

SAN DIEGO METROPOLITAN TRANSIT DEVELOPMENT BOARD  
(also known as San Diego Metropolitan Transit System)

CODIFIED ORDINANCE NO. 5  
(as amended 06/20/2024)

An Ordinance Relating to the Enforcement  
Authorities of Designated MTS Employees

The Board of Directors of the San Diego Metropolitan Transit System (MTS) do ordain as follows:

Section 5.1 Statutory Authorities

A. MTS has been created by State law (Public Utilities Code Section 120000 through 120702) as a public agency with the authority and duty to plan and construct exclusive public mass transit guideways (Section 120260) and to acquire, construct, maintain, and operate or let a contract to operate public transit systems and related transportation facilities and services (Section 120264).

B. Additionally, the Board is vested with the duty to adopt all ordinances and make all rules and regulations proper and necessary to regulate the use, operation, and maintenance of its property and facilities, including its public transit systems and related transportation facilities and services (Section 120105).

F. In implementation of those provisions of State law, the Board has adopted MTS Ordinance No. 13, prohibiting specified conduct onboard transit vehicles and prohibiting specified actions on or about the transit facilities. The Board has further adopted MTS Ordinance No. 2, requiring proof of fare payment by passengers using the San Diego Trolley and MTS Ordinance No. 3, regulating parking in MTS parking lots and other transit facilities.

G. The Board is authorized to contract with any city in the County of San Diego to license or regulate by ordinance any for-hire vehicle services rendered wholly within the city's corporate limits or within the unincorporated area (Section 120266) and has done so by adoption of MTS Ordinance No. 11, the enforcement of which will be done by For-Hire Vehicle Administration Regulatory Inspectors and Regulatory Supervisors.

H. Pursuant to Penal Code Section 836.5, the Board may authorize public officers and employees to arrest a person without warrant, including officers and employees of a nonprofit transit corporation wholly owned by a local agency and formed to carry out the purposes of the local agency and San Diego Trolley, Inc., is such a corporation.

**(Section 5.1 amended 6/20/2024)**  
**(Section 5.1 amended 11/15/2012)**  
**(Section 5.1 amended 7/12/2001)**  
**(Section 5.1 amended 9/26/1996)**  
**(Section 5.1 amended 1/11/1996)**  
**(Section 5.1 amended 11/10/1994)**  
**(Section 5.1 amended 8/12/1993)**

## Section 5.2 Purposes

In view of the multitude of regulations applicable to the facilities and vehicles of MTS, it is desirable to clarify and specify the authority of designated MTS employees, relative to various acts committed on or about the property and vehicles.

**(Section 5.2 amended 6/20/2024)**

## Section 5.3 Duties and Authorizations

A. Code Compliance Inspectors, Code Compliance Supervisors, Code Compliance Investigators, Assistant Field Operations Managers, and Field Operations Managers employed by MTS are hereby vested with the duty to enforce MTS Ordinances No. 2, No. 3, No. 11, and No. 13 and the following code sections:

1. Business and Professions Code Section 25662;
2. Health and Safety Code Sections 11364 and 11357(b), and 11532;
3. Public Utilities Code Sections 5411.5, 120450, 120450.5, 120451, and 120452;
4. Penal Code Sections 148, 219.2, 242, 308(b), 314, 369g, 417.25(a), 470(a), 481.1, 555.1, 555.2, 587, 594, 594.1, 594.2, 594.4, 602(f), 602(o), 602(q), 640, 640.5, 647(a), 647(c), and 647(j);
5. Vehicle Code Sections 5204, 21461, 21955, 22500, 22507, 22521, and 22526;
6. San Diego City Municipal Code Sections 56.54 (at transit facilities owned, controlled, or used by the Board, including but not limited to transit centers, rail stations, bus shelters, and bus stops on public and private property), 58.05(b)(1), and 58.05(b)(2); and
7. San Diego County Code of Regulatory Ordinances Section 32.703.

In accordance with Penal Code Section 836.5, Code Compliance Inspectors, Code Compliance Supervisors, Code Compliance Investigators, Assistant Field Operations Managers, and Field Operations Managers employed by MTS are authorized to arrest a person without a warrant whenever they have reasonable cause to believe that the person to be arrested has committed an infraction or misdemeanor in their presence which is a violation of the statutes and ordinances which they have the duty to enforce.

