

AGENDA ITEM 2 A
Action Item

MEMORANDUM

DATE: August 3, 2023
TO: El Dorado County Transit Authority
FROM: Christine Parker, Safety Coordinator
SUBJECT: Passenger Code of Conduct

REQUESTED ACTION:
BY MOTION,

**Recommend the Board of Directors approve the El Dorado County
Transit Authority Passenger Code of Conduct**

BACKGROUND

The El Dorado County Transit Authority (El Dorado Transit) has traditionally posted passenger rules in transit vehicles and in printed brochures. These rules are guidelines for passengers while using transit vehicles and facilities. In an effort to support El Dorado Transit’s goal, “to provide safe, reliable, courteous, attractive, and comfortable public transit” staff has developed a Passenger Code of Conduct to update passenger rules and to provide a comprehensive approach to passenger discipline.

DISCUSSION

The attached draft Passenger Code of Conduct aims to provide a safe, comfortable, and enjoyable experience for all passengers, staff, and the community. It will assist in maintaining order, preventing conflicts and ensure the smooth operation of El Dorado Transit while prioritizing the well-being and satisfaction of everyone involved.

The Passenger Code of Conduct will set forth expectations for passengers while maintaining support for operators and other front line staff. This policy identifies a series of actions and behaviors some of which are supported by the California Penal Codes, Public Utility Codes and other statues that may lead to disciplinary action. The intention of the Passenger Code of Conduct is not to discipline, but to create an expectation and understanding where the presence of poor conduct can cause safety risks, discomfort and disturbances to all involved parties and may lead to corrective action if poor behaviors are conducted within El Dorado Transit vehicles and properties.

FISCAL IMPACT

None

I. Passenger Code of Conduct

The El Dorado County Transit Authority (El Dorado Transit) is committed to providing a safe, secure, and comfortable transit environment. By establishing the passenger code of conduct it sets forth expectations and guidelines for passengers to follow to ensure the safety and comfort of all passengers and El Dorado Transit Staff. Behavior on transit property is governed by California Penal Code 640 and other statutes.

If a passenger notices offensive or illegal activity by another passenger, the person is highly encouraged to notify El Dorado Transit.

1. Fare

All passengers must show a valid pass or pay a fare upon boarding. Failure to pay the appropriate fare or present a valid pass or willfully present an invalid pass or transfer is prohibited.

2. Animals

Guide dogs, signal dogs and other service animals are permitted to accompany individuals with disabilities who board El Dorado Transit vehicles. If an operator is unsure the animal performs a service function, the operator may ask the following:

- a. Is the animal a service animal?
- b. What service has the animal been trained to provide?

The animal must not interfere with other passengers and must be under constant supervision and control by the owner. Service animals are not permitted on seats or to block the aisleway in vehicles.

If a service animal misbehaves and the passenger is unable to correct the behavior, the passenger will be asked to remove the animal from the vehicle.

If the misbehavior continues, the animal's boarding privileges may be revoked for an established time period. Please refer to Section II: Suspension of Service for further details.

For safety reasons, it is recommended that service animals do not ride the passenger lift platform on vehicles where lifts are available. Their tails, paws, head, or equipment may catch in the lift mechanism.

2.1. Pets

Animals such as comfort animals, emotional support animals or pets that do not meet the definition of a service animal are not permitted on El Dorado Transit vehicles*.

**Exception (Public Utilities Code 99166): In the event of an Evacuation Order established by the Governor of California or Local Emergency Management*

Officials, pets may be permitted if space allows, pet is in full control of the passenger, and safety of passengers, operator or others is not jeopardized.

Pets means a cat or a dog as those terms are defined in section 1799.109 of the Health and Safety Code.

3. Carry-Ons

3.1. Recyclables

Bags of recyclable cans, bottles and other such items are prohibited.

3.2. Limits

Passengers must limit their carry-ons to only those items the passenger can safely carry on the vehicle in one boarding without any assistance from the operator or, another passenger. Passengers must have control over carry-on items at all times. Carry-ons shall not block aisles or seats.

3.3. Strollers

Passengers are encouraged to fold up strollers, if possible. However, it is not required. Children must not be transported in the stroller. Strollers may not be boarded using the lift and must be stored and secured and not block aisles at any time or block seats. Children and carriers must be under personal control at all times. If space is available within the wheelchair station, the stroller may be stowed in the areas as long as the passenger can hold the stroller and secure any belongings without impeding the aisle. Mobility devices at all times have priority in the wheelchair securement area.

