

To: Board of Directors

Date: December 10, 2015

From: Rick Ramacier, General Manager

Reviewed by:

SUBJECT: Adoption of a Passenger Suspension Policy

Action Requested

The O&S Committee and staff respectfully request that the Board of Directors adopt Resolution No. 2016-010 to enact a County Connection passenger behavior suspension policy.

Background

Attached please find a draft passenger suspension policy that has been revised from the draft you saw in October. This new draft takes into account, comments made by the Board and the public at your meeting in October.

The O&S Committee has reviewed this new draft twice. The new draft has been fully vetted and reviewed by Legal Counsel.

To: O&S Committee

Date: November 30, 2015

From: Bill Churchill, Director of Transportation

Reviewed by:

SUBJECT: Passenger Suspension Policy

Summary of Issues:

Staff incorporated many of the suggestions made at the October board meeting into the draft Passenger Suspension Policy and brought them to the November O&S Committee meeting. While the committee was overall pleased with the draft policy there was concern that legal had not yet had an opportunity to formally review the updated draft. The committee requested staff to have legal review the document and bring it back to the December meeting for final review before sending it to the board for approval.

Subsequent to the November committee meeting Legal has reviewed the draft suspension policy and made some minor modifications.

Staff requests the O&S committee review the attached 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 Policy- draft
- 2) Passenger Code of Conduct

Passenger Suspension 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 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 suspension 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

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, not to exceed thirty (30) days.

A Notice of Suspension will, if possible, be mailed to the offending passenger. If service of the Notice of Suspension 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 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.

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: _____

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.

RESOLUTION NO. 2016-010

**BOARD OF DIRECTORS CENTRAL CONTRA COSTA TRANSIT AUTHORITY
STATE OF CALIFORNIA**

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ADOPTING PASSENGER SERVICE SUSPENSION POLICY FOR DISRUPTIVE CONDUCT

WHEREAS, the County of Contra Costa and the Cities of Clayton, Concord, the Town of Danville, Lafayette, Martinez, the Town of Moraga, Orinda, Pleasant Hill, San Ramon and Walnut Creek (hereinafter "Member Jurisdictions") have formed the Central Contra Costa Transit Authority ("CCCTA"), a joint exercise of powers agency created under California Government Code Section 6500 *et seq.*, for the joint exercise of certain powers to provide coordinated and integrated public transportation services within the area of its Member Jurisdictions;

WHEREAS, CCCTA has a commitment to provide quality and non-discriminatory public transportation within the County Connection service area;

WHEREAS, seriously disruptive customer behavior can endanger the health and safety of CCCTA employees and members of the public who use CCCTA services;

WHEREAS, staff and Legal Counsel have developed a proposed policy identifying the types of behavior for which a County Connection passenger could be denied service and prescribing the procedures to be followed to deny services; and

WHEREAS, the Operations and Scheduling Committee recommends the adoption of the attached Passenger Suspension Policy.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Central Contra Costa Transit Authority hereby adopts the Passenger Suspension Policy for disruptive conduct, attached hereto, and authorizes the General Manager to take such actions as are reasonable and appropriate to implement the procedures necessary to enforce the policy.

Regularly passed and adopted this 17th day of December 2015, by the following vote.

AYES:

NOES:

ABSTENTIONS:

ABSENT:

Robert Storer, Chair, Board of Directors

ATTEST:

Lathina Hill, Clerk to the Board