

<i>Title:</i> Code of Conduct/Exclusion Policy	<i>Resolution:</i> 11-22
<i>Author:</i> Tammi Rubert	<i>Effective Date:</i> August 16, 2011



Jefferson Transit Authority

Code of Conduct/Exclusion Policy

Effective August 16, 2011

ARTICLE I. INTRODUCTION

Transit Agency vehicles, facilities, and properties are intended to provide services for the benefit of the general public. Pursuant to RCW 36.57A.080, and in order to maintain public transportation services that are orderly, safe, secure, comfortable, and convenient, Jefferson Transit has enacted the following Rules of Conduct. These Rules of Conduct are intended to regulate conduct occurring with transit employees, on Transit agency vehicles, within or upon Jefferson Transit facilities and properties, and in connection with Jefferson Transit's provision of public transportation services.

The Rules of Conduct consist of four separate articles, which include the following: Article I – Introduction; Article II – Definitions; Article III – Regulation of Conduct; and Article IV – Public Communication Activities. Unless otherwise provided herein, reference to the phrase "Rules of Conduct" shall collectively include Articles I through IV.

If any one or more of the provision(s) in the Rules of Conduct shall be declared by any court of competent jurisdiction to be contrary to law, then such provision(s) shall be null and void and shall be deemed separable from the remaining provisions in the Rules of Conduct and shall in no way affect the validity of the other provisions of the Rules of Conduct.

ARTICLE II. DEFINITIONS

As used in these Rules of Conduct, the words herein shall have the meaning provided in this Article II. Words of the masculine gender shall be deemed and construed to include correlative words of the feminine and neuter genders. Words imparting the singular number shall include the plural numbers and vice-versa, unless the context shall otherwise dictate.

- A. "Bus shelter" shall mean those structures located in transit loading zones that provide cover for the general public to board and disembark from transit vehicles.
- B. "Commercial activity or activities" shall mean any enterprise or venture by groups or individuals for the purpose of promoting or selling products or services to Jefferson Transit employees or the general public whether for profit or not.
- C. "General public" shall mean any person or group of persons, including Jefferson Transit employees not acting in an official capacity at the time.

- D. "News racks" shall mean any stand, box, structure, rack, or other device, which is designed and used for the sale of and/or distribution of newspapers, periodicals, magazines, or other publications or combinations of the same.
- E. "JTA Park-and-ride lots" shall mean locations at which persons park their individual vehicles and transfer to a transit vehicle or car/vanpool vehicles, including all physical improvements and landscaping.
- F. "Person" shall mean any individual, firm, partnership, corporation, organization, association, or entity of any kind.
- G. "Public transportation services" shall include the definition of public transportation services in RCW 36.57A.010(10), together with vanpools and fixed route and paratransit services, whether operated by Jefferson Transit or any governmental agency, private person, firm, or corporation contracting with Jefferson Transit pursuant to chapter 36.57A RCW.
- H. "Transit Agency" shall mean the Jefferson Transit Authority, a Washington municipal corporation and Public Transportation Benefit Area organized and operating under and by virtue of the laws of the State of Washington.
- I. "Transit Agency employee" shall mean any part-time or full-time, temporary or regular, exempt or non-exempt, represented or non-represented person, including an intern or contracted party, who is compensated by Jefferson Transit for services by wages, salary, or other remuneration.
- J. "Transit Agency facilities and properties" shall mean all facilities, structures, schedule and news racks, kiosks, fare vending machines, bulletin and information boards, bus stop signs, lands, interest in lands, air rights over lands, and rights of way of all kinds that are owned, leased, held, or used by Jefferson Transit for the purpose of providing public transportation services, including, but not limited to, park and ride lots, transit centers, bus shelters, and public streets and sidewalks that are used by the general public to board and alighting from transit vehicles.
- K. "Transit Agency vehicle" shall mean a municipal transit vehicle defined in RCW 46.04.355. It also includes any Jefferson Transit maintenance vehicle or supervisor van.

- L. "Transit centers" shall mean locations where transit routes have a common terminus and facilities are provided to facilitate general public boarding and alighting from transit vehicles, including all physical improvement and landscaping.
- M. "Transit-related activities" shall mean activities associated with the provision or support of Jefferson Transit's public transportation services, the use of those services by the general public, or Jefferson Transit sales, promotion, and maintenance activities in support of Transit Agency public transportation services.

