

STAFF REPORT

SUBJECT: Updated Passenger Code of Conduct Policy

FROM: Mike Tobin, Director of Operations

DATE: July 10, 2023

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**Action Requested**

Approve Resolution 19-2023 adopting the updated LAVTA Passenger Code of Conduct.

**Background**

The Passenger Code of Conduct Policy is a formalized document that includes rules & behaviors that are prohibited while riding on any of LAVTA's services or while on any LAVTA owned property and/or facilities. Proper passenger behavior on LAVTA property is essential for providing quality service to the members of our community and for ensuring safety for all transit patrons and LAVTA employees alike. Establishing a passenger code of conduct and an associated disciplinary process is a necessary component to maintain the existing high levels of service for all transit patrons. A common method most transit agencies use to address unacceptable passenger behavior is to suspend riding privileges for violation of established and posted rules.

LAVTA last updated its Passenger Code of Conduct Policy on February 2, 2015, over eight years ago. It is LAVTA's goal to regularly review and update the policy to ensure that the policy reflects ongoing trends and behaviors that are being encountered on LAVTA's transit system, as well as industry best practices. The current Code of Conduct Policy is included as Attachment 1.

**Discussion**

After experiencing a few examples of extremely poor behavior this year, LAVTA staff began discussion of updating the existing Code of Conduct policy. In instances where physical contact has been made by a rider against another rider or bus driver, or other clear "crimes", the police have been notified and have been provided with audio and video evidence by LAVTA for use in criminal court. However, in cases that fall short of physical violence or other criminal code violations, but are still unpleasant and intimidating to the majority of ride nonetheless, LAVTA has been limited in its options.

In California, cities and transit agencies can choose to consider fare evasion as a civil violation under Section 99580 of the Public Utilities Code, or they may charge it as a criminal violation under the Penal Code Section 640. Under the PUC, the civil process permits transit agencies to set their own fines, however. Under the criminal citation process, fare evaders would be charged with a criminal infraction under the California Penal Code administered by the Courts. With

either process, the Board may decide to implement an internal adjudication process. However, this would require the LAVTA to establish a “Transit Court”, which would require LAVTA to provide the necessary staff and facility for court hearings, which isn’t feasible given the size and staff resources of the agency.

However, to ensure that the Passenger Code of Conduct gives LAVTA staff an internal mechanism to enforce the policy and thus ensure a safe and pleasant riding experience for customers, the updated policy will include a detailed Administrative Process under PUC Sections 99580 & 99581 which grants staff the authority to issue warnings, violations, and ultimately suspend a passenger’s riding privileges.

LAVTA has completed its review of the Code of Conduct Policy and have made the following updates/changes:

- Remove penal code section in beginning of the document and create a separate attachment that lists all pertinent penal codes; add two more penal codes (both 241.3 and 243.3 are related to assault and battery, respectively, which has been a critical topic in the transit industry in recent years)
- Update the language and formatting to match the latest iteration of Penal Code 640 as the one in the old Rules of Conduct was from 2009
- Any acts described in Penal Code 640 that are standalone and straightforward (did not need to be expanded upon) are included in the Rules of Conduct document as-is (such as expectorating upon a facility or vehicle or skate boarding in a facility or vehicle)
- Add rules for boarding with folding bikes or electric scooters previously not mentioned
- Add vermin and biohazardous material to the list of things prohibited from being carried onto a bus or into a facility
- Add more extensive description for use of fares (due to longstanding issues with fare evasion: Students/ACE transfers/Others)
- All rules from Section III of the old policy were included in the new document with either the exact same language, clarified for ease of understanding, or moved to a new subsection for better grouping of topics
- Add footnotes in the primary document that references each of the applicable penal code(s) in the attachment
- Add/update language throughout the document based on review of Santa Monica and Santa Rosa’s Code of Conduct policies
- Add select language from Wheels.com website regarding how to use the service (boarding, alighting, etc.) <https://wheelsbus.com/how-to-ride/>
- Cart/Stroller policy added from <https://www.wheelsbus.com/wp-content/uploads/2015/08/StrollerBrochure1.pdf>
- Create different subsections, i.e., “Animals” and “Fares” rather than lumping everything into one section
- Expand the subsection on “Wheelchairs and Other Mobility Devices” based on recent safety issues that have been encountered with securing mobility aids
- Expand the subsection on “Carts & Strollers” to include clarifying language
- Add Section V that addresses enforcement of the policy for student riders
- Expand on Section III “Enforcement” and add Section IV “Administrative Action & Suspension” that provides a detailed overview of the progressive disciplinary process and suspension of riders from LAVTA services

