

## Portland Aerial Tram Regulations

1. **Purpose.** For the safety, convenience, and comfort of Tram passengers, and for the safety of personnel, and for the preservation of service quality, and to prevent system security vulnerabilities, it is necessary to establish Regulations governing conduct on the Tram.

2. **Definitions.** As used in this Chapter, unless the context requires otherwise:

“Assistance animal” means an animal recognized under the Americans with Disabilities Act as a service animal, including a dog guide, hearing ear dog, or other service animal assisting an individual with a physical disability in one or more daily life activities including, but not limited to, pulling a wheelchair, fetching, and balance work

“Business days” excludes weekends and federal, state or OHSU-recognized holidays.

“Emergency” means any incident that presents the risk of actual or threatened serious physical injury to persons, any apparently urgent medical need, or any other circumstance that has been declared an emergency by one of the following:

- Director, City of Portland Office of Transportation or designee
- OHSU President or designee
- Tram Manager

“Executive Management Committee” hereinafter “EMC” is the joint OHSU and City of Portland committee that is delegated oversight and policy guidance with respect to operation of the Tram as contemplated by the Intergovernmental Agreement between the City of Portland and OHSU for the Portland Aerial Tram Operations and dated August 17, 2006.

“Exclusion Administrator” is the person designated by OHSU to make exclusion decisions.

"OHSU Rider" is an OHSU employee, faculty, student, trainee, volunteer, or other person on OHSU property at OHSU's invitation.

“OHSU Tram Standard Operating Procedures” or “OHSU Tram SOP’s” are standard operating procedures adopted by the OHSU President or designee or the OHSU Chief Administrative Officer, in effect from time to time, applicable to OHSU Riders, that address OHSU operational issues the safe and efficient operation of the Tram.

“Peace Officer” includes a sheriff, constable, marshal, municipal police officer, member of the Oregon State Police or investigator of the Criminal Justice

Division of the Oregon Department of Justice, and such other persons as may be designated by law.

“Public Activity” means soliciting, leafleting, picketing, speech-making, video tape recording, demonstration, petition circulation, and similar activities which are not limited or restricted to a particular person or class of persons but are open to observation and are likely to be seen by persons casually passing by.

“Regulations” means these regulations.

“Tram” means the Portland Aerial Tram, which includes the lower terminal and all of its facilities, the intermediate tower, the upper platform (including the entire tower structure, observation deck, bridge, elevator, and stairs) and all of its facilities, the cables, and both Tram Cabins.

“Tram Cabin” means the car in which passengers are ferried from one tram platform to the other platform.

“Tram Cabin Attendant” means the person who is present in the Tram Cabin and directly responsible for the operation and management of the Tram Cabin.

"Tram Manager" is the highest ranking personnel of the Tram Operator located in Portland, Oregon.

“Tram Operator” means the entity that has been designated to manage the Tram operation.

### 3. **Regulations.**

#### A. Prohibited Activities on the Tram:

##### (1) Failure to Vacate Elderly, Disabled and Priority Seating or standing space:

- (a) No person shall fail to vacate space on the Tram designated for use by the elderly or persons with disabilities.
- (b) No person shall fail to vacate space on the Tram or to wait a turn before boarding the tram when, on an occasional basis (such as long waiting time to board or other overcrowding) the Tram Cabin Attendant determines that it is necessary to grant rider priority to OHSU patients or OHSU Riders.

(2) Smoking: No person shall smoke tobacco or any other substance, or shall carry any lighted or smoldering substance, in any form on the Tram or within any space or area where posted signage prohibits smoking.

(3) Food and Beverages: No person shall bring or carry aboard a Tram Cabin food or beverages in open containers, nor consume food aboard a Tram Cabin.

(4) Radios, Compact Disk Players and other Sound-Emitting Devices without Earphones: No person except a Tram Cabin Attendant, Peace Officer, firefighter, OHSU Public Safety Officer, or emergency response professional, in the course of employment, shall operate a radio, compact disk player, MP3 player, video player or other sound-emitting device, aboard the Tram or in or upon the Tram, unless the only sound produced by such item is emitted by a personal listening attachment (earphone) audible only to the person carrying the device producing the sound.

(5) Carts, Carriages or Strollers and mobility devices: No person shall bring any cart aboard the Tram except that attended baby strollers and mobility devices used by the disabled (such as wheelchairs and motorized human transporters for the disabled) are permitted if the device has two lockable wheels that remain locked during the Tram ride. Rolling luggage is also permitted.

(6) Animals Except Properly Controlled Assistance Animals and Properly Contained Pets: No person shall bring or carry aboard the Tram or be present in or upon the Tram with an animal except:

(a) A person accompanied by an assistance animal or a person training an assistance animal, so long as the animal is under the control of the person by leash, harness or other device made for the purpose of controlling the movement of an animal.

