



**DATE:** April 9, 2014

**TO:** Transit Task Force Members

**FROM:** Carlos de Leon  
Deputy Director, Transportation

**SUBJECT: Proposed Ordinance - General Provisions Related to City Transit System**

At the next Transit Task Force meeting, staff will be providing information on a proposed ordinance, which would amend Chapter 30 of the Tucson City Code to allow for streetcar fare enforcement, prohibit vehicles from blocking the streetcar system, and address inappropriate behavior affecting the health and safety of passengers on the entire transit system.

Staff Recommendation – Staff is planning to present the proposed ordinance to Mayor and Council on May 6 and will recommend that the ordinance be placed on an upcoming Council meeting for formal approval.

Background – The Sun Link Streetcar system is scheduled to begin service in July, 2014. Ensuring the proper collection of fares, providing a safe and comfortable ride for all passengers, and ensuring that the streetcar vehicle can operate without obstruction are key issues to increasing ridership and farebox recovery. Currently, the City of Tucson does not have an enforcement code which deals specifically with these key issues.

*Streetcar Fares.* Unlike the bus system which requires passengers to board through a door by the driver and pay a fare or display their smart card to the driver, the streetcars will operate on an proof-of-payment system. Passengers will be required to purchase their Sun Go fare media before boarding, either through Sun Tran outlet/on-line or at ticket vending machines at streetcar stops. Once the passenger boards the streetcar vehicle, they will be required to tap their Sun Go fare on a validator which tracks fares and subtracts the fares from the card.

To ensure that passengers have paid proper fares for using the streetcar, fare transit enforcement agents will randomly board streetcars and check Sun Go fares with hand-held fare readers, which will show whether the fare is valid. An enforcement code is needed to allow the enforcement agents to issue citations for invalid fares.

*Parking.* Testing along the streetcar line has demonstrated that parked vehicles may block the streetcar path, which can stop the streetcar operations and result in traffic congestion. Further refinement of parking requirements through the enforcement code is needed to deal with parked vehicles which block the streetcar operational right-of-way.

*Passenger Behavior.* Currently, the City of Tucson has no enforcement code that specifically addresses inappropriate transit passenger behavior, which affects the health and safety of passengers on the City of Tucson's transit systems. Other cities in Arizona such as Phoenix, Tempe and Mesa have adopted ordinances that outline inappropriate conduct on a transit vehicles and allow for enforcement agents to cite behavioral violations.

Present Considerations – Once the Sun Link streetcar system begins operation in July 2014, it will be necessary for an ordinance to be in place that will provide the City of Tucson the tools to enforce fares, ensure for the health, safety, and security of passengers, and regulate parked vehicles next to the streetcar trackway. Based on a review of Phoenix, Tempe, and Mesa transit enforcement codes, staff from the Transportation Department, City Attorney's Office, and Police Department developed the attached draft ordinance.

The draft ordinance, which is provided in Attachment A, is divided into five major sections. The first section, 30-5, provides definitions for key terms used in the ordinance. The second section, 30-6, defines the duties and power of the enforcement agents, which include a peace officer and, fare inspector or a transit enforcement aide. The third section, 30-7, specifies unlawful fare and behavior violations on transit vehicles and at transit stops. This section also provides a definition for service animals, which are allowed on transit vehicles. In addition, this section regulates parking and boarding next to transit facilities, including the streetcar right-of-way. The fourth section, 30-8, specifies the conditions under which an individual may be restricted from using the transit system. The fifth section, 30-9, describes the civil penalties for violations under the proposed ordinance.

Financial Considerations – The proposed draft ordinance will allow transit enforcement agents to check for valid fares with the goal of minimizing fare evasion. Proper fare collection is an important part of the revenue needed to fund the streetcar operations and minimize the General Fund investment.

Legal considerations – The City Attorney's Office has provided input into the development of the proposed draft ordinance to ensure that code can effectively be implemented and does not conflict with other state or local laws.

Please contact me at 791-4371 if you have any questions about the above item.

cc: Daryl W. Cole, Transportation Director  
Albert Elias, Assistant City Manager

Attachments: A. Proposed (Draft) Ordinance - General Provisions Related to City Transit System

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ADOPTED BY THE  
MAYOR AND COUNCIL

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PROPOSED ORDINANCE

RELATING TO TRANSIT; AMENDING THE TUCSON CODE, CHAPTER 30 DEPARTMENT OF TRANSPORTATION: ADDING SECTOPMS 30-5 through 30-10; ESTABLISHING DEFINITIONS; PROVIDING TRANSIT ENFORCEMENT AUTHORITY, PROHIBITING UNLAWFUL ACTS; ESTABLISHING PENALTIES AND REMEDIES; AND DECLARING AN EMERGENCY

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF TUCSON, ARIZONA, AS FOLLOWS:

SECTION 1. The Tucson Code Chapter 30 is hereby amended by adding the following:

ARTICLE II.  
GENERAL PROVISIONS RELATING TO CITY TRANSIT SYSTEM

**Sec. 30-5. Definitions.**

**FARE:** A fee established by the City to ride on public transit as specified in Section 2-18 of this Code.

**IDENTIFICATION:** any government issued document that contains a photograph, date of birth, and physical description.

**OVERHEAD CATENARY SYSTEM (OCS):** A system of poles, overhead wires including contact wire, which supply traction power to the Sun Link system.

