

Date: February 25, 2015

To: Board of Directors

From: Neil McFarlane *Neil McFarlane*

Subject: **ORDINANCE NO. 337 OF THE TRI-COUNTY METROPOLITAN TRANSPORTATION DISTRICT OF OREGON (TRIMET) UPDATING REGULATIONS GOVERNING CONDUCT ON DISTRICT PROPERTY, PROOF OF FARE PAYMENT, PARKING FACILITIES, AND AMENDING TRIMET CODE CHAPTERS 28, 29 AND 30 (SECOND READING)**

1. Purpose of Item

The purpose of this item is to request that the TriMet Board of Directors (“Board”) adopt updates to TriMet Code regulations governing Conduct on District Property, Proof of Fare Payment, and Parking Facilities. Ordinance No. 337 would amend the TriMet Code to include new regulations for the Tilikum Crossing Bridge and Lafayette Pedestrian Bridge, and update and clarify existing regulations governing use of the District transit system. The Ordinance No. 337 TriMet Code amendments would become operative July 1, 2015.

2. Type of Agenda Item

- Initial Contract
- Contract Modification
- Other: Ordinance

3. Reason for Board Action

The TriMet Code may be amended only by adoption of an ordinance. Adoption of Ordinance No. 337 requires two readings, the second of which is scheduled for the February 25, 2015 Board meeting.

4. Type of Action:

- Resolution
- Ordinance 1st Reading
- Ordinance 2nd Reading
- Other _____

5. Background

As stated in TriMet Code Chapter 28, conduct regulations are established for the safety, convenience and comfort of passengers, the safety of District personnel and the region, the preservation of service quality in pursuit of the District’s duty to provide a cost-effective source of reliable transportation, and to prevent system security vulnerabilities. In

furtherance of these objectives, Ordinance No. 337 proposes various new regulations as well as updates and clarifications to existing provisions of TriMet Code Chapter 28 (Conduct on District Property), Chapter 29 (Proof of Fare Payment) and Chapter 30 (District Parking Facilities).

The purpose of presenting Ordinance No. 337 to the Board at this time is to ensure TriMet Code regulations will be in place for the September 2015 opening to the public of the Tilikum Crossing Bridge and Lafayette Pedestrian Bridge, in conjunction with the Portland-Milwaukie Light Rail ("PMLR") project opening. Over the past several months, cross-divisional meetings have been held with representatives from Capital Projects, Safety & Security, Transportation, Maintenance, and Legal to identify specific regulatory issues presented by the two new bridges. Among those issues identified and included in Ordinance No. 337 are operation of bicycles, pedestrian uses, authority for bridge closures, various prohibited conduct such as docking to the bridge or throwing objects off of the bridge, and expansion of existing TriMet Code provisions to include the two new bridges.

Ordinance No. 337 also updates and clarifies various existing TriMet Code provisions governing use of the transit system. These amendments were based primarily on agency staff recommendations from Safety & Security, Transportation, and Legal to address regulatory issues that have developed since the last TriMet Code Chapter 28 revision in 2011. Among the issues identified and included in Ordinance No. 337 are updates to regulations governing smoking (inhaling of vapors through heated device), shopping carts, service animals, abandoned and oversized objects/packages, bicycle parking and impoundment, parking restrictions, and clarification of TriMet Code definitions.

The Ordinance No. 337 amendments are intended to provide TriMet Code enforcement personnel more effective tools to help to ensure the safety, comfort and appropriate conduct of those using the District transit system. The TriMet Code will be monitored to identify needed revisions.

Attachment A to this memo provides a summary of the key TriMet Code sections amended by Ordinance No. 337. The specific amendment provisions are set forth on Exhibit A to Ordinance No. 337. The amendments would become operative on July 1, 2015 to allow implementation of the changes.

6. Financial/Budget Impact

Adoption of Ordinance No. 337 would not result in budgetary impacts.

7. Impact if Not Approved

If Ordinance No. 337 is not approved, the existing TriMet Code provisions would remain in place and amendments needed to address public use of the new Tilikum Crossing Bridge and Lafayette Pedestrian Bridge along with updates that clarify existing TriMet Code provisions governing conduct and enforcement on the District transit system would not be in effect. A second reading and adoption of Ordinance No. 337 at the February 25, 2015 Board meeting would assist in the agency's timely preparation for the opening of the PMLR project to the public in September 2015.

