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**SUBSTITUTE SENATE BILL 6505**

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**State of Washington**

**53rd Legislature**

**1994 Regular Session**

**By** Senate Committee on Transportation (originally sponsored by Senators M. Rasmussen, Prince, Vognild, Sellar, Winsley and Drew)

Read first time 02/04/94.

1 AN ACT Relating to public transit facility security; amending RCW  
2 7.48.140, 9.66.010, 9.91.025, and 7.48.020; creating a new section; and  
3 prescribing penalties.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The legislature finds that it is important  
6 to the general welfare to protect and preserve public safety in the  
7 operation of public transportation facilities and vehicles, in order to  
8 protect the personal safety of both passengers and employees. The  
9 legislature further finds that public transportation facilities and  
10 services will be utilized more fully by the general public if they are  
11 assured of personal safety and security in the utilization.

12 The legislature recognizes that cities, towns, counties, public  
13 transportation benefit areas, and other municipalities that offer  
14 public transportation services have the independent authority to adopt  
15 regulations, rules, and guidelines that regulate conduct in public  
16 transportation vehicles and facilities to protect and preserve the  
17 public safety in the operation of the vehicles and facilities. The  
18 legislature finds that this act is not intended to limit the  
19 independent authority to regulate conduct by these municipalities. The

1 legislature, however, further finds that this act is necessary to  
2 provide state-wide guidelines that regulate conduct in public  
3 transportation vehicles and facilities to further enhance the  
4 independent regulatory authority of cities, towns, counties, public  
5 transportation benefit areas, and any other municipalities that offer  
6 public transportation services.

7       **Sec. 2.** RCW 7.48.140 and 1955 c 237 s 1 are each amended to read  
8 as follows:

9       It is a public nuisance:

10       (1) To cause or suffer the carcass of any animal or any offal,  
11 filth, or noisome substance to be collected, deposited, or to remain in  
12 any place to the prejudice of others;

13       (2) To throw or deposit any offal or other offensive matter, or the  
14 carcass of any dead animal, in any watercourse, stream, lake, pond,  
15 spring, well, or common sewer, street, or public highway, or in any  
16 manner to corrupt or render unwholesome or impure the water of any such  
17 spring, stream, pond, lake, or well, to the injury or prejudice of  
18 others;

19       (3) To obstruct or impede, without legal authority, the passage of  
20 any river, harbor, or collection of water;

21       (4) To obstruct or encroach upon public highway, private ways,  
22 streets, alleys, commons, landing places, and ways to burying places or  
23 to unlawfully obstruct or impede the flow of municipal transit vehicles  
24 as defined in RCW 46.04.355 or passenger traffic, access to municipal  
25 transit vehicles or stations as defined in RCW 9.91.025(2)(a), or  
26 otherwise interfere with the provision or use of public transportation  
27 services, or obstruct or impede a municipal transit driver, operator,  
28 or supervisor in the performance of that individual's duties;

29       (5) To carry on the business of manufacturing gun powder,  
30 nitroglycerine, or other highly explosive substance, or mixing or  
31 grinding the materials therefor, in any building within fifty rods of  
32 any valuable building erected at the time such business may be  
33 commenced;

34       (6) To establish powder magazines near incorporated cities or  
35 towns, at a point different from that appointed by the corporate  
36 authorities of such city or town; or within fifty rods of any occupied  
37 dwelling house;

1 (7) To erect, continue, or use any building, or other place, for  
2 the exercise of any trade, employment, or manufacture, which, by  
3 occasioning obnoxious exhalations, offensive smells, or otherwise is  
4 offensive or dangerous to the health of individuals or of the public;

5 (8) To suffer or maintain on one's own premises, or upon the  
6 premises of another, or to permit to be maintained on one's own  
7 premises, any place where wines, spirituous, fermented, malt, or other  
8 intoxicating liquors are kept for sale or disposal to the public in  
9 contravention of law;

10 (9) For an owner or occupier of land, knowing of the existence of  
11 a well, septic tank, cesspool, or other hole or excavation ten inches  
12 or more in width at the top and four feet or more in depth, to fail to  
13 cover, fence or fill the same, or provide other proper and adequate  
14 safeguards: PROVIDED, That this section shall not apply to a hole one  
15 hundred square feet or more in area or one that is open, apparent, and  
16 obvious.

17 Every person who has the care, government, management, or control  
18 of any building, structure, powder magazine, or any other place  
19 mentioned in this section shall, for the purposes of this section, be  
20 taken and deemed to be the owner or agent of the owner or owners of  
21 such building, structure, powder magazine or other place, and, as such,  
22 may be proceeded against for erecting, contriving, causing, continuing,  
23 or maintaining such nuisance.

