

To: O&S Committee

Date: October 30, 2015

From: Bill Churchill, Director of Transportation

Reviewed by:

SUBJECT: Passenger Suspension/Exclusion Policy

Summary of Issues:

A draft Passenger Suspension/Exclusion Policy was discussed at the October 15th Board meeting. The Board expressed support for implementing a policy in general. However, the Board expressed a number of questions regarding some components of the policy. The Board directed staff to bring the draft policy back to the O&S Committee in order to ensure the policy encapsulates the concerns voiced at the Board meeting.

Toward that end, staff has incorporated many of the suggestions made at the Board meeting to the draft policy for committee review. Additionally, there are a few outstanding issues for the committee to consider before staff brings the revised draft policy back to the Board for consideration:

- Should the policy contain references to drugs and alcohol or references to firearms and other weapons as justification for suspension?
- Should the policy provide more specific references to the progressive nature of potential suspensions?
- Should the policy contain references to County Connection phone numbers and website or should they be incorporated into the suspension letter that would be provided to a passenger being suspended?

Staff requests the O&S committee review the attached and revised policy; provide staff with recommendations regarding further potential modifications and forward the final revised draft policy to the Board for consideration.

Recommendation:

Staff requests the committee review the attached policy, provide direction for potential modifications and forward the final updated and revised draft policy to the Board for consideration.

Financial Implications:

Staff does not expect this policy to have a significant financial impact.

Options:

- 1) Approve recommendation
- 2) Decline recommendation
- 3) Request staff to modify the attached policy

Attachments:

- 1) Passenger Suspension/Exclusion Policy- revised draft
- 2) Passenger Suspension/Exclusion Policy- original draft
- 3) Passenger Code of Conduct

Passenger Suspension/Exclusion Policy (REVISED)

SUBJECT: Service Suspension for Certain Conduct on County Connection Non-Paratransit Vehicles and/or Facilities

POLICY: The Central Contra Costa Transit Authority ("County Connection") has a commitment to provide quality and non-discriminatory public transportation within the County Connection service area. When a passenger engages in suspendable conduct as defined below, County Connection may deny service and/or access to County Connection facilities to those passengers in accordance with the procedures specified in this policy.

Criteria for Suspension of Service and/or Exclusion from Bus or Transit Facilities

The following conduct (hereinafter referred to as "Suspendable Conduct") will subject a County Connection passenger to suspension, including immediate removal where appropriate, and/or exclusion from County Connection buses and/or transit facilities:

1. Verbal or physical abuse of County Connection employees, or passengers.
2. Behavior that presents a danger to the health, safety or welfare of the offending passenger, other passengers, or a County Connection employee. Such behavior includes conduct which is violent, seriously disruptive, or criminal as defined by the California Penal Code.
3. Urinating, defecating, vomiting, spitting or inappropriately discharging of bodily fluids on transit property.
4. Soliciting, advertising, selling or distributing goods or services on transit property, except as authorized by County Connection or its agents.
5. Harassing or abusing a County Connection employee or passenger because of that person's race, nationality, sexual orientation or other protected classifications.
6. Disruptive conduct of passengers 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.
7. Smoking or carrying a lighted or smoldering pipe, cigar, cigarette, electronic cigarette, nicotine delivery systems or using any tobacco products on County Connection properties not designated as tobacco use areas.
8. Carrying any flammable liquid, explosive, acid or other article or material likely to cause harm to others.

9. Intentionally obstructing or impeding the flow of transit vehicles, passenger traffic, hindering or preventing access to transit vehicles or stations, or unlawfully interfering with the provision or use of public transportation services.
10. Intentionally disturbing others by engaging in loud, boisterous, raucous, unruly, or harassing behavior that is harmful and intimidating to County Connection employees or other passengers.
11. Destroying, defacing, or otherwise damaging property of County Connection. Willfully tampering with, removing, displacing, injuring, or destroying any part of any facility or vehicle of County Connection.

Procedures for Service Suspension and/or Exclusion

Service may be suspended and the passenger may be removed from the bus if a passenger engages in Suspendable Conduct. Based upon the seriousness of the passenger's conduct, County Connection's prior experiences with the passenger and, taking into account information presented by the involved passenger, County Connection will determine the length of the suspension or determine whether exclusion from service is warranted. At no time shall a notification of suspension exceed thirty (30) days.

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

Within five (5) days from receipt of notification of suspension a passenger may present information seeking relief from a suspension or exclusion by contacting the Director of Transportation at County Connection headquarters located at 2477 Arnold Industrial Way, Concord, California. Information concerning the passenger's right to present opposing information will be included in the Notice of Suspension/Exclusion.