Ordinance No. 337 Board Memo-Attachment A

Summary of Key TriMet Code Revisions

TMC Chapter 28 Conduct on District Property

TMC Section 28.10 Definitions

- Added definition of “Bicycle”
- Revised “District Parking Facility” to include specific reference to parking garages
- Revised definition of District Transit System to include Tilikum Crossing and Lafayette Pedestrian Bridges
- Added definitions of Tilikum Crossing and Lafayette Pedestrian Bridges
- Added definition of “Exclusion”
- Revised definition of interdiction command to allow oral commands in accordance with Administrative Rules, and update reference to “Transportation Division” enforcement personnel
- Updated definition of Service Animal to conform with U.S. Department of Transportation definition

TMC Section 28.15 Regulations

- Smoking: Revised to include inhalation of water vapor through use of heated device
- Shopping Carts: Removed “2-wheel” only requirement on District Vehicles (in order to allow “four-wheel” shopping carts); revised to specify maximum dimensions of allowable carts
- Animals: Clarified to state service animal may be carried upon handler, but may not occupy a separate seat on District Vehicle or District Station; added provisions regulating animals on Tilikum Crossing and Lafayette Pedestrian Bridges
- Oversized Packages: Clarified terminology to prohibit oversized “objects” on District Vehicle, adding “doorways” to areas that may not be blocked
- Bicycles: Added new provisions for use of Tilikum Crossing Bridge; added new violation of “Failure to Operate Bicycle in Safe Manner”; added bicycle parking restrictions and explicit impound authority if left for 72 hours or if parked in violation of TriMet Code and obstructs, impedes or interferes with use of transit system by public or poses immediate safety threat or disruption to operations; added requirements and authority for disposition of impounded bicycles.
- Motorized Human Transporters/Wheeled Transportation Devices: Revised to explicitly prohibit gasoline or similar fuel-powered engine on District Vehicle/District Station, Tilikum Crossing and Lafayette Pedestrian Bridges, and allow electric powered devices in accordance with administrative rules
- Display of Lights: Added prohibition against projecting light toward driver or passengers from outside a District Vehicle in manner that causes inconvenience, annoyance, alarm or safety risk to public
- Pedestrians on Tilikum Crossing Bridge: Added new violation limiting pedestrians to pedestrian use lane and creating temporary use of bicycle path safety exception
- Refuse and Waste: Added locations of Tilikum Crossing and Lafayette Bridges
- Destruction of Signs: Added locations of Tilikum Crossing and Lafayette Bridges
- Unlawful Gambling: Added District parking facility to locations subject to prohibition

- Possession of Un-punched Transfer/Un-validated Machine Ticket Paper Stock: Clarified transfer description to state “un-punched paper transfer receipt” and added un-validated machine ticket paper stock to unlawful possession prohibition
- Alcoholic Beverages: Added locations of Tilikum Crossing and Lafayette Bridges
- No Criminal Activity: Added locations of Tilikum Crossing and Lafayette Bridges
- Flammable Substances and Ignition Devices: Expanded application to District Station, Parking Facility, and Tilikum Crossing and Lafayette Bridges
- Weapons: Revised to include “replica” firearm in prohibiting display in manner to cause fear or alarm
- Harassment and Intimidation: Expands application to the District Transit System.
- Abandonment of Packages: Expands application from District Vehicle, District Station and District Parking Facility, to District Transit System
- Violation of Interdiction Command: Adds new violation provisions for failure to obey an interdiction command
- Prohibited Activities on Tilikum Crossing Bridge: Adds new violation prohibiting various specific types of conduct on the Bridge
- Closure of Tilikum Crossing Bridge: Authorizes the General Manager to close the Bridge for certain conditions, and prohibits persons from accessing a closed Bridge

TMC Section 28.20 Enforcement

- Updated the term “base fine” to “presumptive fine” to conform to current statutory terminology

TriMet Code Chapter 29 Proof of Fare Payment

- Updated the term “base fine” to “presumptive fine” to conform to current statutory terminology

TriMet Code Chapter 30 Parking Facilities

- Revised definition of “District Parking Facility” to include specific reference to parking garages
- Updated the term “base fine” to “presumptive fine” to conform to current statutory terminology; added clarification that parking violations are prosecuted at bail amounts set by Multnomah County Circuit Court
- Clarified parking in designated space provision to prohibit any part of vehicle extending over space line

ORDINANCE NO. 337

**AN ORDINANCE OF THE TRI-COUNTY METROPOLITAN
TRANSPORTATION DISTRICT OF OREGON (TRIMET) UPDATING
REGULATIONS GOVERNING CONDUCT ON DISTRICT PROPERTY, PROOF
OF FARE PAYMENT, PARKING FACILITIES, AND AMENDING TRIMET
CODE CHAPTERS 28, 29 AND 30**

THE BOARD OF DIRECTORS OF THE TRI-COUNTY METROPOLITAN
TRANSPORTATION DISTRICT OF OREGON (TRIMET), pursuant to the authority of Oregon
Revised Statutes Chapter 267, does hereby ordain and decree the following Ordinance:

**Section 1 – Adoption of Updates to Regulations Governing Conduct on District Property,
Proof of Fare Payment, Parking Facilities; Amendment of TriMet Code
Chapters 28, 29 and 30**

TriMet Code (TMC) Chapters 28, 29 and 30 are amended as set forth on the attached Exhibit A,
which is incorporated into and made part of this Ordinance No. 337.