ARTICLE III. REGULATION OF CONDUCT

A. Prohibited Conduct

The following conduct is prohibited on Jefferson Transit vehicles, within or upon Jefferson Transit facilities or property, and in connection with Transit Agency's provision of public transportation services.

1. Engaging in any conduct prohibited by, but not limited to RCW 9.91.025 or prohibited by any federal, state, or municipal civil or criminal law;
2. Except in a designated place, the use of chewing tobacco or smoking or carrying a lighted or smoldering pipe, cigar, or cigarette; or e-cigarettes;
3. Discarding litter other than in designated receptacles;
4. Dumping or discarding any materials on transit property, including but not limited to hazardous substances and automotive fluids;
5. Playing any radio, recorder, or other sound-production equipment, except that nothing herein shall prohibit the use of such equipment when connected to earphones that limit the sound to individual listeners or the use of communication devices by Jefferson Transit employees, Transit Agency contractors, or public safety officers in the line of duty, or the use of private communication devices used to summon, notify, or communicate with other individuals (e.g., pagers, beepers, or cellular telephones);
6. Spitting, urinating, or defecating, except in the appropriate plumbing fixtures in restroom facilities;
7. Failure to maintain a reasonable level of personal hygiene. It is not Jefferson Transit's objective to enforce personal hygiene standards on the public, but in order to maintain a clean and safe environment to all who use Jefferson Transit vehicles and property, passengers who may contaminate an area due to blood, urine, fecal matter, or other body fluids will be refused transportation. This includes those whose odor is so offensive that others would complain and vacate the immediate area;

8. Carrying any flammable liquid, explosive, acid, or other article or material likely to cause harm to others except that nothing herein shall prevent a person from carrying a cigarette, cigar, or pipe lighter or carrying a firearm or ammunition in a way that is not otherwise prohibited by law or these Rules of Conduct;
9. Obstructing or impeding the flow of Jefferson Transit's vehicles or passenger traffic or hindering or preventing access to Jefferson Transit vehicles, facilities, or property. This includes causing unreasonable delays in boarding or disembarking, blocking or partially blocking an aisle or stairway with a package or object, reclining in more than one seat, or otherwise unlawfully interfering with the provision or use of public transportation services;
10. Disturbing others by engaging in loud, raucous, unruly, harmful, aggressive, violent, or harassing behavior;
11. Destroying, defacing, or otherwise damaging Jefferson Transit property;
12. Possessing any open beverage container holding alcohol or possessing controlled substances, unless otherwise authorized by law;
13. Carrying, exhibiting, displaying, or drawing any firearm, dagger, sword, knife or other cutting or stabbing instrument, club, or any other weapon apparently capable of producing bodily harm, in a manner, under circumstances, and at a time and place that either manifests an intent to intimidate another or that warrants alarm for the safety of other persons, unless otherwise authorized by law;
14. Throwing an object at Jefferson Transit vehicles, facilities, or property, or throwing an object at any person on Jefferson Transit property;
15. Allowing any animal to occupy a seat on transit property, to run at large, to unreasonably disturb others, to leave waste matter on Transit Agency property, or to interfere with transit-related activities;
16. Engages in other conduct that is inconsistent with the intended purpose of the transit facility, transit station, or transit vehicle and refuses to obey the lawful commands of an agent of Jefferson Transit or a law enforcement officer to cease such conduct;
17. Roller-skating, rollerblading, skateboarding, riding bicycles, unicycles, mopeds, or other motorcycles, except where public vehicle travel and access is permitted;
18. Eating on Jefferson Transit vehicles or in prohibited areas of Jefferson Transit facilities and properties;
19. Drinking, except from a spill-proof covered container, on Jefferson Transit vehicles or in prohibited areas of Jefferson Transit facilities and properties;
20. Using a public address system, loudspeaker, or other sound-amplifying device, except as authorized by Jefferson Transit or its designee;
21. Using Jefferson Transit property for residential or commercial parking purposes except as authorized by Jefferson Transit or its designee;
22. Operating, stopping, standing, or parking a vehicle in any roadway or location restricted for use only by Jefferson Transit vehicles or otherwise restricted;

