

**RESOLUTION OF THE BOARD OF TRUSTEES OF THE UTAH TRANSIT  
AUTHORITY ADOPTING REVISED ORDINANCES GOVERNING AUTHORITY  
SERVICES AND PROPERTY**

R2022-07-01

July 13, 2022

WHEREAS, Utah Transit Authority (the “Authority”) is a large public transit district organized under the laws of the State of Utah and was created to transact and exercise all of the powers provided for in the Utah Limited Purpose Local Government Entities – Local Districts Act and the Utah Public Transit District Act; and

WHEREAS, the Ordinances of the Authority were last updated in March 2016 by Resolution R2016-01-02 and, subsequent to that time, certain changes have necessitated that the Authority update its Ordinances to reflect the current structure and practices; and

WHEREAS, pursuant to the authority granted to large public transit districts under Utah Code §17B-2a-808.1(3), the Board of the Authority (“the Board”) finds that the attached Ordinances are necessary for its governance and for the management of the affairs of the Authority and the lawful execution of its power; and

WHEREAS, pursuant to Utah Code §17B-2a-808.1(2)(t), the Local Advisory Council reviewed the Authority’s proposed ordinance revisions on June 1, 2022 and provided their consultation and advice to the Board of Trustees; and

WHEREAS, the Board finds it is in the interests of the public welfare to enact these Ordinances in order to promote the safety, morals, convenience, order and peace of the Authority and its patrons; and

WHEREAS, the Board desires the Executive Director to codify these Ordinances and to ensure their regular enforcement in order to protect the interests of the Authority now and in the future.

NOW, THEREFORE, BE IT RESOLVED by the Board of the Authority:

1. That the Board hereby repeals the existing Ordinances of the Authority previously adopted in Resolution R2016-01-02.
2. That the Board hereby adopts and enacts the Fare Payment Compliance Ordinance, the Criminal Code Ordinance, and the Trespass Ordinance to govern the affairs of the Authority and attached herewith as Exhibit A.

3. That the Board hereby authorizes the Executive Director and his designee(s) to codify these Ordinances and to ensure their regular enforcement.

4. That the corporate seal be attached hereto.

Approved and adopted this 13<sup>th</sup> day of July 2022.

DocuSigned by:



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Carlton Christensen, Chair  
Board of Trustees

ATTEST:

DocuSigned by:



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Secretary of the Authority



(Corporate Seal)

Approved as to form:

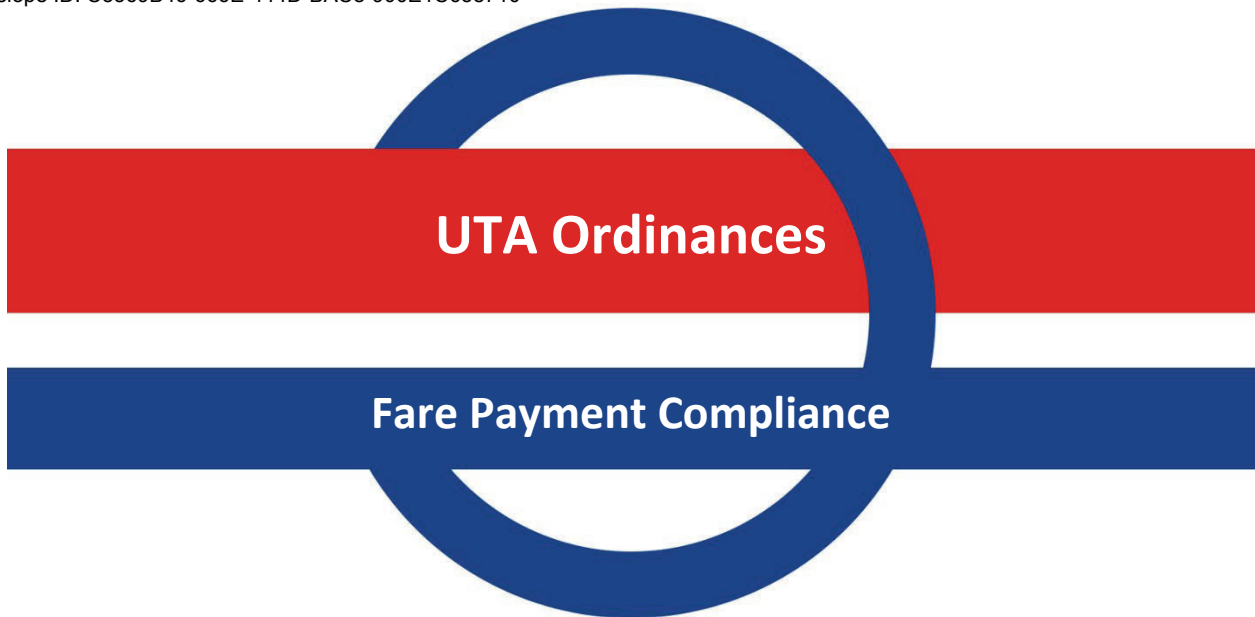
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UTA Legal Counsel

