

# Ozark Regional Transit

Final: January 1, 2019

## Management Policy - P1

### Passenger and Visitor Standard of Conduct

#### PURPOSE

To establish standards of conduct for transit passengers and visitors while utilizing services and facilities or while on Ozark Regional Transit (ORT) property. This policy is to help ensure the safety, health and welfare of transit staff, passengers, and the general public.

#### POLICY

It is the desire of ORT to provide safe, secure, convenient and efficient transit to visitors and citizens of the counties served. ORT believes that it is the obligation of each and every person to do his/her part to contribute to the safety of the employees and patrons of the system by refraining from inappropriate behavior while utilizing any of the facilities or vehicles that ORT has provided as part of the transit system. To this end, ORT has adopted the following "standard of conduct" policy which outlines the conduct that is expected from every passenger or patron of the services provided.

#### STANDARD OF CONDUCT

No individual may engage in inappropriate conduct on any transit vehicle, or at any facility.

"Inappropriate conduct" includes, but is not limited to, any individual or group conduct or activity that would:

- a. constitute a violation of any law or ordinance;
- b. be deemed by a reasonable person to be an attempt to disturb the peace or quiet of a person by tumultuous and/or offensive conduct, or by threatening, harassing, slandering, defaming or otherwise appearing to try to physically or mentally injure a person utilizing ORT services or facilities; or
- c. attempting to damage any ORT facility or property.

The fact that an individual is or is not charged or convicted of a violation of any law or ordinance does not preclude an investigation as to whether the act constituted "inappropriate conduct" and warrants the imposition of sanctions under this Policy.

Any person who is found to have committed an act of "inappropriate conduct" as defined herein or set out in the Passenger & Visitor Standard of Conduct Procedures, subject to the process set out in said

standard of conduct procedures, may be denied the privilege of using the transit system and its facilities. Sanctions for inappropriate and/or proscribed conduct are outlined below.

### **SANCTIONS FOR INAPPROPRIATE CONDUCT**

In the interest of the health, safety and welfare of its passengers and employees, ORT reserves the right to suspend or revoke any and all services to anyone found to have committed an act or acts of inappropriate or proscribed conduct while at, in or on ORT public transit facilities or where the person is not physically at, in or on public transit facilities and conducts himself/herself in a taunting or belligerent manner so as to interfere with peaceful transit operations. Procedures relating to sanctions and appeals are attached as Exhibit 1 and incorporated by reference. Sanctions are based upon the severity of the offense. Offenses have been categorized in Exhibit 1. The Executive Director may revise and update the offenses and sanctions from time to time as he/she deems necessary.

- **Category A** offenses are offenses to ORT patrons or damage to ORT property, and may result in an immediate suspension of up to three days (72 hours). Violators will be given a verbal warning not to engage in the conduct prior to the imposition of discipline. If a person is found to have committed multiple Category A offenses over a one-year period from the initial offense, that person may have his/her privilege to use the public transit system and facilities further suspended or revoked as provided for in Category B offenses.
- **Category B** offenses are more severe than Category A and include inappropriate conduct that causes actual damage to ORT facilities, equipment or property, or is conduct which threatens the safety, health or well-being of the ORT employee or other passengers on ORT vehicles. **No warning is required.** A person found to have committed a Category B offense may be suspended for up to 90 days (3-month period). A person found to have committed multiple Category B offenses within a two-year period may be suspended as provided for in Category C offenses.
- **Category C** offenses are the most severe and include, without limitation, damage to facilities, equipment or property in an amount in excess of \$250.00, or any "battery" against any individual. **No warning is required.** A violator shall be suspended for a period of not less than six months, or until the suspension of services is overturned or modified as part of an appeal process.

### **SERVING NOTICE OF EXCLUSION**

ORT will make reasonable efforts to verbally notify the individual that his/her privileges are being suspended in cases where the suspension is for a period of three days (72 hours) and will make reasonable efforts to provide written notice of suspension and appeal procedures, if sufficient information is available, for suspensions of longer than three days.

### **EXCLUSIVE APPEAL PROCESS**

A person who has been suspended from using the transit system and/or its facilities for more than 72 hours may appeal said suspension or revocation of privileges as provided in the **Passenger and Visitor**

**Standard of Conduct Procedures.** A copy of the appeal procedures will be provided with the notice required above. The documents may be served by regular mail or hand delivery.