**Recommendation**

The Finance and Administration Committee recommends that the Board of Directors approve Resolution 19-2023 adopting the updated LAVTA Passenger Code of Conduct.

## Attachments:

1. Rules of Conduct approved February 2, 2015
2. Resolution No. 19-2023 Updated Rules of Passenger Code of Conduct
3. Updated Passenger Code of Conduct

*Approved:* \_\_\_\_\_

**LIVERMORE/AMADOR VALLEY TRANSIT AUTHORITY****ATTACHMENT A: RULES OF CONDUCT FOR LAVTA  
VEHICLES, FACILITIES AND PROPERTIES****I. PURPOSE OF POLICY**

The Livermore Amador Valley Transit Authority's (LAVTA) vehicles, facilities, and properties are intended to provide public transportation services for the benefit of the general public. To maintain public transportation services that are orderly, safe, secure, comfortable and convenient, the following Rules of Conduct for LAVTA Vehicles, Facilities and Properties (the "Rules of Conduct") have been adopted by the LAVTA Board of Directors. The Rules of Conduct are intended to regulate conduct occurring on LAVTA vehicles, within or upon LAVTA facilities and properties, and in connection with LAVTA's provision of public transportation services. LAVTA vehicles, facilities and properties include administration and operations buildings, transit centers, bus shelters, bus stops, and bus storage areas.

**II. CALIFORNIA PENAL CODE SECTION 640**

California Penal Code Section 640, including any amendments thereto, applies to LAVTA vehicles and property. As of April 1, 2009, the applicable provisions of this law read as follows:

- (a) Any of the acts described in subdivision (b) is an infraction punishable by a fine not to exceed two hundred fifty dollars (\$250) and by community service for a total time not to exceed 48 hours over a period not to exceed 30 days, during a time other than during his or her hours of school attendance or employment, when committed on or in any of the following:
- (1) A facility or vehicle of a public transportation system as defined by Section 99211 of the Public Utilities Code;
  - (2) Any facility of, or vehicle operated by any entity subsidized by, the Department of Transportation;
  - (3) Any leased or rented facility or vehicle for which any of the entities described in paragraph (1) or (2) incur costs of cleanup, repair, or replacement as a result of any of those acts.
- (b) (1) Evasion of the payment of any fare of the system.
- (2) Misuse of a transfer, pass, ticket, or token with the intent to evade the payment of a fare.

- (3) Playing sound equipment on or in any system facility or vehicle.
- (4) Smoking, eating or drinking in or on any system facility or vehicle in those areas where those activities are prohibited by that system.
- (5) Expecting upon any system facility or vehicle.
- (6) Willfully disturbing others on or in any system facility or vehicle by engaging in boisterous or unruly behavior.
- (7) Carrying an explosive or acid, flammable liquid, or toxic or hazardous material in public transit facility or vehicle.
- (8) 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.
- (9) (A) Willfully blocking the free movement of another person in a system facility or vehicle. (B) This paragraph (9) 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.
- (10) Skateboarding, roller skating, bicycle riding, or roller blading in a system facility, vehicle, or parking structure. This paragraph does not apply to any 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, if that activity is conducted with the permission of the transit agency in a manner that does not interfere with the safety of the bicyclist or other patrons of the transit facility.
- (11) (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, in accordance with Section 99155 of the Public Utilities Code and posted system identification policies when entering or exiting a transit station or vehicle. Acceptable proof of eligibility must be clearly defined in the posting. (B) In the event that an eligible discount ticket user is not in possession of acceptable proof at the time of request, any citation issued shall be held for a period of 72 hours to allow the user to produce acceptable proof. If the proof is provided, the citation shall be voided. If the proof is not produced within that time period, the citation shall be processed.

