

LANE TRANSIT DISTRICT

ORDINANCE 36

2003 REVISION

**FILED**

JUN 03 2003

COUNTY CLERK

BY *Rebecca Smith*

Regulations Governing Conduct on District Property

The Board of Directors of Lane Transit District does hereby ordain and decree the following Ordinance:

1.05 To facilitate the purposes set forth in ORS Chapter 267, and for the safety, convenience, and comfort of District Passengers and for the protection and preservation of District property, it is necessary to establish the following rules and regulations governing use of District facilities and providing remedies for violations thereof.

1.10 **Definitions.** As used in this Ordinance, unless the context requires otherwise:

- (1) "District" means the Lane Transit District.
- (2) "District Station" includes the District Administrative Facility, the Eugene Transit Station, any other District transit station, any bus Passenger shelter, the Customer Service Center, any District-operated parking lot or park-and-ride lot, and covered areas of any bus stop.
- (3) "District Transit System" means the property, equipment and improvements of whatever nature owned, leased or controlled by the District to provide public transportation for Passengers or to provide for movement of people, and includes any District Vehicle and any District Station.
- (4) The "Boarding Platform Areas" of the Eugene Station are designated on the attached Map. Boarding Platform Areas at bus stops within public rights-of-way are limited to eight feet from bus doors while buses are loading/unloading. Boarding Platform Areas at other locations owned/controlled by Lane Transit District shall be eight feet from the curb where buses load/unload Passengers.
- (5) A "shelter" is the area within the drip line of any structure located at a District stop or station that is designed or used to protect customers from adverse weather conditions.
- (6) "District Vehicle" includes a bus, van or other vehicle used to transport Passengers and owned or operated by or on behalf of the District.
- (7) "Emergency" includes, but is not limited to, a fire on a District Vehicle or Station, or serious physical injury to persons, or threat thereof, or any apparently urgent medical need.
- (8) "Downtown Guide" means a person who is employed by Downtown Eugene, Inc. (DEI) to enforce certain City regulations and to assist downtown visitors, and who provides services to the District through contract with DEI, including enforcement of these regulations.

(9) "Operator" means a District employee responsible for operating any District Vehicle.

(10) "Passenger" means a person who holds a valid fare and is en route on a District Vehicle, or waiting for the next available District Vehicle, to such person's destination, or a person who enters a District Station with the intent to purchase a valid fare for transportation on the next available District Vehicle to such person's destination.

(11) "Peace Officer" includes LTD's security officers, LTD supervisors, and others duly appointed by the District General Manager. LTD Peace Officers are designated as such for the purposes of ORS 267.150 and ORS 153.110. Peace Officer also includes sheriff deputies, state and local police officers, and all such other persons as may be designated by law, including Downtown Guides, if so designated.

(12) "Supervisor" means any District employee responsible for the supervision of any District transit operation.

(13) "Service Animal" means any animal used by a person who requires the assistance of such animal to facilitate that person's life functions, including but not limited to seeing and hearing.

#### 1.15 **Regulations:**

(1) **Elderly and Disabled Seating.** The aisle-facing benches at the front of buses are reserved for the use of disabled and senior Passengers. Non-qualifying Passengers must vacate such seating upon request of any District Vehicle operator or employee.

(2) **Smoking Prohibited.** No person shall smoke tobacco or any other substance, or carry any burning or smoldering substance, in any form, aboard a District vehicle or within the boundaries of any District station; except smoking may be permitted at a District station within any posted area designated as a 'SMOKING AREA.' The General Manager or her/his designee may designate appropriate areas where smoking is permitted.

(3) **Alcohol and Drugs.** No person shall use or possess alcohol or illegal drugs on a District Vehicle or in a District Station, except for lawfully possessed and unopened alcoholic beverages.

(4) **Criminal Activity.** No person shall engage in any activity prohibited by State, County or Municipal Law of Oregon while on a District Vehicle, or within any District Station or the District Transit System.