Anyone found to have committed two Category C offenses within three years will be permanently enjoined from the use of ORT services and facilities unless reinstated following application to the General Manager and a decision of an Appeal Panel appointed by the Executive Director. Said application shall not be considered until the suspension has been in place for not less than one year and the individual has fully complied with all terms imposed as part of the suspension.

Any proposed suspension in excess of 72 hours shall be reviewed and approved by the Transportation Supervisor/Manager or his/her designee prior to implementation. Except in the case of multiple Category C offenses, the Operations Manager may modify any suspension or revocation imposed pursuant to this policy, prior to the completion of the full term of the suspension, as part of an appeal or to accommodate a demonstrated need for transportation to maintain employment, attend school or receive necessary medical treatment.

## **P1 TRANSIT PASSENGER AND VISITOR STANDARD OF CONDUCT PROCEDURES**

The Ozark Regional Transit (ORT) has adopted a Transit Passenger and Visitor Standard of Conduct Policy (Management Policy P1) to help ensure that the citizens and visitors who come to the service area of ORT and utilize the transit services have a pleasant and safe experience. ORT believes that persons who need the privilege of utilizing public transit vehicles and facilities should conduct themselves appropriately at all times while on, at, or within ORT facilities and vehicles so that all users will have the pleasant and safe experience that they have the right to expect.

The prohibitions established by Management Policy P1 are intended to apply to all property, facilities and vehicles in which ORT has an interest, including, without limitation, administrative, maintenance, operational facilities (owned or leased), buses, bus stops and all other vehicles used as part of the transit services. Any person found to have engaged in inappropriate behavior, set forth herein, may lose the privilege of using ORT public transportation or visiting ORT facilities. Safety is everyone's responsibility and ORT asks that anyone witnessing inappropriate behavior in or around ORT vehicles or facilities, report it to a supervisor immediately. Definitions and examples of categories of inappropriate behavior are set forth below.

### **Definitions:**

- A. Coach Operator - the driver of any ORT public transportation vehicle.
- B. Peace Officer - includes law enforcement officials as recognized by the State of Arkansas and such other persons as may be designated by law.
- C. ORT - Ozark Regional Transit.
- D. ORT Official - includes any and all ORT management officials, contract management officials and his/her designee.
- E. ORT Facility - includes any ORT structure or facility (owned or leased), including administrative, maintenance and operations facilities, passenger waiting areas or park and ride vehicle parking lots.
- F. ORT Vehicle - includes a bus, van or other vehicle used to transports passengers or employees, owned or operated by or on behalf of ORT.
- G. ORT Security Guard - includes any persons under contract with ORT for the provision of security services at an ORT facility or on other ORT property.
- H. Weapon - means any dangerous or deadly weapon as defined by the State of Arkansas and includes, without limitation, any firearm or knife of any kind; nightsticks or other clubs; metal knuckles; or any other instrument used in a threatening or intimidating manner. This definition does not apply to any instrument which is generally known to be a dangerous instrument if the possession of same is authorized by a lawfully issued permit.
- I. Suspended Services - means ORT has a right to refuse transit services and to remove anyone from a ORT vehicle or from ORT property.
- J. Service Animals - are individually trained to perform tasks for people with disabilities, such as guiding people who are blind, alerting people who are deaf, pulling wheelchairs, alerting and

protection of a person in seizure, or performing other special tasks. Service animals are working animals and not pets or companions.

- K. Mobility Device - is any mobility aid belonging to any class of three or four-wheeled devices, usable indoors, designed for and used by individuals with mobility impairments, whether operated manually or powered. A "common wheelchair" does not exceed 30 inches in width and 48 inches in length measured two inches above the ground, and does not weigh more than 600 pounds when occupied as set out in the USDOT's regulations implementing the Americans with Disabilities Act of 1991 (ADA).

### **PROHIBITED CONDUCT**

In the interest of the health, safety, and welfare of its passengers and the employees, ORT reserves the right to suspend services to anyone exhibiting any of the following conduct:

**CATEGORY A:** A person's violation of any one of the following acts may result in the immediate suspension of that person's ridership privileges for up to a 3-day (72 hours) period. A verbal warning will be given by a Coach Operator, an ORT Official or ORT Security not to engage in the conduct prior to issuance of a suspension.

