

Rules of the Road – VCTC Bus Passenger Code of Conduct

To ensure that every VCTC bus ride is safe and enjoyable, all VCTC bus passengers shall refrain from engaging in any of the following conduct on a VCTC bus or in a VCTC facility:

- (1) Disturbing others by engaging in boisterous or unruly behavior or through the use of profanity
- (2) Smoking (including the use of an electronic vapor device), Eating, or Drinking on a VCTC bus
- (3) Urinating or defecating, except in designated lavatories
- (4) Willfully blocking the free movement of another person (including not folding strollers when not in use)
- (5) Not keeping hands and arms inside the VCTC bus at all times
- (6) Not wearing shoes and/or a shirt
- (7) Playing of audio devices without headphones
- (8) Littering
- (9) Evading payment of fares on a VCTC bus (including use of stolen transfers or other fraudulent fare media)
- (10) Committing an act or engaging in behavior that that presents a danger to the health, safety, or welfare of any VCTC bus passenger or any VCTC employee. (Such behavior includes conduct which is violent, seriously disruptive, or criminal as defined by the California Penal Code)
- (11) Engaging in verbal or physical abuse of VCTC employees, drivers, or VCTC bus passengers (Such behavior includes spitting, cursing, yelling, making racial epithets, physical intimidation)
- (12) Interfering with the operation of a VCTC bus or impeding boarding or exiting by passengers or VCTC employees (including crossing in front of a VCTC bus)
- (13) Carrying explosives, acid, or flammable liquid on a VCTC bus or within a VCTC facility (includes car batteries)
- (14) Engaging in graffiti or other vandalism actions on a VCTC bus or VCTC facility
- (15) Soliciting, advertising, selling, or distributing goods or services on a VCTC bus or VCTC property, except as authorized by VCTC or its agents (Such behavior includes the sale or distribution of controlled substances or marijuana)
- (16) Committing any acts involving violence, threats of violence, lewd or lascivious behavior, prostitution, or drug dealing on a VCTC bus or in a VCTC facility

Any person who engages in the prohibited behavior listed above shall be subject to suspension of her or his riding privileges as set forth herein below in addition to any other applicable civil or criminal enforcement actions.

VCTC Bus Passenger Suspension Policy

I. Conduct Subject to Immediate Removal and Suspension – Two Citations within 90 Days

A. Any person issued a citation for engaging in any of the following conduct or activities in or on a VCTC bus, in a VCTC facility, or on VCTC property two (2) or more times within any ninety (90) day period will be subject to immediate removal from the bus or facility and suspension from use of all VCTC buses and facilities for a period not to exceed thirty (30) days:

- (1) Disturbing others by engaging in boisterous or unruly behavior or through the use of profanity
- (2) Smoking (including the use of an electronic vapor device), Eating, or Drinking on a VCTC bus
- (3) Urinating or defecating, except in designated lavatories
- (4) Willfully blocking the free movement of another person (including not folding strollers when not in use)
- (5) Not keeping hands and arms inside the VCTC bus at all times
- (6) Not wearing shoes and/or a shirt
- (7) Playing of audio devices without headphones
- (8) Littering
- (9) Evading payment of fares on a VCTC bus (including use of stolen transfers or other fraudulent fare media)

B. Any person issued a second citation within any one-year period for engaging in any of the above conduct or activities on a third occasion within any one-year period will be subject to suspension for a period not to exceed ninety (90) days.

C. Any person cited three or more times within any two-year period for engaging in any of the above conduct or activities on a fourth or subsequent occasion within any two-year period will be subject to suspension for a period not to exceed one hundred and eighty (180) days for each subsequent citation.

II. Conduct Subject to Immediate Removal and Suspension

A. Any person cited for engaging in any of the following conduct or activities in or on a VCTC bus, in a VCTC facility, or on VCTC property, at any time, will be subject to immediate removal from the vehicle or facility and suspension from use of all VCTC vehicles and facilities for a period not to exceed thirty (30) days upon the first occurrence, not to exceed ninety (90) days upon the second occurrence within any one-year period, and not to exceed one hundred eighty (180) days upon every subsequent occurrence within the same one-year period:

- (1) Committing an act or engaging in behavior that that presents a danger to the health, safety, or welfare of any VCTC bus passenger or any VCTC employee. (Such behavior includes conduct which is violent, seriously disruptive, or criminal as defined by the California Penal Code)

- (2) Engaging in verbal or physical abuse of VCTC employees, drivers, or VCTC bus passengers (Such behavior includes spitting, cursing, yelling, making racial epithets, physical intimidation)
- (3) Interfering with the operation of a VCTC bus or impeding boarding or exiting by passengers or VCTC employees (including crossing in front of a VCTC bus)
- (4) Carrying explosives, acid, or flammable liquid on a VCTC bus or within a VCTC facility (includes car batteries)
- (5) Engaging in graffiti or other vandalism actions on a VCTC bus or VCTC facility
- (6) Soliciting, advertising, selling, or distributing goods or services on a VCTC bus or VCTC property, except as authorized by VCTC or its agents (Such behavior includes the sale or distribution of controlled substances or marijuana)

III. Conduct Subject to Extended Suspension – Arrests and Convictions

A. Any person arrested for a misdemeanor committed in or on a VCTC bus, in a VCTC facility, or on VCTC property, for acts involving violence, threats of violence, lewd or lascivious behavior, prostitution, or drug dealing will be subject to immediate removal from the vehicle or facility and suspension from use of all VCTC vehicles and facilities for a period not to exceed ninety (90) days.