Section 2 – Effective/Operative Dates

This Ordinance shall take effect thirty days after the date of its adoption. The amendments to
TMC Chapters 28, 29 and 30 set forth on Exhibit A shall become operative on July 1, 2015.


Date Adopted: _____

Presiding Officer

Attest:

Recording Secretary

Approved as to Legal Sufficiency:



Legal Department

ORDINANCE NO. 337

EXHIBIT A

TriMet Code Chapters 28, 29 and 30 are amended as set forth below. Deletions are shown in brackets with lined-through text, and additions are shown in bold, underlined text. The amendments shall become operative on July 1, 2015.

I. TMC Chapter 28 – Regulations Governing Conduct on District Property

A. TMC Section 28.10 Definitions

* * *

A. [~~“District” means Tri-County Metropolitan Transportation District of Oregon.~~ **“Bicycle” means a device that:**

(1) **Is designed to be operated on the ground on wheels;**

(2) **Has a seat or saddle for use of the rider;**

(3) **Is designed to travel with not more than three wheels in contact with the ground; and**

(4) **Is (a) propelled exclusively by human power, or (b) has both fully operative pedals for human propulsion and an electric motor that: (i) has a power output of not more than 1,000 watts; and (ii) is incapable of propelling the device at a speed of greater than 20 miles per hour on level ground.**

B. “District” means Tri-County Metropolitan Transportation District of Oregon. [~~“District Parking Facility” includes a District-operated parking lot and park-and-ride lot and adjoining walkways.~~]

C. [~~“District Station” includes a “transit station”, “transit center”, bus passenger shelter and awnings, and a light rail or commuter rail passenger platform including shelters, awnings, adjoining stairways, ramps and elevators.~~] “District Parking Facility” includes a District-operated parking lot, **parking garage** and park-and-ride lot and adjoining walkways.

D. “District Station” includes a “transit station”, “transit center”, bus passenger shelter and awnings, and a light rail or commuter rail passenger platform including shelters, awnings, adjoining stairways, ramps and elevators.

E. “District Transit System” means the property, equipment and improvements of whatever nature owned, leased, maintained, controlled or operated by the District to provide mass transportation for passengers or to provide for the movement of people, and includes any District Vehicle, District Station, District Parking Facility, District light rail or commuter rail trackway and District right-of-way, **the Tilikum Crossing Bridge and the Lafayette Pedestrian Bridge.**

- F. "District Vehicle" includes a bus, van, light rail, commuter rail or other vehicle used to transport passengers and owned or operated by or on behalf of the District.
- G. "Emergency" means an on-board District Vehicle fire, any incident that presents the risk of actual or threatened serious physical injury to persons, any apparently urgent medical need, or any other circumstance in which the General Manager has declared a state of emergency.
- H. **"Exclusion" means a sanction administered to an individual for violation of TMC Chapters 28, 29 or 30. An exclusion prohibits that individual from entering or remaining on or in the District Transit System in whole or in part, for a specified duration.**
- I. "Exclusion Administrator" includes any person(s) designated by the General Manager to conduct an internal agency administrative review of exclusion notices.
- J. "Hearings Officer" includes any person designated by the General Manager to conduct exclusion hearings.
- K. "Inspector" means a person other than a "peace officer" authorized by the General Manager or by the provisions of TMC Chapters 28, 29 or 30 to demand proof of fare payment and to issue citations as provided hereunder.
- L. "Interdiction Command" means **an oral or** written directive by a peace officer, TriMet [Operations] **Transportation** Division enforcement personnel, including fare inspectors and field supervisors, or any other person authorized in writing by the General Manager, issued to a person violating the TriMet Code, in order to address a safety threat to persons upon the District Transit System or in response to conduct that disrupts the order and security of the District Transit System, that directs a person to depart a TriMet location or District Vehicle and avoid reentry or directs that an individual avoid contact or communication with an identified TriMet employee or contractor for a temporary period as prescribed by Administrative Rules promulgated by the General Manager.
- M. [~~"Low-floor light rail vehicle" means a District Vehicle which is a light rail vehicle for which passenger entry is made at the passenger platform level without steps, either with or without a bridgeplate.~~] **"Lafayette Pedestrian Bridge" means the pedestrian overpass structure from the intersection of S.E. Rhine Street and the Union Pacific right-of-way, passing over the Union Pacific right-of-way, to the intersection of S.E. Lafayette Street and the Union Pacific right-of-way.**
- N. [~~"Meter" includes a pay station or other meter device used for payment for parking, unless otherwise specifically provided.~~] "Low-floor light rail vehicle" means a District Vehicle which is a light rail vehicle for which passenger entry is made at the passenger platform level without steps, either with or without a bridgeplate.
- O. "Meter" includes a pay station or other meter device used for payment for parking, unless otherwise specifically provided. [~~"Peace Officer" includes a TriMet police officer, sheriff,~~

~~constable, marshal, municipal police officer, member of the Oregon State Police or investigator of the Criminal Justice Division of the Oregon Department of Justice, and such other persons as may be designated by law.]~~

