

A REGULATION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Repeal and Reenactment of Title 03, Chapter 20 Public Use of Municipal Transit System

PURSUANT TO AUTHORITY GRANTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, THE ENGINEERING AND PUBLIC WORKS DEPARTMENT ADOPTS THE FOLLOWING REGULATIONS:

Section 1. Authority. These regulations are adopted pursuant to CBJ 01.60 and CBJ 03.10.050.

Section 2. Repeal and Reenactment of Regulation. 03 CBJAC 20, Public Use of Municipal Transit System, is reenacted to read:

Chapter 20

PUBLIC USE OF MUNICIPAL TRANSIT SYSTEM

- 03 CBJAC 20.010 Adoption and Purpose.
- 03 CBJAC 20.020 General.
- 03 CBJAC 20.100 Administrator.
- 03 CBJAC 20.105 Definitions.
- 03 CBJAC 20.110 Capital Transit Code of Conduct.
- 03 CBJAC 20.120 Penalties.
- 03 CBJAC 20.130 Appeal.
- 03 CBJAC 20.140 Enforcement.

03 CBJAC 20.010 Adoption and Purpose.

- (a) The Capital Transit Division of the Engineering and Public Works Department has determined that the orderly operation of the City and Borough of Juneau transit vehicles and facilities for the safety, comfort, and well-being of its passengers, employees, and the general public requires the adoption of rules and regulations, titled and promulgated here as "Capital Transit Code of Conduct." These regulations are adopted consistent with Capital Transit's authority as outlined in CBJ 03.10.050.
- (b) These rules and regulations are in addition to and supplement all applicable laws, ordinances, and regulations.

03 CBJAC 20.020 General.

- (a) Use of Capital Transit is a privilege and not a right. As a result, these regulations restrict and prohibit certain conduct to ensure all passengers are afforded the same benefits of the transit system. Failure to comply with this code of conduct provides

Capital Transit with the option of revoking a person of the privilege to use this transit.

- (b) Any requirement or provision of these regulations to any prohibited act shall respectively extend to and include the causing, procuring, aiding or abetting, directly or indirectly, of such act; or the permitting or the allowing of any minor in the custody of any person, doing any act prohibited by a provision hereof.
- (c) Any act otherwise prohibited by these regulations shall be lawful if performed under, by virtue of, and strictly in compliance with the provisions of an agreement, permit, or license approved by Capital Transit.

03 CBJAC 20.100 Administrator.

The administrator of the Capital Transit Code of Conduct shall be the director of the engineering and public works department or their designee.

03 CBJAC 20.105 Definitions.

Bus – is any motor vehicle designed for carrying more than ten persons including the driver, and used or maintained for the transportation of passengers.

Bus Stop – is a designated area marked by a sign for the loading and unloading of passengers from or onto a bus, which may or may not include a bench or shelter.

Facility, Transit Facility, or Passenger Facility – includes, but is not limited to, transit centers, bus shelters, and bus stops on public or private property.

Pedestrian – is any person who is afoot or who is using a means of conveyance propelled by human power other than a bicycle.

Transit Vehicle – shall mean buses or any other form of public conveyance utilized, owned, or controlled by the City and Borough of Juneau.

03 CBJAC 20.110 Capital Transit Code of Conduct.

- (a) Prohibited Conduct Onboard Transit Vehicles. The following outlines conduct prohibited onboard transit vehicles:
 - (1) No person shall consume any food or beverage, except that passengers may consume non-alcoholic beverages while aboard a transit vehicle if the non-alcoholic beverages are contained in a spill-proof or screw-top container or bottle.
 - (2) No person shall consume any alcoholic beverages.

- (3) Consistent with the definitions and provisions provided in CBJ 36.30, Second-Hand Smoke Control, no person shall smoke in any form.
- (4) No person shall operate any radio, or other such device that is audible to any other person.
- (5) No person shall expectorate, spit, urinate, defecate, or create an unsanitary condition through presence of blood, urine, feces, vomit, or other bodily fluids.
- (6) No person shall discard litter.
- (7) No person shall write, paint, or draw anything on or deface any transit vehicle.
- (8) No person shall injure, deface, alter, change, displace, remove, or destroy any sign, notice, signal, or advertisement in a transit vehicle.
- (9) No person shall injure, deface, destroy, loosen, remove, or tamper with any device in a transit vehicle.
- (10) No person shall extend his/her head, hand, arm, foot, leg, or other portion of the body through any window.
- (11) No person shall interfere in any manner whatsoever with the safe operation of any transit vehicle, including physically blocking or impeding a transit vehicle.
- (12) No person shall block an aisle, stairway, or seat with any object, including strollers.
- (13) No person shall enter non-public areas which are for transit personnel only.
- (14) No person shall sleep in a transit vehicle or bus where the sleeping interferes with the enjoyment of a transit vehicle or bus by other persons or compromises or interferes with the operator or operation of the transit vehicle.
- (15) No person shall throw or project any object inside of a transit vehicle.
- (16) No person shall possess explosives, flammable, caustic, or other harmful material in a transit vehicle.
- (17) No person shall possess a weapon in a transit vehicle unless allowed under State and federal law. Weapons which are not possessed pursuant to a concealed carry permit or other State or Federal law must be unloaded and

carried in an enclosed case, box or other container which completely conceals the item from view and identification as a weapon. This provision does not apply to law enforcement.