(5) **Disorderly Conduct.** No person shall intentionally or recklessly cause inconvenience, annoyance or alarm to another by:

(a) Engaging in fighting, or violent, tumultuous or threatening behavior (physical or verbal), within any District Vehicle or District Station;

(b) Making unreasonable noise within any District Vehicle or in any District Station;

(c) Obstructing the free movement of Passengers within any District Vehicle or District Station;

- (d) Creating a hazardous or physically offensive condition within a District Vehicle or District Station; or
  - (e) Otherwise violate ORS 166.025 as now in effect or hereafter amended.
- (6) **Harassment.** No person shall intentionally or recklessly harass or annoy another person by:
- (a) Subjecting such other person to offensive physical contact;
  - (b) Publicly insulting such other person by abusive words or gestures in a manner intended and likely to provoke a violent response; or
  - (c) Otherwise violate ORS 166.065 as now in effect or hereafter amended.
- (7) **Threatening or Offensive Language.** No person shall intentionally or recklessly disturb, harass, or intimidate another person by means of threatening or offensive language, or obscenities in a District Vehicle or in a District Station in such a manner as to interfere with a Passenger's use and enjoyment of the transit system.
- (8) **Food and Beverages.** For the protection of public safety, no person shall bring aboard a District Vehicle any food or beverage in open containers. No person shall consume food or alcohol on any District Vehicle. Passengers on District vehicles may consume non-alcoholic beverages only from LTD-approved containers with snap-on or screw-on lids.
- (9) **Littering, Spitting.** No person shall discard or deposit, other than into a trash receptacle provided for that purpose, any rubbish, trash, debris, cigarette butts, or offensive substance in or upon a District Vehicle or District Station. No person shall spit, defecate, or urinate in or upon any District Vehicle or District Station except in a toilet.
- (10) **Safety.**
- (a) All Passengers (except infants who are held) must wear shoes, pants/shorts and shirt, a dress, or comparable clothing on District Vehicles and in District Stations. In addition, all Passengers must cover any exposed skin that may transmit communicable disease.
  - (b) No person shall in any manner hang onto, or attach himself or herself onto any exterior part of a District Vehicle at any time. In addition, no person shall extend any portion of his or her body through any door or window of a District Vehicle.
  - (c) No person shall ride a skateboard, roller skates or in-line skates in a District Vehicle or District Station. Passengers with in-line skates will be allowed in a District Vehicle or District Station so long as the wheels are rendered inoperable by a device ("skate guard") designed to provide stability and traction to the user and to permit the user to walk while wearing the skates.

- (d) No person shall discharge any weapon or throw, or cause to be thrown or projected, any object at or within a District Vehicle or District Station, or at any person on a District Vehicle or in any part of a District Station.
- (e) No person shall interfere, in any manner, with the safe operation or movement of any District Vehicle.
- (f) No person shall impede or block the free movement of Passengers, or otherwise disrupt the functions of the District in any District Station, Boarding Platform Area, or in any District Vehicle.

(11) **District Property.**

- (a) **Use of the Transit System.** The Transit System is intended for the use of the District's Passengers. To ensure the safety, comfort, and convenience of such Passengers, no person shall impede or block the free movement of Passengers, interfere with ingress and egress from District facilities and vehicles, intimidate or harass other Passengers, or in any manner interfere with the principal transportation purpose to which the Transit System is dedicated.
- (b) **Limited Access Areas.** To ensure the safety, comfort, and convenience of District Passengers and the safe and efficient operation of the Transit System, only Passengers, District personnel, and those transacting District business shall be permitted within any District administrative facility, customer service center, shelter, District Vehicle, and on any District Boarding Platform area.
- (c) **Off-Hours Closure.** All District Stations shall be closed during the non-operating hours of 12:00 a.m. through 4:30 a.m. The General Manager or designee shall have the discretion to extend or contract these non-operating hours. No person other than Peace Officers or District personnel shall be in or about any District Station during these hours.
- (d) **District's Right of Closure.** The District expressly reserves the right to close any District Station or Stations and exclude all access at a time and for a duration to be determined by the District Board or General Manager. Such closure may be necessary for reasons that include, but are not limited to, an emergency, natural disaster, cleaning and repairs.
- (e) **Damaging District Property.** No person shall damage, destroy, interfere with, or obstruct in any manner the property, services, or facilities of the District, including Passengers' property located upon District property.
- (f) **Exclusion of Non-District Vehicles.** Unless otherwise allowed by posted sign, all non-District vehicles are excluded from District Stations. Emergency vehicles and other vehicles authorized by the District are exempt from this exclusion.
- (g) **Free Movement of District Vehicles.** No person or vehicle shall obstruct the free movement of District Vehicles while loading or unloading Passengers, or while entering or exiting a District Station.

