

Date of Hearing: July 15, 2015

ASSEMBLY COMMITTEE ON LOCAL GOVERNMENT
Brian Maienschein, Chair
SB 626 (McGuire) – As Amended April 16, 2015

SENATE VOTE: 36-0

SUBJECT: Sonoma-Marin Area Rail Transit District: police force.

SUMMARY: Authorizes the Sonoma-Marin Area Rail Transit District's board of directors to establish the position of chief of police and to contract for additional law enforcement services. Specifically, **this bill:**

- 1) Authorizes the Sonoma-Marin Area Rail Transit District's (SMART) board of directors (Board) to establish the position of chief of police.
- 2) Requires the chief of police, appointed by the Board, to be a duly sworn peace officer and to meet the current requirements of the Commission on Peace Officer Standards and Training, pursuant to existing law.
- 3) Authorizes the Board to contract for any additional law enforcement services, if the Board determines that more than one officer is needed, from law enforcement agencies located within Marin County or Sonoma County.

EXISTING LAW:

- 1) Establishes the Sonoma-Marin Area Rail Transit District Act (Act), which governs the formation, board, powers and duties, financing authority, and boundary changes for SMART.
- 2) Authorizes the Board to appoint, by ordinance, a general manager, secretary, chief engineer, legal counsel, controller, auditor, treasurer, and other officers, assistants, and deputies, as the Board may deem necessary.
- 3) Grants powers to the Board to do the following:
 - a) Own, operate, manage, and maintain a passenger rail system within SMART's territory;
 - b) Determine the rail transit facilities, including ancillary bicycle and pedestrian pathways, for SMART to acquire and construct, the manner of operation, and the funding of the facilities;
 - c) Adopt an annual budget that provides for the compensation of officers and employees;
 - d) Fix rates, rental, charges, and classifications of rail transit service operated by SMART;
 - e) Adopt an administrative code that prescribes the powers and duties of district officers, the method of appointment of district employees, and the methods, procedures, and systems for the operation and management of SMART; and,

- f) Adopt rules and regulations governing the use of facilities owned or operated by SMART and for the administration of employer-employee relations.

FISCAL EFFECT: None

COMMENTS:

- 1) **Bill Summary.** This bill authorizes SMART's Board to establish the position of chief of police, and to appoint a chief of police that must be a duly sworn peace officer and who meets the current requirements of the Commission on Peace Officer Standards and Training. Under this bill, if SMART's Board determines that more than one officer is needed, the Board may contract for any additional law enforcement services from law enforcement agencies located within Marin or Sonoma County.

This bill is sponsored by SMART.

- 2) **SMART.** AB 2224 (Nation), Chapter 341, Statutes of 2002, created SMART and established the powers, duties, formation, governance, organization, maintenance, operation, and potential dissolution process for the district. SMART was established to provide an institutional structure for the ownership and governance of a passenger rail system within Sonoma and Marin Counties. The 12-member Board is comprised of locally elected officials, as specified in the Act. SMART will provide rail service along 70 miles of the historic Northwestern Pacific Railroad alignment, serving 14 stations from Cloverdale in Sonoma County to the San Francisco-bound ferry terminal in Larkspur, Marin County. SMART began construction on the system in May 2012, and plans to begin revenue service in 2016.

The Legislature has granted the Bay Area Rapid Transit District, the North County Transit District, the San Diego Municipal Transit System, and the Southern California Rapid Transit District the ability to establish and maintain a police force. However, the majority of transit providers contract with local law enforcement or private entities for security needs. Proponents of this bill argue that the 'hybrid approach', to have a chief of police, but contract out for additional law enforcement services, will grant flexibility for SMART's Board to determine what future needs will be once revenue service begins.

- 3) **Author's Statement.** According to the author, "AB 2224 did not provide SMART's Board the authority to create and maintain a chief of police. Having a sworn chief of police would provide SMART the framework to provide safety and security for train riders, employees, property, buildings and infrastructure. In addition to providing support in protecting our passengers, having one employee at SMART as a sworn officer, would allow for unfiltered information sharing between the thirteen local law enforcement agencies, state and local jurisdictions and the SMART Chief of Police.

"Currently law enforcement agencies are prohibited by Government Code [Section] 6254 to release specific law enforcement sensitive information to the general public (SMART). Access to law enforcement information between our safety partners will allow for the SMART Chief of Police to make decisions weighing the needs to our riders with accurate information pertaining to safety and security concerns. With SMART being under federal regulations, SMART reports to Department of Homeland Security (Transportation Security

Administration) on transportation safety needs and works in conjunction with the Federal Bureau of Investigations on security and terrorism related concerns."

- 4) **Arguments in Support.** SMART argues that this bill "would authorize SMART to create the position of chief of police. This will allow SMART to equally participate in any public safety or criminal activity involving SMART's right-of-way. SB 626 reiterates SMART's intent to not create its own police force by specifying that the District may contract with local law enforcement agencies if additional law enforcement services are needed. The creation of the chief of police position also establishes the most cost effective means for SMART to provide the most appropriate level of public safety service."
- 5) **Arguments in Opposition.** Legal Services for Prisoners with Children argue that this bill "is both unnecessary and dangerous to public safety. By authorizing the creation of an in-house police force, SB 626 would bring guns into the SMART system. In general, criminal justice problems that arise on public transportation involve fare evasion, petty theft, and occasional auto theft – nonviolent crimes which clearly do not require guns to address. Moreover, the recent history of BART police in the Bay Area – including the 2009 killing of unarmed Oscar Grant at Fruitvale State – suggests that staffing transit security with officers who may carry guns adds to, rather than diminishes, the dangers facing riders."
- 6) **Double-Referral.** This bill was heard by the Transportation Committee on June 22, 2015, where it passed with a 16-0 vote.

REGISTERED SUPPORT / OPPOSITION:

Support

Sonoma-Marín Rail Transit District [SPONSOR]
Central Marin Police Authority
Marin County Sheriff's Office
Novato Police Department
San Rafael Police Department
Sheriff-Coroner Steve Freitas, Sonoma County

Opposition

Legal Services for Prisoners with Children

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