

ORDINANCE NO. 3908

AN ORDINANCE to repeal Section 13-1-37 (WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY BUSES, RAIL TRANSIT CARS AND RAIL TRANSIT STATIONS, SCHOOL BUSES AND ALEXANDRIA TRANSIT BUSES -- PROHIBITED CONDUCT) of Chapter 1 (GENERAL OFFENSES), and to amend said Chapter 1 to add a new Section 13-1-37 (PUBLIC TRANSIT PASSENGER VEHICLES, SCHOOL BUSES, RAIL TRANSIT CARS AND RAIL TRANSIT STATIONS -- PROHIBITED CONDUCT), all of Title 13 (MISCELLANEOUS OFFENSES) of The Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 13-1-37 of The Code of the City of Alexandria, Virginia, 1981, as amended, is hereby repealed.

Section 2. That Chapter 1 of Title 13 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same is hereby, amended by adding a new Section 13-1-37, to read as follows:

Sec. 13-1-37 Public transit passenger vehicles, school buses, rail transit cars and rail transit stations -- prohibited conduct.

(a) Definitions. The following words and phrases, when used in this section, shall have the following meanings:

(1) "Public transit passenger vehicle" means a passenger bus or other motor vehicle owned or operated by WMATA, the Alexandria Transit Company or the Fairfax Connector while the vehicle is transporting passengers in the city in regular route service or pursuant to a contract or charter agreement.

(2) "School bus" means a passenger bus or other motor vehicle owned or operated by the Alexandria city public schools while the vehicle is (i) transporting students to or from a school or school-related activities, or (ii) transporting passengers pursuant to a contract or charter agreement.

(3) "Rail car" means a passenger railroad car owned or operated by WMATA, Virginia Railway Express, AMTRAK or any other public or private corporation or organization that provides regularly scheduled rail passenger service to rail transit stations in the city.

(4) "Rail transit station" means a rail passenger terminal in the city at which rail cars stop periodically to pick up or discharge passengers.

(5) "AMTRAK" means the National Railroad Passenger Corporation, its successors in interest and all legal entities that provide rail passenger service to the general public under the corporate name "AMTRAK."

(6) "DOT" means the paratransit passenger service operated by the city's department of transportation and environmental services.

(7) "Fairfax Connector" means Ryder ATE, Inc., its successors in interest and all legal entities that provide public transit passenger vehicle service to the general public under the corporate name "Fairfax Connector."

(8) "Virginia Railway Express" means the regularly scheduled rail passenger service operated jointly by the Potomac and Rappahannock Transportation Commission and the Northern Virginia Transportation Commission, their successors in interest and all legal entities that provide rail passenger service to the general public under the name "Virginia Railway Express."

(9) "WMATA" means the Washington Metropolitan Area Transit Authority.

(b) It shall be unlawful for any passenger or occupant aboard a public transit passenger vehicle, school bus, rail car or DOT vehicle or for any person within any rail transit station to:

(1) smoke or carry a lighted or smoldering pipe, cigar or cigarette, unless expressly permitted to do so by the operator or owner;

(2) consume food or drink, unless expressly permitted to do so by the operator or owner;

(3) expectorate;

(4) discard litter;

(5) play any radio, cassette recorder, compact disc player or other sound-generating device unless the device is connected to an earphone that limits the sound to the individual user;

(6) board any public transit passenger vehicle through the rear exit door unless directed to do so by an employee or agent of the carrier;

(7) knowingly board a public transit passenger vehicle or DOT vehicle without either paying the established fare or presenting a valid transfer or pass for such transportation;

(8) board a public transit passenger vehicle or a rail car without either paying the established fare or presenting a valid transfer or pass for such transportation;

(9) board a rail car or enter the paid area of the WMATA rail system without the farecard required for such entry;

(10) leave the paid area of the WMATA rail system after having traveled upon a rail car without having presented a valid farecard or otherwise paying the established fare; or

(11) refuse to pay the established fare on any public transit passenger vehicle, rail car or DOT vehicle, or at any rail transit station.

Any person convicted of violating this subsection (b) shall be guilty of a class 4 misdemeanor.

(c) It shall be unlawful for any passenger or occupant aboard a public transit passenger vehicle, school bus, rail car or DOT vehicle or for any person within any rail transit station to:

(1) carry any flammable liquids, live animals, birds, reptiles, explosives, acids or other hazardous materials, hazardous substances or hazardous waste, as those terms are defined in section 10.1-1400 of the Code of Virginia (1950), as amended, except for guide dogs properly harnessed and accompanied by passengers with disabilities, and small animals properly packaged;

(2) stand in front of the white line marked on the forward end of the floor of any public transit passenger vehicle or school bus, or otherwise engage in conduct which obstructs the vision of the operator of the vehicle or bus;

(3) climb through a window or extend an arm, leg or head out of a window of any public transit passenger vehicle or school bus, except when necessary to preserve the safety of any person under emergency conditions;

(4) without a reasonable belief that an emergency requires the immediate evacuation of a public transit passenger vehicle, school bus or rail car, impede the opening of, interfere or tamper with or otherwise obstruct the operation or use of any window, door or other emergency exit of any public transit passenger vehicle, school bus or rail car; or

(5) stop, impede, interfere with or tamper with an escalator or elevator within or adjacent to a rail transit station or any part of the apparatus of such an escalator or elevator, or use an escalator or elevator emergency stop button, unless such action is taken with the knowledge or the reasonable good faith belief that an emergency makes such action necessary to preserve and protect human life or valuable property; provided, that this subsection shall not apply when such action is taken by an employee, contractor or contract employee of a rail transit system pursuant to that person's authorized duties or by a government employee or public safety official pursuant to that person's official duties.

Any person convicted of violating this subsection (c) shall, for a first conviction thereof, be guilty of a class 3 misdemeanor. Any person convicted of a second or subsequent violation of this subsection within 12 months of the first conviction shall be guilty of a class 2 misdemeanor.

(d) It shall be unlawful for any passenger or occupant aboard a public transit passenger vehicle, school bus or rail car, or for any person within any rail transit station in the city, to refuse to leave the bus, rail car or rail transit station after having been ordered to do so by the operator of the bus or rail car or by any other employee or agent of the operator or owner of the bus, rail car or rail transit station. Any person convicted of violating this subsection (d) shall be guilty of a class 1 misdemeanor.

Section 3. That this ordinance shall become effective upon the date and at the time of its final passage.

KERRY J. DONLEY  
Mayor

ATTEST:

Beverly I. Jett, CMC, City Clerk

Final Passage: January 25, 1997