

EXHIBIT H

GARFIELD COUNTY PUBLIC TRANSPORTATION AUTHORITY

RIDER RULES OF CONDUCT POLICY

JANUARY 17, 2017

(Including Service Exclusions)

ARTICLE 1 INTRODUCTION

Garfield County Transportation Authority, herein after called the "CTA", vehicles, facilities, and properties are intended to provide services for the benefit of the general public. Pursuant to RCW 36.57, and in order to maintain public transportation services that are orderly, safe, secure, comfortable, and convenient, the CTA has enacted the following *Rules of Conduct*. The *Rules of Conduct* are intended to regulate conduct occurring with Transit employees, on CTA vehicles, within or upon CTA facilities and properties, and in connection with CTA's provision of public transportation services.

The Rules of Conduct consists of three separate articles, which include the following: Article I - Introduction; Article II - Definitions; Article III – Regulation of Conduct. Unless otherwise provided herein, reference to the phrases "Rules of Conduct" shall collectively include Articles I through III.

If any one or more of the provision(s) shall be declared by any court of competent jurisdiction to be contrary to law, then such provision(s) shall be null and void and shall be deemed separable from the remaining provisions in the Rules of Conduct and shall in no way affect the validity of the other provisions of the Rules of Conduct.

ARTICLE II. DEFINITIONS

As used in these Rules of Conduct, the words herein shall have the meaning provided in this Article II. Words of the masculine gender shall be deemed and construed to include correlative words of the feminine and neutral genders. Words imparting the singular number shall include the plural numbers and vice-versa, unless the context shall otherwise dictate.

- A. "CTA" shall mean the CTA, a Washington municipal corporation and Public Transportation Authority organized and operating under and by virtue of the laws of the State of Washington.
- B. "CTA employee" shall mean any part-time or full-time, temporary or regular, exempt or non-exempt, represented or non-represented person, including an intern or contracted party, who is compensated by the CTA for services by wages, salary, or other remuneration.
- C. "CTA facilities and properties" shall mean all facilities, structures, schedule, bulletin and information boards, bus stop signs, lands, interest in lands, air rights over lands, and rights of way of all kinds that are owned, leased, held, or used by the CTA for the purpose of providing public transportation services, including transit centers, and public streets and sidewalks that are used by the general public to board and alight from transit vehicles.
- D. "CTA vehicle" shall mean a municipal transit vehicle defined in RCW 46.04.355. It also includes any CTA maintenance vehicle or supervisor vehicle.

- E. "Transit-related activities" shall mean activities associated with the provision support of CTA public transportation services, the use of those services by the general public, or CTA sales, promotion, and maintenance activities in support of CTA public transportation services.

ARTICLE III REGULATION OF CONDUCT

A. Prohibited Conduct

The following conduct is prohibited on CTA vehicles, within or upon CTA facilities or property, and in connection with CTA's provision of public transportation services.

1. Engaging in any conduct prohibited by RCW 9.91.025 or prohibited by any federal, state, or municipal civil or criminal law;
2. Except in a designated place, the use of chewing tobacco or smoking or carrying a lit or smoldering pipe, cigar, cigarette; or e-cigarettes; or personal vaporizers;
3. Discarding litter other than in designated receptacles;
4. Dumping or discarding any materials on transit property, including, but not limited to, hazardous substances and automotive fluids.
5. Playing any radio, recorder, or other sound-producing equipment, except that nothing herein shall prohibit the use of such equipment when connected to earphones that limit the sound to individual listeners or the use of communication devices by CTA employees, CTA contractors, or public safety officers in the line of duty, or the use of private communication devices used to summon, notify, or communication with other individuals (e.g., pagers, beepers, or cell phones);
6. Spitting, urinating, or defecating, except in the appropriate plumbing fixtures in restroom facilities.
7. Failure to maintain a reasonable level of personal hygiene. It is not CTA's objective to enforce personal hygiene standards on the public, but in order to maintain a clean and safe environment for all who use CTA's vehicles and property, passengers who may contaminate an area due to blood, urine, fecal matter, or other body fluids will be refused transportation. This includes those whose odor is so offensive that others would complain and vacate the immediate area;
8. Carrying any flammable liquid, explosive, acid, or other article or material likely to cause harm to others, except that nothing herein shall prevent a person from carrying a cigarette, cigar or pipe lighter or carrying a firearm or ammunition in a way that is not otherwise prohibited by law or these *Rules of Conduct*;
9. Obstructing or impeding the flow of CTA's vehicles or passenger traffic or hindering or preventing access to CTA vehicles, facilities, or property. This includes causing unreasonable delays in boarding or alighting, blocking or partially blocking an aisle or stairway with a package or object, reclining in more than one seat, or otherwise unlawfully interfering with provision or use of public transportation services;
10. Disturbing others by engaging in loud, raucous, unruly, harmful, aggressive, violent, or harassing behavior (flashing gang signs or displaying gang colors is considered harassing behavior);
11. Destroying, defacing, or otherwise damaging CTA property;
12. Possessing any open beverage container holding alcohol, or possessing controlled substances, unless otherwise authorized by law;
13. Carrying, exhibiting, displaying, or drawing any firearm, dagger, sword, knife or other cutting or stabbing instrument, club, or any other weapon apparently capable of producing bodily harm, in a manner, under circumstances, and at a time and place that either manifests an intent to intimidate another, or that warrants alarm for the safety of other persons, unless otherwise authorized by law;
14. Throwing an object at CTA vehicles, facilities, or property, or throwing an object at any person on CTA property;