- (18) No person shall possess an open alcoholic beverage container, irrespective of whether the container is spill-proof or screw-top.
 - (19) No person shall undertake unruly behavior, which includes being loud on a transit vehicle which reasonably interferes with the enjoyment of a transit vehicle by other persons.
 - (20) No person shall use a cellphone or electronic device in a manner which is unreasonably loud which then affects the transit vehicle operator or which reasonably interferes with the use and enjoyment of the transit vehicle by other persons.
 - (21) No person shall have unwelcome physical or verbal contact with passengers.
 - (22) No person shall hang or swing off bars or stanchions.
 - (23) No person shall ride any bike, skateboard, scooter, or roller-skate, in-line-skate, or undertake a same or similar activity in a transit vehicle.
 - (24) No person shall activate without justification, mutilate, deface or misuse in any manner, any safety device or intercom located onboard a transit vehicle.
 - (25) No person shall attach oneself to the exterior of a transit vehicle.
 - (26) No person shall bring odors, whether from one's person, clothes, articles, or any other source, which unreasonably interferes with the use and enjoyment of a transit vehicle by other persons.
 - (27) No person shall reasonably interfere with the use and enjoyment of a transit vehicle by other persons.
- (b) Prohibited Actions on or about a Transit Facility. The following outlines conduct prohibited on or about a transit facility:
- (1) No person shall drink alcoholic beverages or possess an open alcoholic container on or in a transit facility.
 - (2) Consistent with the definitions and provisions provided in CBJ 36.30, Second-Hand Smoke Control, no person shall smoke in any form on or in a transit facility.

- (3) No person shall enter non-public areas which are for transit personnel only to enter.
- (4) No person shall injure, deface, destroy, loosen, remove, or tamper with a transit facility.
- (5) No person shall injure, deface, alter, change, displace, remove, or destroy any sign, notice, signal, or advertisement on a transit facility.
- (6) No person shall interfere with any lamp, electric light, or electric fixture on or at a transit facility.
- (7) No person shall write, paint, or draw anything on or deface any transit facility.
- (8) No person shall interfere with, encumber, obstruct, or render dangerous any transit facility.
- (9) No person shall throw or project any object at a transit vehicle, bus, person, or thing on or in a transit facility.
- (10) No person shall throw or project any object from a transit vehicle or transit facility.
- (11) No person shall possess explosives, flammable, caustic, or other harmful material in a transit facility.
- (12) No person shall possess a weapon in a transit facility unless allowed under State and federal law. Weapons which are not possessed pursuant to a concealed carry permit or other State or Federal law must be unloaded and carried in an enclosed case, box or other container which completely conceals the item from view and identification as a weapon. This provision does not apply to law enforcement.
- (13) No person shall urinate, defecate, or create an unsanitary condition through presence of blood, urine, feces, vomit, or other bodily fluids in a transit facility.
- (14) No person shall undertake unruly behavior, which includes being loud in a transit facility which reasonably interferes with the use and enjoyment of a transit facility by other persons.
- (15) No person shall post, distribute, or display commercial signs, advertisements, circulars, handbills, or written material of a commercial nature on or within the transit facility, nor shall any person engage in any verbal solicitations of a commercial nature on or within a transit facility.

- (16) No person shall climb atop of a transit facility.
- (17) No person shall camp or store property in a transit facility.
- (18) No person shall sleep in a transit facility such that the sleeping interferes with the enjoyment of a transit vehicle or bus by other persons or compromises or interferes with the operator or operation of the transit vehicle.
- (19) No person shall bring odors, whether from one's person, clothes, articles, or any other source, which unreasonably interferes with the enjoyment and use of a transit facility by other persons.
- (20) No person shall reasonably interfere with the use and enjoyment of a transit facility by other persons.

(c) Fares.

Passengers shall be permitted upon transit vehicles upon payment of fares. Transit personnel may confiscate any and all passes which are being used in violation of this provision. Concerning payment of fares, it is unlawful for a person:

- (1) To ride a transit vehicle without paying the appropriate fare.
- (2) To present an invalid pass or transfer.
- (3) To purchase or use an unused ticket or pass provided by any person who is not an authorized CBJ transit employee.
- (4) To misrepresent oneself as eligible for special or reduced fare or transfer.
- (5) To fail to surrender a pass if demanded by authorized Capital Transit personnel to check the validity of the pass or ticket.
- (6) To fail to surrender an expired or unauthorized pass upon request by transit personnel, including any pass which is in violation of this section.

(d) Animals.

No person shall bring, carry unto, or convey upon the transit facility, a dog, or other animal, unless it is completely enclosed in a carry case, which can be accommodated in the lap of a passenger with no danger or annoyance to other passengers. This rule shall not apply to a "service" or "assistance" animal. A "service" or "assistance" animal is trained to assist persons with disabilities. Such animals shall be properly harnessed when possible. Service or assistance animals must be under the control of

the person at all times. Capital transit personnel reserve the right to inquire about the status of such animals.