**Exhibit A**  
**UTA Ordinances**

- I. Fare Payment Compliance
- II. Criminal Code
- III. Trespass Ordinance



**Section 1. Definitions**

“Administrative Citation” means a written administrative ticket issued by an Authorized Representative to a person for a violation of these Ordinances

“Appeals Officer” means the individual designated by the Executive Director to administer the appeal process set forth in this Ordinance.

“Authority” means the Utah Transit Authority.

“Authority Representative” means a UTA employee, Transit Police Officer or other agent who is authorized by job title, job description, specific assignment, or request of UTA to act pursuant to these Ordinances.

“Boarding Zone” means an area used for the loading or unloading of passengers from a Transit Vehicle, including the area adjacent to such locations.

“Hearing Officer” means the individual designated by the Executive Director to administer the adjudication process for Administrative Citations as set forth in this Ordinance.

“Infraction” means an offense designated as such pursuant to this Ordinance.

“Platform” means an area within or adjacent to a fixed guideway system specifically designed for the access of passengers as they load and unload from a Transit Vehicle.

“Proof of Fare Payment” means:

- 1) To display the digital image of an activated mobile ticket on a person’s mobile device and display the security feature on the ticket when asked;

- 2) To tap an electronic fare card on a card reader, and receive a positive signal, such as a green light, before boarding a Transit Vehicle;
- 3) To permit an Authorized Representative to scan an electronic fare card to determine if the card was tapped and valid;
- 4) To permit an Authorized Representative to visually validate fare media;
- 5) To display fare media and any accompanying identification when asked.

“Transit Vehicle” means a car, bus, railcar, or other mode operated by or on behalf of UTA for the movement of persons, including the appurtenances to and from such Transit Vehicles.

“Valid Fare Payment” means a fare media issued or authorized by UTA and used pursuant to the terms and conditions of the particular fare media, including:

- 1) A mobile ticket purchased in advance of travel through a mobile app and manually activated for use before entering a Boarding Zone or Platform;
- 2) An electronic fare card issued by UTA or an approved partner for use on UTA’s electronic card readers that is activate and not expired;
- 3) A prepaid ticket or period pass with a printed expiration date that is used before it expires;
- 4) A pass, ticket or other fare media authorized by UTA.

## **Section 2. Fare Payment**

- A. A Person shall possess Valid Fare Payment, when required, while riding a Transit Vehicle.
- B. A person shall retain Proof of Fare Payment while on a Transit Vehicle and shall present it for inspection upon request.
- C. No person shall occupy a Platform or Boarding Zone without paying the applicable fare and exhibiting Proof of Fare Payment when asked by an Authorized Representative.
- D. No person shall possess fare media that has been tampered with or altered.
- E. A person shall not:
  - i. Board a Transit Vehicle without Valid Fare Payment;
  - ii. Use a discount ticket without being eligible;
  - iii. Duplicate, counterfeit, or alter a fare media;

- iv. Transfer a nontransferable fare media;
- v. Use expired fare media; or
- vi. Falsely represent oneself as eligible for reduced fares.

F. A violation of this Section is punishable as an Infraction.

### **Section 3. Fare Enforcement**

- A. An Authority Representative may issue an Administrative Citation to a person who violates Section 2 of this Ordinance.
- B. Administrative Citations shall be resolved in one of the following ways:
  - i. Within 14 days of receiving an Administrative Citation, by paying the fine associated with the Administrative Citation; or
  - ii. Within 14 days of receiving an Administrative Citation, by making contact with the Hearing Officer to:
    - a. Arrange payment of the fine to be made at a later date, or
    - b. Protest the Administrative Citation.

