6-05-200 Signs.

- A. No person shall affix or post signs, stickers, buttons, advertisements, circulars, or other printed materials on or in Metro facilities or vehicles. Prior written permission must be obtained from Metro prior to placing, posting, or displaying a poster, notice, advertisement, sign, or other written material on a Metro facility or vehicle.
- B. No persons shall destroy, cover, deface with graffiti, remove, damage, or tamper with a Metro poster, sign, advertisement, or notice, unless authorized by Metro.
- C. Persons shall obey any sign that is intended to provide for the safety and security of transit passengers or the transit system.²⁷
- D. Persons shall also obey all other notices and signs posted by Metro in a Metro facility or vehicle.

- E. The carrying of signs or stick-like items into any Metro facility or vehicle shall be limited and subject to those restrictions set forth in subsection 210 Solicitation herein.
- F.

6-05-210 Solicitation.

- A. No person shall solicit money or other things of value in a Metro facility or vehicle.²⁸
- B. No person shall solicit public support, or distribute materials, for any cause in Metro vehicles and in underground or non-public areas of Metro facilities where the distribution is disruptive, presents a safety hazard, or impedes the movement of Metro patrons.
- C. The exercise of freedom of speech is permitted in Metro facilities and vehicles, subject to the following restrictions:
 - 1. Activity at a rail station is limited to street level areas and areas which are not platform waiting areas for patrons.
 - 2. Activity may not occur within fifteen (15) feet of an elevator, escalator, stairwell or staircase entryway, above-ground platform, loading zone, kiosk, transit entrance or exit, emergency exit or telephone, fare vending machine, or fare media readers or validators, or customer service station.
 - 3. Activity may not impede transit services or the movement of patrons or Metro personnel.
 - 4. Pamphlets and leaflets may not be left unattended in a Metro facility or vehicle.
 - 5. The carrying of signs or placards larger than thirty (30") inches by thirty (30") inches, in Metro facilities or vehicles is prohibited. Large signs can be folded or rolled up to comply with the 30" by 30" restriction. No pole, stick, or other similar object or device utilized to display a sign shall exceed a length of thirty inches (30"), nor shall such object exceed a thickness of one-quarter inch (1/4") and a width of two inches (2"); or if not generally rectangular in shape, such object shall not exceed three-quarters inch (3/4") at its thickest dimension. This limitation is not intended to prohibit walking canes, crutches, or similar device used for mobility assistance by a person with a disability. No object shall have an exposed sharp pointed end.
 - 6. Carrying of any such signs or sticks must not to interfere with the movement, seating, or safety of patrons or Metro personnel.
 - 7. Food and drinks shall not be distributed in Metro facilities or vehicles except by Metro or persons who obtain a permit from Metro.
 - 8. Tables and portable equipment are prohibited, unless approved by Metro.

6-05-220 Weapons:

- A. A weapon or instrument intended for use as a weapon shall not be discharged or directed at a Metro facility or vehicle, or at a person or object in a Metro facility or vehicle.²⁹
- B. Entering a Metro facility or vehicle with a weapon or instrument intended for use as a weapon is prohibited.³⁰ This provision does not apply to law enforcement or security personnel.

Fares

6-05-230 Fares.

- A. Patrons who ride Metro vehicles or use Metro services must pay all applicable fares and fees.
- B. Patrons shall show proof of payment of fare upon request by a Metro representative.
- C. Evading payment of a Metro fare is prohibited.³¹ Fare evasion includes the following:
 - 1. Boarding a Metro vehicle or entering a Metro facility platform or other fare-required zone, without adequate cash or proof of valid fare media.
 - 2. Duplicating, counterfeiting, altering, or transferring any nontransferable fare media without Metro authorization.
 - 3. Placing anything other than valid coin, tokens, United States currency or other valid fare media, into a fare box, ticket machine, pass reader, or other fare validation or collection device.³²
 - 4. Falsely representing oneself as eligible for a waiver or a special or reduced fare, or obtaining fare media by making a false or misleading representation.
 - 5. Refusing to show proof of valid, validated, unexpired fare media upon request by a Metro representative.
 - 6. Misusing fare media with the intent to evade payment of a fare.³³
 - 7. Unauthorized use of a discount ticket or failing to present upon request by Metro or within 72 hours thereafter, acceptable proof of discount eligibility to use a discount ticket.³⁴
 - 8. Boarding through a rear bus door to avoid payment of fare.
 - 9. Entering a Metro vehicle or facility when any penalty, fees or assessments for violation of the Code is past due or during any exclusion period.
 - 10. Entering a Metro vehicle or facility in such a way as to bypass or avoid any fare-required zone barriers such as media collection or validation machines or Metro representatives collecting fares.
- D. No payment will be made to patrons who overpay the required fare or who are ejected or excluded from Metro facilities or vehicles for violating the Code or applicable laws.

