

CHAPTER 28 – REGULATIONS GOVERNING CONDUCT ON DISTRICT PROPERTY

(Title amended by Ordinance No. 168, Section 2)

28.05 **Purpose.** For the safety, convenience, and comfort of District Vehicle passengers, and for the safety of District personnel and the region, and for 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, it is necessary to establish rules and regulations governing conduct on District property.

(28.05 amended by Ordinance No. 168, Section 3; Ordinance No. 275 and Ordinance No. 278)

28.10 **Definitions.** As used in this Chapter, unless the context requires otherwise:

A. “Assistance animal” means:

- (1) a physical disability recognized under the American with Disabilities Act, including a dog guide, hearing ear dog, or other service animal assisting an individual with a physical disability in one or more daily life activities including, but not limited to, pulling a wheelchair, fetching, and balance work; or
- (2) a companion animal designated to assist an individual with a mental or psychological disability in accordance with criteria that may be promulgated by the General Manager for identifying companion animals.

B. “District” means Tri-County Metropolitan Transportation District of Oregon.

C. “District Parking Facility” includes a District-operated parking lot 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 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, or controlled 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 trackway and District right-of-way.

F. “District Vehicle” includes a bus, van, light 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 Administrator" includes any persons designated by the General Manager to conduct an internal agency administrative review of exclusion notices.
- I. "Hearings Officer" includes any person designated by the General Manager to conduct exclusion hearings.
- J. "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.
- K. "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.
- L. "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.
- M. "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.
- N. "Transit Dependent" means a person who has no independent source of transportation and relies solely on public transit for local movement and access.

(28.10 amended by Ordinance No. 168, Section 4; Ordinance No. 170, Section 1; Ordinance No. 179, Section 1; Ordinance No. 182, Section 1; Ordinance No. 189, Section 1; Ordinance No. 217, Section 1; Ordinance No. 223, Section 1; Ordinance No. 266; Ordinance No. 275; and Ordinance No. 278.)

28.15 **Regulations.**

I. **Category I Violations:**

- A. **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.
- B. **Smoking Prohibited:** No person shall smoke tobacco or any other substance, or shall carry any lighted or smoldering substance, in any form;
 - (1) aboard a District Vehicle;
 - (2) in the elevators or underground areas of the Washington Park Station; or
 - (3) within any space where posted signage prohibits smoking.

- C. 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.
- D. Radios, Compact Disk Players and Other Sound-Emitting Devices: 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.
- E. Animals: No person shall bring or carry aboard a District Vehicle or be present in or upon a District Station with an animal except:
- (1) A person accompanied by an assistance animal or a person training an assistance animal, so long as the behavior of the animal is controlled at all times.
 - (2) A person may bring or carry aboard a District Vehicle or be present in or upon a District Station with a domestic animal that is a pet if: (a) the animal is kept and held at all times within a secure container appropriate and constructed for carrying the size and type of animal; and (b) the animal can be transported (i) without risk of injury to the animal and without risk of harm or inconvenience to other riders or District personnel, and (ii) in accordance with all other provisions of the TriMet Code.
- F. Carriages, Strollers and Shopping Carts:
- (1) 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.
 - (2) No person shall bring or carry a commercial shopping cart aboard any type of District Vehicle.
- G. 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.
- H. Packages: No person shall bring or carry aboard a District Vehicle any package or article of a size which will block any aisle or stairway on the vehicle.
- I. 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 or District Parking Facility, except in receptacles provided for that purpose. No person shall spit, defecate, or urinate in or upon a District Vehicle, District Station or District Parking Facility, except in the confines of a lavatory where lavatories are available for public use.

- J. 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 or any other District property.
- K. Posting Notices: Except as otherwise allowed by District regulations, no person shall place, permit or cause to be placed any notice 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.
- L. Use of District Transit System:
- (1) No person shall:
- (a) Enter and remain upon, occupy or use a District Station except for boarding, disembarking or waiting for a District Vehicle unless TriMet has authorized such use in advance or the person is licensed or privileged to do so;
 - (b) Extend any portion of his or her body through any door or window of a District Vehicle while it is in motion;
 - (c) Attempt to board or de-board a moving District Vehicle;
 - (d) Lie down on the floor in a District Vehicle or across the seats of a District Vehicle or Station in a manner which inhibits the proper use of seats provided for waiting or boarded riders;
 - (e) Prevent or delay the closure of an exterior door on a District Vehicle;
 - (f) Strike or hit a District Vehicle, stop or cross in front of a District Vehicle for the purpose of stopping the Vehicle or gaining passage after the Vehicle has concluded boarding;
 - (g) In any manner hang onto, or attach himself or herself to, any exterior part of a District Vehicle while the Vehicle is resting or in motion;
 - (h) Ride a skateboard or roller-skates upon a District Vehicle, District Station or District Parking Facility; or
 - (i) Abandon a grocery cart upon a District Station or District Parking Facility.
- (2) Violation of Regulatory 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 signs posted in or upon the District Transit System that has been authorized by the General Manager to address a regulatory 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.

