
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Steven Bradford, Chair
2021 - 2022 Regular

Bill No: AB 1680 **Hearing Date:** June 28, 2022
Author: Lee
Version: March 24, 2022
Urgency: No **Fiscal:** No
Consultant: MK

Subject: *Transportation: prohibition orders*

HISTORY

Source: Author

Prior Legislation: AB 1337 (Lee), Chapter 534, Stats. 2021
AB 730 (Quirk) Chapter 46, Stats. 2017
AB 468 (Santiago) Chapter 192, Stats. 2017
SB 1154 (Hancock) Chapter 559, Stats. 2014
AB 716 (Dickinson) Chapter 534, Stats. 2011
SB 1562 (Steinberg), Chapter 528, Stats. 2008

Support: Unknown

Opposition: None known

Assembly Floor Vote: 61 - 0

PURPOSE

The purpose of this bill is to change the number of days for which a prohibition order issued by a transit district for specified violations may be subject to an automatic stay from 11 days to 12 days after delivery of the order by personal service or, if an initial review is requested, after delivery of the results of the initial review.

Existing law provides that a transit district may issue a prohibition order to any person if:

- a) On at least three separate occasions within a period of 90 consecutive days, the person is cited for an infraction committed in or on a vehicle, bus stop, or train or light rail station of a specified transit district;
- b) The person is arrested or convicted for a misdemeanor or felony committed in or on a vehicle, bus stop, or light rail station of the transit district for acts involving violence, threats of violence, lewd or lascivious behavior, or possession for sale or sale of a controlled substance; or,
- c) The person is convicted of specified drug commerce or prostitution offenses. (Public Utilities Code § 99171 (a)(1)(A) to (C).)

Existing law provides that all prohibition orders are subject to an automatic stay and do not take effect until the latest of the following

- a) Eleven calendar days after delivery of the prohibition order by personal service;
- b) If an initial review is timely requested, 11 calendar days after delivery by person service of the results of the review; or,
- c) If an administrative hearing is timely requested, as specified, the date the hearing officer's decision is delivered by personal service. (Public Utilities Code § 99171 (b)(6)(A) to (C).)

Existing law provides that a prohibition order is not effective unless the transit district first affords the person an opportunity to contest the transit district's proposed action. (Public Utilities Code § 99171 (a)(3).)

Existing law provides that a person may request an initial review of the prohibition order by the transit authority for up to 10 calendar days from the delivery of the prohibition order by personal service. (Public Utilities Code § 99171 (c)(1).)

Existing law provides that, if a person is dissatisfied with the results of the initial review, the person may request an administrative hearing of the prohibition order no later than 10 days after the results of the initial review are delivered by personal service. (Public Utilities Code § 99171 (c)(3).)

Existing law prevents a person subject to a prohibition order from entering property, facilities, or vehicles of the transit district for a minimum of 30 days up to a maximum of one year, as specified. (Public Utilities Code § 99171 (a)(2)(A) and (B).)

This bill changes the number of days for which a prohibition order issued by a transit district for specified violations may be subject to an automatic stay from 11 days to 12 days after delivery of the order by personal service or, if an initial review is requested, after delivery of the results of the initial review.

COMMENTS

1. Need for This Bill

According to the author:

AB 1680 is a placeholder until SB 357 (Wiener) is signed by the Governor. If SB 357 is signed into law, it will erase our conflicting code section, PUC 99171. The changes AB 1337 (Lee) made to PUC 99171 last year will be erased, and this bill is intended to be a vehicle to correct this change, should this happen.

AB 1337 extended existing BART authority to issue prohibition orders to locations where BART has an operating agreement, but does not own the property. Current law does not fully account for the unique operations agreement between BART and the Santa Clara Valley Transportation Authority (VTA). The existing authority, conferred by AB 730/Ch. 46, Statutes of 2017, applies to BART-owned property

only. This reform will make BART's prohibition order authority consistent throughout the system regardless of ownership of the property upon which BART operates.

Several California transit systems have been granted authority by the Legislature to issue prohibitions orders. BART opened the first phase of the San José extension in the summer of 2020. The two new stations, Milpitas and Berryessa/North San José, are operated by BART, but owned by VTA

2. Changes days before order takes place

California has developed jurisdictional rules to apply to regional transit authorities as applied to who may issue prohibition orders and where they may be issued. California's approach has been measured in that it has significantly limited the scope of conduct for which a person may be prohibited. . Currently, the transit districts within the authority of California's legal framework are SacRT, the Fresno Area Express, the Metro, and BART. (Pub. Util. Code, § 99171, (e).) This authority applies to property, facilities, or vehicles of a transit district. (Pub. Util. Code, § 99171.)

This bill makes a technical amendment that would-instead prohibit a prohibition order from taking effect until the latest of 12, rather than 11, calendar days after delivery of the prohibition order, 12, rather than 11, calendar days after delivery of the results of a timely requested initial review of the prohibition order, or the date a hearing officer's decision is delivered if an administrative hearing was timely requested.

3. Author's Amendments

The author will offer amendments in Committee that deal with a chaptering issue between SB 357 (Wiener) which was sent to the Governor on June 20, 2022 and AB 1337 (Lee) Chapter 534, Statutes of 2021.

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