- (h) **Skateboards, In-line Skates, Bicycles.** No person shall ride a bicycle, skateboard or in-line skates at a District Station. Bicycles shall only be parked at a District Station at designated areas.
- (12) **Animals.** No person shall bring or carry aboard a District Vehicle, or take into a District Station, any animal not housed in an enclosed carrying container, except for a person who requires a service animal, or a person training a service animal. In no event, however, shall any animal be allowed on a District Vehicle or at a District Station if such animal creates a hazard or nuisance to any Passenger or District employee.
- (13) **Carriages and Strollers.** No person shall bring or carry aboard a District Vehicle a carriage or stroller unless such item is folded and unoccupied. Carriages and strollers must remain folded while aboard the District Vehicle.
- (14) **Packages.** Any packages or parcels brought aboard a District Vehicle must be able to be stored on and/or below one seat (if available), and must be secured so as to prevent their displacement should the Vehicle be required to make a sudden stop or sharp turn. In no event shall any package or parcel be allowed to block access to any aisle or stairway.
- (15) **Radios.** No person shall play radios, tape recorders, or other audio devices or musical instruments on a District Vehicle or in a District Station, unless the sound produced thereby is only audible through earphones to the person carrying the device.
- (16) **Repulsive Odors.** No person shall board or remain on a District Vehicle or enter or remain in a District Station if the person, the person's clothing, or anything in the person's possession, emits a grossly repulsive odor that is unavoidable by other District Passengers on the Vehicle or in the Station and which causes a nuisance or extreme discomfort to District Passengers or employees.
- (17) **Emergency Exit.** No person shall activate the "Emergency Exit" or alarm device of a District Vehicle or Station in the absence of an emergency.
- (18) **District Seats.** No person shall place his or her feet on seat cushions on any District Vehicle or in any District Station.
- (19) **Posting Notices.** Except as otherwise allowed by District regulation, no person shall place, permit or cause to be placed any notice or advertisement upon any District Vehicle, or on any District Station or upon any vehicle without the owner's consent while the vehicle is parked therein.
- (20) **Flammable Substances.** No person shall bring aboard a District Vehicle, or take into a District Station any flammable substance, except for matches and cigarette lighters.
- (21) **Weapons.** No person, except a Peace Officer, shall bring into or carry aboard a District Vehicle, or bring into a District Station, any knife, (except a folding knife with a blade less than 3 1/2 inches in length), ice pick, bow, arrow, crossbow, any explosive device or material, any instrument or weapon commonly known as a blackjack, sling shot, sandclub, sandbag, sap glove or metal knuckles, etc., or any other illegal or unlawfully possessed weapon of any kind.

(22) **Non-payment of Fare; Misuse of Bus Pass or Group Pass.**

- (a) **Non-payment of Fare.** No person shall occupy, ride in or use, any Transit Vehicle unless the person has paid the applicable fare or has a valid and lawfully acquired transfer, bus pass or group pass.
- (b) **Misuse of Bus Pass.** No person shall use or attempt to use a District bus pass to board or ride in a District Vehicle unless the bus pass was lawfully acquired at an authorized District outlet by or on behalf of the person. Unless otherwise transferable by the express terms of the bus pass, only the person identified on the bus pass may use such pass.
- (c) **Misuse of Group Pass.** No person shall use or attempt to use a District group pass to board or ride in a District Vehicle unless:
  - (i) The group pass was lawfully acquired at an authorized District outlet by or on behalf of the person; and
  - (ii) The group pass is used according to the terms of the applicable group pass agreement; and
  - (iii) The person is a current member of the group to whom group pass were issued pursuant to the applicable group pass agreement.
- (d) **Confiscation of Misused Bus Pass or Group Bus Pass.** Any District Vehicle operator or any Peace Officer may confiscate a bus pass or group bus pass used or presented for use in violation of subsections (b) or (c) of this section.
- (e) **Nonpayment of Fare, Misuse of Bus Pass or Group Bus Pass is Theft.** Any person who violates subsections (a),(b) or (c) above, in addition to any penalties described herein, may be subject to criminal prosecution for theft of services.

1.20 **Exclusion.**

- (1) In addition to any penalties provided herein for the violation of this Ordinance, and to any penalties for the violation of the laws of the State of Oregon, any Peace Officer, and other persons as may be designated by the District's General Manager, may issue a Notice of Exclusion from the District Transit System to any person who violates this Ordinance, or who commits any offense as defined by the criminal laws of the State of Oregon or any other city, county or municipal rule having concurrent jurisdiction over District property, when such offense is committed upon any District Vehicle or at any District Station.
  - (a) Except as provided in (b) below, written Notice signed by the issuing authority shall be given to a person who has been excluded from all or part of the District Transit System. The written Notice shall specify the particular violation or reason

for exclusion, places and duration of exclusion, and the consequences for failure to comply with the notice.

