

Police Department Manual (PDP)

PDP 207–01: ASU Campus Transportation Code

Effective: 9/1/1963

Revised: 3/1/2019

Purpose

To regulate the operation of nonpedestrian devices and vehicles on the ASU campuses

Sources

Arizona Revised Statutes § 15–1627

University president

Policy

1. General

A. Authority

1. By authority of *Arizona Revised Statutes* § 15-1627, as amended, the president of Arizona State University adopts the following rules and regulations to promote an environment that is conducive to the mission of the university. The Arizona State University Campus Transportation Code, hereafter referred to as the Code, is designed to meet the specific needs of the ASU campuses.
2. Authorized entry to university property is contingent upon voluntary agreement to observe all university rules and state laws. Hence, the Code applies to any person on university property. Unauthorized entry to university property may be a violation of *Arizona Revised Statutes* Title 13, the state criminal code, and may result in criminal prosecution (see *Arizona Revised Statutes* 13-1502, *Arizona Revised Statutes* 13-2905, and *Arizona Revised Statutes* 13-2911, relating to trespassing, loitering on university property and compliance with the rules of an educational institution, respectively). It is the responsibility of each person who operates a vehicle or nonpedestrian device on university property to have read and understood the Code. Accordingly, lack of knowledge of the Code will not be accepted as grounds for dismissal of any citation.
3. The chief of the ASU Police Department (ASU PD) or the director of Parking and Transportation Services (PTS), as appropriate, may exercise discretion to address circumstances not covered in the Code.

B. Scope

1. ASU campuses have been designed primarily to accommodate pedestrians and emergency personnel. However, operation of a nonpedestrian device or vehicle is authorized under certain conditions described herein. The Code shall apply to the conduct of authorized drivers only, except as indicated in Section 8-A, “Right of Way,” which governs the conduct of pedestrians in the proximity of emergency personnel.
2. The Code and the ASU policies are separate and distinct policies of the university. Either or all may be applied to a situation, at the discretion of an enforcement officer.
3. The Code shall not apply to the transit-related conduct of a police officer during the course of duty.

2. Guiding Principles

- A. Safety and courtesy are the operative elements of the Code. Operation of a nonpedestrian device or vehicle on university property is a privilege granted by the university on the condition such operation adheres to all university safety requirements and exhibits, displays, or manifests courtesy for all.
- B. Operation of any nonpedestrian device or vehicle in an unsafe or discourteous manner is prohibited, subject to the sanctions herein.
- C. Those unwilling or unable to observe these principles are not authorized to use a nonpedestrian device or vehicle on university property.

3. Important Definitions

The following definitions have been adopted for the purposes of the Code. Other definitions relevant to the Code may be found in Section 18, "Definitions."

"Safe" means free of hazard.

"Courtesy" means behavior toward another that is marked by civility, respect, attention, consideration, cooperation, or generosity.

"Hazard" means a condition or circumstance involving the *chance* of injury or death.

"Hoverboard" means a self-balancing two-wheeled board, or self-balancing electric scooter, also commonly referred to as a hoverboard, a type of portable, rechargeable battery-powered scooter. They typically consist of two wheels arranged side-by-side, with two small platforms between the wheels, on which the rider stands.

"Pedestrian" means a person whose mode of transit is ambulation or who is defined as a pedestrian under the Americans with Disabilities Act.

Examples include a person walking or using a wheelchair, self-propelled wheelchair, or handicap scooter. A service animal, as distinguished from a work animal or pet, employed by a person with a disability, is granted the status of pedestrian for the purposes of the Code.

"Authorized Driver" means an ASU employee or volunteer who is required in the course and scope of employment or volunteer activity to drive an ASU vehicle for official business purposes, and meets the following requirements:

1. has a valid U.S. driver's license;
2. has completed and is current with required training;
3. has a driving record in good standing (< 6 points);
4. and has submitted a Driver's Authorization Form to Human Resources.

"Nonpedestrian device" means:

1. any device, apparatus, or contrivance operated as a means of transit and propelled solely by human power. Examples include a bicycle, tricycle, pedal cart, velocipede, water board, roller skate, in-line skate, skateboard, and scooter.
2. An electric personal mobility device that has an electric propulsion system, such as the "Segway®" or electric scooter, that is designed to transport only one person either sitting or standing on the device and to which use shall be limited to university posted speed limits while on campus

"Vehicle", for the purposes of this policy, includes any automobile owned, leased or rented by ASU, any cart owned, leased or rented by ASU, and any other motorized vehicle driven on public roads or on ASU Campus Malls.