- M. Gambling: No person shall engage in illegal gambling, or solicit others to engage in illegal gambling, aboard any District Vehicle or in a District Station, in violation of ORS 167.117 to 167.162.
- N. Possession of Un-punched Transfer: No person shall, without proper authority, possess an un-punched District passenger transfer, 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. Possession of an un-punched District passenger transfer by any person whose possession of the transfer is not in the course and scope of employment as a District employee shall be prima facie evidence that the transfer is stolen and possessed without proper authority.
- O. Alcoholic Beverage: No person shall possess an open container of alcoholic beverage on a District Vehicle, District Station or District Parking Facility, unless authorized by the District.
- P. Bicycles: The transport of bicycles on District Vehicles is permitted in accordance with administrative rules as may be promulgated by the General Manager provided that:
- (1) No person shall bring aboard or possess a bicycle on a District Vehicle in violation of the District administrative rules; and
 - (2) No person shall ride a bicycle upon a District Vehicle or District Station, except peace officers and authorized District personnel.
- Q. 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.
- R. Noise: No person shall:
- (1) Make excessive or unnecessary noise 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
 - (2) Perform vocal or instrumental music, without the prior written authorization of the District.
- S. 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.

II. Category II Violations

- A. Flammable Substances and Ignition Devices: No person shall bring, possess or carry aboard onto a District Vehicle or platform 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.
- B. 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 weapon, 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 may not display or carry the weapon in a manner which is likely to result in fear or alarm by other persons or District employees.
- C. Disorderly Conduct: No person shall, with the intent to cause inconvenience, annoyance or alarm to the public, a District employee, Inspector or security personnel or a peace officer, or recklessly creating a risk thereof:
- (1) Engage in fighting, or violent, tumultuous or threatening behavior within any District Vehicle, District Station or District Parking Facility; or
 - (2) Obstruct the free movement of passengers within any District Vehicle or District Station; or
 - (3) Interfere with the operation or movement of a District Vehicle; or
 - (4) Create a hazardous or physically offensive condition within a District Vehicle, District Station or District Parking Facility by any act which the person is not licensed or privileged to do.
- A person who engages in disorderly conduct as defined in ORS 166.025 while in or on a public transit vehicle or public transit station, may be arrested and prosecuted for the crime of interfering with public transportation under ORS 166.116.
- D. Emergency Stop Device: No person shall activate the “emergency stop” device of a District Vehicle in the absence of an emergency.
- E. Interference with or Trespass on Light Rail Right-of-Way: No person shall:
- (1) Enter upon or remain upon the right-of-way of the light rail transit line so as to create a hazard to that person or interfere with the passage of the light rail vehicle;
 - (2) Stop or park a vehicle on the light rail right-of-way in such manner as to interfere with the passage of a light rail vehicle; or

- (3) Fail to obey a District authorized posted directive or prohibition pertaining to entering, crossing or traveling upon the right-of-way.
- F. Criminal Activity: No person shall engage in activity prohibited by any state, county, or municipal criminal law of Oregon while on a District Vehicle or in or upon a District Station or District Parking Facility.
- G. Risks to System Security and Order
- (1) 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.
- (2) Harassment and Intimidation:
- (a) While on a District Platform or Vehicle, no person shall engage in harassment through a course of conduct which places another person in reasonable fear of imminent physical harm, including, but not limited to, following such person around or about the 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 vehicle, by a District employee or a peace officer.
- (3) Explosive Materials or Device: No person may carry, possess or transport any explosive material or device, assembled or disassembled, onto a District Vehicle or other District property unless the person is a District Employee, peace officer, or emergency response professional, acting in the course of employment or duty.
- (4) Threats: No person may utter a threat to cause damage to a District Vehicle or other District 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 District property; or state a threat of physical harm to a peace officer or District personnel acting in the course of employment.
- (5) 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.
- (6) Interference with Enforcement: No person shall interfere with the lawful efforts of peace officers or District personnel, through physical action or inaction, while the peace officers

or District personnel are engaged in the enforcement of the conduct requirements of state or federal law, TriMet Code, or posted signage.