### **Section 4. Fines**

- A. A person who receives an Administrative Citation shall be subject to the following fines:
  - i. *First Offense.* A first offense shall be punishable by a fine of \$25.00.
  - ii. *Second and subsequent offenses.* Second and subsequent offenses shall be punishable by a fine of \$90.00.
- B. *Fine Payment.* Fine payments may be made by selecting an option on UTA's website payment portal or by calling and making payment with the assistance of the Hearing Officer.
- C. *Alternatives to Fines.* A person shall contact the Hearing Officer to arrange an alternative to full fine payment. Alternatives to full fine payment (such as community service or enrollment in a safety class) shall be listed on UTA's website payment portal.
- D. Fine payments shall be deemed delinquent when:

- i. Payment has not been made within 30 days from the date of issuance of the Administrative Citation and the individual has made no contact with UTA;
  - ii. The payment deadline granted by the Hearing Officer has passed and payment has not been fully satisfied;
  - iii. The deadline to perform an alternative to full fine payment (such as community service) has passed without completion (in which case the original fine shall be imposed).
- E. Delinquent fines shall be subject to a one-time delinquent fee of \$10.00.
- F. Uncollected fines and delinquent fees which remain outstanding for more than 180 days may be turned over to civil collection.

**Section 5. Protests**

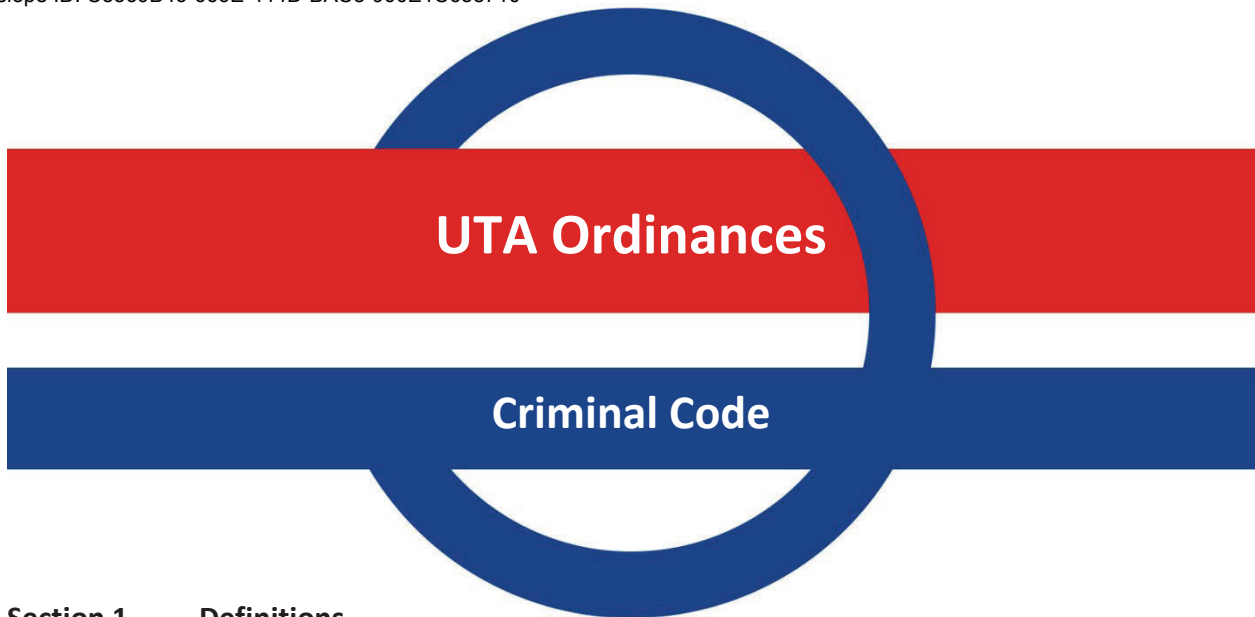
- A. If a person does not agree with the Administrative Citation they may protest to the Hearing Officer.
- B. The person shall submit a protest in one of the following ways:
- i. online through the UTA's ticket resolution portal; or
  - ii. in person by speaking to the Hearing Officer; or
  - iii. in writing by mailing a protest to the Hearing Officer; or
  - iv. by telephone by speaking to the Hearing Officer.
- C. A protest shall be submitted within 14 days of the date the Administrative Citation was issued or the right to protest will be forfeited.
- D. The protest shall include the following information:
- i. The person's name
  - ii. Mailing address
  - iii. Phone number
  - iv. Email address, if the person wishes to communicate by email
  - v. The date and number of the Administrative Citation
  - vi. A statement as to the grounds for the protest.
- E. Upon receipt of a protest, the Hearing Officer shall perform an initial review and may:
- a. Render a decision based on the information in their possession to dismiss the Administrative Citation; or