Enforcement

6-05-240 Enforcement.

- A. Violations. A person who violates the Code is subject to citation and imposition any and all remedies, fines, criminal sanctions, damages, and penalties available by law. The Code includes by incorporation the provisions of Section 2, Chapter 8 commencing with Section 99580 of the Public Utilities Code. A person who violates any of the Code may be ejected by order of an authorized Metro representative and may be excluded from all or a portion of Metro vehicles and facilities for some period in addition to any other fine, penalty, assessment, or other remedy available at law. The procedures for exclusion are those set forth in subsections B-G of this Enforcement Section. Enforcement of any of any provisions of the Code involving the payment of any fees, penalties or other

administrative amounts, or community service, by adults including those Code based on Penal Code Section 640 and Public Utilities Code Section 99170 shall be according to the procedures set forth in the Public Utilities Code including Section 99580 et seq. or otherwise as provided by law. The procedures set forth in Section 99580 et seq. shall not apply to minors, who shall be subject to enforcement as provided by law.

1. A person who violates the Code may be immediately ejected from the Metro facility or vehicle, without refund of any fare, by an authorized Metro representative who witnesses a violation.
 2. A person who violates the Code is subject to an administrative fine or other penalty for each violation, as specified in the Metro fine schedule approved by the Board of Directors or Chief Executive Officer up to the maximum amount provided by law. The Metro fine schedule shall include fees, administrative penalties, late payment fines, and collection recovery costs, and other such amounts. To determine the Metro fine schedule, the costs to the agency, the Consumer Price Index and other relevant factors shall be considered.
 3. A person who violates the Code is subject to the payment of restitution if the violation involves damages in court proceedings.
 4. A violation of the Code that is also a violation of a local, state, or federal law may be prosecuted in a court proceeding by the appropriate authority, in addition to any enforcement by or remedies available to Metro.
 5. Failure to comply with an exclusion notice may result in fines and citation for trespass and other applicable criminal and civil remedies.
 6. Metro may establish procedures concerning the administration of any hearing provided such procedures are not in conflict applicable law or the Code, and are approved by the Metro Board or the Chief Executive Officer.
 7. The Board of Directors or Chief Executive Officer shall designate the officers, employees, consultants or contractors who shall be authorized to issue citations, order ejections, or otherwise carry out the duties under the Code and any requisite training for such persons.
- B. Exclusion. A person, who violates the Code or a law in a Metro facility or vehicle, may be excluded from all or part of Metro facilities and vehicles either indefinitely or for a period of time specified in the Metro fine schedule or notice provided pursuant to subsection C-G below unless otherwise determined by a Metro representative. A person excluded under the Code may not enter a Metro facility or vehicle during the period of exclusion. Metro may take any reasonable steps necessary to enforce an order of exclusion as is necessary for the safety of the public and to avoid interference with the operation of Metro vehicles and facilities.
- C. Notice. Written notice of exclusion for a violation, shall be given by Metro, or its authorized representative by in-person delivery, mail, or if the person does not provide Metro or its representative with a valid current address, then by posting in a public place on Metro property. Notice is deemed received on the date of personal delivery or five (5) days after the date the notice is mailed or posted. The notice shall specify the reason for exclusion or citation, the places or transit lines from which the person is excluded, the duration of exclusion, the consequences for failing to comply with the terms of exclusion, and the right to seek review or appeal the decision. Any exclusion shall begin on the third day following receipt of the

notice unless otherwise specified in the notice. The exclusion, or other remedy, shall be suspended upon Metro's receipt of a request for review and until the review is decided. In lieu of any procedure described herein, Metro may utilize the procedures set forth in the Public Utilities Code including Section 99581, provided notice of the procedures to be used are set forth in the notice or citation provided to the patron. The address for any notices from a patron to Metro, or posted notices from Metro to a patron, shall be Metro, One Gateway Plaza, CA 90012, Attention: Transit Adjudication Bureau, unless otherwise specified in the citation or notice.