- P. ~~“Peace Officer” includes a TriMet police officer, sheriff, constable, marshal, municipal police officer, member of the Oregon State Police or investigator of the Criminal Justice Division of the Oregon Department of Justice, and such other persons as may be designated by law. [“Qualified Exclusion” means an exclusion which excludes a person from use of the District Transit System except for use for travel to and from medical and legal appointments, school or training classes, places of employment, obtaining food, clothing and necessary household items, or for accessing any critical services.]~~
- Q. ~~“Qualified Exclusion” means an exclusion which excludes a person from use of the District Transit System except for use for travel to and from medical and legal appointments, school or training classes, places of employment, obtaining food, clothing and necessary household items, or for accessing any critical services. [“Service Animal” means any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition. The work or tasks performed by a service animal must be directly related to the handler’s disability. Examples of work or tasks include, but are not limited to, assisting individuals who are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, providing non-violent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting individuals to the presence of allergens, retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities, and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors. The crime deterrent effects of an animal’s presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of this definition. The General Manager is authorized to make exception for an animal, however, that is individually trained to do work or perform tasks as defined above for the benefit of an individual with a disability, and to promulgate administrative rules as appropriate.]~~
- R. ~~[“Transit Dependent” means a person who has no independent source of transportation and relies solely on public transit for local movement and access.] **“Service animal” means any guide dog, signal dog, or other animal individually trained to work or perform tasks for an individual with a disability, including, but not limited to, guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, pulling a wheelchair, or fetching dropped items. An animal which provides solely emotional support, well-being, comfort, or companionship is not a service animal.**~~
- S. **“Tilikum Crossing Bridge” means Tilikum Crossing, Bridge of the People, which is TriMet’s bridge over the Willamette River between the east right-of-way line of S.W. Moody Street on the west side of the Willamette River and the west right-of-way line of**

S.E. Water Avenue on the east side of the Willamette River, which is restricted to District Vehicles, streetcars, bicyclists and pedestrians; private vehicles are not permitted.

T. "Transit Dependent" means a person who has no independent source of transportation and relies solely on public transit for local movement and access.

B. TMC Section 28.15 Regulations:

A. Prohibited Activities on District Transit System:

(1) Failure to Vacate Elderly and Disabled Priority Seating: No person shall fail to vacate seats on a District Vehicle designated for use by individuals with disabilities and those qualified for senior citizen (Honored Citizen) discount transit fares, when requested to do so by a peace officer or a District employee.

(2) Smoking: No person shall [~~smoke an electronic cigarette, tobacco or any other substance, or shall carry any lighted or smoldering substance, in any form~~] aboard a District Vehicle, in any elevator, **in or upon** [~~or underground area of~~] a District Station, or within any space or area where posted signage prohibits smoking:

(a) Smoke an electronic cigarette, tobacco or any other substance;

(b) Inhale water vapor through use of a heated device; or

(c) Carry any heated, lighted or smoldering substance, in any form.

(3) Food and Beverages: No person shall bring or carry aboard a District Vehicle food or beverages in open containers, nor consume food aboard a District Vehicle.

(4) Radios, Compact Disk Players and other Sound-Emitting Devices without Earphones: No person except a peace officer, firefighter, District employee, or emergency response professional, in the course of employment, shall operate a radio, compact disk player, MP3 player, video player or other sound-emitting device, aboard any District Vehicle or in or upon any District Station, unless the only sound produced by such item is emitted by a personal listening attachment (earphone) audible only to the person carrying the device producing the sound.

(5) Shopping Carts and Unfolded Carriages or Strollers:

(a) Except while boarding a District Vehicle, no person shall carry an unfolded or occupied carriage or stroller aboard any type of District Vehicle other than a low-floor light rail vehicle. Carriages or strollers must remain folded while aboard a District Vehicle except for a low-floor light rail vehicle.

(b) No person shall bring or carry a commercial shopping cart aboard any type of District Vehicle. Non-commercial, individual-sized [~~2-wheeled~~] grocery storage carts **not**

exceeding 18 inches deep, 18 inches wide and 30 inches high (excluding wheels and handles), are allowed provided they do not block aisles, stairways or doorways.

- (c) No person shall abandon a commercial shopping cart upon a District Station or District Parking Facility.

(6) Animals Except Properly Controlled Service Animals, Properly Contained Pets and Police Dogs: No person shall bring or carry aboard a District Vehicle or be present in or upon a District Station, the Tilikum Crossing Bridge or the Lafayette Pedestrian Bridge with an animal except:

(a) On a District Vehicle or in or upon a District Station:

(i) Service Animals: A person accompanied by a Service Animal or a person training a Service Animal, so long as the animal is under the control of its handler, housebroken and restrained by leash, harness or other device made for the purpose of controlling the movement of an animal. A Service Animal may be carried on its handler's person but may not occupy a separate seat.