- b. Schedule a hearing on the protest.
- F. A Notice of Hearing shall be mailed to the person (or emailed if an email address has been provided) at the address listed on the protest.
- G. At the Hearing Officer's discretion, the protest hearing may be held in person or virtually. Failure of the protestor to appear at the hearing shall result in the protest being dismissed.
- H. At the hearing, the protestor may offer a verbal statement. A representative from UTA may also make a statement. Either party may present to the Hearing Officer documentation or other evidence.
- I. The protestor bears the burden of proof to establish that the Administrative Citation was in error by a preponderance of the evidence.
- J. At the conclusion of the hearing, or as soon as practicable, the Hearing Officer shall render a verbal decision and document the action taken.
- K. In instances where the Hearing Officer upholds the Administrative Citation, the Officer shall inform the protestor of their right to appeal the decision within 10 days from the date of the decision.
- L. Any documentation presented at the hearing shall be preserved for until the period in which the protestor may appeal the decision of the Hearing Officer has expired.

## **Section 6. Right to Appeal**

- A. A person may appeal a decision of the Hearing Officer by submitting a written request to the Appeals Officer within 10 days of the decision.
- B. The Hearing Officer shall forward the file to the Appeals Officer for a determination.
- C. The Appeals Officer shall notify the appealing party of the date and time of the appeals hearing. Failure to appear at an appeals hearing will result in dismissal of the appeal.
- D. The appeals hearing shall be a *de novo* hearing.
- E. At the appeals hearing, the appealing party may make an oral argument. A representative from UTA may make an oral argument.

- F. The appealing party bears the burden of proof to establish that the Administrative Citation was in error by a preponderance of the evidence.
- G. The Appeals Officer shall render a decision in writing within 30 days of the appeals hearing.
- H. The Appeals Officer's decision is the final administrative action related to an Administrative Citation.



**Section 1. Definitions**

“Authority” means the Utah Transit Authority.

“Authority Property” means real property owned, leased, or licensed by the Authority, or in which it has a real property interest.

“Authority Representative” means an employee of the Authority, Transit Police Officer or other agent who is authorized by job title, job description, specific assignment, or request of Authority to act pursuant to these Ordinances.

“Board” means the Board of Trustees of the Utah Transit Authority.

“Boarding Zone” means an area used for the loading or unloading of passengers from a Transit Vehicle, including the area adjacent to such locations.

“Citation” means a written ticket issued by a Transit Police Officer to a person for a violation of these Ordinances.

“Infraction” means an offense designated as such pursuant to this Ordinance.

“Operator” means a person who drives, commands, or has control of a Transit Vehicle.

“Parking Facility” means an area designated for the parking of personal vehicles by the Authority.

“Platform” means an area within or adjacent to a fixed guideway system specifically designed for the access of passengers as they load and unload from a Transit Vehicle.

“Proof of Fare Payment” means valid fare media that authorizes a person to use the services of the Authority.

“Right-of-Way” means real property or an interest in real property, usually in a strip, acquired for or devoted to use by Transit Vehicles.

“Transit Facility” means real property, tangible property, buildings, improvements, structures, appurtenances, Parking Facilities, Transit Vehicles, or other property owned or leased by the Authority.

“Transit Police Officer” means a sworn law enforcement officer employed by the Authority.

“Transit Vehicle” means a car, bus, railcar, or other mode operated by or on behalf of UTA for the movement of persons, including the appurtenances to and from such Transit Vehicles.

“Vehicle” a means a device in, on, or by which a person or property is or may be transported or drawn on a roadway, such as a car, truck, trailer, wagon, bus, recreational vehicle, cart, and so on.

## **Section 2. Authority**

- A. Pursuant to the authority granted to large public transit districts under Utah Code §17B-2a-808.1(3), the Board hereby enacts the following ordinances necessary for its governance and for the management of the affairs of the Authority and the lawful execution of its powers.
- B. The Board grants to the Executive Director, or designee, the duty to codify these and future Ordinances. In so doing, no substantive changes shall be made to these Ordinances or to any chapter, section, or provision, with the exception of renumbering, rearranging, reformatting and correcting clerical errors.
- C. The Board’s adoption of these Ordinances constitutes its primary legislative act, while any subsequent codification represents an administrative function. In the event of a conflict between these Ordinances and their codified counterpart, these Ordinances shall control.