**PAID ZONE:** the inside of a transit vehicle or other areas as designated by appropriate signage or markings.

**PASSENGER:** any person occupying, riding or using any transit vehicle, boarding or alighting from such a vehicle, or waiting within a designated paid zone waiting area.

**PROOF OF FARE PAYMENT:** a valid pass or transit fare media valid for the time and day of use.

**SUN LINK:** the Streetcar transit system.

**SUN LINK OPERATIONAL RIGHT OF WAY (SLROW):** the area including all tracks (single and double) and the space extending four (4) feet beyond the furthest rail, and ten (10) feet from the Overhead Catenary System (OCS). The ROW also includes the substations and the poles and wires that make up the OCS.

**SUN SHUTTLE:** the public neighborhood circulator connecting to Sun Tran's fixed route or express service.

**SUN TRAN:** the public fixed route and express bus system.

**SUN VAN:** the public ADA paratransit system.

**TRANSIT ENFORCEMENT AGENT:** a person authorized to enforce this Article, including an employee of the City of Tucson, Tucson Police Department, ParkWise or an employee of a private entity which has entered into a contract with either the City, Tucson Police Department, ParkWise or a transit provider on behalf of the City.

**TRANSIT FACILITY:** any real property used for, or in connection with, the provision of transit services, and bus stops and shelters and streetcar stops.

**TRANSIT VEHICLE:** a Sun Link Streetcar, public bus, van or shuttle or other vehicle used to transport passengers.

**Sec. 30-6. Powers and Duties of Enforcement Agents.**

Sec. 30-6(1) A peace officer or transit enforcement agent is authorized to enforce the provisions of this Article.

Sec. 30-6(2) The presentment of any citation to the violator shall be considered sufficient and appropriate service.

Sec. 30-6 (3) Nothing in this Article is intended to limit the authority of the City or its peace officers from enforcing concurrently, or in the alternative, other remedies applicable at law, including those related to the crimes of theft of services and/or trespass.

Sec. 30-6 (4) A person who refuses to provide proof of fare payment when required, or otherwise violates any lawful regulation of this Article, may be removed from the transit vehicle by a transit enforcement agent at any transit facility or usual stopping place.

**Sec. 30-7. Specified Unlawful Activities.**

It is unlawful for any person to:

Sec. 30-7(1). Fare violations.

- (a) Occupy or ride in any transit vehicle that requires a fare without payment of the applicable fare;
- (b) Fail to exhibit proof of fare payment upon request of a transit enforcement inspector when occupying or disembarking from a transit vehicle;
- (c) Refuse to disembark a transit vehicle or transit facility upon demand of a transit enforcement agent;
- (d) Fail to provide his or her true name and address or identification to a transit enforcement agent when being served with a citation, or;
- (e) Fail to exhibit proof of fare payment upon request of a transit enforcement agent while waiting in a designated paid zone waiting area;

(f) Possess or sell stolen or counterfeit proof of fare payment.

**Sec. 30-7(2). Conduct violations.**

(a) Transport any item that blocks the aisle or the areas of the transit vehicle reserved for passengers in mobility devices or who use mobility aids;

(b) Possess an open container of alcohol or consume an alcoholic beverage in a transit vehicle or transit facility;

(c) Carry onto or aboard a transit vehicle or transit facility any flammable or explosive substance or hazardous materials;

(d) Hang onto or attach his or her body in any manner to any exterior part of a transit vehicle or touch a moving transit vehicle;

(e) Walk between coupled transit vehicles;

(f) Enter upon, occupy or remain upon the SLROW except as necessary to lawfully travel the roadway or sidewalk or board or alight a transit vehicle unless authorized by a valid permit;

(g) Throw an object at or from any transit vehicle or at any person or thing on or in any transit vehicle, or on any transit facility;

(h) Except for pedestrians, travel in any mode, including but not limited to, motor vehicle, bicycle, equestrian, roller skate, rollerblade, upon or across any transit station platform or Sun Link stop;

(i) Place any object on any portion of the SLROW;

(j) Interfere with the operation of a transit vehicle, transit facility or ticket vending machine;

(k) Interfere with the ingress or egress of any passenger on a transit vehicle or transit facility;