1. Carrying or consumption of any food or beverages in an open container within a ORT vehicle, with the exception of Coach Operators who have permission to do so when the vehicles are not in motion.
2. Smoking other than in designated areas.
3. Boarding an ORT vehicle with any animal other than a Service Animal, not housed in an enclosed carrying container that can fit on a seat or on the customer's lap.
4. Boarding an ORT vehicle with any container, package or article which cannot be safely placed in the person's lap or a seat and which would tend to block the aisle or make travel in the aisle or stairway difficult or unsafe.
5. Failure to adhere to a dress-code standard that is generally accepted for access to a business. This includes but is not limited to: shoes must be worn, shirts must be worn, sagging pants or pants that show more than the band-width of an undergarment require that the wearer pull up the outer pants. Swim suits must have an outer covering.
6. Refusing to de-board from an ORT vehicle when requested to do so by a Coach Operator, an ORT official or ORT security.
7. Boarding an ORT vehicle without paying the established fare or without presenting a valid pass.
8. Failure to present a valid identification card when requested to do so by an ORT employee for verification of reduced fare rates.
9. Entering through the rear exit door of an ORT vehicle unless directed to do so by an ORT employee.
10. Climbing through a window or extending an arm, leg or head out of the window of an ORT vehicle.
11. Obstructing the free movement of any person attempting to board or within an ORT vehicle or on ORT property.

12. Standing or otherwise occupying any space in front of the "standee line" marked on the forward end of the floor or otherwise conducting oneself in such a manner as to obstruct the vision of the Coach Operator while an ORT vehicle is in motion.
13. Playing a musical instrument or audio device (radio, CD, DVD, MP3, cellular phone) within an ORT vehicle unless such equipment is used with earphones so that the sound produced by such item is primarily confined to the person carrying the device producing the sound.
14. Talking on a cellular device (phone, blue-tooth, etc.) using loud, vulgar or discriminating language that may cause other passengers or employees of ORT to become upset, offended or otherwise uneasy in regards to the conversation being held.
15. Littering, discarding, or depositing any rubbish, trash, debris, or offensive substances within an ORT vehicle or on ORT property except in an appropriate trash receptacle.
16. Making excessive and unnecessary noise, running, engaging in any horseplay or using vulgarities.
17. Canvassing, soliciting, or distributing pamphlets or other documents for any purpose. ORT reserves the right to distribute literature and solicit information from its patrons in the interest of improving service or the transit experience.
18. Posting or removing any notice or advertisement unless authorized ORT official.
19. Except for mobility devices, the boarding, operating, riding or other use of any wheeled transportation device within an ORT vehicle or ORT facility.
20. Any person who loiters on an ORT vehicle or in an ORT facility beyond the time reasonably necessary to reach his/her destination or conduct necessary business.
21. "Riding Around" or otherwise using the bus as a warming or cooling station.

**CATEGORY B:** A person's violation of any one of the following acts may result in the immediate suspension of that person's ridership privileges for up to 90 days (three-month period). No warning is required prior to suspension of service.

1. The commission of any act that could reasonably be deemed an assault against any person.
2. Except for Security Guards, Peace Officers or other persons lawfully permitted to carry a particular weapon, the bringing on board an ORT vehicle or on any ORT property any weapon.
3. Boarding an ORT vehicle or bringing into an ORT facility, any inherently dangerous items. This includes but is not limited to weapons, explosives, caustic materials, and poisons. This provision excludes items that can be regularly purchased at a grocery store and are recognized as customary household items.
4. Interfering with the operation or movement of an ORT vehicle.
5. Impeding the use, tampering with, or otherwise obstruction the operation of any window, door, or other emergency exit.
6. Damaging, writing upon, or otherwise defacing or altering any ORT vehicle or ORT property or facility.
7. Throwing any object or substance at, into or from any ORT vehicle or ORT facility.
8. Threatening any violent, tumultuous, physical or verbal behavior, including the use of words or conduct that are generally known to be used as racial slurs, words that belittle, or words and

actions that are understood to likely provoke a violent response. This includes face-to-face interaction and incidents that occur via phone line.

9. Using ORT provided Internet services for accessing or transmittal of pornographic, obscene or sexually explicit material; the transmittal of obscene, abusive, sexually explicit or threatening language, including without limitation racial slurs or epitaphs.
10. Any attempt to damage or disable the property of another person or entity.
11. Failure of a person who has been excluded from an ORT vehicle or ORT facility for a 72- hour period to comply with the terms of the exclusion. A person who violates the initial exclusion shall be warned to promptly leave the area per the exclusion or he/she may be subject to a Category B violation and a greater exclusion period.

**CATEGORY C:** Any person violating any one of the following acts may result in the immediate suspension of that person's ridership privileges for a minimum of six (6) months. No warning is required prior to suspension of service.