### **III. LAVTA POLICY/REGULATIONS OF CONDUCT**

The following conduct is prohibited on LAVTA vehicles, within or upon LAVTA facilities and properties, and in connection with LAVTA's provision of public transportation services:

1. Destroying, defacing, or otherwise damaging LAVTA property.
2. Discarding litter other than in designated receptacles.
3. Entering a LAVTA vehicle with animals, with the exception of service animals and small pets as defined below.
  - a) According to ADA law and the U.S. Department of Justice, service animals are animals that 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 protecting a person who is having a seizure, or performing other special tasks. Service animals are working animals, not pets.
  - b) A person with a disability cannot be asked to remove his service animal from the premises unless: (1) the animal is out of control and the animal's owner does not take effective action to control it or (2) the animal poses a direct threat to the health or safety of others.
  - c) The passenger may travel with a small pet as long as the animal is fully enclosed in a secure container that the passenger can manage and which the passenger can hold on his/her lap or place at his/her feet. The animal must not be a danger to or annoyance to other passengers.
  - d) The passenger is responsible for any damage or injuries caused by their animal while on the bus. If any animal misbehaves, the passenger will be instructed to remove the animal from the bus at the sole discretion of the Operator.
4. Use of a Segway or other non-wheelchair mobility device, when not being used as a mobility aid by a person with a disability.
5. Bringing onto transit property personal items (i.e., packages, shopping bags, suitcases) which cannot be reasonably secured and handled by the owner and stored out of the aisle.
6. Operating, stopping, standing or parking a vehicle in any roadway or location restricted for use only by transit vehicles.

7. Extending an object or a portion of one's body through the door or window of a transit vehicle while it is in motion.
8. Bringing onto transit property odors which endanger the health and safety of others or interfere with their use of the transit system, whether such odors arise from one's person, clothes, articles, accompanying animal or any other source.
9. Carrying any alcoholic beverages or controlled substances, unless otherwise authorized by law.
10. Carrying onboard corrosives, 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 (see Resolution 14-07 attached).
11. Hanging or swinging on bars or stanchions, with feet off the floor, inside a transit vehicle or other transit property; hanging onto or otherwise attaching oneself at any time to the exterior of a transit vehicle or other transit property.
12. Engaging in any sport or recreational activities on transit property.
13. Parking a vehicle in an approved parking area on transit property for more than seventy-two (72) consecutive hours.
14. Using a transit facility for residential or commercial parking purposes.
15. Performing non-emergency repairs or cleaning of a vehicle on transit property.
16. Engaging in gambling or any game of chance for the winning of money or anything of value.
17. Manufacturing, selling, delivering, or possessing with the intent to manufacture, sell, or deliver a controlled substance or selling for profit any controlled substance or counterfeit substance on a LAVTA vehicle or within one thousand feet of LAVTA properties or facilities, including but not limited to, a transfer center, bus shelter, bus stop, or park and ride lots.
18. Entering a LAVTA vehicle while not wearing any type of footgear or shirt.
19. Using a public address system, loudspeaker or other sound amplifying device.
20. Sleeping, camping or storing personal property on benches and floors on or in LAVTA vehicles or LAVTA facilities and properties, unless otherwise authorized by law.

