



PASSENGER CONDUCT POLICY AND PROCEDURES

Approved Date: September 1, 2021

All individuals using the public transportation services furnished by Gold Coast Transit District (GCTD) are expected to conduct themselves courteously and in a manner that creates a safe environment for other passengers and for GCTD staff and contractors. GCTD reserves the right to suspend or revoke a passenger's riding privileges, either temporarily or permanently, if a passenger violates the policies below. As used herein, the term "GCTD vehicle" means any buses or paratransit vehicles operated by or on behalf of GCTD.

This Policy and Procedure is intended to address unruly passenger behavior that also addresses disruptive behavior, direct threats, physical and or verbal abuse, and other prohibited behavior by law, to staff and others and property.

Prohibited Conduct

- **Physical or Verbal Assaults** – No person shall assault (touching, spitting, hitting, yelling, and screaming) GCTD employees. For example, assaulting passengers or employees, contractors, or agents of GCTD, over an issue pertaining to fares, (e.g., a bus operator or Customer Service Representative has quoted a fare, customer/ passenger is upset over fare and verbally or physically threatens or abuses others, i.e., passengers and GCTD staff over that fare); such actions are strictly prohibited and will be prosecuted.
- **Physical or Verbal Threats**: No person may utter a threat to cause damage to a GCTD vehicle or facility, or state a threat to cause disruption to GCTD operations, through the use of a bomb, explosive, or any other destructive device or weapon, or release of any harmful substance, while on a GCTD vehicle or within a GCTD facility; or state a threat of physical harm to a peace officer, fellow passenger, or GCTD staff or contractors acting in the course of employment.
- **Weapons**: No person, except a peace officer, shall bring or carry aboard a GCTD vehicle any firearm, replica firearm, knife (except a folding knife with a blade less than 3 ½ inches in length), or any other instrument, article, device, material, or substance specifically designed for, or attempted to be used to, inflict or cause bodily harm to another, except in accordance with administrative rules as may be promulgated by the GCTD General Manager (General Manager). As used in this section "replica firearm" means any device that substantially resembles a firearm or can reasonably be perceived to be an actual firearm. No person may throw an object at or discharge or pretend to discharge a bow and arrow, air rifle, rifle gun, revolver, or other firearm or replica firearm at a GCTD vehicle or at any part of a GCTD facility, or any person on GCTD property, except that a peace officer in the course of employment is exempt from this paragraph.

GOLD COAST TRANSIT DISTRICT

- Hazardous Conduct: No person may engage in any conduct or activity that is hazardous to themselves or to any other person on a GCTD vehicle (e.g., banging head on bus window, throwing objects at others).
- Damage to or destruction of any property of GCTD or others in a GCTD vehicle: No person may damage or destroy any GCTD property or property belonging to any other passenger, GCTD staff member or contractor.
- Penal Code Violations: This Policy is not intended to limit any penalty or imprisonment that may otherwise be imposed for a violation of the California Penal Codes: Section 171.7, and Section 640 and with the expansion of SB 882.

Consequences of Prohibited Conduct

If an individual is involved in any activity of the type described above, that individual is subject to the following action(s):

The operator of any GCTD vehicle may radio the dispatch office to report a passenger's unacceptable behavior or actions. The dispatcher will take the appropriate action which could include:

1. Summon law enforcement assistance and dispatch a road supervisor - The decision of the law enforcement officer regarding the law enforcement agency's disposition of the passenger is final. If the passenger is not removed or arrested by the law enforcement officer, a road supervisor may nonetheless determine to remove the passenger from a GCTD vehicle. If this action is taken, the supervisor should evaluate whether the passenger needs to be transported to a location where there is shelter available.
2. Dispatch a road supervisor - A road supervisor may remove a passenger from a GCTD vehicle. If this action is taken, the supervisor should evaluate whether the passenger needs to be transported to a location where there is shelter available.

In all cases, an incident report will be filed prior to completion of the shift of the incident reporting Supervisor along with the Operations Manager and Director of Operations & Maintenance. The General Manager or a designee can recommend banning the individual from using GCTD's services, either permanently or for a specified length of time. The length of the ban will be determined by the General Manager or a designee, upon recommendation by the Public Transportation Agency Safety Plan Committee (PTASP /Safety Committee) on a case-by-case basis. The Safety Committee will be comprised of members of GCTD staff, the Operations Manager, Fleet Manager, Director of Operations & Maintenance, the Director of Human Resources (or designee), and the Safety and Training Supervisor, with the committee members of the PTASP.