(e) Commercial Activity Prohibited.

No person shall exhibit, sell, or offer for sale, hire, lease, or let out in or about the transit facility or a transit vehicle any object or service, except concessions under contract with Capital Transit.

(f) No Smoking at any Transit Facility.

Consistent with the City and Borough of Juneau's Second-Hand Smoke Control Code (CBJ 36.60.005 - .050), no person shall smoke any materials, whether tobacco or any other product as listed in CBJ 36.60 using any device, cigarette, cigar, pipe, or any other apparatus as listed in CBJ 36.60, or utilize any smoking device, cigar, pipe, or other apparatus as listed in CBJ 36.60 within ten feet of any transit facility.

03 CBJAC 20.120 Penalties.

(a) Denial of Service.

Violators of the code of conduct may be subject to immediate denial of service to all transit vehicles and all transit facilities.

Immediate denial of service may be effected by a Juneau police officer, authorized capital transit personnel including drivers, or authorized personnel of a contract service provider.

(b) Suspension of Privileges.

Violators of the code of conduct may be subject to suspension of privilege to enter or use transit vehicles and or transit facilities. Suspension of privileges to enter or use capital transit vehicles or facilities may be effected by a Juneau police officer, the director of the engineering and public works department, or authorized transit employees, who shall issue a written notice stating the cause and duration of the suspension and the process for requesting appeal as outlined in 03 CBJAC 20.130.

The length of the suspension will be in the discretion of the issuer of the suspension and may consider the nature of the present violation, prior instances of violations, and any other facts which the individual issuing the suspension deems pertinent.

Suspension shall be in effect upon receipt of the notice and shall remain in effect during any review process.

Failure to comply with suspension of privilege to enter or use transit vehicles and facilities shall be grounds for criminal trespass prosecution under CBJ 42.15.015(a) (3).

(c) Criminal Conduct.

Criminal conduct, including but not limited to, assault, disorderly conduct, and illegal drug use, are prohibited on all transit vehicles and transit facilities. The Juneau Police Department will be contacted if such conduct is observed by Capital Transit personnel.

03 CBJAC 20.130 Appeal.

- (a) Within ten days after receiving a notice of suspension of privileges to enter or use capital transit facilities, a person receiving such notice may deliver to the director of the engineering and public works department a written request for review of the suspension and an opportunity to present reasons for reconsideration of the suspension. An appeal filed after ten days have passed from the issuance of the suspension will not be accepted and heard unless the director finds the appellant has shown good cause existed for the late filed appeal.
- (b) Within ten days after receiving a request for review, the director shall set a telephonic or in-person hearing to review the decision. The hearing shall be held within ten days following the request for a hearing. The director of the engineering and public works department shall decide to affirm or reverse the suspension within ten days following the hearing.
- (c) After the director's decision, the person then has the appeal opportunities as provided in CBJ 01.50.

03 CBJAC 20.140 Enforcement.

- (a) The Juneau Police Department may assist in enforcing these regulations, which includes issuing a notice of suspension and denial of service to any person violating the code of conduct. Law enforcement may also arrest – when appropriate by State and local law – a person for criminal conduct which occurs onboard a transit vehicle or on or about a transit facility.
- (b) The director of the engineering and public works department and duly authorized employees also have the authority to issue suspensions and to deny service to individuals who violate these regulations.
- (c)

Section 3. Notice of Proposed Adoption of a Regulation. The notice requirements of CBJ 01.60.200 were followed by the agency. The notice period began on May 24, 2015, which is; not less than 21 days before the date of adoption of these regulations as set forth below.

Adoption by Agency

After considering all relevant matter presented to it, the agency hereby amends these regulations as set forth above. The agency will next seek Assembly review and approval.

Date: 6/23/15



Rorie Watt, Director, Engineering
and Public Works Department

Legal Review

These regulations have been reviewed and approved in accordance with the following standards set forth in CBJ 01.60.250:

- (1) Consistency with federal and state law and with the charter, code, and other municipal regulations;
- (2) The existence of code authority and the correctness of the required citation of code authority; and
- (3) Its clarity, simplicity of expression, and absence of possibility of misapplication.

Date: 6/25/15

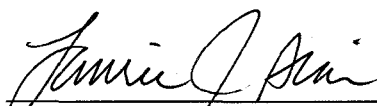


Amy G. Mead
City Attorney

Assembly Review

These regulations were presented to the Assembly at its meeting of 6/29/15. They were adopted by the Assembly.

Date: 7/7/15



Laurie J. Sica, Clerk

Filing with Clerk

I certify, as the clerk of the City and Borough of Juneau, that the following statements are true:

1. These regulations were accepted for filing by the office of the clerk at 8:00 a.m. /p.m. on the 30th day of June, 2015.
2. After signing I will immediately deliver or cause to be delivered copies of this regulation to the attorney and the director of libraries.
3. A permanent file of the signed originals of these regulations will be maintained in this office for public inspection.
4. Effective date: July 7, 2015

Date: July 7, 2015

Laurie J. Sica
Laurie J. Sica, Clerk