(ii) Pets: A person transporting a pet if: (1) the animal is kept and held at all times within a secure container appropriate and constructed for carrying the size and type of animal; (2) the container does not block an aisle, stairway or doorway; (3) the animal can be transported without risk of injury to the animal and without risk of harm or inconvenience to other riders or District personnel, and (4) the animal can be transported in accordance with all other provisions of the TriMet Code.

(iii) Police Dogs: A trained police dog accompanied by a peace officer.

(b) On the Tilikum Crossing Bridge or Lafayette Pedestrian Bridge:

(i) Service Animals: A person accompanied by a Service Animal or a person training a Service Animal, so long as the animal is under the control of its handler, housebroken and restrained by leash, harness or other device made for the purpose of controlling the movement of an animal.

(ii) Pets: A pet if: (1) the animal is kept and held at all times within a secure container appropriate and constructed for carrying the size and type of animal; or (2) the animal is under the control of its handler, housebroken and restrained by leash, harness or other device made for the purpose of controlling the movement of an animal.

(iii) Police Dogs: A trained police dog accompanied by a peace officer.

(7) Noxious Fumes or Foul-Smelling Materials or Substances: No person shall carry aboard a District Vehicle any substance or material emitting a foul smell or releasing noxious fumes.

(8) Oversized [~~Packages~~] **Objects**: No person shall bring or carry aboard a District Vehicle any package [~~or~~], article or object of a size which will block any aisle [~~or~~], stairway, or doorway on the District [~~or~~]Vehicle.

(9) Skateboards, Rollerskates and In-line Skates: No person shall ride a skateboard, in-line skates or roller-skates upon a District Vehicle, District Station or District Parking Facility.

(10) Riding [~~on Bicycles~~], [~~and~~] Transport **and Parking** of Bicycles except in Compliance with Administrative Rules:

(a) Transport of Bicycles on District Vehicles. The transport of [~~b~~]Bicycles on District Vehicles is permitted in accordance with administrative rules as may be promulgated by the General Manager provided that:

(i) No person shall bring aboard or possess a [~~b~~]Bicycle on a District Vehicle in violation of the District administrative rules; and

(i) No person shall ride a [~~b~~]Bicycle upon a District Vehicle or District Station, except peace officers and authorized District personnel.

(b) Riding of Bicycles on Tilikum Crossing Bridge. The riding of Bicycles on the Tilikum Crossing Bridge is permitted in accordance with administrative rules as may be promulgated by the General Manager, provided that: no person shall ride a Bicycle in an area other than the designated Bicycle path unless the person is (1) overtaking and passing another Bicycle or a pedestrian that is in the Bicycle path and passage cannot safely be made within the Bicycle path, or (2) avoiding debris or other hazardous conditions, and (3) the person operates the Bicycle in a safe manner.

(c) Failure to Operate Bicycle in Safe Manner. Where the riding of Bicycles is permitted upon the District Transit System in accordance with administrative rules as may be promulgated by the General Manager and the TriMet Code, no person shall fail to operate a Bicycle in a safe manner upon the District Transit System. A person fails to operate a Bicycle in a safe manner if he or she operates a Bicycle in a manner that endangers or would be likely to endanger any person or property.

(d) Parking of Bicycles. No person shall affix or secure in any manner a Bicycle to any property of the District Transit System unless the property is designated by posted signage for Bicycle parking, or specifically designed for the purpose of parking Bicycles on the District Transit System and authorized by the District for such use.

(i) A Bicycle left on any property of the District Transit System for more than 72 hours may be impounded.

(ii) A Bicycle may be immediately impounded if:

(1) It is parked in violation of the TriMet Code and obstructs, interferes with or impedes use of the District Transit System by the public; or

(2) Is an immediate safety threat or otherwise interferes with or disrupts the function or safe operation of the District Transit System.

(iii) The District shall make a reasonable attempt to notify the owner of the impoundment and a description of how and by what date the Bicycle must be claimed. The District may charge a reasonable administrative fee to the owner of any impounded Bicycle, however, no impoundment fee shall be charged to the owner of a stolen Bicycle that has been impounded. An impounded Bicycle that remains unclaimed after 30 days may be disposed of in accordance with District procedures for disposal of abandoned or lost personal property.

(11) Riding or Transport of Motorized Human Transporters and other Wheeled Transportation Devices except in Compliance with Administrative Rules or Law: No person shall operate or ride upon a motorized human transporter or other wheeled transportation device upon a District Vehicle, ~~or~~ District Station, Tilikum Crossing Bridge or Lafayette Pedestrian Bridge, if such transporter or device has a gasoline or similar fuel-powered engine. A motorized human transporter or other wheeled transportation device that is powered by electricity may be operated or ridden upon a District Vehicle, District Station, Tilikum Crossing Bridge or Lafayette Pedestrian Bridge only ~~except~~ in accordance with administrative rules as may be promulgated by the General Manager or as otherwise permitted by law.