(b) A person transporting a pet if: (a) the animal is kept and held at all times within a secure container appropriate and constructed for carrying the size and type of animal; and (b) the animal can be transported without risk of injury to the animal and without risk of harm or inconvenience to other riders or Tram personnel.

(c) A trained police dog accompanied by a Peace Officer.

(7) Noxious Fumes or Foul-Smelling Materials or Substances: No person shall bring onto the Tram any substance or material emitting a foul smell or releasing noxious fumes.

(8) Packages: No person shall bring onto the Tram any package or article weighing more than 25 lbs., or of a size that will block any passenger space on a Tram Cabin.

- (9) Securing belongings. Passengers must be in physical contact with their belongings and secure those belongings at all times before, during and after the Tram ride. Breakable items must be packaged to avoid risk of breakage.
- (10) Skateboards, Rollerskates and In-line Skates: No person shall ride a skateboard, in-line skates, roller-skates or other human transportation device upon the Tram.
- (11) Riding on Bicycles and Transport of Bicycles: The transport of bicycles on the Tram is permitted provided that:
- (a) Any person loading a bicycle shall do so in accordance with the instructions of the Tram Cabin Attendant with respect to the order of loading, placement and securing of the bicycle; and
  - (b) No person shall ride a bicycle upon a Tram Cabin, except Peace Officers, OHSU Public Safety Officers and authorized Tram personnel.
- (12) Corrosive and Soiling Substances: No person shall carry upon the Tram any corrosive material or soiling substance where containment of such substance cannot be guaranteed.
- (13) Excessive Noise. No person shall:
- (a) Make excessive or unnecessary noise upon the Tram with the intent to cause inconvenience, annoyance or alarm to the public, Tram personnel, OHSU Public Safety Officer or a Peace Officer, or with a reckless disregard to the risk thereof; or
  - (b) Perform vocal or instrumental music unless approved in advance by EMC or the Tram Operator.
- (14) Display of Lights: No person shall light a flashlight, scope light, or laser light or other object that projects a flashing light or emits beam of light while on the Tram, except in an Emergency.
- (15) Improper Use of Tram/Tram Cabin: No person shall:
- (a) Lie down on the ground, floor or seats of the Tram;
  - (b) Place any object or substance on the ground, floor or seats of the Tram that inhibits the proper use of such areas for passengers; or
  - (c) Block or obstruct the use of the ground, floor or seats of the Tram.

(16) Disruptive Conduct: No person shall occupy, move about or engage in activity on the Tram in a manner that:

- (a) Intentionally interferes with the free movement of passengers; or
- (b) Interferes with or disrupts the function or safe operation of the Tram, including movement that constitutes a distraction to the Tram Operator or Tram Cabin Attendant or that causes excessive movement of the Tram Cabin; or
- (c) Uses the Tram for any purpose other than for transportation.

(17) Public Activity. The Tram is not a public forum and no Public Activity is permitted on the Tram.

B. Prohibited Misuse of the Tram:

(1) Use of the Tram for Non-Transit Purposes: Except as otherwise expressly permitted in writing by the EMC, no person shall enter or remain upon, occupy or use the Tram for purposes other than boarding, disembarking or waiting for a Tram Cabin. A person is in violation of this section only after having occupied the Tram for a period of time that exceeds that which is reasonably necessary to wait for, board or disembark a Tram Cabin.

(2) Destructive Conduct Involving the Tram: No person shall interfere with the safe and efficient operation of the Tram through conduct which includes to:

- (a) Extend any portion of his or her body through any door of a Tram Cabin while it is in motion;
- (b) Attempt to board or de-board a moving Tram Cabin;
- (c) Throw, propel or discard any object or substance in any Tram Cabin or through any open door or window of a Tram Cabin;
- (d) Unreasonably prevent or delay the closure of an exterior door on a Tram Cabin;
- (e) Strike or hit a Tram Cabin, stop or cross in front of a Tram Cabin for the purpose of stopping or gaining passage after the Tram Cabin has concluded boarding;
- (f) In any manner hang onto, or attach himself or herself to, any exterior part of a Tram Cabin while the Tram Cabin is resting or in motion.

(3) Refuse and Waste: No person shall discard or deposit or leave any rubbish, trash, debris, offensive substance or other solid or liquid waste in or upon the Tram, except in receptacles provided for that purpose. No person shall spit, defecate, or urinate in or upon the Tram, except in the confines of a lavatory where lavatories are available for public use.

(4) Destruction of Signs: No person shall mutilate, deface or destroy any sign, notice or advertisement approved by the Tram Operator or pursuant to an OHSU SOP and posted on the Tram.