21. Entering or remaining upon any non-public areas of LAVTA facilities and properties, including but not limited to staging areas, work areas, and equipment rooms, except when authorized by LAVTA or its designee.
22. Engaging in commercial activities, except as such activities are authorized by LAVTA or its designee in a written permit, license, concession contract, lease or other written authorization.
23. 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 tending to cause a breach of the peace, and (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.
24. Entering LAVTA vehicles, facilities, and properties when intoxicated.
25. Refusing to allow proper securing of a wheelchair or mobility device on LAVTA vehicles.
26. Refusing to use appropriate personal restraints on a LAVTA vehicle providing paratransit services.
27. Dumping any materials whatsoever on transit property, including but not limited to chemicals and automotive fluids.
28. Throwing an object at transit property or at any person in or on transit property.
29. Falsely claiming to be a transit operator or other LAVTA employee; or through words, actions, and/or the use of clothes, insignia, or equipment resembling transit operator or LAVTA issued uniforms and equipment, creating a false impression of being a transit operator or other transit employee.

#### **IV. ENFORCEMENT**

1. Removal from LAVTA Vehicles, Facilities, and Properties

Any person engaging in prohibited conduct under the provisions of Article II may be refused entrance upon or ordered to leave LAVTA vehicles, facilities and properties by a commissioned law enforcement official.

Any person engaging in prohibited conduct under the provisions of Article III may be refused entrance upon or ordered to leave LAVTA vehicles, facilities and properties by LAVTA personnel or a contracted service provider in accordance with terms of the applicable service contract.



Failure to immediately comply with such a removal order may be grounds for prosecution for criminal trespass and/or unlawful bus conduct.

## 2. Exclusion from Service

- a) **Length of Exclusion.** The following guidelines shall be used determining the duration of a particular exclusion for engaging in prohibited conduct under the provisions of this policy. The actual exclusion period imposed may be shorter or longer depending on the circumstances of each case.
- b) **Basis for Exclusion.** Engaging in prohibited conduct may result in excluding or restricting a person from entering and using all or any part of LAVTA vehicles, facilities, and properties for a period of time.
- c) **Immediate Refusal or Removal.** A person may be immediately reseated, refused transportation, or removed from LAVTA vehicles, facilities and properties without prior written notice if the person has engaged in prohibited conduct under Article II and/or Article III which, in LAVTA's or LAVTA's designee'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 LAVTA vehicles, facilities and properties.
- d) **Appeal Procedure.** Not later than fifteen (15) calendar days after commencement of the exclusion, an excluded person may appeal in writing to the Contract Resident Manager, and then to LAVTA's Executive Director or his/her designee, for de novo review of the exclusion. The appellant may request a hearing or 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 written format, LAVTA will make reasonable accommodations.
  - a) **Hearing.** If the appellant does not request a hearing, the Executive Director or his/her designee shall render a written decision within five (5) business days after receipt of the appeal. If a hearing is requested, the hearing shall be held within thirty (30) calendar days of receipt of the appeal, and a written decision shall be rendered within ten (10) calendar days of the hearing. The exclusion shall remain in effect during the appeal process.
  - b) **Refusal to Comply.** The refusal to immediately comply with written or verbal notice excluding or restricting a person from LAVTA vehicles, facilities, and properties shall be grounds for prosecution for criminal trespass.

## 3. Other Laws not Limited

The enforcement of this policy herein is not intended to limit, in any manner, the enforcement of any applicable federal, state or municipal laws.

**V. APPLICATION TO INDIVIDUALS WITH DISABILITIES**

Nothing in this policy shall be applied in a manner that discriminates against individuals with disabilities. It is not discrimination to refuse to provide service to an individual with disabilities because that person engages in violent, seriously disruptive or illegal conduct. This policy shall not otherwise alter LAVTA paratransit eligibility procedures.

**VI. LIABILITY**

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

**VII. DISSEMINATION OF POLICY**

All employees, officers and officials should be given copies of this policy, and this policy shall be posted in appropriate places.