## **Section 3. Rules of Construction**

- A. The use of the singular form of any word includes the plural and vice versa.
- B. The use of the present tense includes the future tense.
- C. The words “shall” and “must” are to be construed as mandatory rather than discretionary.
- D. Reference to any provision of these Ordinances includes any later amendments to that chapter, section, or provision, or any part thereof.

- E. Nothing in these Ordinances shall prohibit or restrict Transit Police Officers, Law Enforcement Officers, UTA employees, or Authority Representatives from acting within the course and scope of their employment.
- F. If any of these Ordinances, or any part thereof, are held unconstitutional or otherwise invalid, the remaining chapters, sections, and provisions shall remain in force.
- G. These Ordinances shall be liberally construed to effectuate their purposes and the Board's intent in their passage.

**Section 4. Adoption of Utah Codes**

- A. Utah Criminal Code Adopted. The Utah Criminal Code, as contained in Title 76 of the Utah Code Annotated, 1953, as amended, is adopted by UTA and incorporated as part its Ordinances.
- B. Utah Code of Criminal Procedure Adopted. The Utah Code of Criminal Procedure, as contained in Title 77 of the Utah Code Annotated, 1953, as amended, is adopted by UTA and incorporated as part its Ordinances.
- C. Utah Controlled Substances Act and Utah Drug Paraphernalia Act Adopted. The Utah Controlled Substances Act (Utah Code Title 58 Chapter 37) and the Utah Drug Paraphernalia Act (Utah Code Title 58 Chapter 37a), as amended, are adopted by UTA and incorporated as part its Ordinances.
- D. Utah Traffic Code Adopted. The Utah Traffic Code, as contained in Title 41 Chapter 6a of the Utah Code, as amended, is adopted by UTA and incorporated as part its Ordinances, along with such other Ordinances as have been approved by the Board.
- E. Utah Indoor Clean Air Act Adopted. The Utah Indoor Clean Air Act, as contained in Title 26 Chapter 38 of the Utah Code, as amended, is adopted by UTA and incorporated as part its Ordinances.
- F. Utah Railroad Code Adopted. The Utah Railroad Code, as contained in Title 56 Chapters 1 thru 3 of the Utah Code, as amended, is adopted by UTA and incorporated as part of its Ordinances.
- G. Citation to State Code. Where a citation, information, or complaint is issued under a section of the Utah State Code, it shall be sufficient to use the section number of the Utah Code to designate which law has been violated.

**Section 5. Classification of Offenses**

- A. Violations of a section of the Utah State Code incorporated herein shall have the same classifications and penalties as provided by state law.
- B. Violations of a section of the Utah State Code that are also violations of these Ordinances may be punishable under either the State Code or these Ordinances.
- C. Where no penalty is otherwise prescribed, any violation of these Ordinances shall constitute an infraction and be punishable as provided in Utah Code §76-3-205, as amended.

**Section 6. Vehicles**

- A. Parking. No person shall:
  - 1. park a vehicle in a parking facility in a manner contrary to any posted sign or restriction.
  - 2. park a vehicle in an area not designated as a parking space.
  - 3. park a vehicle in a parking facility where such vehicle occupies more than one designated parking space.
  - 4. use a parking facility for the purpose of displaying “for sale” a vehicle.
  - 5. block or restrict access to a boarding zone, access ramp, pedestrian walkway, or traffic lane.
  - 6. park a vehicle in a parking facility that has expired registration, invalid insurance, or that is inoperable.
  - 7. park a vehicle in a parking facility for more than 7 continuous days.
  - 8. use a parking facility to store a trailer, boat, or other vehicle for any period.
- B. Towing. Any vehicle parked, placed, or otherwise found to be in violation of these Ordinances may be towed and impounded at the registered owner’s expense in compliance with state law.
- C. Traffic. No person shall:
  - 1. operate a vehicle in a transit facility at a speed exceeding the posted speed limit or at a rate exceeding a safe operating speed.

2. operate a vehicle in a transit facility in a reckless or hazardous manner.
3. obstruct the free movement of passengers and vehicular traffic.
4. operate a bike, skateboard, scooter, or other mode of personal transport in a manner that interferes with, disturbs, or impedes access to and from the boarding zone, platform or transit facility.
5. operate a bike, skateboard, scooter, or other mode of personal transport in violation of any posted sign.