“Walk-Only Zones” means the designated areas that wheeled vehicles are prohibited Monday through Friday between 8:00 a.m. and 4:00 p.m. Except as otherwise provided in this policy, during enforcement times, no one may ride, drive, or park wheeled vehicles in “Walk-Only Zones.”

Note: The “Walk-Only Zones” are not intended to limit or redirect use of mobility devices by individuals with disabilities.

“Wheeled Vehicles” (with the exception of the use of mobility devices by individuals with disabilities) means all motorized and wheeled vehicles, including:

- bicycles (traditional and motorized)
- delivery/maintenance and landscaping cars, trucks, and carts
- electric carts
- inline and roller skates
- scooters
- Segway® personal mobility devices or transporters
- skateboards

and/or

- hoverboards

4. Conditions for Authorized Operation

Authorization by the university to operate a nonpedestrian device or vehicle on the campus is granted to a person who observes all of the following conditions:

- A. An authorized driver may operate a nonpedestrian device or vehicle if and only if such operation is safe and courteous.
- B. An authorized driver may operate a nonpedestrian device or vehicle on a traveled way of the campus if and only if all rules controlling such operation are observed. Traffic control devices, including designated areas, zones, signage, and signals, are part of the rules controlling operation of nonpedestrian devices and vehicles and must be observed.
- C. An authorized driver may use a traveled way or campus street only for the purpose of simple transit (see Section 18, “Definitions”).
- D. An authorized driver must immediately comply with any instruction relevant to the operation of a nonpedestrian device or vehicle issued by an enforcement officer pursuant to enforcement of the Code.
- E. An authorized driver of a vehicle must possess a valid United States driver’s license.
- F. An authorized driver of a vehicle owned by the university shall have completed required training prior to using any traveled way of the campus.
- G. An authorized driver of a vehicle not owned by the university shall properly display a temporary or permanent Mall Access Permit, issued by PTS, or be otherwise authorized by the campus administrative services officer or designee prior to using any traveled way of the campus.

5. Unauthorized Operation

Operation of a nonpedestrian device or vehicle in a manner not consistent with Section 4, “Conditions for Authorized Operation,” is prohibited.

6. Authorized Nonpedestrian Devices and Vehicles

- A. Any nonpedestrian device that may be operated safely and courteously on the campus by a university-authorized driver according to the rules set forth in the Code is permitted, unless specifically prohibited in the Code.
- B. Any vehicle authorized for use under *Arizona Revised Statutes* Title 28 that may be operated safely and courteously on the campus by a university-authorized driver according to the rules set forth in the Code is permitted, unless specifically prohibited in the Code.
- C. Any vehicle not authorized for use under *Arizona Revised Statutes* Title 28 that may be operated safely and courteously on the campus by a university-authorized driver according to the rules set forth in the Code is permitted if, and only if, that vehicle is university property and has been authorized by the campus administrative services officer or designee. Such a vehicle will display marks clearly identifying the individual vehicle and the organizational unit responsible for the vehicle.

7. Prohibited Nonpedestrian Devices and Vehicles

- A. All nonpedestrian devices and vehicles not authorized in this policy are prohibited. Motorized scooters, e.g., “gopeds, hoverboards” excluding handicap scooters, are prohibited. Such may not be operated on the campus nor brought into any building.

8. Rules of Transit

The following shall apply to those areas of the campus not under the jurisdiction of *Arizona Revised Statutes* Title 28, the state transportation code:

A. Right of Way

1. Each pedestrian or authorized driver shall yield the right of way to all emergency personnel.
2. Each authorized driver shall yield the right of way to any pedestrian.
3. Each authorized driver of a nonpedestrian device shall yield the right of way to any other authorized driver of a nonpedestrian device as necessary to ensure safe, courteous transit.
4. Each authorized driver of a vehicle shall yield the right of way to any authorized driver of a nonpedestrian device.
5. Each authorized driver of a vehicle shall yield the right of way to any other authorized driver of a vehicle as necessary to ensure safe, courteous transit.