3.4. Utility Carts and Walkers

Passengers are encouraged to fold up carts, when possible. Utility carts, walkers, and personal possessions must be stored and secured and cannot block aisles at any time or block seats. Only if available, carts can be stored in the wheelchair space as long as the passenger can hold on to their belongings. Mobility devices at all times have priority in the wheelchair securement area. The wheelchair lift may not be used for loading a utility cart. Large carts, such as shopping carts, are not allowed.

3.5. Bicycles

Bicycles must be stored on the bicycle rack on a first come, first served basis. The bicycles must be able to fit on the bike rack. Bicycles that do not fit the bicycle rack may not be loaded inside the vehicle. Non-folding bicycles may not be brought on board*. Folding bicycles may be brought on board the vehicle provided it is stored away safely and appropriately. Before being brought aboard, it remains under personal control at all times, and stored so as not to block aisles or seats at any time.

Electric bicycles can be transported after approval from El Dorado Transit. Approval is completed at El Dorado Transit offices. The electric bike will be weighed and if the bike meets the weight criteria of 55lbs or less, the bike will receive an approval sticker. Gas powered bicycles may not be transported on all El Dorado Transit vehicles, due to

the dangers of flammable liquids.

****Exception** – the last vehicle of the day (provided space is available) may allow one to two (1-2) non-folding bicycles on board. Bicycle(s) must be stowed in the mobility device securement area. Passengers traveling in mobility devices have priority. If a passenger in a mobility device needs to board the vehicle after the bicycle(s) have been boarded, the bicycle(s) must vacate the space and disembark the vehicle.*

2.6 Life Support Equipment

Respirators, portable oxygen, or other non-emergency life support equipment in use may be brought on board as long as such items do not violate laws or rules related to transportation of hazardous materials. Equipment must be managed by the passenger or Personal Care Attendant (PCA).

4. Distractions

4.1. Operator Distractions

Passengers must avoid actions that promote distractions to the operator.

Passengers must remain behind the standee line.

4.2. Cell Phones

Cell phone ringers and conversations shall be kept at a volume level that does not disturb other passengers or the operator.

4.3. Electronic Devices:

Headphones must be used by passengers with all sound emitting electronic devices, or the sound feature must be turned off.

5. Consuming Food and Drinks

5.1 Eating

Eating is prohibited aboard El Dorado Transit Vehicles

5.2 Non-Alcoholic Beverages

Drinking non-alcoholic beverages is permitted provided the beverage is in a spill-proof or spill resistant container.

5.3 Alcoholic Beverage

Consuming any alcoholic beverage or possessing an open container of any alcohol beverage is prohibited.

6. Vandalizing and Unauthorized Signage on Transit Property

6.1 Graffiti (Penal Code 640.5)

It is unlawful for any person to intentionally place graffiti upon any El Dorado Transit vehicle, bus shelter or bus stop.

6.2 Defacing Property

Willfully tampering with, removing, displacing, injuring, or destroying any part of a facility or vehicle of a public transportation system is prohibited. (Penal Code 640(d)(5). Defacing, destroying or otherwise vandalizing transit property or any sign, notices or advertisements is prohibited. This includes posting or affixing leaflets or unauthorized signs to transit property.

7. **Literature Distribution**

Distribution or posting of literature is prohibited on vehicles, at bus shelters or bus stops.

8. **Loitering**

Loitering or congregating at a bus shelter or bus stop in any way is prohibited.

9. **Panhandling, Soliciting, Asking or Begging** (Penal Code 640(b)(6))

Panhandling, soliciting, asking, or begging other passengers or transit employees for money or fare on the vehicle, at bus stops or within 25 feet of a bus stop is prohibited.

10. **Priority Seating**

Designated priority seating shall be given to seniors and persons with disabilities near the doors of the vehicle as posted. Other passengers in these seats will be asked to volunteer their seat if the need arises. Operators are not required to enforce compliance with a request to move passenger(s) from priority seating.

10.1 Mobility Device Securement

El Dorado Transit requires that passengers in mobility devices ride with their devices secured to the floor during transportation.

11. **Public Health Standards, Dress and Hygiene**

All persons using El Dorado Transit services must comply with current public health standards while on the vehicle or at bus stops. Passengers are expected to maintain personal hygiene and behaviors or actions that may be reasonably offensive, cause discomfort or inconvenience to others.

