

Date of Hearing: June 22, 2015

ASSEMBLY COMMITTEE ON TRANSPORTATION
Jim Frazier, 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 (SMART) to hire a sworn peace officer and, if additional officers are needed, to contract with law enforcement agencies located within Marin or Sonoma County. Specifically, **this bill:**

- 1) Authorizes SMART to establish the position of chief of police.
- 2) Requires that the chief of police, appointed by SMART's Board of Directors, be a sworn peace officer who meets specified requirements.
- 3) Authorizes SMART to contract for additional law enforcement services from law enforcement agencies within Sonoma and Marin Counties if additional officers are needed.

EXISTING LAW established the SMART District with a 12 member board of directors with power to, among other things, own, operate, manage, and maintain a passenger rail system within the territory of the district.

FISCAL EFFECT: Unknown

COMMENTS: SMART, is a voter-approved passenger rail and bicycle-pedestrian pathway project located in Marin and Sonoma Counties authorized by AB 2224 (Nation), Chapter 341, Statutes of 2002. At full build out, the SMART system will serve a 70-mile corridor from Larkspur to Cloverdale. The first phase of the project extending from San Rafael to Santa Rosa is currently under construction and is expected to be operational in 2016.

According to the author, AB 2224 neglected to provide SMART's Board of Directors with the authority to hire a sworn law enforcement officer as its Chief of Police. SMART contends that this position is necessary to provide a safe, secure system for SMART passengers. They argue that the having a sworn law enforcement officer on staff will give them direct and equal participation in public safety-related incidents and/or investigations that take place on or involve their right-of-way. This access to sensitive information, which they claim is afforded more readily to law enforcement officers, would make it easier for SMART to anticipate potential problems and take precautionary measures to protect passengers and improve service. Examples of the types of information the SMART Chief of Police would obtain include information pertaining to service disruptions, acts of vandalism, and violence.

To date, there are approximately 250 entities statewide that are eligible to receive state transit funding and, of these, only four are statutorily allowed to maintain their own police force. Others contract with local law enforcement or use private entities to meet system security needs. SB 626 provides SMART with somewhat of a "hybrid authority" in that SMART would be

authorized to hire a single law enforcement officer but needs for law enforcement officers over and above that single position would be contracted (from local law enforcement entities).

Committee concerns: The committee has been unable to substantiate the arguments SMART uses to justify the need for the bill. For example, SMART makes the argument that without a sworn officer on staff they will be unable to obtain sensitive crime scene information from whatever law enforcement agency is working within SMART's right-of-way. SMART asserts that this "sensitive" information is only provided to other sworn law enforcement officers. Non-law enforcement personnel, SMART argues, would only be able to obtain generic information which would be of little value in providing a safe and secure environment for passengers. Unfortunately, law enforcement agencies contacted by the committee indicated that information is not withheld from transit agencies. Further, the committee was not able to substantiate that other transit agencies without sworn officers on staff have experienced the problems SMART foresees.

SMART also asserts that an in-house police officer is necessary to successfully negotiate contracts for outside law enforcement. Again, however, there is ample evidence that other transit agencies have been able to successfully contract for outside law enforcement and not evidence that the lack of an in-house law enforcement has been a problem."

Double Referral: This bill will be referred to the Assembly Local Government Committee should it pass out of this committee.

Previous legislation: AB 2224 (Nation), Chapter 342, Statutes of 2002, established the SMART District.

REGISTERED SUPPORT / OPPOSITION:

Support

Sonoma-Marin Area Rail Transit District (Sponsor)
Central Marin Police Authority
Marin County Sheriff's Office
Novato Police Department
San Rafael Police Department
Sonoma County Sherriff's Office
Transportation Authority of Marin

Opposition

None on file

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