15. Allowing any animal to occupy a seat on transit property, to run at large, to unreasonably disturb others, to leave waste matter on CTA property, to board transit vehicles unless secured in an approved pet container, or to interfere with transit-related activities. Exceptions will be made for service animals;
16. Engages in other conduct that is inconsistent with the intended purpose of the transit facility, transit station, or transit vehicles and refuses to obey the lawful commands of an agent of the transit authority or a law enforcement officer to cease such conduct;
17. Roller-skating, rollerblading, or skateboarding;
18. Riding bicycles, unicycles, mopeds, or other motorcycles, except where public vehicle travel and access is permitted;
19. Drinking, except from a covered container;
20. Sitting or lying on floors of CTA vehicles.
21. Sitting, or remaining in an area marked as "reserved for senior citizens" or "reserved for paratransit customers" without proof of age or current paratransit ID card;
22. Entering CTA vehicles facilities or properties without wearing a shirt or shoes, unless medical accommodation is pre-authorized by CTA;
23. Engaging in commercial activities;
24. Committing any act which tends to create or incite, or creates or incites an immediate breach of peace, including, but not limited to
 - (a) Fighting,
 - (b) Racing,
 - (c) Obscene language and noisy or boisterous conduct tending to cause a breach of peace,
 - (d) Personally abusive epithets or words or language of an offensive, disgusting, or insulting nature, which epithets, words, or language when addressed to the ordinary citizen are, as a matter of common knowledge, inherently likely to provoke a violent reaction of fear, anger or apprehension;
25. Engaging in sexual activity with self or others while riding or accessing CTA vehicles, facilities. or properties;
26. Displaying or reading pornographic material where others may see it;
27. Engaging in gambling or any game of chance for the winning of money or anything of value;
28. Using CTA vehicles, facilities, or properties for non-transit related activities, except as authorized by CTA or its designee;
29. Entering CTA vehicles, facilities, or properties when lacking the ability to care for oneself because of illness, intoxication, or medication(s);
30. Extending an object or portion of one's body through the door or window of a CTA vehicle:
31. Hanging or swinging on bars or stanchions with feet off the floor while on transit property, or hanging onto or otherwise attaching oneself to the exterior of a transit vehicle or other transit property;
32. Refusing to allow proper securement of a wheelchair on CTA vehicles;
33. Falsely claiming to be a transit operator or other transit employee or volunteer, or, through words, actions and/or the use of clothes, insignia, or equipment resembling department-issued uniforms and equipment, creating a false impression that one is a transit operator or other transit employee or volunteer;
34. Interfering or tampering with equipment on CTA vehicles or properties, including, but not limited to, cell phones, fare boxes, and securements;
35. Laying hands on, spitting on, or verbally intimidating a transit operator or transit employee;
36. Exceeding the number of no-shows allowed under the paratransit procedures, provided that trips missed for reasons beyond the passengers control shall not be counted as no-shows;
37. Impeding paratransit service through non-compliance with paratransit procedures;
38. Violating an exclusion order issued under these *Rules of Conduct*