11.1 Unsanitary Conditions:

Willfully creating unsanitary conditions through presence of blood, urine, feces, vomit, or other bodily fluids.

11.2 Body Odor or Physical Hygiene

A passenger may not be permitted on a vehicle if the person's body odor or physical hygiene disturbs the reasonable comfort of other passengers. The passenger will be given notice and an opportunity to correct the odor or hygiene problem prior to discontinuing riding privileges, unless in the judgment of El Dorado Transit staff, the person places existing passengers in extreme discomfort or is considered a health risk to others.

11.3 Clothing

Passengers must be fully clothed, including footwear.

As a courtesy, passengers are asked to respect those sensitive to fragrances by avoiding wearing scents.

11.4 Public Health Emergency

In the event of a Public Health Emergency, El Dorado Transit will take lead from local and state guidance.

12. **Seat Belts**

If the vehicle is equipped, seat belts are required to be worn at all times while riding.

13. **Smoking**

Smoking within twenty (20) feet of transit vehicles and/or bus stops is prohibited.

14. **Social Behavior**

Passengers are expected to exhibit appropriate social behavior while on board the vehicle, at bus stop locations, on the phone or in person with El Dorado Transit personnel. Inappropriate social behavior includes, but is not limited to, the following:

14.1. Engaging in sexual conduct or sexual harassment, including, but not limited to, obscene or lewd acts, sexual touching, unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when such conduct has the effect of creating an intimidating, hostile, or offensive atmosphere.

14.2. Federal laws prohibit discrimination based on a person's national origin, race, color, religion, disability, sex, and familial status. Engaging in discriminatory behavior such as slurs or aggressive behavior, will not be tolerated.

14.3. Engaging in disorderly conduct as the result of being under the influence of any drug, controlled substance, or intoxicating liquor.

14.4. Fighting, intentionally causing a loud disturbing noise, or using offensive words that are inherently likely to provoke an immediate violent reaction.

14.5. Disrupting or interfering with the normal operations of El Dorado Transit or disturbing transit staff, volunteers, or customers, including, but not limited to creating unreasonable noise, or engaging in loud or boisterous physical behavior or talking.

14.6. Willfully blocking the free movement of another person in or on El Dorado Transit property, including placing objects that block aisles, stairways seats

14.7. Interfering with the provision of transportation services (i.e., failure to properly

board or alight, blocking progress of a transit vehicle, disturbing the operator, etc.)

14.8. Throwing objects at El Dorado Transit property or at persons in or on transit property.

14.9. Disobeying the reasonable direction of El Dorado Transit employees.

14.10. Repeatedly annoying a person for inappropriate purposes

14.11. Sleeping on El Dorado Transit premises after being requested not to do so.

15. Unaccompanied Children

Passengers should have the maturity to be able to react to unexpected situations that may arise in any transportation system, such as delays, cancellations or other service disruptions. For this reason, El Dorado Transit recommends that children 11 years of age and under be accompanied by an adult or a responsible youth (at least 12 years old) when riding El Dorado Transit.

If it is necessary for children to travel alone, the following is strongly suggested:

- Children should carry identification showing their name, address, home phone number and the name and phone number of a responsible adult to contact if necessary.
- Parents and/or guardians should review the details of the trip with their child prior to travel, including the route the person will be riding and the stop where the person will disembark. For young children, this information should be given to the child in writing.

16. Hazardous Materials

Carrying the following items onto El Dorado Transit vehicles is prohibited:

- Explosives, ammunition, dynamite, fireworks
- Gases such as propane, oxygen, helium flammable gasoline fuel, acetone
- Flammable solid matches, fuses
- Oxidizers, ammonium nitrate, hydrogen peroxide
- Poisons, pesticides, arsenic
- Radioactive uranium, plutonium
- Corrosives - hydrochloric acid, battery acid
- Miscellaneous hazardous materials - formaldehyde, asbestos, non-ORM-D (other regulated material), hair spray
- Charcoal, non-combustible liquids, fuel oils and lighter fluid

II. Suspension of Service

El Dorado Transit understands passengers rely on our transit services for transportation throughout the community. However, passengers must behave appropriately and respectfully

when aboard a transit vehicle and on transit facility property. El Dorado Transit Staff may issue verbal warnings to any passenger, reminding them of the expected behavior and requesting compliance before an unacceptable behavior is elevated to revoking transportation privileges.