D. Penalty

1. A violation of this Section is punishable as an Infraction.

**Section 7. Use of Transit Facilities**

A. Permitted Uses. A person shall occupy or use a transit facility only as authorized by this Section. Permitted uses of a transit facility are:

1. Boarding, riding, disembarking, or waiting for a transit vehicle;
2. Purchasing proof of fare payment;
3. Obtaining customer service from a Transit Police Officer or Authority Representative; or
4. Other activities directly related to public transit use.

B. Unpermitted Uses.

1. Transit facilities are a non-public forums. In order to ensure safe access to and from transit facilities, activities that are non-transit related are prohibited in or on transit facilities unless authorized in these Ordinances or by written permission from Authority.
2. No person shall place, permit or cause to be placed any notice, sign, poster, placard or advertisement in a transit facility or transit vehicle without written permission from Authority
3. No person shall camp or sleep overnight in or upon a transit facility or upon any authority property.

C. Penalty

1. A violation of this Section is punishable as an Infraction.

**Section 8. Conduct While Using Transit Facilities**

A. Prohibited Conduct. In or upon any transit facility, a person shall not:

1. possess or consume an open alcoholic product.
2. use tobacco or e-cigarettes.
3. litter.
4. abandon any item or allow an object to block an aisle or stairway.
5. loiter.
6. deface, mark, or destroy any public or private property, including graffiti.
7. view, or use the Authority's internet or network services to access, any obscene materials, or for any unlawful or improper purpose.
8. fail to comply with or refuse any request made by an Operator, Authority Representative or Transit Police Officer.
9. disturb, threaten, or disrupt an Operator of a transit vehicle or an Authority Representative in the exercise of their duties.
10. extend any portion of the person's body or an object through any door, window, or other opening of a transit vehicle while it is in motion.
11. hang on to the exterior a transit vehicle, regardless of whether it is in motion.
12. throw any object at or from a transit vehicle.
13. place their foot or feet on a seat of a transit vehicle.

B. Disturbing the Peace. No person shall breach the peace in or upon a transit facility by:

1. igniting any flame.

2. spitting, defecating, or urinating.
3. intimidating, threatening, or harassing another person.
4. fighting, using violence or engaging in tumultuous behavior.
5. making excessive noise.
6. using obscene, lewd, or abusive language or gestures.

C. Animals.

1. *Service Animal.* A dog that is acting as a service animal is permitted in transit facilities if the dog is trained to assist an individual with a disability as defined by the American with Disabilities Act.
2. Other than a service animal, no person shall bring an animal into a transit facility unless the animal:
  - i. remains in an enclosed carry-on;
  - ii. does not occupy a seat;
  - iii. does not obstruct the movement of passengers or the Authority Representatives; and
  - iv. does not create a nuisance or disturbance.

D. Penalty

1. A violation of this Section is punishable as an Infraction.

**Section 9. Property.**

A. Conduct on Rights-of-Way. A person shall not:

1. enter or remain upon any Right-of-Way (other than the platforms, boarding zones, and designated walkways) unless authorized to do so by these Ordinances.
2. cross, occupy or remain in a Right-of-Way except to cross in a designated walkway in compliance with all signs and markings.

3. place or cause to be placed any object on a Right-of-Way that could make contact with a transit vehicle or interfere with the safe and uninterrupted passage of a transit vehicle.
4. operate a vehicle in a Right-of-Way in violation of any gate, barrier, sign, marking or signal.

B. Encroachment Upon Authority Property. Unless given permission by the Authority, no person shall:

1. deposit waste, garbage, grass clippings, soil, hazardous material, or any other material upon authority property.
2. plant vegetation or trees, cultivate, dig, or grade upon authority property.
3. construct or cause to be constructed any structure, fence, device, shed, wall, pedestrian or vehicular access, or other improvement upon authority property.
4. place any trampoline, playset, sports court or other item on authority property.
5. store personal property, including vehicles, on authority property.
6. house or permit to roam on authority property any livestock, horses, goats, chickens, or other animals.
7. drain water onto authority property or connect to utilities owned by the Authority.

C. Trespass. No person shall enter onto or remain on authority property when notice against entering or remaining is provided by:

1. direct communication or communication over a loudspeaker to the person by an Authority Representative or Transit Police Officer.
2. fencing, barricade, or other barrier designed to exclude intruders.
3. posted signs.