B. Enforcement

1. Exclusion from Service.

- (a) Basis for Exclusion. Any person engaging in prohibited conduct under the provisions of Article III, Section A, may be refused entrance upon, ordered to leave, or otherwise restricted in the use of CTA vehicles, facilities, or properties by a commissioned law enforcement official, CTA personnel, or authorized personnel of a CTA contracted services provider. Failure to immediately comply with such a removal or exclusion order may be grounds for prosecution for criminal trespass and/or unlawful transit conduct.
- (b) Immediate Exclusion or Removal. A CTA employee may immediately reseal, refuse transportation, or remove from CTA vehicles, facilities, or properties without prior written notice a person who has engaged in prohibited conduct under Article III, Section A, which, in the CTA employee's discretion, poses a safety or security risk, interferes with or impinges on the rights of others, impedes the free flow of the general public, or impedes the orderly and efficient use of CTA vehicles, facilities, or properties. If an individual who is immediately excluded or removed is also excluded from future access to CTA vehicles, facilities, or properties, CTA should, to the extent possible, give notice to that individual of the future exclusion pursuant to section (B) (C).
- (c) Notice Procedure. The CTA may give a person excluded from CTA vehicles, facilities, or properties written notice, to the extent possible, by personal delivery or by U.S. Postal Service Priority mail, delivery confirmation requested, addressed to the person's last known address. The notice shall specify the reason or reasons for exclusion, identify the scope, duration, and effective date of exclusion, and explain the appeal process. The exclusion notice is effective upon actual or constructive receipt.
- (d) Constructive Receipt. Receipt of an exclusion notice is construed to have occurred if the person knew or reasonably should have known from the circumstances that he or she is excluded from CTA vehicles, facilities, or properties. Receipt of an exclusion notice is also presumed to have been accomplished three calendar days after the notice has been placed in the U.S. Mail to the person's last known mailing address.
- (e) Length of Exclusion. The following suggested exclusion lengths are guidelines to be used by CTA determining the duration of a particular exclusion under the provisions of Article III. The actual exclusion period imposed may be shorter or longer depending on the circumstances of each case. Circumstances that CTA may consider in determining the length of exclusion include, but are not limited to, the circumstances of the incident and the individual's history of documented prior conduct/incidents while using or accessing CTA vehicles, facilities, or properties. Permanent exclusion may be appropriate under certain circumstances.
 - (1) If the person being excluded has had no policy violations, including exclusions or removals, in the prior 12 months, and
 - a. The prohibited conduct would constitute a misdemeanor in Washington State or prohibited by RCW 9.91.025, the duration of the exclusion should not exceed 30 days.
 - b. The prohibited conduct would constitute a felony in Washington State, the exclusion should not exceed 90 days.
 - (2) If the person being excluded has had one prior policy violation, including exclusions or removals in the last 12 months, and

- a. The prohibited conduct would constitute a misdemeanor in Washington State or prohibited by RCW 9.91.025, the duration of the exclusion should not exceed 60 days.
 - b. The prohibited conduct would constitute a felony in Washington State; the exclusion should not exceed 90 days.
 - (3) If the person being excluded has had two or more prior violations, including exclusions or removals in the prior 12 months, and
 - a. The prohibited conduct would constitute a misdemeanor in Washington State or prohibited by RCW 9.91.025, the duration of the exclusion should not exceed 90 days.
 - b. The prohibited conduct would constitute a felony in Washington State; the exclusion should not exceed 120 days.
 - (4) If the prohibited conduct is identified as a crime against a person or involves a firearm or other dangerous weapon, the duration of the exclusion could range from 365 days to permanent.
- (f) Appeal Procedure. Not later than 15 calendar days after an exclusion notice becomes effective, an excluded person may appeal in writing to the CTA General Manager for a review of the exclusion. The appellant may request a hearing, or the appellant may request review without a hearing based on a written statement setting forth the reasons why the appellant believes exclusion is invalid or improper. If the appellant is unable to respond in writing, CTA will make reasonable accommodations. If no hearing is requested, the CTA General Manager, or his or her designee, shall render a written decision within 20 calendar days after CTA's receipt of the appeal.
- (g) Hearing. If the appellant does request a hearing, the hearing shall be held within 30 calendar days after CTA's receipt of the appeal, and the hearing may be recorded (see consent form). The CTA General Manager, or his or her designee, shall render a written decision within 20 calendar days after the hearing. The appellant may be represented by counsel and may present witnesses to testify upon oath or affirmation in support of the appeal. The general Manager may also hear witnesses who testify upon oath or affirmation, and he or she may examine evidence during the appeal hearing. The exclusion shall remain in effect during the appeal process.

2. Other Laws Not Limited.

The enforcement of Article III herein is not intended to limit, in any manner, the enforcement of any applicable federal, state, or municipal laws, provided that CTA employees and volunteers are not authorized to assist in enforcing a court order prohibiting or restricting contact with any other person other than to notify appropriate law enforcement personnel via CTA's dispatcher or CTA Security.

C. Liability

Nothing in Article III herein shall create a duty to any person on the part of CTA or form any basis for liability on the part of CTA, its officers, agents, employees, or volunteers. The obligation to comply with Article III is solely that of any person entering and using CTA's vehicles, facilities, and properties, and CTA's enforcement of Article III is discretionary not mandatory.

Appendices

- Appendix 1 CTA Exclusion Order
- Appendix2 CTA's Consent to Record Appeal Hearing
- Appendix3 RCW 9.91.025 and portions of RCW 9.41

Appendix 1

EXCLUSION ORDER

DATE: _____

TO: _____

This letter shall serve as Notice of Exclusion.

This letter is effective _____ for _____. Except as specified in the appeal process. Throughout this period you are barred from contact with any CTA employee or entering in or onto:

Failure to comply with this Exclusion Order shall be grounds for criminal prosecution for trespass.