B. Any person arrested for a felony committed in or on a VCTC vehicle, in a VCTC facility, or on VCTC property, for acts involving violence, threats of violence, lewd or lascivious behavior, prostitution, or drug dealing will be subject to immediate removal from the vehicle or facility and suspension from use of all VCTC vehicles and facilities for a period not to exceed one hundred eighty (180) days.

C. Any person convicted of a misdemeanor committed in or on a VCTC vehicle, in a VCTC facility, or on VCTC property, for acts involving violence, threats of violence, lewd or lascivious behavior, prostitution, or drug dealing will be subject to immediate suspension from use of all VCTC vehicles and facilities for a period not to exceed one hundred eighty (180) days when added to the suspension for the initial misdemeanor arrest.

D. Any person convicted of a felony committed in or on a VCTC vehicle, in a VCTC facility, or on VCTC property, for acts involving violence, threats of violence, lewd or lascivious behavior, prostitution, or drug dealing will be subject to immediate suspension from use of all VCTC vehicles and facilities for a period not to exceed one (1) year when added to the suspension for the initial felony arrest.

IV. Notice and Appeal Procedure

A. Notice of Suspension by the Program Manager

When an individual is found to be subject to suspension for engaging in conduct or activities in violation of sections I., II., or III. above, the Program Manager of VCTC (“Program Manager”), or his or her designee, shall issue a Notice of Suspension setting forth a description of the conduct underlying the violation or violations giving rise to the suspension, including reference to the

applicable statutory provision, ordinance, or VCTC rule violated, the date of the violation, the approximate time of the violation, the location where the violation occurred, the period of the proposed suspension, and the scope of the suspension. The Notice of Suspension shall state the procedure for appealing the suspension. The Notice of Suspension shall be directly served upon the violator, either by personal service or by certified mail. Proof of service of the Notice of Suspension shall be filed with VCTC.

B. Initial Review by the Director of Public Transit

For a period of ten (10) calendar days from the delivery of the Notice of Suspension by personal service or certified mail, the person may request an initial review of the suspension by the Director of Public Transit of VCTC (“Transit Director”), or his or her designee. The request may be made by telephone (with confirmation by the Transit Director via email), in writing, or in person at the VCTC offices. There shall be no charge for this review. In conducting its review and reaching a determination, the Transit Director shall determine whether the suspension meets the requirements of sections I, II, or III. and, unless the person has been convicted of the offense or offenses, whether the offense or offenses for which the person was cited or arrested are established by a preponderance of the evidence. If, following the Initial Review, based on these findings, the Transit Director determines that the suspension is not adequately supported or that extenuating circumstances make dismissal of the suspension appropriate in the interest of justice, the Transit Director shall cancel the Notice of Suspension. If, following the Initial Review, based on these findings, the Transit Director determines that the suspension should be upheld in whole or in part, the Transit Director shall issue a written statement to that effect, including any modification to the period or scope of the suspension. The Transit Director shall serve the results of the Initial Review to the person contesting the Notice of Suspension by personal service or by certified mail.

The Transit Director may modify or cancel a suspension in the interest of justice. The Transit Director may also cancel a suspension if he or she determines that the person did not understand the nature and extent of his or her actions or did not have the ability to control his or her actions. If the person is dependent upon VCTC’s transit system for trips of necessity, including, but not limited to, travel to or from medical or legal appointments, school or training classes, places of employment, or obtaining food, clothing, and necessary household items, the Transit Director may modify a suspension to allow for those trips. A person requesting a cancellation or modification in the interest of justice shall have the burden of establishing the qualifying circumstances by a preponderance of the evidence.

C. Review Hearing before the Executive Director

If the person is dissatisfied with the results of the Initial Review, the person may request a Review Hearing before the Executive Director of VCTC (“Executive Director”) to review the suspension no later than ten (10) calendar days after the results of the Initial Review by the Transit Director are delivered by personal service. The request may be made by telephone, in writing, or in person. A Review Hearing before the Executive Director shall be held within thirty (30) calendar days after the receipt of a request for a Review Hearing. The person requesting the Review Hearing may request one continuance, not to exceed seven (7) calendar days.

The Review Hearing before the Executive Director (“Hearing”) process shall include all of the following:

(1) The person requesting the Hearing shall have the choice of a Hearing by mail or in person. An in-person Hearing shall be conducted within Ventura County.