23. Sitting or lying on floors of Jefferson Transit vehicles. Sitting or lying on floors, sidewalks, asphalt, or other ground covering in or on Jefferson Transit facilities and properties which would obstruct or impede the flow of Jefferson Transit's vehicles or passenger traffic;
24. Sleeping, camping, or storing personal property on benches or floors on or within Jefferson Transit vehicles, facilities, properties, unless otherwise authorized by law;
25. Entering or remaining upon any nonpublic areas of Jefferson Transit facilities or properties, including, but not limited to, staging areas, work areas, and equipment rooms, except when authorized by Jefferson Transit or its designee;
26. Sitting or remaining in an area marked as reserved for senior citizens or paratransit customers without proof of age or current paratransit ID card;
27. Entering Jefferson Transit vehicles, facilities, or properties without wearing a shirt or shoes unless medical accommodation is required;
28. Engaging in commercial activities, except when such activities are authorized by Jefferson Transit or its designee in a written permit, license, concession contract, lease, or other written authorization;
29. Committing any act which tends to create or incite, or creates or incites, an immediate breach of peace, including, but not limited to,
 - (a) fighting,
 - (b) racing,
 - (c) obscene language and noisy or boisterous conduct tending to cause a breach of the peace, and
 - (d) personally abusive epithets or words or language of an offensive, disgusting, or insulting nature, which epithets, words, or language when addressed to the ordinary citizen are, as a matter of common knowledge, inherently likely to provoke a violent reaction of fear, anger, or apprehension;
30. Engaging in sexual activity with self or others while riding or accessing Jefferson Transit vehicles, facilities, or properties;
31. Displaying or reading pornographic material where others may see it;
32. Engaging in gambling or any game of chance for the winning of money or anything of value;
33. Entering Jefferson Transit vehicles, facilities, or properties when lacking the ability to care for oneself because of illness, intoxication, or medication(s);
34. Extending an object or a portion of one's body through the door or window of a Jefferson Transit vehicle;

35. Hanging or swinging on bars or stanchions with feet off the floor while on Jefferson transit property or hanging onto or otherwise attaching oneself to the exterior of a Jefferson transit vehicle or other transit property;
36. Loitering;
37. Refusing to allow proper securement of a wheelchair on Jefferson Transit vehicles;
38. Failure to pay the appropriate fare as required by the Jefferson Transit Authority; or falsely representing oneself as eligible for a special or reduced fare or obtaining any permit or pass related to Jefferson Transit by making a false representation;
39. Falsely claiming to be a Jefferson Transit operator or other Jefferson Transit employee or volunteer, or, through words, actions and/or the use of clothes, insignia, or equipment resembling department-issued uniforms and equipment, creating a false impression that one is a Jefferson Transit operator or other Jefferson Transit employee or volunteer;
40. Interfering or tampering with mobile data computers, fare boxes, or any other equipment on Jefferson Transit vehicles or properties;
41. Laying hands or verbally intimidating a Jefferson Transit operator or Jefferson Transit employee, including spitting on them.
42. Exceeding the number of no-shows allowed under the paratransit policy provided that trips missed for reasons beyond the customer's control shall not be counted as no-shows;
43. Impeding paratransit service through non-compliance with the paratransit procedures; and
44. Violating an exclusion order issued under these Rules of Conduct.

B. Enforcement

1. Exclusion from Service.

(a) **Basis for Exclusion.** Any person engaging in prohibited conduct under these provisions of Article III, Section A, may be refused entrance upon, ordered to leave, or otherwise restricted in the use of Jefferson Transit vehicles, facilities, or properties by a commissioned law enforcement official, Jefferson Transit personnel, or authorized personnel of a Jefferson Transit contracted service provider. Failure to immediately comply with such a removal or exclusion order may be grounds for prosecution for criminal trespass and/or unlawful transit conduct.

(b) **Immediate Exclusion or Removal.** A Jefferson Transit employee may immediately reseal, refuse transportation, or remove from Jefferson Transit vehicles, facilities, or properties without prior written notice a person who has engaged in prohibited conduct under Article III, Section A, which, in the Jefferson

Transit employee's discretion, poses a safety or security risk, interferes with or impinges on the rights of others, impedes the free flow of the general public, or impedes the orderly and efficient use of Jefferson Transit vehicles, facilities, or properties. If an individual who is immediately excluded or removed is also excluded from future access to Jefferson Transit vehicles, facilities, or properties, Jefferson Transit should, to the extent possible, give notice to that individual of the future exclusion pursuant to section (B) (c).