- (l) Use tobacco products, or carry any burning or smoldering substance, in any form, including an electronic cigarette, aboard a transit vehicle or within any space where posted signage prohibits smoking;
- (m) Operate a sound-emitting device, unless the only sound produced by such item is emitted by a personal-listening attachment (earphone or headphone) audible only to the person carrying the device producing the sound, except a peace officer, firefighter, transit employee, or emergency response professional, in the course of employment;
- (n) Light a flashlight, scope light, laser light or object that projects a flashing light or beams of light while inside a transit vehicle or towards a transit vehicle, except in an emergency;
- (o) Place feet on or lie down on the seat of a transit vehicle or place any article on the seat which would leave grease, oil, paint, dirt, blood, feces, urine or any other substance on the seat;
- (p) Expectorate, defecate, urinate in or upon a transit vehicle or transit facility except in a designated restroom;
- (q) Discard litter in or upon a transit vehicle or transit facility, other than in a designated receptacle
- (r) Light or detonate sparklers, firecrackers or other types of pyrotechnic devices in or upon a transit vehicle, or transit facility;
- (s) Injure, mutilate, deface, alter, change, displace, remove or destroy any sign, notice or advertisement on or in any transit vehicle, transit facility;
- (t) Disobey the instructions of any traffic signal, security notice, sign or marker unless otherwise directed by a transit enforcement agent;
- (u) Recklessly damage, deface, mutilate or tamper with a transit vehicle or transit facility so as to impair its function or value;

- (v) Post signs, notices or drawings or inscribe a message, slogan, sign, mark or symbol on a transit vehicle or transit facility without written permission from the transit company, or;
- (w) Activate an emergency stop device or mechanism, except in an emergency;
- (x) Knowingly abandon any type of package or container on a transit vehicle or transit facility where the abandonment of such package or container is likely to cause suspicion or alarm about the contents, or require the dispatch of emergency response personnel to remove and inspect;
- (y) Remain at a streetcar transit station or stop for more than one hour.

**Sec. 30-7(3).** No person shall transport animals in a transit vehicle unless:

- (a) The animal is a guide or service animal as defined by law, including a service animal in training, that has been specially trained to assist persons with disabilities and is on a leash, or;
- (b) The animal is in a completely enclosed and secured cage or carrying case that is small enough to fit on the passenger's lap, and the animal does not otherwise endanger or disturb the comfort or health of other passengers.

**Sec. 30-7(4). Parking and boarding.**

- (a) A person shall not park a vehicle in an area designated for vehicle parking unless the person complies with posted parking regulations.
- (b) If intending to pick up or drop off a transit passenger, a person shall park in the area designated for vehicle parking or briefly stop his or her vehicle in areas designated for passenger loading or unloading, while remaining with the vehicle, and then remove the vehicle from the station without delay after the transit passenger is dropped off or picked up.

(c) No person shall stop or park a vehicle at a transit parking facility in a manner that blocks access to a marked pedestrian walkway, designated traffic lane, parking space, fire lane, boarding zone or SLROW.

(d) No person shall park a vehicle so that any part of the vehicle including any equipment or apparatus in or on the vehicle, extends beyond the vertical plane of the marked parking space on the SLROW.

Sec. 30-7(5). A person shall not ride a transit vehicle in violation of a court order or finding that the person is prohibited from riding a transit vehicle.

**Sec. 30-8. Use Restrictions.**

(a) Any person adjudicated responsible for violating any provision of this Article resulting in a fine is prohibited from riding a transit vehicle until the sanction is fully paid.

(b) Any person adjudicated responsible for violating any provision of this Article more than two (2) times within a 12 month period is prohibited from riding a transit vehicle or entering upon a transit facility for ninety (90) calendar days.

(c) Any person who poses a serious continuing risk to the public or transit facility may be immediately removed from a transit vehicle or transit facility and the person will be prohibited from using transit vehicles or entering upon a transit facility for a period not to exceed ninety (90) calendar days.

(d) Any person guilty of assaulting a fare inspector or transit employee acting in the scope of his or her employment will be prohibited from using a transit vehicle for a minimum of one year.

**Sec. 30-9. Violation declared a civil infraction; penalties.**

(a) Violations of this Article shall be a civil infraction. A person found responsible for a civil violation or civil infraction for the first time shall be fined not less than one hundred dollars (\$100.00) nor more than twenty-five hundred dollars (\$2,500.00) per civil violation or civil infraction. A person found responsible for the same civil violation or civil infraction for a second time shall be fined not less than two hundred dollars (\$200.00) nor more than twenty-five hundred dollars (\$2,500.00) per civil violation or civil infraction. A person found responsible for the same civil violation or civil infraction for a third or subsequent time shall be fined not less than three hundred dollars (\$300.00) nor more than twenty-five hundred dollars (\$2,500.00) per civil violation or civil infraction. The imposition of a fine for civil violations or civil infractions shall not be suspended.

(b) In addition to any fines imposed by this Article, a City Magistrate or a Civil Hearing Officer may issue an order prohibiting a person from riding a transit vehicle for a specified period of time.

**Sec. 30-10. Impeding a transit vehicle; towing.**

(a) A transit enforcement agent may order a vehicle towed when the vehicle is impeding the operation of a transit vehicle or is otherwise parked in violation of any provision of this Article or Chapter 20, Article VII.

SECTION 2. WHEREAS, it is necessary for the preservation of the peace, health and safety of the City of Tucson that this ordinance become immediately effective, an emergency is hereby declared to exist, and this ordinance shall be effective immediately upon its passage and adoption.

PASSED, ADOPTED AND APPROVED by the Mayor and Council of the City of  
Tucson, Arizona, \_\_\_\_\_

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