

To: Board of Directors

Date: October 9, 2015

From: Bill Churchill, Director of Transportation

Reviewed by:

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### **SUBJECT: Passenger Suspension/Exclusion Policy**

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#### **Summary of Issues:**

There is a growing trend across our nation where passengers riding public transit systems behave inappropriately causing significant disruptions and even create unsafe conditions for operators and other passengers. Unfortunately, County Connection has been experiencing this very same phenomenon and has been working to mitigate these disruptive behaviors in order to ensure the safety of our operators and passengers as well as ensure the system continues to be a reliable form of transportation for our community.

When passengers become violent the Authority relies upon the local police jurisdiction the incident occurs in for support. In these cases the response is generally quick and effective with a police officer removing and arresting the offending individual. Passengers who engage in violent behavior generally have been prosecuted and usually end up incarcerated for some time. Unlike systems in more urban environments, County Connection rarely experiences repeat offenses from an individual after their incarceration is over.

Although staff has worked effectively with the local jurisdictions to mitigate passengers disruptive behavior when it becomes violent, staff has been far less effective when the behavior is just short of being violent. One of the most challenging areas to manage and certainly where the bulk of negative occurrences seem to exist is where passengers are seriously disruptive but not violent. These behaviors vary widely from the disgruntled individual who stands in front of a bus to prevent its moving to vulgar racially charged language directed toward operators or other passengers. There is a relatively small group of repeat offenders causing significant delays to the system resulting in missed transfer connections to other buses or trains.

In order to more effectively deal with these non-violent disruptive passengers, staff has been working with Hanson & Bridgett and consulted with FTA's office of Civil Rights to develop a passenger suspension/exclusion policy that would provide the ability to suspend repeat offenders from using the County Connection fixed route system for short periods of time. Staff believes such a policy would be effective in reducing disruptive behavior on County Connection buses resulting in better on-time performance, improved employee morale and enhanced customer service (please refer to attached policy).

As a companion to a passenger suspension/exclusion policy it is important to have a passenger code of conduct posted on buses to inform riders of their responsibilities while using the system. Fortunately, a number of years ago staff posted a passenger code of conduct on buses that included a statement that disruptive behavior may result in removal from the bus (please see attached Code of conduct).

**Recommendation:**

The O&S Committee recommends the full Board adopt the attached Passenger Suspension/Exclusion policy.

**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:**

Passenger Suspension/Exclusion policy

Passenger Code of Conduct

\*\* Resolution 2016-010 (provided under separate cover)

# **PASSENGER SUSPENSION/EXCLUSION POLICY**

## **CENTRAL CONTRA COSTA TRANSIT AUTHORITY**

**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.