If the General Manager or a designee determines that banning a passenger from using GCTD's service is appropriate, that decision will be communicated to GCTD staff and GCTD operations and maintenance partners that contract with GCTD in relation to other transportation related services.

Passenger Right to Appeal

A decision to ban a passenger will be communicated to the passenger in a written Notice of Exclusion which states the reasons for and the duration of the ban. The Notice of Exclusion will be sent via certified mail and regular mail. GCTD will provide the banned passenger an opportunity to appeal the decision.

Appeals must be sent within 21 days of commencement of the exclusion order. Supporting documentation may be provided but is limited to 10 pages.

Appeals must be in writing and sent either by mail to Gold Coast Transit District, Attn: General Manager, Exclusion Appeals, 1901 Auto Center Drive, Oxnard, CA 93036, or by e-mail sent to adelgado@gctd.org.

The Appeal review will be conducted by the Director of Human Resources (or designee), who will respond, either to request more information from the appellant or to transmit a final decision, within 10 business days from the date the written request is received.

In appropriate cases the General Manager or a designee may determine that a Court-Ordered Restraining Order is necessary to protect the safety of the operators or service. There are several types of restraining orders that may be sought (workplace violence, civil harassment, and domestic violence) depending on the facts and circumstances. The General Manager should determine how to proceed in coordination with GCTD's Director of Human Resources (or designee) and General Counsel.

Penal Code Violations (included)

California Penal Code section 171.7

This Policy is not intended to limit any penalty or imprisonment that may otherwise be imposed for a violation of California Penal Code section 171.7, which makes it unlawful for any person to possess, in the area of a public transit facility, a firearm, imitation firearm, instrument that expels a metal projectile, hand grenade, unauthorized tear gas weapon, and/or undetectable knife. A violation of Penal Code section 171.7 is punishable by imprisonment in a county jail for a period not exceeding six months, or by a fine not exceeding one thousand dollars (\$1,000), or by both. In accordance with Penal Code section 171.7(e), this statutory punishment, if imposed, will take the place of any separate action by GCTD to exclude such person from ridership, as set forth in this Policy.

California Penal Code section 640 and the expansion with SB 882.

This Policy is not intended to limit any penalty or imprisonment that may otherwise be imposed for a violation of California Penal Code section 640 and the expansion to SB 882, which makes it unlawful for any person to acts committed on or in a facility or vehicle of a public transportation system.

(b)(1) Eating or drinking in or on a system facility (2) Playing unreasonably loud sound equipment (3) Smoking in or on a system facility or (4) Expectorating upon a system facility or

vehicle. (5) Skateboarding, roller skating, bicycle riding, roller blading, or operating a motorized scooter or similar device, does not apply to an activity that is necessary for utilization of the transit facility by a bicyclist, including, but not limited to, an activity that is necessary for parking a bicycle or transporting a bicycle aboard a transit vehicle, (6) Selling or peddling any goods, merchandise, property, or services of any kind whatsoever on the facilities, vehicles, or property of the public transportation system

(C)(1) Evasion of the payment of a fare of the system (2) Misuse of a transfer, pass, ticket, or token with the intent to evade the payment of a fare. (3) (A) Unauthorized use of a discount ticket or failure to present, upon request from a transit system representative, acceptable proof of eligibility to use a discount ticket.

(d)(1) Willfully disturbing others on or in a system facility or vehicle by engaging in boisterous or unruly behavior. (2) Carrying an explosive, acid, or flammable liquid in a public transit facility or vehicle. (3) Urinating or defecating in a system facility or vehicle, except in a lavatory. However, this paragraph shall not apply to a person who cannot comply with this paragraph as a result of a disability, age, or a medical condition.

(4) Willfully blocking the free movement of another person in a system facility or vehicle. This paragraph 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. (5) Willfully tampering with, removing, displacing, injuring, or destroying any part of a facility or vehicle of a public transportation system.

A minor shall not be charged with an infraction or a misdemeanor to evade the payment of a fare on a public transit system, to misuse a transfer, pass, ticket, or token with the intent to evade the payment of a fare, or to use a discount ticket without authorization or fail to present, upon request from a transit system representative, acceptable proof of eligibility to use a discount ticket.