B. Transit Routes

1. A walkway may be used by pedestrians only. Examples include an atrium, patio, point of ingress/egress, stairwell, single step, or flight of stairs, the university overpass, and a disability accommodation ramp.
2. A traveled way may be used by pedestrians and authorized drivers. Examples include a campus mall, sidewalk, parking lot, service drive, and loading bay, unless designated otherwise.

Note: While a parking structure is a traveled way, operation of a nonpedestrian device is prohibited in a parking structure, excluding enforcement personnel of the ASU PD Bicycle Patrol. See Section 11, “Prohibited Conduct.”

3. A campus street may be used in a manner consistent with *Arizona Revised Statutes* Title 28, the state transportation code.

C. Direction of Travel

An authorized driver will bear to the right side of any traveled way as necessary to ensure safe, courteous transit.

D. Intersections

Unless otherwise indicated, an authorized driver may proceed through an intersection of traveled ways, or of a traveled way and a walkway, at a speed not to exceed that of surrounding pedestrian traffic if and only if safe, courteous transit is ensured and all provisions of the Code are observed.

E. Speed Limits

1. The maximum speed at which a nonpedestrian device or vehicle may be operated on a traveled way or campus street shall not exceed that which is reasonable and prudent for the conditions at the time or that which creates a hazard to any person or property. In no case shall that speed exceed 5 miles per hour on any traveled way or 15 miles per hour on any campus street.

Note: 5 mph is approximately twice the speed of an average pedestrian walking under fair conditions.

2. Under conditions of heavy congestion on a traveled way such that progress cannot be made without sudden changes in direction, e.g., "weaving," the reasonable and prudent speed is here defined as that of the surrounding pedestrian traffic. If a nonpedestrian device or vehicle cannot be operated safely and courteously at that speed, operation shall be terminated. Operation may resume only when conditions permit safe, courteous operation within the applicable speed limit.

9. Enforcement

- A. The campus administration and finance officer authorizes ASU PD and PTS to enforce the Code. The campus administrative services officer may authorize others to enforce the Code, as needed. ASU PD, by virtue of its employment of state certified sworn peace officers, is also empowered to enforce all state laws, both on and off university property, the most notable of which for this context is *Arizona Revised Statutes* Title 28, the state transportation code.
- B. An enforcement officer may issue a citation for any violation of the Code. The enforcement officer may assign a level of severity to the violation that is commensurate with any aggravating circumstance present at the time of the violation. A citation may be issued for a violation of the Code with or without proper authorized driver identification.
- C. An enforcement officer may impound a nonpedestrian device or vehicle in conjunction with a citation for a violation of the Code.
- D. An enforcement officer may instruct an authorized driver to redirect, modify, or terminate operation of a nonpedestrian device or vehicle, whether or not a citation has been issued. Failure to comply with such instruction is a Level 3 violation of the Code and, at the discretion of the enforcement officer, may be addressed as violation of state law, i.e., *Arizona Revised Statutes* 13-2911, which relates to compliance with the rules of an educational institution.
- E. An enforcement officer may ask an authorized driver to leave university property, whether or not a citation has been issued. Failure to comply with such a request is a violation of state law, i.e., *Arizona Revised Statutes* 13-1502, which relates to criminal trespassing. Operation of a nonpedestrian device or vehicle in order to comply directly with such a request is permitted if such operation is safe and courteous at all times, unless otherwise prohibited or an instruction to terminate operation has been issued.

10. Reasonableness and Fairness in Enforcement

The primary factors that influence campus traffic are the perceptions, expectations, and subsequent behaviors of people using the transit routes of the campus. A principal objective of the Code is to promote and maintain an environment in which the community supports and participates in the management of campus transit issues. Consistent with that objective is the belief that enforcement actions should be reasonable, prudent, and fair. Accordingly, the university encourages enforcement officers to exercise their professional discretion and to consider tolerance of those violations in which no hazard of immediate concern to the enforcement officer is present. Factors relevant to this tolerance include, but are not limited to, time, place, and general conditions of the violation. The exercise of such tolerance is entirely at the discretion of the enforcement officer. Accordingly, expectations of tolerance are not grounds for appeal of a citation.