B. For-Hire Vehicle Administration Regulatory Inspectors and Regulatory Supervisors employed by MTS are hereby vested with the duty to enforce MTS Ordinances No.3, No. 11, and No. 13 and the following code sections:

1. Government Code Section 53075.5 (i)(1);
2. Penal Code Section 654.1;
3. Public Utilities Code Sections 5360.5, 5371, 5379, 5381.5, 5386.5, 5411;
4. California Public Utilities Commission General Order 157-E Sections 3.01 and 3.03; and
5. Vehicle Code Sections 4000(a)(1), 260(a), 16502(a), 5204, 21100.4, 22507.8, 23123 and 23123.5.

In accordance with Penal Code Section 836.5, For-Hire Vehicle Administration Regulatory Inspectors and Regulatory Supervisors employed by MTS are authorized to arrest a person without a warrant whenever they have reasonable cause to believe that the person to be arrested has committed an infraction or misdemeanor in their presence which is a violation of the statutes and ordinances which they have the duty to enforce.

C. Right-of-Way Agents, designated by the Chief Executive Officer and employed by MTS are hereby vested with the duty to enforce MTS Ordinance No. 3 and, in accordance with Penal Code Section 836.5, are authorized to arrest a person without a warrant whenever an agent has reasonable cause to believe that the person to be arrested has committed an infraction or misdemeanor in the Agent's presence which is a violation of the statutes and ordinances which they have the duty to enforce.

- (Section 5.3 amended 6/20/2024)**
- (Section 5.3 amended 5/12/2016)**
- (Section 5.3 amended 9/17/2015)**
- (Section 5.3 amended 11/15/2012)**
- (Section 5.3 amended 10/28/2004)**
- (Section 5.3 amended 10/3/2002)**
- (Section 5.3 amended 7/12/2001)**
- (Section 5.3 amended 3/23/2000)**
- (Section 5.3 amended 9/26/1996)**
- (Section 5.3 amended 1/11/1996)**
- (Section 5.3 amended 11/10/1994)**
- (Section 5.3 amended 8/12/1993)**

Section 5.4 Severability

The provisions of this Ordinance are severable, and if any of the provisions, clauses, sentences, subsections, sections, words, or parts thereof is held illegal, invalid, or unconstitutional or inapplicable to any person or circumstance, such illegality, invalidity, unconstitutionality or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, sections, words or parts of this Ordinance or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Ordinance would have been adopted if such illegal, invalid, or unconstitutional provision, clause, sentence, subsection, section, word, or part had not been included therein or such person or circumstance to which the Ordinance or part thereof is held inapplicable has been specifically exempted therefrom.

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|----------------------------------|---------------------|
| Adopted: 7/25/1983               | Amended: 6/28/2007  |
| Amended: 2/27/1984               | Amended: 11/15/2012 |
| Amended: 10/4/1984               | Amended: 9/17/2015  |
| Amended: 10/13/1988              | Amended: 5/12/2016  |
| Amended: 2/8/1990                | Amended: 6/20/2024  |
| Repealed & Readopted: 12/12/1991 |                     |
| Amended: 8/12/1993               |                     |
| Amended: 11/10/1994              |                     |
| Amended: 1/11/1996               |                     |
| Amended: 9/26/1996               |                     |
| Amended: 3/23/2000               |                     |
| Amended: 8/9/2001                |                     |
| Amended: 10/3/2002               |                     |
| Amended: 10/28/2004              |                     |

Clerk Affidavit

PASSED AND ADOPTED, by the Board of Directors this 20th day of June, 2024. The Ordinance amended was adopted by the following vote:

AYES: Gonzalez, McCann, Donovan, Montgomery Steppe,  
Goble, Leyba-Gonzalez, Dillard, Bush, Frank, Moreno,  
Elo-Rivera, Whitburn, Hall

NAYS:

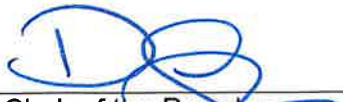
ABSENT: Costil, Gloria

ABSTAINING:



Chairperson  
San Diego Metropolitan Transit System

ATTEST my hand and the seal of the San Diego Metropolitan Transit System this 20th day of June 2024.



Clerk of the Board  
San Diego Metropolitan Transit System

Approved as to form:



General Counsel  
San Diego Metropolitan Transit System

Ordinance No.5