



BOARD APPROVED

**USE OF FIXED ROUTE SERVICES AND TRANSIT FACILITIES, INCLUDING
PASSENGER CODE OF CONDUCT, EXPRESSIVE ACTIVITIES, AND SERVICE
SUSPENSION AND EXCLUSION POLICY**

POLICY NO. AP- 004

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I. BACKGROUND

The San Joaquin Regional Transit District (RTD) is a transit district providing bus service throughout San Joaquin County. Fare evasion and other passenger misconduct occurring within the RTD system of operation have contributed to a loss of fare revenue and a potential perception of an unsafe environment. California state law provides for criminal penalties for fare evasion or passenger misconduct offenses. RTD views passenger safety and a respectful environment as essential to providing a beneficial service to its ridership. To better foster such an environment, RTD believes that the specter of criminal penalty should be removed and replaced with a fair and just administrative process.

In furtherance of this, RTD is setting forth a Use of Fixed Route Services and Transit Facilities, Including Passenger Code of Conduct, Expressive Activities, and Service Suspension and Exclusion Policy (Policy) to set forth the rules that apply to the use of RTD's facilities and vehicles, including for the purpose of engaging in expressive activity and commercial filming. Pursuant to the terms of this Policy, RTD may impose administrative penalties and fees for fare evasion violations and other passenger misconduct in lieu of criminal penalties. In RTD's discretion, it may also subject individuals who violate this Policy to suspension and/or exclusion from RTD buses and/or facilities.

This Policy is adopted pursuant to the authority granted to RTD by the California Penal Code Section 640 and the California Public Utilities Code Sections 50074, 99170, and 99580. It applies only to acts committed on or in a facility or vehicle of RTD.

II. EXPRESSIVE ACTIVITY AND COMMERCIAL FILMING

A. Expressive Activity

No person shall conduct or participate in assemblies or demonstrations, display or post signs or banners, solicit funds, or distribute written pamphlets, flyers, petitions, or other materials (collectively "Expressive Activity") in or on any of the following areas: (1) any bus or van operated by or for RTD, or (2) RTD owned or occupied workshops, offices, maintenance facilities, garages, or any other areas that are not open to the public.

Expressive Activity is authorized on other public property owned or controlled by RTD or in public areas surrounding RTD busses or property so long as the Expressive Activity does not: (1) interfere with access or egress of passengers to and from vehicles, (2) interfere with the access or egress of vehicles to and from bus stops or RTD property, (3) interfere with RTD employees' conduct of their business, or (4) harass, threaten, or coerce any person.

Any person or group that will conduct or participate in an Expressive Activity shall provide RTD with at least 5 business days' notice voluntarily providing the name, address, and telephone number of the person or group, specifying

the proposed Expressive Activity, the date and time of the activity and the number of participants. RTD may impose conditions to avoid injury to persons or property or to assure the safe and orderly use of RTD property. Such conditions may include limitations on the number of participants, the time and duration of the activity, the place of the activity, and safety and security issues involving the activity.

Any person or organization conducting or participating in Expressive Activity will be responsible for the removal of all written material and cleanup of property used for the Expressive Activity. No written materials may be left unattended on RTD controlled or owned property.

No person other than RTD personnel or agents may post flyers, pamphlets, posters, or any other materials in RTD buses or bus shelters.

Nothing in this Policy is intended to abrogate or limit a person or organization's ability to address the RTD Board of Directors in public meetings.

B. Commercial Filming

Filming and/or still photography, which does not include filming home videos or still photography by individuals solely for personal use, on RTD property requires a filming permit, payment of a per diem filming fee, and reimbursement for actual costs incurred by RTD due to the filming, including, but not limited to costs of any RTD personnel required to monitor or assist in the filming activity. Requests to film on RTD property will be considered by RTD management on an individual basis.

A filming permit will be issued to the eligible permittee upon approval of RTD management and payment of the applicable per diem charge. RTD management will determine the per diem charge applicable to permittee's project. Permittee must comply with insurance requirements and other conditions applicable to use of RTD property, as set forth by RTD management.

III. RULES PERTAINING TO THE USE OF RTD'S FACILITIES AND VEHICLES

A. Schedule of Prohibited Conduct

Any person who engages in any prohibited conduct listed in this Section 3-A shall be subject to the issuance of a notice of violation and the imposition of an administrative penalty or suspension/exclusion from RTD facilities and/or vehicles.