1. Anyone who engages in a fight or who commits any act which would warrant a charge of "battery" under the laws of Arkansas shall be enjoined from the use of a ORT vehicle or from entering into a ORT facility for a period of not less than six months or until the suspension of service is overturned as part of the appeal process.
2. Anyone convicted of the charge of battery against any ORT official, Coach Operator, or other person while those persons are engaged in their employment or utilizing a ORT vehicle or on ORT property will be enjoined from the use of transportation services for a minimum of one year. A "no contest" plea to the charge or conviction on an alternative or fictitious charge will not affect the suspension of services provided in this section.
3. Except as otherwise provided in Category C, engaging in any activity prohibited by any federal, state, county or municipal law, or other conduct that would cause a reasonable person to be concerned for his/her safety or that of another person or that would be a disruption to the tranquility of the ride, infringes upon the mental or physical comfort and safety of others, or jeopardizes safe operations.

### **EXCLUSION PROCEDURE**

Anyone who commits a Category A offense may be suspended immediately from using a ORT vehicle or accessing ORT property by a responsible ORT official or his/her designee for not more than 72 hours from the time of the offense. If the violation occurs while on board an ORT vehicle, the individual may be asked, at the Coach Operator's discretion, to immediately leave the vehicle at the closest "reasonably safe" stop. Alternatively, the Coach Operator may continue operating the coach as scheduled and ask for assistance from a responsible ORT official who may suspend the individual from using an ORT vehicle for up to 72 hours as provided above.

Any request by an ORT official to extend the exclusion beyond 72 hours on the basis of a further offense, or failure to comply with an exclusion period up to 72 hours, must be made in the form of a recommendation to an ORT Transportation Supervisor/Manager or his/her designee only. Said person or persons shall review the particulars and shall advise the requestor within two working days of the receipt of the recommendation that the recommendation is accepted, modified or rejected. Said decision is final and shall be entered in the appropriate records relating to said offender. Notice shall be provided as set forth below.

### **SERVING THE NOTICE OF EXCLUSION**

ORT will make reasonable efforts to verbally notify the individual that he/she is excluded for a period of up to three days (72 hours) and will provide written notice, if reasonably possible, for suspensions of longer than three days. The written notice will be sent to the individual's last known address and will include the specific basis for the exclusion, a description of the penalty, and provide information on the appeal process.

### **EXCLUSION APPEAL PROCESS**

Any appeal of a suspension in excess of 72 hours shall first be submitted to the Transit Supervisor at 2423 E. Robinson Avenue, Springdale, Arkansas 72764. The appeal shall set forth the facts and basis for why the exclusion should be retracted or modified. The Transit Supervisor or his/her designee may reinstate services prior to the maximum suspension if, in his/her sole discretion, the suspension is deemed excessive based upon the available evidence following an investigation or the offender has received and successfully completed anger management or other appropriate counseling offered by a reputable agency approved by the Transit Supervisor and that certification of completion is submitted to the Transit Supervisor or his/her designee. The Transit Supervisor or his/her designee shall exercise good effort to decide a request for modification of a suspension within seven (7) days of the receipt of the written request for same. Notice of the decision shall be provided by personal communication and the mailing of notice, if sufficient information exists to provide said notice.

Where a written request to modify a suspension in excess of three (3) days has been denied by the Transit Supervisor or his/her designee, an individual may appeal a suspension or exclusion from services

by filing a written appeal stating all relevant facts and with supporting documents to the Operations Manager at 2423 E. Robinson Avenue, Springdale, Arkansas 72764. Upon receipt of an appeal, the Operations Manager will, within 14 days, render a decision and mail the decision to the individual's representative or last known address by regular mail.

**APPEAL TO A PANEL**

If the individual is still not satisfied with the decision of the Operations Manager, that individual may file an appeal in writing and request a "panel review". The written appeal should be directed to Executive Panel Review, 2423 E. Robinson Avenue, Springdale, Arkansas 72764. Upon receipt of the written appeal, the Executive Director will arrange for the appeal to be heard by an Appeal Panel consisting of; the Executive Director, the Operations Manager, the Human Resource Manager, one Transportation Supervisor and one Coach Operator. ORT Board Chair shall appoint a moderator of the panel from the ORT Board. A hearing on the issues shall be conducted within 14 days of the appeal. A written decision shall be made within 14 days of the hearing and will be mailed to the individual or his/her representative by regular mail. The decision of the Appeal Panel is a final administrative decision.