

Regular

CITY COUNCIL MEETING AGENDA REQUEST

DATE: 9/30/19      DEPT: Transportation      MEETING DATE: 10/16/19

ITEM/TOPIC: Ordinance No.19-04 Passenger Behavior for the City of Las Vegas Meadow City Express.

**ACTION REQUESTED OF COUNCIL:** *Conduct a Public Hearing and Approve or Disapprove the adoption of Ordinance No.19-04.*

**BACKGROUND/RATIONALE:** As per NMDOT and FTA Regulations for Transit Systems, an Ordinance Governing Passenger Behavior must be adopted.


**STAFF RECOMMENDATION:**

**COMMITTEE RECOMMENDATION:**


THIS REQUEST FORM MUST BE SUBMITTED TO THE CITY CLERK'S OFFICE NO LATER THAN 5:00 P.M. ON FRIDAY ONE AND A HALF WEEKS PRIOR TO THE CITY COUNCIL MEETING.

  
SUBMITTER'S SIGNATURE

REVIEWED AND APPROVED BY:

  
TONITA GURULE-GIRON  
MAYOR

\_\_\_\_\_  
TANA VEGA, INTERIM  
FINANCE DIRECTOR  
(PROCUREMENT)

  
ANN MARIE GALLEGOS,  
INTERIM CITY MANAGER

\_\_\_\_\_  
PURCHASING AGENT  
(FOR BID/RFP AWARD)

\_\_\_\_\_  
ESTHER GARDUNO MONTOYA,  
CITY ATTORNEY  
(ALL RESOLUTIONS, ORDINANCES  
& CONTRACTS MUST BE  
REVIEWED)

Approved on  
10/16/19 DS

**CITY OF LAS VEGAS  
ORDINANCE NO. 19-04**

**AN ORDINANCE REGULATING THE PUBLIC USE OF THE CITY OF LAS VEGAS MEADOW  
CITY EXPRESS TRANSIT SYSTEM PASSENGER CODE OF CONDUCT ON TRANSIT VEHICLES  
AND PROPERTY.**

**ARTICLE 1. ADOPTION AND PURPOSE.**

**ARTICLE 2. GENERAL.**

**ARTICLE 3. ADMINISTRATOR.**

**ARTICLE 4. DEFINITIONS.**

**ARTICLE 5. MUNICIPAL TRANSIT CODE OF CONDUCT.**

**ARTICLE 6. PENALTIES.**

**ARTICLE 7. APPEAL.**

**ARTICLE 8. ENFORCEMENT.**

**ARTICLE 1. ADOPTION AND PURPOSE.**

- (a) The City of Las Vegas Meadow City Express has determined that the orderly operation of the Meadow City Express Transit System to include 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 "Municipal Transit Code of Conduct".
- (b) These rules and regulations are in addition to and supplement all applicable laws, ordinances, and regulations.

**ARTICLE 2. GENERAL.**

- (a) Use of Municipal 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 Municipal 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 Municipal Transit.

### **ARTICLE 3. ADMINISTRATOR.**

The Administrator of the Municipal Transit Code of Conduct shall be the Transit Manager of the Meadow City Express Transit System or their designee.

### **ARTICLE 4. 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 of Las Vegas Meadow City Express.

*Fares* - the money a passenger on public transportation has to pay.

*Service Animal* - 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, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items.

*Child Safety Seat* - seats designed specifically to protect children from injury or death during collisions. Automobile manufacturers may integrate child safety seats directly into their vehicles design. Most commonly, these seats are purchased and installed by consumers.

- *Infant seats* - rear-facing seats designed just for infants, and usually, your baby will outgrow an infant seat at around eight or nine months of age.
- *Convertible seats* - transform from a rear-facing seat to a forward-facing seat as soon as your child reaches the correct size.
- *Combination seats* - change from a forward-facing seat into a booster seat once your child is big enough.

- *Booster seat* - prop your child up to the correct height needed to use an adult seat belt. Options include a backless design and a high-back design, which provides head and neck support.
- *All-In-One seats* - transition from a rear-facing seat to a forward-facing seat before finally changing into a booster seat once your child is ready.