- (b) In order to ensure the safety, convenience, and comfort of all Passengers, a District Vehicle operator may, without giving written Notice of Exclusion, direct a Passenger to leave a District Vehicle, or direct a prospective Passenger not to board a District Vehicle, if the operator has probable cause to conclude that such Passenger is in violation of any provision of this Ordinance. Without written Notice of Exclusion, such exclusion shall be effective only for the route in progress at the time of the exclusion.
- (2) A Notice of Exclusion shall be effective immediately upon issuance and shall remain in effect until the exclusion expires, or is terminated by LTD, or is rendered ineffective upon appeal. Any person receiving Notice of Exclusion may appeal in writing to the District's General Manager, or designee, under procedures provided by LTD's Contested Case Hearing Procedure as now in place or amended hereafter. Such appeal must be delivered to the District General Manager or designee within ten days of receipt of the Notice of Exclusion. The Exclusion shall remain in effect during the pendency of the appeal. If the decision on appeal is in favor of the excluded person, the period of exclusion set forth in the Notice shall be terminated immediately.
- (3) At any time during the period of exclusion, a person who has received a Notice of Exclusion may apply to the District General Manager or designee for a variance to allow the person to enter upon the District Transit System. The District General Manager or designee may, at its sole discretion, grant a variance if the person establishes a need to enter upon the District Transit System for reasons of employment, medical treatment or similar good cause. The General Manager or designee may terminate an exclusion or grant a variance if the excluded person shows that he or she was wrongly or unfairly excluded from the District Transit System. A variance may include such conditions as the District General Manager or designee determines will prevent future offenses.
- (4) A person excluded under this section may not enter or remain upon any part of the District Transit System from which the person is excluded during the stated period of exclusion. In addition to penalties imposed by this Ordinance, an excluded person who enters or remains upon any District Vehicle or part of the District Transit System from which the person has been excluded, may be charged with Criminal Trespass in the Second Degree, ORS 164.245, or as amended hereafter, and subjected to the penalties thereto.

#### **1.25 Violations.**

- (1) In addition to being excluded from the system pursuant to §1.20 of this Ordinance, any person who violates this Ordinance commits an infraction as defined in ORS 153.110 to 153.310 and, upon conviction, may be punished by a fine of not more than \$250, in addition to other penalties provided by law.
- (2) Any Peace Officer is authorized to issue citations to any person who violates this Ordinance, or violates any State or local law related to the protection, use, and enjoyment of District property, including laws prohibiting disorderly conduct and harassment.

- (3) LTD's Peace Officers shall have the power to arrest a private person pursuant only to ORS 133.225, and do not have the powers of police officers as defined by ORS Ch 237.

1.30 **Jurisdiction.**

- (1) The laws of the State of Oregon, and all local laws of the host jurisdiction, apply with equal force and effect to District property. State and local law enforcement officers are expressly authorized to enforce all applicable State and local laws, and this Ordinance, upon the District Transit System.
- (2) District Peace Officers may enforce all applicable State and local laws regarding the protection, use and enjoyment of District property by issuing citations for violations thereof that occur on District Vehicles and property, including laws prohibiting disorderly conduct and harassment.

1.35 **Severability.** It is hereby declared to be the legislative intent of Lane Transit District that the provisions of this Ordinance are severable, and if any provision, clause, section, or part is held illegal, invalid, or unconstitutional or inapplicable to any person or circumstance, the remaining provisions shall continue to be in force and such partial illegality, invalidity, unconstitutionality or inapplicability shall not affect or impair the application of the remaining provisions to other persons and circumstances.

2.0 **Effective Date.** These amendments to Ordinance 36 shall become effective thirty (30) days after their adoption.

Adopted: May 28, 2003.

Hilary Wylie  
Board President

Attest:

JP Sullivan  
Recording Secretary

Effective Date: June 27, 2003

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### CERTIFICATION

The undersigned duly qualified and acting Administrative Services Manager/Clerk of the Board of the Lane Transit District certifies that the foregoing is a true and correct copy of an ordinance adopted at a legally-convened meeting of the Board of Directors held on May 28, 2003.

  
\_\_\_\_\_  
Signature of Recording Officer

Administrative Services Manager  
Title of Recording Officer

May 29, 2003  
Date