1. Evasion of the payment of a fare of the RTD system. Fare evasion includes entering an enclosed area of an RTD facility beyond posted signs

- prohibiting entrance without obtaining valid fare, in addition to entering an RTD vehicle without valid fare;
2. Misuse of a transfer, pass, ticket, or token with the intent to evade the payment of a fare of the RTD system;
 3. Unauthorized use of a discount ticket or failure to present, upon request by RTD or within 72 hours thereafter, acceptable proof of identification or eligibility to use a discount ticket;
 4. Playing an audio device, audible game, cell phone on speaker, musical instrument, or any other sound producing equipment, except when the equipment is connected to earphones that limit the sound to the individual listener, on or in an RTD facility or vehicle. When using earphones, the volume must be lowered such that passengers sitting in adjacent seats will not be bothered by the sounds emanating from the earphones;
 5. Placing one's feet or shoes on seats or furnishings within buses or facilities;
 6. Smoking, or carrying a lighted or smoldering pipe, cigar, cigarette, electronic cigarette, vaping device, or using any tobacco, cannabis, other products on RTD property or buses. Eating or drinking in or on an RTD facility or vehicle in other than those areas where those activities are permitted by RTD;
 7. Drinking or carrying alcohol in an open container in any RTD facility or vehicle;
 8. Sticking or affixing chewing gum onto any surface in a bus or an RTD facility;
 9. Discarding litter other than in designated trash receptacles;
 10. Engaging in behavior that presents a danger to the health, safety, or welfare of the offending customer, other customers, or an RTD employee. Such behavior includes conduct which is violent, seriously disruptive, or illegal, including criminal conduct, as defined in the California Penal Code;
 11. Discharging or activating a laser-emitting device on a transit vehicle or RTD facility, directing such device from a transit vehicle toward another moving vehicle, or directing such a device toward any RTD employee or passenger;
 12. Failure to wear soled foot covering (shoes, flip flops, high heels, etc.) which on an RTD bus or at an RTD facility;
 13. Willfully disturbing others on or in an RTD facility or vehicle by engaging in boisterous, unruly, or harassing behavior that is harmful and intimidating to others, including gum popping, whistling and drumming or pounding;
 14. Hanging or swinging on bars or stanchions, with feet off the floor, inside a transit vehicle or other transit property;
 15. Hanging onto or otherwise attaching oneself at any time to the exterior of a transit vehicle or other transit property;
 16. Disturbing another person on or in an RTD facility or vehicle by loud or unreasonable noise, including the use of cellular phones;

17. Carrying an explosive or acid, flammable liquid, or toxic or hazardous material likely to cause harm to others in an RTD facility or vehicle. Firearms, fireworks, and hoverboards are strictly prohibited on all buses and at all facilities;
18. Possession of alcohol, controlled or hazardous substances, guns, knives, or devices that are weapons or appear capable of being used as a weapon. This provision does not apply to law enforcement personnel;
19. Throwing any object from a vehicle or extending any portion of the body through any window or door of a vehicle in a manner that may cause harm or injury;
20. Urinating, defecating, vomiting, spitting, or inappropriately discharging bodily fluids in an RTD facility or vehicle, except in a lavatory. This prohibition shall not apply to a person who cannot comply as a result of a disability, age, or medical condition;
21. Failing to maintain acceptable standards of personal hygiene, which could expose RTD customers or employees to health and safety risks, or is serious disruptive to the use, operation, or enjoyment of RTD facilities;
22. Other behavior or condition that presents an unacceptable health, safety, or welfare risk to RTD customers or employees;
23. Willfully tampering with, removing, displacing, injuring, defacing, marking with graffiti or inscribed marks, or destroying any part of any RTD facility or vehicle;
24. Willfully blocking the free movement of another person in an RTD facility or vehicle. This prohibition shall not be interpreted to affect any lawful activities permitted or First Amendment rights protected under the laws of this state or applicable federal law, including, but not limited to, laws related to collective bargaining, labor relations, or labor disputes;
25. Blocking an aisle, door, or stairway with one's body or an object, in a way that poses a danger, unreasonably impedes a passenger's movement or displaces a person;
26. Occupying more than one seat. For the courtesy of all other passengers, and to ensure seating availability, personal items are not to be placed on passenger seats;
27. Bringing onto a transit vehicle, any package or other object which blocks an aisle or stairway or occupies a seat, if to do so would, in the bus operator's sole discretion, cause a danger to or displace passengers or expected passengers;
28. Skateboarding, roller skating, bicycle riding, or roller blading in an RTD facility, including a parking structure, or in an RTD vehicle. This prohibition shall not apply to an activity that is necessary for utilization of an RTD facility by a bicyclist, including, but not limited to, an activity that is necessary for parking a bicycle or transporting a bicycle aboard an RTD vehicle, if that activity is conducted with RTD permission in a manner that does not interfere with the safety of the bicyclist or other patrons of RTD;