- (c) **Notice Procedure.** Jefferson Transit may give a person to be excluded from Jefferson Transit vehicles, facilities, or properties written notice, to the extent possible, by personal delivery or by U.S. Postal Service Priority Mail, delivery confirmation requested, addressed to the person's last known address. The notice shall specify the reason or reasons for exclusion, identify the scope, duration, and effective date of the exclusion, and explain the appeal process. The exclusion notice is effective upon actual or constructive receipt.
- (d) **Constructive Receipt.** Receipt of an exclusion notice is construed to have occurred if the person knew or reasonably should have known from the circumstances that he or she is excluded from Jefferson Transit vehicles, facilities, or properties. Receipt of an exclusion notice is also presumed to have been accomplished three calendar days after the notice has been placed in the U.S. Mail to the person's last known mailing address.
- (e) **Length of Exclusion.** The following suggested exclusion lengths are guidelines to be used by Jefferson Transit in determining the duration of a particular exclusion under the provisions of Article III. The actual exclusion period imposed may be shorter or longer depending on the circumstances of each case. Circumstances that Jefferson Transit may consider in determining the length of exclusion include, but are not limited to, the circumstances of the incident and the individual's history of documented prior conduct/incidents while using or accessing Jefferson Transit vehicles, facilities, or properties. **Permanent exclusion may be appropriate under certain circumstances.**
 - (1) If the person being excluded has had no policy violations, including exclusions or removals, and
 - a. The prohibited conduct would constitute a misdemeanor in Washington State or prohibited by RCW 9.91.025, the duration of the exclusion should not exceed 30 days.

b. The prohibited conduct would constitute a felony in Washington State; the exclusion should not exceed 60 days.

(2) If the person being excluded has had one prior policy violation, including exclusions or removals, and

a. The prohibited conduct would constitute a misdemeanor in Washington State or prohibited by RCW 9.91.025, the duration of the exclusion should not exceed 60 days.

b. The prohibited conduct would constitute a felony in Washington State; the exclusion should not exceed 90 days.

(3) If the person being excluded has had two or more prior policy violations, including exclusions or removals, and

a. The prohibited conduct would constitute a misdemeanor in Washington State or prohibited by RCW 9.91.025, the duration of the exclusion should not exceed 90 days.

b. The prohibited conduct would constitute a felony in Washington State; the exclusion should not exceed 120 days.

(4) If the prohibited conduct is identified as a crime against a person or property, involves a firearm or other dangerous weapon, the duration of the exclusion could range from 365 days to permanent.

(f) **Appeal Procedure.** Not later than 15 calendar days after exclusion notice becomes effective, an excluded person may appeal in writing to the Jefferson Transit Operations Manager for a review of the exclusion. The appellant may request a hearing, or the appellant may request review without a hearing based on a written statement setting forth the reasons why the appellant believes exclusion is invalid or improper. If the appellant is unable to respond in writing, Jefferson Transit will make reasonable accommodations. If no hearing is requested, the Jefferson Transit Operations Manager, or his or her designee, shall render a written decision within 20 calendar days after Jefferson Transit's receipt of the appeal. If the exclusion is 60 days or less a request may be heard within 5 working days after exclusion notice becomes effective. This request must be in writing to Jefferson Transit setting forth the reasons why the appellant believes exclusion is invalid or improper.

(g) **Hearing.** If the appellant does request a hearing, the hearing shall be held within 30 calendar days after Jefferson Transit's receipt of the appeal, and the hearing may be recorded. The Jefferson Transit Operations Manager, or his or her designee, shall render a written decision within 20 calendar days after the hearing. The appellant may be represented by counsel and may present witnesses to testify upon oath or affirmation in support of the appeal. The Operations Manager may also hear from witnesses who testify upon oath or affirmation, and he or she may examine evidence during the appeal hearing. The exclusion shall remain in effect during the appeal process.

(h) If permanently excluded from Jefferson Transit vehicles and/or property, you may appeal exclusion on an annual basis.