11. Prohibited Conduct

A. Unsafe or Discourteous Conduct

Safety and courtesy are fundamental to the mission of the Code. Accordingly, it is a violation of the Code to operate a nonpedestrian device or vehicle in an unsafe or discourteous manner. Conduct not expressly identified in the Code may be prohibited immediately by an enforcement officer upon that officer's determination that such conduct is unsafe or discourteous. In such a case, the enforcement officer will communicate that determination to the authorized driver under consideration and provide a reasonable opportunity for that person to end the conduct. If the conduct continues after such notification and opportunity, enforcement action may be taken, including citation and impound, for failure to obey an instruction related to the operation of a nonpedestrian device or vehicle issued by an enforcement officer, a Level 3 violation (see Section 11-F-1).

B. Speeding

Speeding is a violation of variable severity that occurs when an authorized driver travels faster than the applicable speed limit (see Section 8-E, "Speed Limits"). Speed is the most significant factor that contributes to the creation of unacceptable risk on the transit routes of the campus because any conduct is made more hazardous by increasing the element of speed. Hence, a speeding violation may be assigned to any level of severity based on speed alone or based on a combination of speed and any aggravating circumstance present at the time of the violation (see Section 12, "Aggravating Circumstances").

C. Speeding through Crowded Traffic

This is a speeding violation of variable severity that occurs when an authorized driver travels faster than the surrounding traffic by repeatedly executing sudden changes in direction in order to proceed through crowded traffic, e.g., "weaving." The severity of the violation shall be assigned at the discretion of the enforcement officer in consideration of any aggravating circumstance present at the time of the violation (see Section 12, "Aggravating Circumstances").

D. Level 1 Violations

The following conduct is prohibited and, except where an aggravating circumstance exists, shall be Level 1 violations of the Code:

1. To fail to observe any posted traffic control device or signal.
2. To fail to yield the right of way as prescribed by the Code.
3. To fail to bear to the right side of any traveled way as prescribed by the Code.
4. To traverse an intersection of traveled ways, or of a traveled way and a walkway, (a) at a speed greater than that of surrounding pedestrian traffic, (b) at a time when it is unsafe or discourteous to do so, or (c) if any provision of the Code is not observed.
5. To operate a nonpedestrian device or vehicle anywhere but on a traveled way or campus street, except as provided for by the campus administrative services officer.
6. To operate a nonpedestrian device in a parking structure, excluding enforcement personnel of the ASU PD Bicycle Patrol.
7. To cling to a moving nonpedestrian device or vehicle.
8. To operate a bicycle without operational brakes, as defined in *Arizona Revised Statutes* Title 28.
9. To operate a bicycle without at least one hand upon the handlebar.
10. To operate a bicycle with more riders than seats installed by the manufacturer. This provision shall not apply in the case of a child riding safely in a properly installed child seat or other such accommodation in a manner consistent with the instructions provided by the manufacturer of such seat or accommodation.
11. To propel a skateboard by tacking (see Section 18, "Definitions").
12. To operate a roller skate, in-line skate, or skateboard by skating backwards.
13. To operate a nonpedestrian device or vehicle on or over a step, stairs, or disability accommodation, excluding a curb-cut between a sidewalk and a street.

14. To leave a vehicle without direct supervision by an authorized driver while the engine is running or in such a manner as to allow operation by an unauthorized person.

E. Level 2 Violations

The following conduct is prohibited and, except where an aggravating circumstance exists, shall be Level 2 violations of the Code:

1. To operate a nonpedestrian device or vehicle in a manner not consistent with simple transit (see Section 18, "Definitions".)
2. To operate a vehicle without a valid U.S. driver's license.
3. To operate a university vehicle prior to satisfactory completion of training as stated in [EHS 119](#), "Motor Fleet Safety."
4. To operate a nonuniversity vehicle without a properly displayed temporary or permanent Mall Access Permit or without authorization from the campus administrative services officer or designee.
5. To operate a prohibited nonpedestrian device or vehicle, e.g., a motorized scooter other than a handicap scooter (see Section 7, "Prohibited Nonpedestrian Devices and Vehicles").
6. To experience any loss of control of a nonpedestrian device or vehicle.
7. To operate or park a nonpedestrian device or vehicle on the university overpass.
8. To operate a university owned, leased, or rented vehicles used for official business without completion of authorized driver process as referenced above and in [EHS 119](#), "Motor Fleet Safety."