D. Penalty

1. A violation of this Section is punishable as an Infraction.
2. An encroachment is punishable for each separate day the violation persists.

**Section 10. Enforcement**

- A. Transit Police Officers shall be responsible for preserving the public peace, preventing crime, detecting and arresting criminal offenders, protecting the rights of persons and property, regulating and controlling pedestrian traffic, and providing and maintaining police records and communications systems of the Authority.
- B. A Transit Police Officer, Operator, or Authority Representative may eject or refuse service to any passenger who violates these Ordinances.



**Section 1. Definitions**

“Appeals Officer” means the individual designated by the Executive Director to administer the appeal process set forth in this Ordinance.

“Authority” means the Utah Transit Authority.

“Authority Property” means real property owned, leased, or licensed by the Authority, or in which it has a real property interest.

“Authority Representative” means an employee of the Authority, Operator, Transit Police Officer or other agent who is authorized by job title, job description, specific assignment, or request of Authority to act pursuant to these Ordinances.

“Board” means the Board of Trustees of the Utah Transit Authority.

“Criminal Citation” means a citation for trespass issued by a Transit Police Officer pursuant to Utah Code §76-6-206, as amended.

“Felony Offense” means any offense punishable as a felony under the statutes of the State of Utah, §76-3-103 of the Utah Code, as amended, committed in or upon a transit facility.

“Hearing Officer” means the individual designated by the Executive Director to administer the adjudication process for Trespass Orders as set forth in this Ordinance.

“Infraction” means an offense designated as such by the ordinances enacted by the Authority or punishable pursuant to Utah Code §76-3-301(e), as amended.

“Minor Offense” means:

- i. a violation of the ordinances of the Authority;
- ii. a violation of the Authority’s ridership rules;

- iii. an infraction; or
- iv. a Class C misdemeanor.

“Operator” means a person who drives, commands, or has control of a Transit Vehicle.

“Serious Offense” means:

- i. an offense classified under state law as a Class B misdemeanor or greater offense; or
- ii. the commission of three minor offenses by an individual within a twelve month consecutive period.

“Transit Police Officer” means a sworn law enforcement officer employed by the Authority.

“Trespass Order” means the written notification of trespass issued to an individual by the Authority.

## **Section 2. Authority**

- A. Pursuant to the authority granted to large public transit districts under Utah Code §17B-2a-808.1(3), the Board hereby enacts the following ordinances necessary for its governance and for the management of the affairs of the Authority and the lawful execution of its powers.
- B. The Board desires to protect the public and ensure the safety of riders on Authority property and services through enacting this Ordinance.
- C. The Board grants to the Executive Director, or designee, the duty to codify these and future Ordinances. In so doing, no substantive changes shall be made to these Ordinances or to any chapter, section, or provision, with the exception of renumbering, rearranging, reformatting and correcting clerical errors.
- D. The Board’s adoption of these Ordinances constitutes its primary legislative act, while any subsequent codification represents an administrative function. In the event of a conflict between these Ordinances and their codified counterpart, these Ordinances shall control.

## **Section 3. Trespass for Minor Offense (up to 30 days)**

- A. Grounds. An individual who commits a minor offense may be refused access to and trespassed from Authority property and/or Authority services by a Transit Police Officer.
- B. Duration. A Trespass Order under this Section shall last no longer than 30 days.

- C. Notice. A Transit Police Officer shall issue a written Trespass Order to the individual that contains the following information:
  - i. the offense or reason for trespass;
  - ii. all places, property, and/or services from which the person is trespassed;
  - iii. the date and duration of the trespass; and
  - iv. notice of the person's right to protest to the Hearing Officer.

**Section 4. Trespass for Serious Offense (up to one year)**

- A. Grounds. An individual who commits a serious offense may be refused access to and trespassed from Authority property and/or Authority services by a Transit Police Officer.
- B. Duration. A Trespass Order under this Section shall last no longer than one year.
- C. Notice. A Transit Police Officer shall issue a written Trespass Order to the individual that contains the following information:
  - i. the offense or reason for trespass;
  - ii. all places, property, and/or services from which the person is trespassed;
  - iii. the date and duration of the trespass; and
  - iv. notice of the person's right to protest to the Hearing Officer.