2. Other Laws Not Limited.

The enforcement of Article III herein is not intended to limit, in any manner, the enforcement of any applicable federal, state, or municipal laws, provided that Jefferson Transit employees and volunteers are not authorized to assist in enforcing a court order prohibiting or restricting contact with any other person other than to notify appropriate law enforcement personnel via Jefferson Transit's dispatcher.

c. Liability

Nothing in Article III herein shall create a duty to any person on the part of Jefferson Transit or form any basis for liability on the part of Jefferson Transit, its officers, agents, employees, or volunteers. The obligation to comply with Article III is solely that of any person entering and using Jefferson Transit's vehicles, facilities, and properties, and Jefferson Transit's enforcement of Article III is discretionary not mandatory.

Jefferson Transit Authority Passenger Code of Conduct

(As adopted by the Transit Authority Board on June 20, 2006)

For the safety and comfort of all, Jefferson Transit Authority requires our customers to:

- 1. Pay the correct cash fare or show a pass when boarding**
- 2. Remain seated while the bus is in motion**
- 3. Hold on to a hand rail while the bus is in motion if no seats are available**
- 4. Keep aisles free of all items**
- 5. Ride quietly and respect the rights of other passengers (using drugs or alcohol, smoking, littering, spitting, possessing strong odors, playing audible music, swearing, or otherwise behaving in an unruly or harassing manner are all prohibited)**
- 6. Keep all beverages in spill-proof containers**
- 7. Refrain from eating**
- 8. Not carry hazardous materials while riding with us**
- 9. Keep animals, including pets and service animals, under close control or in a closed container**
- 10. Allow transit operators to drive their buses safely**
- 11. Cross behind buses, and wait until after the buses leave to cross the street**
- 12. Walk with bikes and carry skateboards at any Jefferson Transit Authority properties**

Jefferson Transit may exclude passengers for not complying with its Passenger Code of Conduct or the Revised Code of Washington (RCW 9.91.025) which further governs passenger conduct.

NOTIFICATION OF FAILURE TO FOLLOW JTA PASSENGER CODE OF CONDUCT

DATE: _____

NAME: _____

I have received a copy of Jefferson Transit Authority's Passenger Code of Conduct. _____
(Initials)

I have read, or have been read the content of the Code. _____
(Initials)

I understand these rules and why my behavior is not consistent with the Code. _____
(Initials)

I understand that I will be excluded from future Jefferson Transit services if I do not follow the Code. _____
(Initials)

Signature of Passenger: _____ **DATE:** _____

Signature of JTA Official: _____ **DATE:** _____

Signature of Witness: _____ **DATE:** _____

DATE: _____



TO: _____

SUBJECT: Notice of Exclusion from Jefferson Transit Authority Vehicles and Property (Exclusion Order)

This letter is your notification that Jefferson Transit Authority (JTA) excludes you from all services for a period of _____ months, effective immediately. JTA will reinstate your privileges on _____ unless you violate this exclusion order. You are not to use or enter any JTA vehicles, facilities, or properties specified below until your privileges are reinstated.

JTA excludes you from service for violating the JTA Code of Conduct as adopted by the Board of Directors on June 20, 2006: On _____ (date) at _____ (time)

You may appeal this exclusion order. If you choose to appeal, you must do so in writing to the JTA Transit Services Administrator within fifteen (15) calendar days from the date you receive this order. You may request a hearing, or may request review without a hearing based on a written statement stating reasons why you believe this exclusion order is invalid or improper. This exclusion order remains in effect during any appeal process.

Until the reinstatement date, you are not allowed to enter or be on the following JTA areas and properties: All JTA vehicles, JTA Main Offices and Vehicle Yard, Haines Place Park and Ride (including the adjacent parking lots), marked JTA bus stops, JTA bus stop shelters, transfer points, and any other JTA property.

If you refuse to immediately comply with a written or verbal exclusion notice, you may be prosecuted for Trespass 1(RCW 9A.52.070), which is a Gross Misdemeanor Offense. If you have any questions regarding this exclusion order, call (360) 385-4777 during regular business hours.

Signed _____ Title _____

Method of Notification (check one):
 U.S. Mail (Return Receipt Requested)
 Personal Delivery

I have read and/or have been read and understand this exclusion notice. I fully understand that failure to immediately comply with this notice will result in a criminal prosecution for Trespass 1 (RCW 9A.52.070).

Signed: _____ Date: _____

Witness & Title: _____ Date: _____

Witness & Title: _____ Date: _____