F. Level 3 Violations

The following conduct is prohibited and shall be Level 3 violations of the Code:

1. To fail to comply immediately with any instruction related to the operation of a nonpedestrian device or vehicle issued by an enforcement officer.
2. To operate a nonpedestrian device or vehicle, except a handicap scooter, inside a building.
3. To park or otherwise leave a nonpedestrian device or vehicle in a manner which is not consistent with the requirements of the *Arizona State Fire Code* or which obstructs access to any transit route, disability accommodation, emergency equipment, or point of ingress/egress. Of particular relevance for the campus is the requirement that at least 20 feet of clearance be maintained at all times to ensure free access by emergency vehicles.
4. To collide, or cause another person to collide, with a pedestrian, authorized driver, nonpedestrian device, vehicle, or property.
5. To bring a fuel-powered motorized scooter or other such vehicle inside any building, except a garage or other building designated by the university for this purpose.

G. Level 4 Violations

The following conduct is prohibited and shall be Level 4 violations of the Code: to operate a vehicle or non-pedestrian device in a designated and posted "Walk-Only Zone" during the time period when such operation is prohibited.

12. Aggravating Circumstances

Campus traffic presents diverse circumstances that may affect the nature and severity of a given violation. These circumstances include, but are not limited to, time, place, weather, traffic congestion, surface conditions, and proximity to persons or property. In order to provide appropriate sanction, a violation of the Code may be classified according to the nature and severity of a hazard created by the violation under the circumstances at the time. An enforcement officer may, according to professional discretion, increase the severity of a given violation beyond that prescribed in Section 11, "Prohibited Conduct," provided the officer notes on the citation the aggravating circumstance leading to the increase. For the purpose of identifying the severity of a given violation in the context of an aggravating circumstance, the following guidelines will apply:

- A. A Level 1 violation presents a mild hazard to any person, including oneself. A mild hazard is present when the consequences thereof, as estimated by a reasonable person, could cause inconvenience, distraction, or discomfort.
- B. A Level 2 violation presents a moderate hazard to any person, including oneself. A moderate hazard is present when the consequences thereof, as estimated by a reasonable person, could cause pain or injury not requiring medical attention.
- C. A Level 3 violation presents a severe hazard to any person, including oneself. A severe hazard is present when the consequences thereof, as estimated by a reasonable person, could cause injury requiring medical attention or death.

13. Sanctions

A. Fines

- 1. The fine for a Level 1 violation is \$15.
- 2. The fine for a Level 2 violation is equal to twice the fine for a Level 1 violation or \$30.
- 3. The fine for a Level 3 violation is equal to twice the fine for a Level 2 violation or \$60.
- 4. In addition to monetary fine, Authorized Driver Training is a mandatory co-sanction for all Level 3 violations (see Section 13-F-4).
- 5. All fines are payable upon issue of citation according to the Citation Payment Process (see Section 13-D) and revert to the Mall Safety Fund.

B. Level 4 Walk-Only Sanctions

Penalties/sanctions for offenses are as follows:

- 1. First offense will be a written warning
- 2. Second offense will be a mandatory Authorized Driver Training.
- 3. Third offense will be a referral to:
 - Students to Student Rights and Responsibilities
 - or
 - Faculty and staff to either the Provost or Office of Human Resources.
- 4. Fourth, and subsequent, offense(s) will be a Level 3 fine.

C. Late Fees

Late fees may be assessed, according to established guidelines, to any fine for delinquency in payment.

D. Impound

Any nonpedestrian device or vehicle may be impounded by an enforcement officer at the time a citation is issued for a violation of the Code.

Impounded property may be recovered within 90 days according to established guidelines, including payment of an impound fee, by contacting ASU PD.

E. Citation Payment Process

- 1. When a citation for a violation of the Code has been issued, the person cited shall either pay the penalty directly or file a written appeal with the Appeals Section of PTS within 14 calendar days. All citations are payable upon issue.

2. A fine may be paid at PTS or at the ASU cashier's office between 8:00 a.m. and 4:30 p.m. weekdays. Payment may be made in person or by mail. No fine will be considered satisfied until the full amount has been paid. Impound payments may be made at Parking Dispatch after hours until 10:30 p.m., Monday through Thursday, and until 8:30 p.m. on Friday.
3. After exhausting all administrative and legal remedies, any and all fees or fines owed by ASU employees are subject to collection by payroll deduction.