- (7) Abandonment of Packages: No person shall knowingly abandon an unauthorized package on a District Station, District Parking Facility or District Vehicle, 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.
- (8) 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 any part of a District Station or District Parking Facility, or any person on a District Vehicle or at a District Station or District Parking Facility, except that a peace officer in the course of employment is exempt from this paragraph.
- (9) Violation of Security Signage: In addition to the prohibitions set forth elsewhere in this TMC Chapter, no person shall fail to abide by a specific directive 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 general or specific safety or security concern. The General Manager or the General Manager's designee shall establish and post such signage in a manner that provides sufficient notice concerning the conduct required or prohibited and shall include notice that a violation carries the penalties or remedies of a Category II violation, as defined by Administrative Rules promulgated by the General Manager. Any violation of the specific directives in a sign authorized under this section shall constitute a Category II violation under this subsection.

H. Damaging or Defacing District Property: No person shall:

- (1) Draw graffiti or any other writing on any District Vehicle or any other District property; or
- (2) In any manner damage, destroy, interfere with, or obstruct in any manner, the property, services or facilities of the District.

(28.15 amended by Ordinance No. 168, section 5; Ordinance No. 179, Section 1; Ordinance No. 184, Section 1; Ordinance No. 189, Section 2; Ordinance No. 217, Section 1; Ordinance No. 228, Section 1; Ordinance No. 266; Ordinance No. 275; and Ordinance No. 278)

28.18 **Exclusion**

- A. In addition to other measures provided for violation of TMC Chapters 28, 29, and 30, or the laws of the State of Oregon, the District may exclude an individual from all or any part of the District Transit System for a violation of any provision of TMC Chapters 28, 29 or 30, or violates any law of the State of Oregon while on the District Transit System, for a period of time not to exceed six months.
- B. A person excluded under TMC Section 28.18 may not during the period of exclusion, enter or remain upon any part of the District Transit System from which said person is excluded. An excluded person who enters or remains upon any part of the District Transit System from

which the person has been excluded may be charged with the crime of Interfering with Public Transportation (ORS 166.116) or the crime of Criminal Trespass in the Second Degree (ORS 164.245).

- C. A notice of exclusion may be issued by any peace officer, District Fare Inspector, District Road Supervisor, District Rail Controller/Supervisor, or other person authorized by the General Manager (hereinafter referred to under this Section 28.18 as “exclusion officer”) based upon probable cause that an individual has engaged in conduct in violation of TMC Chapters 28, 29 or 30, in violation of any law of the State of Oregon, or in violation of the law of a municipality in which the conduct occurred.
- D. The General Manager shall promulgate administrative rules establishing the types of violations on which an exclusion may be based and the duration of exclusion for each type of violation. The General Manager is further authorized to appoint a Hearings Officer(s), establish hearing procedures, and establish any other administrative requirements necessary to effectively implement the provisions of TMC Section 28.18. The General Manager is further authorized to review, investigate, invalidate or rescind any exclusion, at any stage during, or after, the processing of an exclusion, when the General Manager determines, in the General Manager’s sole discretion, that justice so requires. Nothing in this Chapter shall be interpreted as an abrogation or restriction of this discretion of the General Manager.
- E. An individual shall be provided notice concerning the length and scope of the exclusion and the rights to which the individual is entitled upon receipt of a Notice of Exclusion from an exclusion officer. Such notice shall include:
 - (1) An explanation of the conduct alleged and the source of rule or law violated;
 - (2) An explanation of the District’s internal review procedure, a description of the hearing process, and an explanation of the evidentiary burdens; and
 - (3) A statement of the duration of the exclusion, and whether the exclusion is immediately effective or subject to a stay pending the opportunity for a hearing in accordance with administrative rules promulgated by the General Manager.
- F. Every person who receives a Notice of Exclusion shall be entitled to an administrative review by a District Exclusion Administrator. The purpose of the administrative review shall be to determine whether a Notice of Exclusion conforms to the administrative rules promulgated by the General Manager. If an Exclusion Administrator determines, after conducting an administrative review, that the Notice of Exclusion does not conform to District administrative rules, the Exclusion Administrator shall notify the individual that the Notice of Exclusion is invalid and withdrawn. If the administrative review confirms that a Notice of Exclusion was issued in conformity with District administrative rules, it shall be deemed valid, and the Exclusion Administrator shall proceed in accordance with the following:
 - (1) Category I violations. Category I consists of those violations set forth at: TMC Section 28.15; (I) Category I Violations; TMC Section 29.15; TMC Sections 30.10, 30.15 and

30.20(B), (C) and (D). The determination of validity of a Notice of Exclusion for a Category I violation shall be followed by the mailing of a letter, within 14 business days of the date the Notice of Exclusion was issued, to the excluded individual at the address provided to the exclusion officer at the time of issuance. The letter shall set forth the individual's right to a hearing, the procedure for scheduling a hearing, the deadline for scheduling a hearing, and the date that the exclusion shall take effect if a hearing is not scheduled.