- D. **Review Request.** An excluded person may request review of the exclusion in writing or in person or as otherwise provided in the citation or notice, within ten (10) days after they have received the exclusion or citation notice from Metro. A request is deemed received by Metro when it is personally delivered to Metro, or five (5) days after it is mailed to Metro. The excluded person may request that the exclusion be rescinded or waived for good cause, that the places of exclusion be altered, or that the duration of exclusion be reduced. The request must include a copy of the exclusion notice or citation or the number assigned to the citation, a request for review, and any written (unless otherwise provided in the citation) statement (and any supporting documentation) to explain why the exclusion should be rescinded, waived, altered, reduced or otherwise modified. A Metro representative shall thereafter provide written notice as provided in subsection C herein, of Metro's decision on the request for review. The decision of the Metro representative shall be effective upon excluded person's receipt of notice as described in subsection C herein.

Any citation for unauthorized use of a discounted fare media shall be voided if the patron provides to Metro proof of eligibility for use of the discounted fare within seventy-two hours of receipt of the citation.

- E. **Appeal Hearing.** An excluded person may appeal a review decision if notice as provided herein of the appeal is received by Metro within five (5) days after the decision on the request for review is deemed received by the excluded person. The exclusion shall be suspended upon Metro's receipt of a request for appeal and until the appeal is decided. If an excluded person provides timely notice of appeal, a Metro representative shall schedule a public hearing after the receipt of the notice of appeal. Hearings shall be scheduled no earlier than the next day after the excluded person's receipt of the notice provided in accordance with section C here, of the public hearing date. The hearing shall be conducted by a hearing official who is fair and impartial. The excluded person is not required to attend the hearing. The excluded person may ask for the matter to be determined based upon the documentation they provide. No Metro representative shall be required to attend the hearing. Metro may submit a copy of the citation, notices, and any documentation or statement of the Metro representative issuing the citation shall be received into evidence. The copy of the citation submitted shall be prima facie evidence of the facts stated in them establishing a rebuttable presumption affecting the burden of producing evidence. At the hearing, Metro and the excluded person may present evidence including testimony to the hearing official and may question witnesses. The hearing official's decision is final and shall be based on a

preponderance of the evidence. Continuances are disfavored but may be ordered by the hearing official. The hearing official may authorize the recording of the hearing.

- F. **Schedule.** Metro shall adopt a fine schedule of administrative penalties and any additional procedures in furtherance of enforcement of this Code as necessary, the durations and areas of exclusion, and the consequences for failing to comply. The schedule may be based on the type of violation, the person's previous record, and any other relevant factors.

¹ Penal Code § 640(b)(10)

² Penal Code § 640(b)(10)

³ Penal Code § 640(b)(9)(A)

⁴ Vehicle Code § 22500(i); Vehicle Code § 22523(b)

⁵ Vehicle Code § 21701

⁶ Public Utilities Code §99170(a)(2)

⁷ Penal Code § 640(b)(5)

⁸ Penal Code § 640(b)(7)

⁹ Penal Code §§ 640(b)(5) & (8)

¹⁰ Penal Code §§ 241.3 & 245.2

¹¹ Penal Code § 647(a)

¹² Penal Code § 647(b)

¹³ Penal Code § 594; Penal Code §§ 640.5-640.8

¹⁴ Penal Code §§ 243.3 & 243.35

¹⁵ Public Utilities Code §99170(a)(4)

¹⁶ Penal Code § 640(b)(4)

¹⁷ Penal Code § 647(f)

¹⁸ Government Code § 7597(a)

¹⁹ Penal Code § 647(h)

²⁰ Penal Code § 647(j)

²¹ Penal Code § 647(h)

²² Penal Code § 640(b)(6)

²³ Penal Code § 640(b)(3)

²⁴ Vehicle Code § 21203; Vehicle Code § 21712

²⁵ Public Utilities Code §99179(a)(3)

²⁶ Public Utilities Code §99170(a)(5)

²⁷ Public Utilities Code §99170(a)(6)

²⁸ Penal Code § 647(c)

²⁹ Penal Code § 245.2; Penal Code § 247(b)

³⁰ Penal Code § 653k

³¹ Penal Code § 640(b)(1)

³² Penal Code § 640a

³³ Penal Code § 640(b)(2)

³⁴ Penal Code §§ 640(b)(11)(A) & (B)