F. Authorized Driver Training

1. A person may request to remedy a citation for a Level 1 or Level 2 violation by participating in Authorized Driver Training, unless that person has completed Authorized Driver Training to remedy any citation within the previous 12 months. Authorized Driver Training may not be used to remedy a citation for a Level 1 or Level 2 violation more than once every 12 months.
2. Authorized Driver Training may not be used to remedy a citation for a Level 1 or Level 2 violation that has been appealed.
3. A request to participate in Authorized Driver Training shall be submitted to the Appeals Section, PTS, within 14 calendar days from the date of citation. If approved, Authorized Driver Training must be completed within 45 calendar days from the date of approval or on the date assigned by the Appeals Section. Upon satisfactory completion of Authorized Driver Training, the participant will receive proof of participation, the instructor will notify the Appeals Section, and the fine shall be waived. Failure to complete Authorized Driver Training within the time specified or on the assigned date shall result in the restoration of original sanctions and the addition of late fees.
4. Authorized Driver Training is a mandatory co-sanction for all Level 3 violations.
5. If Authorized Driver Training cannot be completed due to separation from the university, then payment of \$30 may be made according to the Citation Payment Process (see Section 13-D) in lieu of participation in Authorized Driver Training and in addition to any fine associated with a citation.
6. Participation in Authorized Driver Training by choice for personal edification or as a condition on job performance shall not preclude subsequent participation in Authorized Driver Training to remedy a citation for a Level 1 or Level 2 violation as described in this section.
7. Participation in Authorized Driver Training as a remedy for a citation may not occur while on duty as required by university employment of any kind.

G. Additional Penalties

A person who violates the Code or who fails to comply with the terms of any citation within 45 calendar days from the date of issue shall be subject to additional penalties and sanctions. These include but are not limited to oral and written reprimand, disciplinary probation, salary withholding, termination of employment, Code of Conduct sanctions, suspension or expulsion from the university, encumbrance of academic records, impoundment of vehicle or nonpedestrian device, and loss of administrative privileges, such as access to computer accounts, library resources, registration procedures, and parking. Such penalties and sanctions do not affect the status of a citation, fine, late fee, or impound.

14. Appeals

Appeals are available only for sanctions involving fines.

A. First-level Appeal—Appeals Officer

A person may appeal a citation for a violation of the Code by submitting a written appeal to the Appeals Section, PTS, within 14 calendar days from the date of the citation. Grounds for appeal include, but are not limited to, that the citation was issued in error or that there are extenuating circumstances a reasonable person would accept as justification for the violation. The ASU Appeals Officer may dismiss, modify, transfer, or uphold the citation.

B. Second-level Appeal—Parking Citation Appeals Board

Upon payment of any fines associated with a citation, a person may appeal a First Level Appeals decision to the Parking Citation Appeals Board. The

Parking Citation Appeals Board is an independent board comprising faculty, staff, and students. A written appeal shall be filed with the Appeals Section, PTS, within 14 calendar days from the date of the First Level Appeals decision and be accompanied by a receipt issued by the university indicating all fines associated with the citation have been paid. The appeal must state in clear detail the grounds whereby it is believed the First Level Appeals Officer erred. The Parking Citation Appeals Board may reverse, modify, or uphold any decision of the First Level Appeals Officer. Depending upon the ruling, a fine may be refunded when there are no other charges outstanding.

C. Judicial Review

A ruling of the Parking Citation Appeals Board is not subject to further appeal at the university and may be submitted for judicial review by Maricopa

County Superior Court according to the provisions of the *Administrative Review Act* Title 12, Chapter 7, Article 6. A filing fee is charged by the court.

15. Removal of Public Hazard and Abandoned Property

- A. An enforcement officer may determine, according to established guidelines, that a nonpedestrian device or vehicle is a public hazard or has been abandoned. A nonpedestrian device or vehicle that has been so determined may be impounded and removed without notice. Such property may be reclaimed, according to established guidelines, within 90 calendar days of the date of impound by contacting ASU PD. If, after that time, the owner of such property cannot be identified from information on or about the property, the property may be disposed, sold, or otherwise dispensed without notice.
- B. If the owner of impounded property may be identified from information on or about the property, reasonable attempt, according to established guidelines, will be made to notify the owner that the property has been impounded. If notification cannot be confirmed after 90 calendar days from the date of the final attempt to give notice, the impounded property may be disposed, sold, or otherwise dispensed without further notice. If notification is confirmed but the property is not reclaimed within 90 calendar days of confirmation, the impounded property may be disposed, sold, or otherwise dispensed without notice.
- C. All proceeds from the dispensation of impounded property revert to the Mall Safety Fund.