(12) Corrosive and Soiling Substances: No person shall carry upon a District Vehicle any corrosive material or soiling substance where containment of such substance cannot be guaranteed.

(13) Excessive Noise: No person shall ~~;~~

~~(a) M] make~~ excessive or unnecessary noise, including boisterous and unreasonably loud conduct, within any District Vehicle or District Station with the intent to cause inconvenience, annoyance or alarm to the public, District personnel, or a peace officer, or with a reckless disregard to the risk thereof ~~;~~~~or~~

~~(b) Perform vocal or instrumental music, without the prior written authorization of the District].~~

(14) Display of Lights: No person shall light a flashlight, scope light, or laser light or object that projects a flashing light or emits beam of light while inside a District Vehicle ~~;~~ except in an emergency, or from outside a District Vehicle if the light projects toward the driver or passengers of a District Vehicle in a manner that causes inconvenience, annoyance, alarm or a safety risk to the public.

(15) Improper Use of District Station/District Vehicle Seating: No person shall:

- (a) Lie down on or across the seats of a District Station or District Vehicle;
 - (b) Place any object or substance on the seats of a District Station or District Vehicle that inhibits the proper use of such seats; or
 - (c) Block or obstruct the use of the seats of a District Station or District Vehicle.
- (16) Disruptive Conduct Inside a District Vehicle: No person shall occupy, move about or engage in activity in a District Vehicle in a manner that:
- (a) Interferes with the free movement of passengers; or
 - (b) Interferes with or disrupts the function or safe operation of the District Vehicle, including movement that constitutes a distraction to the operator of a District Vehicle; or
 - (c) Uses a District Vehicle for any purpose other than for transportation.
- (17) Pedestrians on the Tilikum Crossing Bridge: No person who is a pedestrian on the Tilikum Crossing Bridge shall use any portion of the Tilikum Crossing Bridge except the area designated for pedestrian use, and shall not enter into the area designated as a Bicycle path unless temporarily required to do so for safety reasons.**

B. Prohibited Misuse of District Transit System:

- (1) Use of District Transit System for Non-Transit Purposes: No person shall enter or remain upon, occupy or use a District Station for purposes other than boarding, disembarking or waiting for a District Vehicle, in an area where non-transit uses are prohibited by posted signage. A person is in violation of this section only after having occupied a District Station for a period of time that exceeds that which is reasonably necessary to wait for, board or disembark a District Vehicle.
- (2) Destructive Conduct Involving a District Vehicle: No person shall interfere with the safe and efficient operation of a District Vehicle through conduct which includes to:
- (a) Extend any portion of his or her body through any door or window of a District Vehicle while it is in motion;
 - (b) Attempt to board or de-board a moving District Vehicle;
 - (c) Throw, propel or discard any object or substance in any District Vehicle or through any open door or window of a District Vehicle;
 - (d) Unreasonably prevent or delay the closure of an exterior door on a District Vehicle;

- (e) Strike or hit a District Vehicle, stop or cross in front of a District Vehicle for the purpose of stopping the **District** Vehicle or gaining passage after the **District** Vehicle has concluded boarding;
- (f) In any manner hang onto, or attach himself or herself to, any exterior part of a District Vehicle while the **District** Vehicle is resting or in motion.
- (3) **Refuse and Waste**: No person shall discard or deposit or leave any rubbish, trash, debris, offensive substance or other solid or liquid waste in or upon a District Vehicle, District Station, [ø] District Parking Facility, **Tilikum Crossing Bridge or Lafayette Pedestrian Bridge** except in receptacles provided for that purpose. No person shall spit, defecate, or urinate in or upon a District Vehicle, District Station, [ø] District Parking Facility, **Tilikum Crossing Bridge or Lafayette Pedestrian Bridge** except in the confines of a lavatory where lavatories are available for public use.
- (4) **Destruction of Signs**: No person shall mutilate, deface or destroy any sign, notice or advertisement posted by the District or located on any District Vehicle, District Station, District Parking Facility, **Tilikum Crossing Bridge, Lafayette Pedestrian Bridge** or any other District property.
- (5) **Posting of Unauthorized Signs or Notices**: Except as otherwise allowed by District regulations, no person shall place, permit or cause to be placed any notice or sign upon any District Vehicle, District Station or District Parking Facility or upon any vehicle without the owner's consent while the vehicle is parked therein.
- (6) **Violation of Signage**. In addition to the prohibitions set forth elsewhere in TMC Chapters 28, 29 and 30, no person shall fail to abide by specific directives provided in the form of a fixed permanent or temporary sign posted in or upon the District Transit System that has been authorized by the General Manager to address a regulatory or security concern. The General Manager or the General Manager's designee may establish and post such signage in a manner to provide sufficient notice concerning the conduct required or prohibited. Any violation of the specific directives in any sign authorized by the General Manager shall constitute a violation of this subsection.
- (7) **Unlawful Gambling**: No person shall engage in illegal gambling, or solicit others to engage in illegal gambling, aboard any District Vehicle, [ø] in **or upon** a District Station, **or in or upon a District Parking Facility**, in violation of ORS 167.117 to 167.162.
- (8) **Possession of Un-punched Paper Transfer Receipt or Unvalidated Machine Ticket Paper Stock**: No person shall, without proper authority, possess an un-punched **paper** [~~District passenger~~] transfer **receipt or unvalidated machine ticket paper stock** [~~nor shall any person tender a transfer as proof of fare payment if the transfer was not furnished to that person by a representative of the District~~] **on the District Transit System**. Possession of an un-punched **paper** [~~District passenger~~] transfer **receipt or unvalidated machine ticket paper stock** by any person whose possession [~~of the transfer~~] is not in the course and scope of