(5) Posting of Unauthorized Signs or Notices: Except as otherwise allowed by the Tram Operator or an OHSU SOP, no person shall place, permit or cause to be placed any notice or sign upon the Tram.

(6) Violation of Signage. No person shall fail to abide by specific directives provided in the form of a fixed permanent or temporary sign posted in or upon the Tram that has been authorized by the Tram Operator to address a regulatory or security concern. The Tram Operator or its designee may establish and post such signage in a manner to provide sufficient notice concerning the conduct required or prohibited. Any violation of the specific directives in any sign authorized by the Tram Operator shall constitute a violation of this subsection.

(7) Alcoholic Beverages: No person shall possess an open container of alcoholic beverage on the Tram, unless authorized by the Tram Operator.

(8) Damaging or Defacing Tram Property: No person shall:

(a) Draw graffiti or any other writing on any surface of the Tram; or

(b) In any manner damage, destroy, interfere with, or obstruct in any manner, the property, services or facilities of the Tram.

C. No Criminal Activity: No person shall engage in activity prohibited by the criminal laws of any state, county, or municipality, in which the criminal incident occurs, while on the Tram.

D. Prohibited Risks to Safety, Tram Security and Order:

(1) Flammable Substances and Ignition Devices: (a) No person shall bring, possess or carry aboard onto the Tram any flammable substance or device that can cause a spark or flame, except for compressed oxygen for personal use, matches and cigarette lighters. (b) No spark or flame may be lit or initiated at any time by any device on the Tram, including matches and lighters.

(2) Weapons: No person, except a Peace Officer or OHSU Public Safety Officer, shall bring or carry aboard the Tram any firearm, knife (except a folding knife with a blade less than 3 ½ inches in length), or any other instrument, article, device, material or substance specifically designed for, or attempted to be used to, inflict or cause bodily harm to another. Where possession of such weapons cannot be prohibited by law, a person in possession of a weapon may not display or carry the weapon in a manner which is likely to result in fear or alarm by other persons.

(3) Interference with or Trespass on the Tram: No person shall:

(a) Enter upon or remain upon the Tram so as to create a hazard to that person or interfere with the passage of a Tram Cabin;

(b) Fail to obey a posted directive or prohibition authorized by the Tram Operator pertaining to entering or traveling upon the Tram.

(4) Biological, Hazardous and Toxic Material or Substances: No person shall carry, possess or transport any biological material, hazardous material, toxic chemical, combustible liquid, biological contagion or agent, radioactive substance or any other inherently dangerous substance upon the Tram.

(5) Harassment and Intimidation:

(a) While on the Tram, no person shall engage in harassment through a course of conduct which places another person in reasonable fear of imminent physical harm, including, but not limited to, following such person around or about the Tram or by preventing or delaying the movement or departure of such person through coercion or intimidation; or

(b) While on the Tram, no person shall continue a course of conduct that may reasonably be expected to result in fear, alarm, or serious offense to another person after having received a lawful directive to cease such conduct or depart the Tram by a Peace Officer, an OHSU Public Safety Officer or other OHSU designated person-in-charge.

(6) Explosive Materials or Device: No person may carry, possess or transport any explosive material or device, assembled or disassembled, onto the Tram unless the person is a Tram Cabin Attendant, Peace Officer, emergency response professional or OHSU Public Safety Officer, acting in the course of employment or duty.

(7) Threats: No person may utter a threat to cause damage to the Tram, or state a threat to cause disruption to Tram operations through the use of a bomb, explosive, or any other destructive device or weapon, or release of any harmful substance, while on the Tram; or state a threat of physical harm to a

Peace Officer, OHSU Public Safety Officer, or Tram Operator personnel acting in the course of employment.

(8) Interference with Emergency Response: No person may impede the efforts of Tram Operator personnel, OHSU Public Safety Officers, or Peace Officers in the course of an Emergency response, including the failure to obey a lawful order by Tram Operator personnel, OHSU Public Safety officers, or Peace Officers uttered in the course of an Emergency, including an order to vacate the Tram in the event of such Emergency.

(9) Abandonment of Packages: No person shall knowingly abandon an unauthorized package on the Tram, where the abandonment of such package is likely to cause suspicion or alarm about its contents, or require the dispatch of emergency response personnel to remove and inspect the package.

(10) Discharge or Detonation of a Weapon: No person may throw an object at or discharge a bow and arrow, air rifle, rifle gun, Taser, revolver or other firearm on or at the Tram, or any person on the Tram, except that a Peace Officer an OHSU Public Safety Officer acting in the course of employment is exempt from this paragraph.

(11) Distractions to motorists. No person may engage in any activity that may distract passing motorists.