16. Revision

This Code may be revised, modified, or amended upon the approval of the president of the university.

17. Severability

Should any provision of this Code be determined to be invalid by a court of competent jurisdiction, the invalidity of such provision will not invalidate the whole of this Code, but rather the Code shall be construed as if it did not contain any invalid part and the rights and obligations of the university and all individuals subject to the Code shall be enforced accordingly.

18. Definitions

The definitions of specific words and phrases used in the Code are prescribed by *Arizona Revised Statutes* Title 28, i.e., the state transportation code, or as given in this section. In the event of a discrepancy between definitions in *Arizona Revised Statutes* Title 28 and this section, *Arizona Revised Statutes* Title 28 shall apply in situations under its jurisdiction and this section shall apply in situations on those parts of the campus not under the jurisdiction of *Arizona Revised Statutes* Title 28. If neither source provides a definition, the commonly understood definition shall apply.

"Authorized Driver" means an ASU employee or volunteer who is required in the course and scope of employment or volunteer activity to drive an ASU vehicle for official business purposes, and meets the following requirements:

1. has a valid U.S. driver's license;
2. has completed and is current with required training;
3. has a driving record in good standing (< 6 points);
4. and has submitted a Driver's Authorization Form to Human Resources.

"Campus" means all property owned, rented, leased, or controlled by Arizona State University.

"Campus Street" means a street on the campus not under the jurisdiction of the City of Tempe, City of Phoenix, City of Mesa, or City of Glendale.

Note: Use of campus streets is governed by *Arizona Revised Statutes* Title 28, the state transportation code.

"Citation" means a written notice of a violation of the Code.

"Coalition for Mall Safety" means the standing subcommittee of the Public Safety Advisory Committee comprised of members of the campus and local communities who participate in regular discussions in an effort to enhance the management of campus transit issues. "Code," when unmodified, means the "Arizona State University Campus Transportation Code." "Collide" means to come together or to impact.

"Comply" means to act according to or in a manner consistent with a request, command, rule or wish.

"Courtesy" means behavior toward another that is marked by civility, respect, attention, consideration, cooperation, or generosity.

"Enforcement officer" means an ASU police officer, an agent of PTS, or any other person authorized by the campus administrative services officer to enforce the Code.

"Fair" means equitable or impartial.

"Fine" means a monetary penalty imposed for violation of the Code.

"Hazard" means a condition or circumstance involving the *chance* of injury or death.

"Impoundment" means the seizure of and taking into custody a nonpedestrian device or vehicle.

"Mall Access Permit" means the certificate issued by PTS that authorizes a person to access one or more traveled ways of the campus with a vehicle.

"Mall Safety Fund" means the monetary account, administered by the director of ASU PD or designee, the deposits of which may be used to promote the mission of the Code to support efforts deemed necessary or desirable including, but not limited to, Authorized Driver Training, public signage, and the preparation or distribution of printed information. The Coalition for Mall Safety representative to the Public Safety Advisory Committee may advise the director regarding specific expenditures as needed.

"Nonpedestrian device" means any device, apparatus or contrivance operated as a means of transit and propelled solely by human power. Examples of nonpedestrian devices include a bicycle, tricycle, pedal cart, velocipede, water board, roller skate, in-line skate, skateboard, and scooter.

"Observe" means to act in a manner consistent with or according to a law, rule, or tradition.

"Obstruct" means to block, close, or hinder from passage, action, or operation.

“Operate” means to control the movement of a nonpedestrian device or vehicle, except as necessary to transport the device or vehicle as freight under the direct control of a pedestrian.

“Park” means to place a nonpedestrian device or vehicle in a stationary position whether the unit is occupied or not, other than temporarily for the purposes of and while actually engaged in loading or unloading cargo or passengers.

“Parking Citation Appeals Board” means the group of people authorized by the university to conduct hearings and render decisions on second level appeals of a citation for violation of the Code.

“Parking structure” means a multilevel parking lot.

“Pedestrian” means a person whose mode of transit is ambulation or who is defined as a pedestrian under the Americans with Disabilities Act. A person walking or using a wheelchair, self-propelled wheelchair, or handicap scooter is a pedestrian. A service animal employed by a person with a

disability, as defined under the Americans with Disabilities Act, is granted the status of pedestrian for the purposes of the Code.