employment as an authorized District [~~employee~~] representative shall be prima facie evidence that the un-punched paper transfer receipt or unvalidated machine ticket paper stock is stolen and possessed without proper authority.

(9) Alcoholic Beverages: No person shall possess an open container of alcoholic beverage on a District Vehicle, District Station, [~~or~~] District Parking Facility, Tilikum Crossing Bridge or Lafayette Pedestrian Bridge, unless authorized by the District.

(10) Damaging or Defacing District Property: No person shall:

(a) Draw graffiti or any other writing on any part of the District [~~Vehicle or any other District property~~] Transit System; or

(b) In any manner damage, destroy, interfere with, or obstruct in any manner, the property, services or facilities of the District.

(11) Misuse of District Parking Facility Meter: No person shall:

(a) Deface, injure, tamper with, break or destroy or impair the usefulness of any District Parking Facility meter, or open or remove the same without lawful authority; or

(b) Remove any coin box or the money content of such coin box or the contents of any District Parking Facility meter or part thereof without lawful authority.

C. No Criminal Activity: No person shall engage in activity prohibited by the criminal laws of any state, county, or municipality, in which the criminal incident occurs, while on a District Vehicle or in or upon a District Station, [~~or~~] District Parking Facility, Tilikum Crossing Bridge or Lafayette Pedestrian Bridge.

D. Prohibited Risks to Transit System Security and Order:

(1) Flammable Substances and Ignition Devices: No person shall bring, possess or carry aboard onto a District Vehicle [~~or platform~~], District Station, District Parking Facility, Tilikum Crossing Bridge or Lafayette Pedestrian Bridge, any flammable substance or device that can cause a spark or flame, except for matches and cigarette lighters. No spark or flame may be lit or initiated at any time by any device on a District Vehicle, including matches and lighters.

(2) Weapons: No person, except a peace officer, shall bring or carry aboard a District Vehicle any firearm, knife (except a folding knife with a blade less than 3 ½ inches in length), or any other instrument, article, device, material or substance specifically designed for, or attempted to be used to, inflict or cause bodily harm to another, except in accordance with administrative rules as may be promulgated by the General Manager or otherwise provided by law. Where possession of such weapons cannot be prohibited by law, a person in possession of a weapon, or in possession of a replica firearm, may not display or carry the weapon or replica firearm, in a manner which is likely to result in fear or alarm by other persons or District

employees. As used in this section “replica firearm” means any device that substantially resembles a firearm or can reasonably be perceived to be an actual firearm.

(3) Activation of the Emergency Stop Device Except in an Emergency: No person shall activate the “emergency stop” device of a District Vehicle in the absence of an emergency.

(4) Interference with or Trespass on Light Rail or Commuter Rail Right-of-Way: No person shall:

- (a) Enter upon or remain upon the right-of-way of the light rail or commuter rail transit line so as to create a hazard to that person or interfere with the passage of a District Vehicle;
- (b) Stop or park a vehicle on the light rail or commuter rail right-of-way in such manner as to interfere with the passage of a District Vehicle; or
- (c) Fail to obey a District authorized posted directive or prohibition pertaining to entering, crossing or traveling upon the right-of-way.

(5) Hazardous and Toxic Material or Substances: No person shall carry, possess or transport any hazardous material, toxic chemical, combustible liquid, biological contagion or agent, radioactive substance or any other inherently dangerous substance onto a District Vehicle or other District property unless the person is a District employee or authorized personnel acting in the course of employment.

(6) Harassment and Intimidation:

- (a) While on [a] the District [platform or Vehicle] Transit System, no person shall engage in harassment or intimidation through a course of conduct, including violent, threatening or disruptive behavior or conduct intended and likely to provoke a violent response, which places another person in reasonable fear of imminent physical harm, including, but not limited to, following such person around or about [~~the~~] a District Vehicle or platform, or by preventing or delaying the movement or departure of such person through coercion or intimidation; or
- (b) While on a District Vehicle, no person shall continue a course of conduct that may reasonably be expected to result in fear, alarm, or serious offense to other passengers or District personnel, after having received a lawful directive to cease such conduct or depart the District Vehicle, by a District employee or a peace officer.