29. Failure to comply with the Expressive Activity requirements described in Section 2.1.
30. Failure to comply with the Commercial Filming requirements described in Section 2.2.
31. Soliciting, advertising, selling, peddling or distributing of any goods, merchandise, property, or services of any kind whatsoever on or at an RTD facility or vehicle without the express written consent of RTD or its duly authorized representatives;
32. Bringing an animal into an RTD facility or vehicle unless:
 - 1) the animal is in a secure carrier specifically designed for transporting animals,
 - 2) the animal is a certified police dog and is accompanied by a peace officer, or
 - 3) the animal is a service animal as defined by the Americans with Disabilities Act (ADA).
33. Failing to maintain control of an animal or allowing an animal to deprive a passenger of a seat or to block an aisle;
34. Failure to promptly remove animal waste from RTD facilities and vehicles;
35. Allowing an animal to run at large without a leash, to unreasonably disturb others, or obstruct the flow of passenger or bus traffic;
36. Harassing or abusing an RTD employee or customer because of that person's race, nationality, sexual orientation, or other protected classification;
37. Sexually harassing any RTD employee or customer;
38. Engaging in disruptive behavior by customers who are temporarily unable to care for themselves due to illness or intoxication (alcohol, drugs, or other intoxicating substances), which interferes with the safe and smooth operation of the system;
39. Verbal, threatening, violent, or physical abuse of RTD employees or customers. This includes engaging in or soliciting another person to engage in lewd conduct;
40. Disregard of, or failure to follow, a reasonable request made by RTD Security or an RTD employee;
41. Camping, laying down, or sleeping in or on RTD property, including bus stops and bus shelters; storing personal property (unless such property is being taken on the bus (e.g. luggage)) on benches, floors, or other areas of RTD transit property;
42. Failure to disembark the bus at the end of the line (bus layover);
43. Loitering at an RTD facility, including bus stops and bus shelters. No one shall be allowed in an RTD facility, including bus stops and bus shelters, without a valid bus fare, or other bona fide purpose related the RTD transit services or vendors in RTD facilities;
44. Use of RTD transit facility public restrooms by non-RTD patrons, RTD employees and patrons of authorized vendors at the transit facility;

45. Soliciting, advertising, selling or distributing goods or services on transit property, except as authorized by RTD or its agents; or
46. Engaging in or soliciting another person to engage in prostitution or other illicit activity.

IV. ENFORCEMENT PROCEDURES

Any person who engages in any of the prohibited conduct listed in Section 3.1 of this Policy is subject to a notice of violation and imposition of an administrative fee or penalty or subject to suspension/exclusion. Enforcement of any provisions of this Policy involving the payment of any administrative fees, penalties or other amounts shall be according to the procedures set forth in the California Public Utilities Code Section 99580 et seq.

A. Administrative Penalties/Fines

A person who violates this Policy is subject to a notice of violation and imposition of any and all remedies, fines, damages, and penalties available by law (including suspension and exclusion from RTD facilities and vehicles). Enforcement of any provisions of this Policy involving the payment of any fees, penalties or other administrative amounts, shall be pursuant to the authority and according to the procedures, herein and as set forth in the California Public Utilities Code including section 99580 et seq. Parents or guardians shall also be responsible, in addition to the minor, for any fees, penalties, or fines incurred or damages caused by their minor in connection with a violation of this Policy.

B. Schedule of Penalties

RTD shall adopt a schedule of administrative penalties, and any additional procedures in furtherance of the enforcement of this Policy. In setting a schedule of administrative penalties, RTD shall not establish penalty amounts that exceed the maximum fine amount set forth in California Penal Code Section 640. The schedule and any procedures deemed necessary shall be subject to the approval of the General Manager/CEO, or a designated representative, and shall be reviewed, revised, or amended from time to time.

C. Suspension/Exclusion

Service may be suspended, and the passenger may be removed from the bus and/or facility(ies), if a passenger engages in prohibited conduct set forth in Section 3.1. Based upon the seriousness of the passenger's conduct, prior experiences with the passenger and, taking into account information presented by the involved passenger and RTD employees, RTD will determine the length of the suspension or determine whether exclusion from service is warranted. Failure to comply with an exclusion determination may result in fines, a citation for criminal trespass, and any other applicable criminal and civil penalties.

(1) Notice of Suspension/Exclusion

A Notice of Suspension/Exclusion will, if possible, be mailed to the involved passenger. If service of the Notice of Suspension/Exclusion on the passenger cannot be accomplished by regular mail, RTD may use other methods of obtaining service on the passenger, including hand-delivery.

(2) Appeal

Passengers may present information opposing a suspension or exclusion by contacting the CEO or designee at 421 E Weber Ave Stockton, Ca 95202. Information concerning the passenger's right to present opposing information will be included in the Notice of Suspension/Exclusion.

(3) Additional Remedies

RTD reserves the right to pursue all remedies at law, but not limited to, enlisting the services of local law enforcement, petitioning the Superior Court for a Temporary Restraining Order (TRO) and/or seeking a permanent injunction in appropriate cases.