“Pet” means any animal not considered a service animal or a work animal. A pet must be under the direct physical control of its owner or custodian at all times.

“Prudent” means careful, wise, cautious, or acting on forethought to avoid danger or harm.

“Public Safety Advisory Committee” means the group of people from the campus and local communities appointed by the president or campus administrative services officer to advise the campus administrative services officer on issues related to public safety, crime abatement, law enforcement, and emergency preparedness.

“Reasonable” means governed by or in accordance with logic, sound judgment, or practicality.

“Right of Way” means the customary or legal right of a person to pass in front of another.

“Roller skate” means any nonpedestrian device with one or more wheels or rollers that is worn on the foot. Examples include a skate that attaches to the shoe, a skate with integral shoe or boot, an in-line skate, otherwise known as a “roller blade,” and an in-line ski, otherwise known as a “roller ski.” “Safe” means free of hazard.

“Service Animal” means any animal employed by a person with a disability, as defined under the Americans with Disabilities Act. A service animal is granted the status of pedestrian by the Code.

“Simple transit” means the minimum actions necessary to safely convey a person or goods from one place to another via a transit route of the campus in a manner consistent with the Code. Stunts, tricks, feats of skill, acrobatics, and “extreme” sports activities are not simple transit and therefore are violations of the Code.

“Skateboard” means any nonpedestrian device consisting of a deck with one or more wheels or rollers mounted thereon and upon which the operator stands, sits, or lies during use.

“State,” when unmodified, means the State of Arizona.

“Tacking,” when applied to the operation of a skateboard, means the manner by which a skateboard may be propelled such that the operator’s foot need not touch the ground and which exhibits rapid movements of the skateboard about that axis of rotation perpendicular to the deck through the rear axle. Tacking is prohibited on campus.

“Transit” means the conveyance of a person or goods from one place to another.

“Transit route” means a walkway, traveled way, or campus street.

“Traveled Way” means any way, area, or region, other than a campus street, where nonpedestrian devices or vehicles are permitted to be operated or parked. Examples include a campus mall, sidewalk, parking lot, service drive, and loading bay, unless designated otherwise.

Note: While a parking structure is a traveled way, operation of a nonpedestrian device is prohibited in a parking structure, excluding officers of the ASU PD Bicycle Patrol (see Section 11-D-6).

“University,” when unmodified, means Arizona State University.

“Vehicle” for the purposes of this policy, includes any automobile owned, leased or rented by ASU, any cart owned, leased or rented by ASU, and any other motorized vehicle driven on public roads or on ASU Campus Malls.

“Walkway” means any way, area, or region reserved for the exclusive use of pedestrians. Examples include an atrium, breezeway, patio, point of ingress/egress, stairwell, single step or flight of stairs, the university overpass, and a disability accommodation ramp. Unpaved, landscaped, or otherwise undesignated areas may be used by pedestrians only, except as provided for by the campus administrative services officer.

“Work animal” means any animal employed by a person as the means by which a vehicle may be propelled or a person may be transported. For the purposes of the Code, a work animal used for transit, as distinguished from a service animal, is classified as a vehicle, and is subject to the requirements thereof, which as by their nature apply to an animal, including proper display of a Mall Access Permit.

Cross-Reference

For more information, see

1. Academic Affairs Policies and Procedures Manual, [ACD 126](#), "References Check and Background Verification"
2. Environmental Health and Safety Manual, [EHS 115](#), "Incident Reporting and Investigation"
3. Environmental Health and Safety Manual, [EHS 119](#), "Motor Fleet Safety"
4. Environmental Health and Safety Manual, [EHS 705-02](#), "Vehicle Loss Insurance Recovery"
5. Environmental Health and Safety Manual, [EHS 705-08](#), "University Volunteer Insurance Coverage"
6. Facilities Management Manual, [FAC 204](#), "University Vehicle Policy"
7. Staff Personnel Policies and Procedures Manual, [SPP 319](#), "Driver's License Monitoring"
8. Staff Personnel Policies and Procedures Manual, [SPP 801](#), "Employee Conduct and Work Rules"
9. Staff Personnel Policies and Procedures Manual, [SPP 808](#), "Performance Management for University Staff"
10. Staff Personnel Policies and Procedures Manual, [SPP 809](#), "Discipline"

and

11. Staff Personnel Policies and Procedures Manual, [SPP 1010](#), "Termination of University Staff Employment"