**Section 5. Permanent Trespass**

- A. Grounds. An individual who commits a felony offense may be trespassed from Authority property and/or Authority services by a Transit Police Officer.
- B. Duration. A Permanent Trespass Order under this Section shall not expire.
- C. Notice. A Transit Police Officer shall issue a written Permanent Trespass Order to the individual that contains the following information:
  - i. the offense or reason for trespass;
  - ii. all places, property, and/or services from which the person is trespassed;
  - iii. the date and duration of the trespass; and
  - iv. notice of the person's right to protest to the Hearing Officer.
- D. Reinstatement of Privileges. A person who is subject to a Permanent Trespass Order may petition the Authority for reinstatement of privileges no sooner than five years from the date the Permanent Trespass Order was issued. The written petition shall be submitted to the Appeals Officer and include the grounds for the relief requested. The Appeals Officer shall hold a hearing on reinstatement

and follow the procedures set forth in Section 9. The Appeals Officer's decision on reinstatement shall be the final administrative action related to the petition.

**Section 6. Other Remedies**

- A. Criminal Trespass. Nothing herein shall restrict or limit a Transit Police Officer from issuing a criminal citation to an individual who violates Utah Code §76-6-206, as amended.
- B. Refusal of Service. Nothing herein shall restrict or limit an Authority Representative from ejecting a passenger or refusing service to an individual who violates the rules and/or ordinances of the Authority for a period of up to 24 hours.
- C. Suspension of Service on Paratransit and/or Contracted Services. Nothing herein shall restrict or limit an Authority Representative from suspending service of an individual on paratransit and/or on contracted services pursuant to the policy or standard operating procedure adopted by the Authority for such action.

**Section 7. Records**

- A. The Transit Police Officer issuing a Trespass Order shall document the action in a police report and attach thereto a copy of the Trespass Order, and, where practicable, a photograph of the individual.
- B. Documentation related to the trespass, including the name of the individual, the scope and duration of the trespass, and a photograph, shall be shared internally with other departments of the Authority to ensure compliance, such as Customer Service, Safety, Operations and Legal.
- C. The Authority hereby classifies Trespass Orders as private records pursuant to GRAMA statute §63G-2-302.

**Section 8. Protests**

- A. If a person does not agree with Trespass Order they may protest to the Hearing Officer.
- B. The person shall submit a protest in writing by mailing, emailing, or hand-delivering the protest to the Hearing Officer within 14 days of the date the Trespass Order was issued or the right to protest will be forfeited.
- C. The protest shall include the following information:

- i. The person's name
  - ii. Mailing address
  - iii. Phone number
  - iv. Email, if the person wishes to communicate by email
  - v. The date of the Trespass Order
  - vi. A statement as to the grounds for the protest.
- D. Upon receipt of a protest, the Hearing Officer shall schedule a hearing on the protest.
- E. A Notice of Hearing shall be mailed to the person (or emailed if an email address has been provided) at the address listed on the protest.
- F. At the Hearing Officer's discretion, the protest hearing may be held in person or virtually. Failure of the protestor to appear at the hearing shall result in the protest being dismissed.
- G. At the hearing, the protestor may offer a verbal statement. A representative from the Authority may also make a statement. Either party may present to the Hearing Officer documentation or other evidence.
- H. The Authority bears the burden of proof to establish that the Trespass Order was proper by a preponderance of the evidence.
- I. At the conclusion of the hearing, or as soon as practicable, the Hearing Officer shall render a verbal decision and document the action taken.
- J. In instances where the Hearing Officer upholds the Trespass Order, the Hearing Officer shall inform the protestor of their right to appeal the decision within 10 days from the date of the decision.
- K. Any documentation presented at the hearing shall be preserved until the period in which the protestor may appeal the decision of the Hearing Officer has expired.

**Section 9. Right to Appeal**

- A. A party may appeal a decision of the Hearing Officer by submitting a written request to the Appeals Officer within 10 days of the decision.
- B. The Hearing Officer shall forward the file to the Appeals Officer for a determination.

- C. The Appeals Officer shall notify the appealing party of the date and time of the appeals hearing. Failure to appear at an appeals hearing will result in dismissal of the appeal.
- D. The appeals hearing shall be a *de novo* hearing.
- E. At the appeals hearing, both parties may make an oral argument.
- F. The appealing party bears the burden of proof to establish that the decision of the Hearing Officer was in error by a preponderance of the evidence.
- G. The Appeals Officer shall render a decision in writing within 30 days of the appeal hearing.
- H. The Appeals Officer's decision is the final administrative action related to a Trespass Order.