(7) Explosive Materials or Device: No person may carry, possess or transport any explosive material or device, assembled or disassembled, onto [a] the District [Vehicle or other District property] Transit System unless the person is a District [~~E~~]employee or authorized representative, peace officer, or emergency response professional, acting in the course of employment or duty.

(8) Threats: No person may utter a threat to cause damage to a District Vehicle or other **part of the District Transit System** [~~property~~], or state a threat to cause disruption to District operations through the use of a bomb, explosive, or any other destructive device or weapon, or release of any harmful substance, while on a District Vehicle or other **part of the District** [~~property~~] **Transit System**; or state a threat of physical harm to a peace officer or District personnel acting in the course of employment.

(9) Interference with Emergency Response: No person may impede the efforts of District personnel or peace officers in the course of an emergency response, including the failure to obey a lawful order by District personnel or peace officers uttered in the course of an emergency.

(10) Abandonment of Packages: No person shall knowingly abandon an unauthorized package on [a] **the District** [~~Station, District Parking Facility or District Vehicle~~] **Transit System**, where the abandonment of such package is likely to cause suspicion or alarm about its contents, or require the dispatch of emergency response personnel to remove and inspect the package.

(11) Discharge or Detonation of a Weapon: No person may throw an object at or discharge a bow and arrow, air rifle, rifle gun, revolver or other firearm at a District Vehicle or **at** any part of [a] **the District** [~~Station or District Parking Facility~~] **Transit System**, or any person on [a] District [~~Vehicle or at a District Station or District Parking Facility~~] **property**, except that a peace officer in the course of employment is exempt from this paragraph.

(12) Violation of an Interdiction Command: No person shall violate a directive of an Interdiction Command. **A person who fails to abide by the terms of an Interdiction Command and is found upon TriMet property in violation of such terms is present without lawful authority and is subject to arrest and prosecution for the crime of Interfering with Public Transportation (ORS 166.116) or the crime of Criminal Trespass in the Second Degree (ORS 164.245).**

(13) Prohibited Activities on Tilikum Crossing Bridge: No person shall:

(a) Affix or tie objects to the Tilikum Crossing Bridge;

(b) Throw objects from or on to the Tilikum Crossing Bridge;

(c) Climb on the Tilikum Crossing Bridge;

(d) Hang, swing, or jump from or on to the Tilikum Crossing Bridge;

(e) Remain in areas of the the Tilikum Crossing Bridge not intended for public access, unless authorized or permitted by TriMet; or

(f) Bring upon or operate a private vehicle upon the Tilikum Crossing Bridge, unless authorized or permitted by TriMet.

(14) Closure of Tilikum Crossing Bridge: The General Manager or his or her designee has the authority to close or restrict access to the Tilikum Crossing Bridge or any portion thereof, including the Bicycle or pedestrian portions, to use by the public. Notice of such closure will be communicated by the posting of conspicuous signs and/or the installation of physical barriers restricting access. No unauthorized person shall use or enter upon the Tilikum Crossing Bridge when access has been closed or restricted, or move or remove a physical barrier restricting access.

C. TMC Section 28.20 Enforcement:

* * *

B. Any person who violates any provision of TMC Section 28.15, in addition to other penalties provided by law, commits a violation as defined in ORS 153.005 and 153.008 punishable by a fine of not more than \$250. The [base] **presumptive** fine applicable to a TMC Section 28.15 violation shall be \$175.

* * *

II. TMC Chapter 29 - Regulations Governing Proof of Fare Payment

TMC Section 29.35 Penalties:

Any person who violates any provision of TMC **Section** 29.15 commits a violation as defined in ORS 153.005 and 153.008 punishable by a fine of not more than \$250. The [base] **presumptive** fine amount for a violation of TMC **Section** 29.15 is \$175.

III. TMC Chapter 30 - Regulations Governing Parking Facilities

A. TMC Section 30.05 Definitions:

* * *

B. "District Parking Facility" includes a District-operated parking lot, **parking garage** and park-and-ride lot and adjoining walkways

* * *

B. TMC Section 30.10 (C) General Prohibitions:

* * *

(2) It is unlawful for any person to park a vehicle upon a District Parking Facility except in a designated parking space, or to park in such manner that a vehicle occupies more than one designated parking space. **It shall be a violation of this provision for any person [or] to park a vehicle any part of which** extends beyond the space line of a designated parking space.

* * *

C. TMC Section 30.30 Penalties, Impoundment, Towing and Storage of Unlawfully Parked Vehicles, Abandoned Vehicles-Towing Lien(A):

A. Any person who violates a[ny] provision of TMC Sections 30.20(B), (C) or (D) [~~this Chapter~~], in addition to other penalties provided by law, commits a violation as defined in ORS 153.005 to 153.008 punishable by a fine of not more than \$250. The [base] presumptive fine amount for a violation of TMC Sections 30.20(B), (C) or (D) is \$175. Parking violations under this Chapter shall be prosecuted at the bail amounts established through the Multnomah County Circuit Court.