24 **Sec. 3.** RCW 9.66.010 and 1971 ex.s. c 280 s 22 are each amended to  
25 read as follows:

26 A public nuisance is a crime against the order and economy of the  
27 state. Every place

28 (1) Wherein any fighting between (~~men~~) people or animals or birds  
29 shall be conducted; or,

30 (2) Wherein any intoxicating liquors are kept for unlawful use,  
31 sale or distribution; or,

32 (3) Where vagrants resort; and

33 Every act unlawfully done and every omission to perform a duty,  
34 which act or omission

35 (1) Shall annoy, injure or endanger the safety, health, comfort, or  
36 repose of any considerable number of persons; or,

37 (2) Shall offend public decency; or,

1 (3) Shall unlawfully interfere with, befoul, obstruct, or tend to  
2 obstruct, or render dangerous for passage, a lake, navigable river,  
3 bay, stream, canal or basin, or a public park, square, street, alley  
4 ~~((or)), highway, or municipal transit vehicle or station; or,~~

5 (4) Shall in any way render a considerable number of persons  
6 insecure in life or the use of property;

7 Shall be a public nuisance.

8 **Sec. 4.** RCW 9.91.025 and 1992 c 77 s 1 are each amended to read as  
9 follows:

10 (1) A person is guilty of unlawful bus conduct if while on or in a  
11 municipal transit vehicle as defined by RCW 46.04.355 or in or at a  
12 municipal transit station and with knowledge that such conduct is  
13 prohibited, he or she:

14 (a) Except while in or at a municipal transit station, smokes or  
15 carries a lighted or smoldering pipe, cigar, or cigarette; ~~((or))~~

16 (b) Discards litter other than in designated receptacles; ~~((or))~~

17 (c) Plays any radio, recorder, or other sound-producing equipment  
18 except that nothing herein shall prohibit the use of such equipment  
19 when connected to earphones that limit the sound to individual  
20 listeners or the use of a communication device by an employee of the  
21 owner or operator of the municipal transit vehicle or municipal transit  
22 station; ~~((or))~~

23 (d) Spits or expectorates; ~~((or))~~

24 (e) Carries any flammable liquid, explosive, acid, or other article  
25 or material likely to cause harm to others except that nothing herein  
26 shall prevent a person from carrying a cigarette, cigar, or pipe  
27 lighter or carrying a firearm or ammunition in a way that is not  
28 otherwise prohibited by law; ~~((or))~~

29 (f) Intentionally obstructs or impedes the flow of municipal  
30 transit vehicles or passenger traffic, hinders or prevents access to  
31 municipal transit vehicles or stations, or otherwise unlawfully  
32 interferes with the provision or use of public transportation services;

33 (g) Intentionally disturbs others by engaging in loud ~~((or)),~~  
34 raucous, unruly, harmful, or harassing behavior; or

35 (h) Destroys, defaces, or otherwise damages property of a  
36 municipality as defined in RCW 35.58.272 employed in the provision or  
37 use of public transportation services.

1 (2) For the purposes of this section, "municipal transit station"  
2 means all facilities, structures, lands, interest in lands, air rights  
3 over lands, and rights of way of all kinds that are owned, leased,  
4 held, or used by a (~~public agency~~) municipality as defined in RCW  
5 35.58.272 for the purpose of providing public transportation services,  
6 including, but not limited to, park and ride lots, transit centers and  
7 tunnels, and bus shelters.

8 (3) Unlawful bus conduct is a misdemeanor.

9 **Sec. 5.** RCW 7.48.020 and 1891 c 50 s 1 are each amended to read as  
10 follows:

11 Such action may be brought by any person whose property is, or  
12 whose patrons or employees are, injuriously affected or whose personal  
13 enjoyment is lessened by the nuisance. If judgment be given for the  
14 plaintiff in such action, he or she may, in addition to the execution  
15 to enforce the same, on motion, have an order allowing a warrant to  
16 issue to the sheriff to abate and to deter or prevent the resumption of  
17 such nuisance. Such motion shall be allowed, of course, unless it  
18 appear on the hearing that the nuisance has ceased, or that such remedy  
19 is inadequate to abate or prevent the continuance of the nuisance, in  
20 which latter case the plaintiff may have the defendant enjoined.

21 NEW SECTION. **Sec. 6.** If any provision of this act or its  
22 application to any person or circumstance is held invalid, the  
23 remainder of the act or the application of the provision to other  
24 persons or circumstances is not affected.

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