(2) The person who issued the Notice of Suspension shall not be required to participate in the Hearing, unless participation is requested by the person requesting the Hearing. The request for participation must be made at least five (5) calendar days prior to the date of the Hearing and may be made by telephone (with confirmation by the Transit Director via email), in writing, or in person at the VCTC offices. The Notice of Suspension, in proper form, shall be prima facie evidence of the violation or violations pursuant to sections I., II., or III., establishing a rebuttable presumption affecting the burden of producing evidence.

(4) In issuing a decision, the Executive Director shall determine whether the suspension meets the requirements of section I., II., or III. and, unless the person has been convicted of the offense or offenses, whether the offense or offenses for which the person was cited or arrested are established by a preponderance of the evidence. Based upon these findings, the Executive Director may uphold the suspension in whole, determine that the suspension is not adequately supported, or cancel or modify the suspension in the interest of justice. A person requesting a cancellation or modification in the interest of justice shall have the burden of establishing the qualifying circumstances by a preponderance of the evidence.

(5) The Executive Director’s decision following the Review Hearing shall be final. The Executive Director’s written decision following the Review Hearing shall be delivered by personal service or certified mail.

(6) A person aggrieved by the final decision of the Executive Director may seek judicial review of the decision within ninety (90) days of the date of delivery of the decision by personal service, as provided by section 1094.6 of the Code of Civil Procedure.

D. Request for Refund of Prepaid Fare Media

A person issued a suspension under sections I., II., or III. may, within ten (10) calendar days of the date the suspension goes into effect, request a refund for any prepaid fare media rendered unusable in whole or in part by the suspension, including, but not limited to, monthly passes. If the fare media remain usable for one or more days outside the period of the suspension, the refund shall be prorated based on the number of days the fare media will be unusable. The issuance of a refund may be made contingent on surrender of the fare media.

CURRENT VCTC RIDER GUIDELINES AND CODE OF CONDUCT



Item # 9F

July 12, 2013

MEMO TO: VENTURA COUNTY TRANSPORTATION COMMISSION
FROM: VICTOR KAMHI, BUS SERVICES DIRECTOR
SUBJECT: APPROVAL OF RIDER GUIDELINES FOR VISTA BUSES

RECOMMENDATION:

- Approve and authorize distribution of rider guidelines for VISTA services.

BACKGROUND:

For a number of years, VCTC has operated VISTA without any clear guidelines regarding rider responsibilities or conduct while on the bus. Over the years this has periodically caused conflicts between the passengers and drivers, and sometime between the passengers themselves. Also, while there has always been some concern regarding what and how much "luggage" can be carried on buses, the loss of the under bus storage due to the use interim use of urban buses instead of over the road coaches has made the need for a clear set of policies and guidelines more important.

Each of the operators in the County, and most nationwide, have approved rider guidelines; VCTC has not. After review of the various guidelines, with a focus toward other guidelines from Ventura County, staff is recommending that the Commission approve the attached rider guidelines and code of conduct, which was developed and is used by the Thousand Oaks Transit. These are the most complete and comprehensive. There is a recommended addition regarding the use of cell phones, which have become an issue over the past few years.

At a future date, and as the VISTA bus fleet changes, modifications may be recommended.

CURRENT VCTC RIDER GUIDELINES AND CODE OF CONDUCT

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DISCUSSION:

The following bus rider guidelines and code of conduct are recommending for VISTA bus service:

To ensure your experience aboard our buses is a pleasant one, we ask that you observe the following guidelines:

- Open food and beverage containers without lids or caps are not allowed onboard the bus
- Smoking is not permitted on board or within 25 feet of any bus stop or bus shelter
- All radios and electronic devices, including cell phone, designed to reproduce sound must have headphones connected and volume set to a level that does not disturb other passengers
- Exact fare is required; drivers are unable to make change and refunds are not available
- Please keep conversation with the driver to a minimum
- Hold small children securely during your trip and carts folded up and out of the aisles
- Please allow elderly and handicapped riders to use the seats at the front of the bus.*

Keep aisles clear of parcels and packages. Anything you bring on board must remain in your possession at all times. The following items are not permitted on buses at any time:

- Items too large or too numerous to be controlled, carried, or handled by a passenger
- Firearms or other weapons
- Hazardous materials
- Items that block that aisles or require the use of another seat
- Strollers, walkers, and shopping carts that cannot be folded and stowed under a seat, or under the bus if under-bus storage is available.

Passenger Code of Conduct

We believe using public transportation should be a pleasant and safe experience. To help ensure this, we have some basic rules of conduct for all our passengers. VISTA will not provide transit service to passengers that exhibit disruptive, violent, or illegal behavior. Passengers that engage in the behaviors listed below will be subject to suspension of their riding privileges, citation, or arrest:

- Threats of harm, assault, or battery on a driver or passenger
- Verbal abuse or harassment including the use of profanity, intimidation, or altercation with a driver or a passenger
- Failure to obey a driver's lawful instructions
- Damage to the vehicle
- Repeated violations of riding rules
- Failure to maintain reasonable personal hygiene which may expose the driver and passengers to health and safety risks
- Criminal conducts prohibited by the California Penal Code