*No Shows and Late Cancelations* - A no-show occurs anytime the passenger is not available to board a vehicle within three (3) minutes after the vehicle arrives for a scheduled pick-up. The no-show definition includes rides that were not properly canceled. Late cancelations occur anytime a passenger does not cancel at least one (1) hour prior to their scheduled pick-up

## **ARTICLE 5. MUNICIPAL 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 or possess or engage in use of any illegal drugs.
  - (3) 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, 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 cell phone 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.

(28) No person age eleven (11) years old and under shall be permitted to ride unaccompanied by a person at least age eighteen (18) years or older.

\*Exception: The child may ride with a person that is under the age of eighteen (18) years old if they are the parent. The parent must bring proof of parentage.

(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) 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, 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 the 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 a person who is not an authorized MCE 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 MCE 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 onto, 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. Municipal transit personnel reserve the right to inquire about the status of such animals. *(See Meadow City Express Service Animal Policy)*

(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 Municipal Transit.

(f) No Smoking at any Transit Facility.

Consistent with the City of Las Vegas Second-Hand Smoke Control Code, no person shall smoke any materials, whether tobacco or any other product with any device, cigarette, cigar, pipe, or any other apparatus or utilize any smoking device, cigar, pipe, or other apparatus within ten feet of any transit facility.

(g) Child Safety Seats/Restraint Requirements

Meadow City Express along with NMDOT follow the New Mexico child car seat laws, therefore, when riding any Meadow City Express vehicle, the passenger must provide the proper car seat for children meeting the criteria for a child safety seat/car seat. Meadow City Express drivers are responsible for knowing which laws apply and reserve the right to refuse service to anyone that does not have the proper child restraints when boarding the buses. *(See Meadow City Express Child Safety Seat Policy)*

(h) No Shows and Late Cancellations

Passengers are required to cancel no later than one (1) hour prior to their scheduled pick-up. Each no-show and late cancelation is documented and the passenger is responsible for paying the no-show fare or late cancelation fare before riding the bus again. *(See Meadow City Express No-Show and Late Cancelation Policy)*

## **ARTICLE 6. 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 City of Las Vegas officer, authorized Meadow City Express 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 Meadow City Express vehicles or facilities may be affected by Las Vegas City police officer, or authorized transit employees, who shall issue a written notice stating the cause and duration of the suspension and the process for requesting an appeal .

Length of the suspension will be at 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 or privilege to enter or use transit vehicles and facilities shall be ground for criminal trespass prosecution.

(c) Criminal Conduct.

Criminal conduct, including but not limited to, assault, disorderly conduct, and illegal drugs use, are prohibited on all transit vehicles and transit facilities. The City of Las Vegas Police Department will be contacted if such conduct is observed by Meadow City Express personnel.

**ARTICLE 7. APPEAL.**


(a) Within ten days after receiving a notice of suspension of privileges to enter or use Meadow City Express transit facilities, a person receiving such notice may deliver to the Manager of Meadow City Express 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 Transit Manager along with the City Manager's approval finds the appellant has shown good cause existed for the late filed appeal.

(b) Within ten days after receiving a request for review, the Manager of Meadow City Express 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 Transit Manager shall decide to affirm or reverse the suspension within ten days following the hearing and make a recommendation to the City Manager. The City Manager's decision will be final. The City Manager will then review the recommendation of the Transit Manager and will either concur and approve the decision of the Transit Manager or request a final appeal hearing and make a final decision on the matter.

**ARTICLE 8. ENFORCEMENT.**

- (a) The Las Vegas Police Department may assist in enforcing this ordinance.
- (b) The Manager of Meadow City Express has the authority to issue suspensions and to deny service to individuals who violate these regulations.

**PASSED, APPROVED, AND ADOPTED THIS DAY** 16 **OF** October, 2019.

  
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Tonita Gurule-Giron, Mayor

  
\_\_\_\_\_  
Ann Marie Gallegos, Interim City Manager

**Attest:**

  
\_\_\_\_\_  
City Clerk

**Approved as to legal sufficiency only:**

  
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Esther Garduno-Montoya, City Attorney