- (2) Category II violations. Category II violations consist of those violations set forth at TMC Section 28.15 (II) Category II Violations. The Exclusion Administrator shall automatically refer a valid Notice of Exclusion for a Category II violation to a Hearings Officer within two (2) business days of the date the Notice of Exclusion was issued. The Hearings Officer, or his or her designee, shall contact the excluded individual to schedule a hearing within three (3) business days following the Hearings Officer's receipt of the Notice of Exclusion from the District Exclusion Administrator. A hearing shall be conducted no later than ten (10) business days following the date of issuance unless the Hearings Officer determines, in his or her sole discretion, that a continuance is warranted or necessary. If the Hearings Officer determines that a continuance is warranted or necessary, he or she may impose a temporary stay to lift the applicability of an immediately effective exclusion pending the date of the hearing.

G. All exclusions issued for Category I violations shall be subject to a stay pending administrative review and opportunity for a hearing. A stay on a Category I exclusion shall remain until the deadline for scheduling a hearing has expired or, if a hearing has been conducted, the date on which the Hearing Officer's final order is effective following a hearing. Exclusions issued for Category II violations shall take effect immediately upon issuance by an exclusion officer, provided however, that the Hearings Officer may impose a stay where warranted or necessary.

H. An individual who receives a valid Notice of Exclusion shall be entitled to a hearing. The purpose of the hearing shall be to:

- (1) Review and determine whether the evidentiary basis for issuance of the Notice of Exclusion was sufficient as a matter of law; and
- (2) Determine whether the length and scope of an exclusion is commensurate with the nature of the violation; and
- (3) Render a finding on whether it is more probable than not that the individual engaged in conduct justifying an exclusion; and
- (4) Consider any mitigating and aggravating factors relevant to the scope and length of an exclusion; and
- (5) Issue a final exclusion order to sustain, modify, or set aside a Notice of Exclusion.

- I. Effect of a Failure to Schedule or Attend a Hearing. If a Notice of Exclusion is deemed valid by the Exclusion Administrator, and an excluded person fails to schedule a hearing or appear at a scheduled hearing, the exclusion shall take effect within five (5) business days of the mailing of notice from the a) Exclusion Administrator for a Category I violation, or b) within five (5) business days of the mailing of a final order from the Hearings Officer for a Category II violation.
- J. The Hearings Officer shall make a finding on whether it is more probable than not that the excluded individual engaged in the conduct supporting the exclusion. In addition, the Hearings Officer shall consider any mitigating or aggravating factors in determining the appropriate scope and length of the exclusion, including:
- (1) Whether the conduct resulted in physical harm to another;
 - (2) Whether the conduct posed a threat of harm to another;
 - (3) Whether the conduct interfered with the safe operation of a District Vehicle, or posed a threat to the public safety;
 - (4) Whether the conduct resulted in damage or destruction to District property or premises, or to the property of another;
 - (5) Whether the excluded person was under the influence of alcohol or a controlled substance;
 - (6) Whether the excluded person used or displayed or threatened to use, a weapon or any object as a weapon;
 - (7) The excluded person's history of exclusion, warnings and citations; and
 - (8) Any other appropriate facts or circumstances relating to the exclusion incident that bear on the length and scope of the exclusion.
- K. In conducting a hearing and reaching a decision, the Hearings Officer may rely upon any evidence that a reasonable person would rely upon in making an important decision or conducting personal business. Hearsay is admissible, except where its admission would offend due process. The Hearings Officer shall have the authority to compel testimony or evidence deemed necessary, in the Hearings Officer's sole discretion, to a fair decision. The mechanisms available for compelling testimony or evidence shall be established through administrative rules promulgated by the General Manager.
- L. Notwithstanding any other provision of TMC Section 28.18, the General Manager, or his or her designee, upon a review of sufficient evidence, and the Hearings Officer, upon review of the Notice of Exclusion or the evidence presented at the hearing, must modify or set aside an exclusion under the circumstances provided for below:

- (1) An individual with a disability shall not be issued a complete exclusion from the District Transit System unless the person engaged in violent, seriously disruptive or criminal conduct, or in conduct posing a serious threat to the safety of others or to the operation of the transit system. Absent such a finding, if a Hearings Officer determines that a violation was more probable than not, the Hearings Officer shall order a qualified exclusion.
 - (2) A transit dependent person shall not be issued a complete exclusion for the District Transit System unless the person engaged in violent, seriously disruptive, or criminal conduct, or in conduct posing a serious threat to the safety of others or to the operation of the transit system. Absent such a finding, if a Hearings Officer determines that a violation was more probable than not, the Hearings Officer shall order a qualified exclusion. Any person asserting the right to a qualified exclusion on the basis of transit dependence shall have the burden of establishing transit dependence by a preponderance of the evidence.
 - (3) A person issued a Notice of Exclusion for conduct determined to be expressive conduct protected by the First Amendment to the U.S. Constitution and Article I, Sections 3 and 8 of the Oregon Constitution, shall not be excluded on the basis of such conduct. If the Hearings Officer finds that a violation was more probable than not, but also finds that the conduct involved expressive conduct or the expression of a religious opinion, the Notice of Exclusion shall be set aside, unless the Hearings Officer also finds that the effect of the conduct endangered public safety, disrupted service, or interfered with transit operations. For the purposes of this paragraph, the parameters of the free expression and religious protections afforded under this Section 28.18 shall be coextensive with constitutional guarantees.
- M. Effect of Failure to Provide an Address. When a person receiving a Notice of Exclusion is not able, or refuses, to provide a mailing address at the time of issuance, the Notice of Exclusion shall set forth the procedure for picking up any letters, notices or orders produced by the Exclusion Administrator or Hearings Officer, in accordance with administrative rules promulgated by the General Manager.
- N. Within five (5) business days following the conclusion of a hearing, the Hearings Officer shall issue a final Order setting forth all findings and a decision on the exclusion, unless issuance of a final order within five (5) business days is not practicable. If a final order cannot be issued within five (5) business days of the hearing, the Hearings Officer, in his or her sole discretion, may impose a temporary stay on an immediately effective exclusion until the final order is effective. A final order shall be deemed issued on the date of mailing to all parties at the addresses provided by the parties, through regular U.S. Mail, and effective three (3) business days from the date of issuance.
- O. After exhausting all review options available herein, an excluded person may petition in writing to the General Manager, or designee, for a temporary waiver of the exclusion, based upon a showing of extraordinary circumstances. The General Manager, or designee, has the sole discretion to grant or deny the petition.

(28.18 added by Ordinance No. 170, Section 2; amended by Ordinance No. 205, section 1; Ordinance No. 214, Section 1; Ordinance No. 230, section 1; Ordinance No. 266; Ordinance No. 275; and Ordinance No. 278)

28.20 **Enforcement.**

A. Any peace officer, Inspector, vehicle operator, or District Rail Controller, has the authority to refuse entrance on a District Vehicle, or District Station, require departure from a District Vehicle or District Station, or to require a seating change, of any person who violates any provision of TMC 28.15, regardless of location and regardless of presentation of pass, transfer, ticket, or payment of fare.

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, in accordance with the base fine schedule specified below:

(1) The base fine applicable to a TMC Section 28.15 Category I violation shall be \$94.

(2) The base fine applicable to a TMC Section 28.15 Category II violation shall be \$123.

C. Inspectors, peace officers appointed by the General Manager and all peace officers of the State of Oregon are authorized to issue citations, as provided by Oregon law, to any person who violates any provision of TMC Chapter 28.

Inspectors are not police officers as defined by ORS Chapter 237, and only have the powers to arrest afforded a private person under ORS 133.225.

D. The General Manager may promulgate Administrative Rules governing the authorization of additional enforcement measures, if permitted by law, in response to heightened threat alerts issued by the Department of Homeland Security or other governmental intelligence agency, or in response to a declaration of emergency by the General Manager based upon a security threat.

(28.20 amended by Ordinance No. 168, Section 6; Ordinance No. 179, Section 1; Ordinance No. 182, Section 2; Ordinance No. 208, Section 1; Ordinance No. 266; Ordinance No. 275; and Ordinance No. 278)

28.25 **Construction.** Nothing herein is intended to compromise or waive the right to enforce concurrently, or in the alternative, other remedies available pursuant to the Oregon Criminal Codes.