County Connection reserves the right to pursue all remedies at law, including but not limited to, enlisting the services of local law enforcement, petitioning the Superior Court for a temporary restraining order and/or seeking a permanent injunction in appropriate cases.

DATE OF ADOPTION: _____

PASSENGER SUSPENSION/EXCLUSION POLICY

CENTRAL CONTRA COSTA TRANSIT AUTHORITY ORIGINAL VERSION

SUBJECT: Service Suspension for Certain Conduct on County Connection Non-Paratransit Vehicles and/or Facilities

POLICY: The Central Contra Costa Transit Authority ("County Connection") has a commitment to provide quality and non-discriminatory public transportation within the County Connection service area. There are occasions, however, when customer behavior seriously disrupts or endangers the health and safety of our employees and other members of the public who use our services. When this occurs, it may be necessary to deny County Connection service and/or access to County Connection facilities to those customers in accordance with the criteria and procedures specified in this policy.

CRITERIA FOR SUSPENSION OF SERVICE AND/OR EXCLUSION FROM BUS OR TRANSIT FACILITIES

The following conduct (hereinafter referred to as "Suspendable Conduct") will subject a County Connection customer to removal, including immediate removal where appropriate, and/or exclusion from County Connection buses and/or transit facilities:

1. Verbal or physical abuse of County Connection employees, or customers.
2. Behavior that presents a danger to the health, safety or welfare of the offending customer, other customers, or a County Connection employee. Such behavior includes conduct which is violent, seriously disruptive, or illegal as defined the California Penal Code.
3. Urinating, defecating, vomiting, spitting or inappropriately discharging of bodily fluids on transit property.
4. Soliciting, advertising, selling or distributing goods or services on transit property, except as authorized by County Connection or its agents.
5. Sexually harassing any County Connection employee or customer.
6. Harassing or abusing a County Connection employee or customer because of that person's race, nationality, sexual orientation or other protected classifications.
7. Disruptive conduct of customers 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.
8. Smoking or carrying a lighted or smoldering pipe, cigar, cigarette, electronic cigarette, or using any tobacco products on County Connection properties not designated as tobacco use areas.
9. Carrying any flammable liquid, explosive, acid or other article or material likely to cause harm to others.
10. Intentionally obstructing or impeding the flow of transit vehicles, passenger traffic, hindering or preventing access to transit vehicles or stations, or unlawfully interfering with the provision or use of public transportation services.
11. Intentionally disturbing others by engaging in loud, boisterous, raucous, unruly, or harassing behavior that is harmful and intimidating to others.
12. Destroying, defacing, or otherwise damaging property of County Connection. Willfully tampering with, removing, displacing, injuring, or destroying any part of any facility or vehicle of County Connection.
13. Possession of alcohol, controlled or hazardous substances, guns, knives or devices that are weapons or appear to be capable of being used as a weapon.
14. Criminal conduct prohibited by the California Penal Code.

PROCEDURES FOR SERVICE SUSPENSION AND/OR EXCLUSION

Service may be suspended and the passenger may be removed from the bus if a passenger engages in Suspendable Conduct. Based upon the seriousness of the passenger’s conduct, County Connection’s prior experiences with the passenger and, taking into account information presented by the involved passenger, County Connection will determine the length of the suspension or determine whether exclusion from service is warranted.

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, County Connection may use other methods of obtaining service on the passenger, including hand delivery.

Passengers may present information opposing a suspension or exclusion by contacting the Director of Transportation at County Connection headquarters located at 2477 Arnold Industrial Way, Concord, California. Information concerning the passenger's right to present opposing information will be included in the Notice of Suspension/Exclusion.

County Connection reserves the right to pursue all remedies at law, including 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.

DATE OF ADOPTION: _____

County Connection Passenger Code of Conduct

For An Enjoyable Ride...

- DO NOT DISTRACT THE OPERATOR – Your safety is in their hands.
- No smoking, use of electronic cigarettes, eating or drinking on the bus.
- Personal electronic devices can only be used with earphones.
- Animals other than service animals must be in a suitable container.
- There is space for two mobility devices on each bus. Dispatch will be alerted if this is insufficient, and patrons will be advised of service alternatives.
- Strollers must be in the folded position during transport, or stored so aisles are not blocked. Children must be held by the guardian.
- Priority seating is available for senior and disabled patrons. The operator may ask ambulatory riders to move if a senior or disabled patron boards.
- Vandalism is a crime. Persons caught vandalizing the bus will be prosecuted to the full extent of the law.
- Disruptive behavior may result in removal from the bus or arrest.
- Any passenger violating any of the rules will be refused service.