E. Notwithstanding the provisions of Sections 3(A)(5) and (8) and 3D(1)(a) and (4) OHSU, in the interest of addressing the safety and comfort of all Tram riders and the public, shall adopt Standard Operating Provisions that govern the transportation of riders or materials related to the operation of OHSU.

#### **4. Fares and Fare Instruments.**

A. Tram riders shall:

- (1) display a valid fare instrument upon boarding the Tram at the lower terminal;
- (2) carry a valid fare instrument at all times;
- (3) exhibit a valid fare instrument to a Tram Cabin Attendant, Peace Officer or Public Safety Officer upon request.

B. A fare instrument issued to a person is non-transferable and may only be used by the person to whom it was originally issued. Fare instruments are nonrefundable.

C. The following are valid fare instruments:

- OHSU identification cards
- Fare instruments issued by OHSU pursuant to an OHSU Tram SOP

- Tram tickets purchase by the public

## **5. Exclusion and enforcement**

A. Any Peace Officer, OHSU Public Safety Officer or Tram Cabin Attendant has the authority to refuse entrance onto the Tram, to require a seating or passenger standing change, or to order the immediate departure from the Tram of any person who violates any provision of these Regulations and regardless of presentation of pass, transfer, ticket, or valid payment of fare. Any Peace Officer or OHSU Public Safety Officer has the authority to inspect bags, packages, luggage and the like to ensure compliance with these Regulations.

B. An OHSU Public Safety Officer may exclude an individual from all or any part of the Tram for a violation of any provision of these Regulations while on the Tram by issuing a notice of exclusion in accordance with subsection C below.

C. A person excluded under this section may not, during the period of exclusion, enter or remain upon any part of the Tram. An excluded person who enters or remains upon any part of the Tram may be charged with the crime of Interfering with Public Transportation (ORS 166.116) or the crime of Criminal Trespass in the Second Degree (ORS 164.245). A person subject to exclusion shall provide to the OHSU Public Safety Officer issuing the notice of exclusion the person's name, residence address, and written identification as may be available.

D. A person to be excluded shall be provided a notice of exclusion by OHSU Public Safety concerning the basis for the exclusion. The notice can be oral or written, but if oral must be followed by a written confirmation as soon as reasonably practicable. The notice of exclusion may be issued to the person contemporaneously with the conduct giving rise to the exclusion or at some time period after the conduct has occurred. When the notice of exclusion is issued at a later time from the conduct the notice of exclusion shall be mailed to the person's address, if known; if unknown the notice of exclusion and other documentation concerning the exclusion shall be available for pick-up at the OHSU Public Safety Office. When issued or confirmed in writing, the notice of exclusion shall include:

- (1) Information on how to use alternative public transportation from each Tram endpoint, which at the time of the adoption of these Regulations is the Portland Streetcar and Tri-Met bus #8;
- (2) A statement of the source of Regulation or law violated by reference to the title of the violation or crime, by reference to the citation of the violation or crime, or both;
- (3) An explanation of the Tram's exclusion procedure; and

(4) A statement of the duration of the exclusion, or alternatively, a statement of the mechanism by which the duration of the exclusion may be determined in accordance with these Regulations.

E. The person to be excluded may appeal the notice of exclusion; the notice of appeal must be in writing and received within five business days of the issuance of the Notice of Exclusion. The exclusion shall remain in effect during the pendency of the appeal.

F. After receiving the written notice of appeal from the person to be excluded within the time period set for such appeal, the Exclusion Administrator, within 10 business days of the date of issuance of the notice of exclusion:

(1) shall uphold the exclusion if, upon the Exclusion Administrator's de novo review, the preponderance of evidence convinces the Exclusion Administrator that, more likely than not, the person violated any provisions of these Regulations;

(2) may collect additional information as the Exclusion Administrator deems necessary to this determination;

(3) may consider any mitigating or aggravating factors that the Exclusion Officer deems relevant to the scope and length of an exclusion and may modify the exclusion accordingly;

G. The Exclusion Administrator is authorized to extend the period of time within which to make a decision under subsection F above, but the exclusion shall be stayed during the extension period.

H. At any time within the period of exclusion, a person receiving such notice of exclusion may apply in writing to the Exclusion Administrator for a waiver of some or all of the effects of the exclusion, based upon a showing of need or changed circumstances.

I. The process to be followed by the Exclusion Administrator in making exclusion decisions shall be approved by OHSU Legal Counsel.

**6. Additional Regulations.** The EMC may promulgate Regulations governing the authorization of additional enforcement measures, if permitted by law, in response to heightened threat alerts issued by the Department of Homeland Security or other governmental intelligence agency, or in response to a declaration of emergency by an authorized person identified at section 2 above based upon a security threat.