Suspension of privileges to use any El Dorado Transit facilities or services may be enforced by law enforcement in the event an individual is unwilling or unable to comply with these El Dorado Transit service policies and EL Dorado Staff requirements. If a suspended passenger is asked to leave any El Dorado Transit facility or vehicle and refuses or insists on trying to board a vehicle after being refused service, may be subject to citation or arrest and possible prosecution. Suspension will increase in severity with repeated violations and serious misconduct.

Some behaviors may constitute MAJOR INFRACTION and may increase suspension level up to the termination of privileges.

MAJOR INFRACTION behaviors may include, but are not limited to, the following:

- Threats or causing fear of physical assault or verbal abuse.
- Unlawful harassment, including unwelcome verbal or physical behavior having sexual or racial connotations.
- Damaging transit property.
- Violence of any kind

In extreme cases where the law has been violated, such as assault, vandalism or other criminal acts, a passenger may face legal charges and potential penalties as determined by the local authorities and/or may have their riding privileges terminated permanently by El Dorado Transit.

1. Suspension Enforcement

1.1. Suspension Level 1

Any person who is observed violating and/or refusing to comply with these El Dorado Transit Service Policies will be provided an opportunity to correct and modify their behavior. Failure to comply after reasonable attempts by El Dorado Transit staff to cooperate may result in immediate denial of service. This type of infraction typically will result in suspension for the remainder of the day.

This will constitute the first violation of El Dorado Transit policies.

1.2. Suspension Level 2

Any person who is observed a 2nd time, violating and/or refusing to comply with El Dorado Transit Policies may be subject to suspension of service privileges for a period not to exceed seven (7) calendar days.

1.3. Suspension Level 3

Any person who is observed a 3rd time or 1st MAJOR INFRACTION of violating and/or refusing to comply with El Dorado Transit Policies may be subjected to a suspension of service privileges for a period of no less than seven (7) days and no

more than thirty (30) days.

1.4. Suspension Level 4

Any person who is observed a 4th time or 2nd MAJOR INFRACTION of violating and/or refusing to comply with El Dorado Transit policies may be subjected to a suspension of service privileges for a period of no less than 180 calendar days and no more than one (1) year.

1.5. Termination of Transit Services

Any person engaging in criminal or dangerous behavior on transit vehicles or at El Dorado Transit facilities may have their services permanently terminated without the suspension enforcement process.

Termination of transit services may also be a result based on repetitive disruptive behavior after multiple suspensions.

1.6 Suspension of Animal

In the event the animal accompanying the passenger misbehaves, there is an appropriate process to follow.

The first occurrence will result in the animal being removed immediately from the vehicle and transit privileges suspended for the remainder of the day.

A second occurrence may result in a suspension of up to seven (7) calendar days,

A third occurrence the Operations Manager, at their discretion, may issue a suspension of service greater than seven (7) calendar days.

Passengers will be notified they have the right to appeal against the decision as per the appeal process described in Section 4.

III. Notification of Suspension and Termination

El Dorado Transit Staff will make every attempt possible to notify a passenger of a suspension or termination of privileges in writing. Given the nature of public transit, and the anonymity of passengers, it can present a challenge in some circumstances when notifying passengers of their status.

IV. Appeal of Suspension and Termination of Services

All persons have a right to appeal against the suspension or termination of their riding privileges. The authority to administer these actions is at the discretion of the Operations Manager or designee. The process of appealing is in the following order:

1. **Appeal to the Operations Manager**

An appeal of a suspension or termination of privileges must be submitted in writing

to the Operation's Manager or their designee within ten (10) days of the date of suspension notification.

Appeals should present information supporting a reconsideration of the decision leading to the action and identify other parties and/or information that would support the individual's case.

Based on the review of the appeal, and any new information submitted, the Executive Director may reverse or reduce the original suspension. The Operations Manager will respond if possible in writing within fourteen (14) days from the date the appeal was received.

2. Appeal to the Executive Director

If the person wishes to appeal the Operations Manager's decision, the person may appeal to the Executive Director. The appeal must be submitted in writing to the El Dorado Transit office within ten (10) days of the notification of the Operations Manager's decision.

3. Appeal to the El Dorado Transit Board of Directors

If a person wishes to appeal the decision of the Executive Director, the appeal must be in writing and submitted to the Board of Directors within ten (10) days of the Executive Director's decision and will be heard next regularly scheduled meeting. Their decision will be provided to the individual in writing with the reasons for the decision within thirty (30) calendar days of such a hearing. The Board's decision shall be final.