This action is being taken because:

If you wish to appeal this decision, you must contact the General Manager, by phone 509-843-0200 or in writing at the address below, within 15 calendar days of the effective date of this Exclusion Order. You may request a hearing or a review without a hearing based on a written statement why you believe this exclusion is invalid or improper. **This exclusion will remain in effect throughout the appeal process.**

General Manager

Notes: _____

Appendix 2

GARFIELD COUNTY TRANSPORTATION AUTHORITY (CTA) CONSENT TO RECORD APPEAL HEARING

It is CTA's routine business practice to make an audio recording of CTA exclusion appeal hearings. By signing this consent form, you are confirming that you understand that this exclusion appeal is being recorded, and you are confirming that the recording is being made with your consent.

Signature of appellant: _____ Date: _____

Printed Name of Appellant: _____

Signature of hearing officer: _____ Date: _____

Printed name of hearing officer: _____

Date/Location of appeal hearing: _____

In the event of a telephonic appeal hearing, the hearing officer can read this consent form into the record and request the appellant's oral authorization to record the hearing.

Appendix 3

RCW 9.91.025

Unlawful transit conduct.

- (1) A person is guilty of unlawful transit conduct if, while on or in a transit vehicle or at a transit station, he or she knowingly:
 - (a) Smokes or carries a lighted or smoldering pipe, cigar, cigarette, unless he or she is smoking in an area designated and authorized by the transit authority;
 - (b) Discards liter other than in designated receptacles;
 - (c) Dumps or discards, or both, any materials on or at a transit facility including, but not limited to, hazardous substances and automotive fluids;
 - (d) Plays any radio, recorder, or other sound-producing equipment, except that nothing herein prohibits the use of the equipment when connected to earphones or an ear receiver that limits the sound to an individual listener. The use of public address systems or music systems that are authorized by CTA is permitted. The use of communications devices by transit employees and designated contractors or public safety officers in the line of duty is permitted, as is the use of private communications devices used to summon, notify, or communicate with other individuals, such as pagers and cell phones.
 - (e) Spits, expectorates, urinates, or defecates, except in appropriate plumbing fixtures in restroom facilities;
 - (f) Carries any flammable liquid, explosive, acid, or other article or material likely to cause harm to others, except that nothing herein prevents a person from carrying a cigarette, cigar, or pipe lighter or carry a firearm or ammunition in a way that is not otherwise prohibited by law;
 - (g) Consumes an alcoholic beverage or is in possession of an open alcoholic beverage container, unless authorized by the transit authority and required permits have been obtained;
 - (h) Obstructs or impedes the flow of transit vehicles or passenger traffic, hinders or prevents access to transit vehicles or stations, or otherwise unlawfully interferes with the provision or use of public transportation services;
 - (i) Unreasonably disturbs others by engaging in loud, raucous, unruly, harmful, or harassing behavior;
 - (j) Destroys, defaces, or otherwise damages property in a transit vehicle or at a transit facility;
 - (k) Throws an object in a transit vehicle, at a transit facility, or at any person at a transit facility with intent to do harm;
 - (l) Falsely claims to be a transit operator or other transit employee or through words, actions, or the use of clothes, insignia, or equipment resembling department issued uniforms and equipment, creates a false impression that he or she is a transit operator or other transit employee;
 - (m) Engages in gambling or any game of chance for the winning of money or anything of value while on or in a CTA vehicle or transit property;
 - (n) Skates on roller skates or in-line skates, or rides in or upon by any means a coaster, skateboard, toy vehicle, or any similar device; or
 - (o) Engages in other conduct that is inconsistent with the intended use and purpose of the transit facility, or transit vehicle and refuses to obey the lawful commands of an agent of the transit authority or a peace officer to cease such conduct.
- (2) For the purposes of this section:

- (a) "Transit station" or "Transit facility" means all passenger facilities, structures, stops, shelters, bus zones, properties, and right-of-way of all kinds that are owned, leased, held, or used by transit authority for the purpose of providing public transportation services.
 - (b) "Transit vehicle" means any motor vehicle that is owned or operated by a transit authority or an entity providing service on behalf of a transit authority that is used for the purpose of carrying passengers on a regular schedule.
 - (c) "Transit authority" means a city transit system under RCW 35.58.2721 or chapter 35.95A RCW, a county transportation authority under chapter 36.57 RCW, a metropolitan municipal corporation transit system under chapter 36.56 RCW, a public transportation benefit area under chapter 36.57A RCW, an unincorporated transportation benefit area under RCW 36.57.100, a regional transportation authority under chapter 81.112, or any special purpose district formed to operate a public transportation system.
- (3) Any person who violates this section is guilty of a misdemeanor.

Notes:

Findings--Declaration--Severability--1994 c 45: See notes following RCW 7.48.140.
Drinking in public conveyance: RCW 66.44.250.