**RESOLUTION NO. 19-2023**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
LIVERMORE AMADOR VALLEY TRANSIT AUTHORITY  
ADOPTING RULES OF CONDUCT POLICY**

**WHEREAS**, it is the policy of the Livermore Amador Valley Transit Authority to provide services to our customers which are safe, secure, comfortable, and convenient; and

**WHEREAS**, the LAVTA Board adopted Resolution 08-2015 on February 2, 2015, setting forth appropriate and comprehensive rules of conduct for passengers using LAVTA's vehicles, services, and facilities; and

**WHEREAS**, the Board of Directors deems it necessary to update the policies of Resolution 08-2015;

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Directors of the Livermore Amador Valley Transit Authority as follows:

1. Resolution 08-2015 and any other resolutions comprising LAVTA's Rules of Conduct are hereby rescinded and replaced in their entirety by Resolution 19-2023.
2. The Passenger Code of Conduct Policy set forth in Attachment 3 is hereby adopted to reflect the updated LAVTA Rules of Conduct.

**PASSED AND ADOPTED THIS 10th DAY OF JULY 2023.**

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Melissa Hernandez, Chair

APPROVE AS TO FORM

ATTEST

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Michael Conneran, Legal Counsel

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Christy Wegener, Executive Director

# PASSENGER RULES OF CONDUCT

Livermore-Amador Valley Transit Authority

## I. Purpose and Applicability

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Livermore Amador Valley Transit Authority's (LAVTA) vehicles, facilities, and properties (including administration and operations buildings, transit centers, bus shelters, bus stops, and bus storage areas) are intended to provide quality, safe public transportation services for the benefit of the public.

The Rules of Conduct, approved and adopted by the LAVTA Board of Directors, and the referenced statutes and regulations in their entirety are intended to regulate behavior occurring on LAVTA vehicles and within or upon LAVTA facilities and properties for the safety, comfort, convenience and well-being of both customers and operators. Anyone using LAVTA's services (including but not limited to Wheels buses) is expected to treat staff and other customers with consideration, respect, patience, and civility for the mutual enjoyment of the transit system.

## II. LAVTA Rules of Conduct

### Fares<sup>i</sup>

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Have your fare ready upon boarding. Evasion of the payment of any fare is prohibited and includes but is not limited to:

1. Boarding a LAVTA vehicle without valid fare.
2. Misuse of a transfer or pass with the intent to evade fare payment.
3. Falsely representing oneself as eligible for a waiver or reduced fare.
4. Duplicating, counterfeiting, altering, or transferring any nontransferable fare media.
5. Refusing to show an operator or supervisor proof of fare, discount, or waiver upon request.

### Boarding, Seating, Exiting

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6. Stay back from the curb and wait until the bus comes to a complete stop. If you need to use a boarding ramp, please ask the operator.

## PASSENGER RULES OF CONDUCT

Livermore-Amador Valley Transit Authority

7. Yield priority, reserved mobility device, or similarly designated seating to older adults and individuals with disabilities.<sup>ii</sup>
8. Make room for others by moving to the back of the bus and do not occupy more than one seat or place your feet on the seats.
9. Exit the bus using the rear door when possible.
10. Buses only stop at designated bus stops, both for boarding and alighting.

### Wheelchairs and Other Mobility Devices

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11. In order to use LAVTA vehicles, proper securement of a wheelchair or other mobility device is required. Wheelchair brakes must be in good working order at the time you board a bus. This requirement is for your safety during the ride. If you are able to transfer yourself to a regular bus seat, you may do so. The Wheels driver will secure your wheelchair in the designated wheelchair station by first tying it down. It is your option whether to remain in your wheelchair.

Wheelchairs and other mobility aids must be secured via a four-point or three-point tie-down system, and passengers must use the appropriate personal restraints. Currently, operators are trained to first secure the front straps to the mobility device at 45-degree angles, then to secure the rear straps to the mobility device, then finally to retighten the front straps to confirm that the device is secure. Securing the front straps first prevents an operator from accidentally forgetting to secure the front strap. Any refusal to allow the securement of a mobility device in a way that is consistent with the existing securement policy and training will be considered a refusal to be secured. Passengers refusing the securements and/or restraints may be asked to deboard the vehicle.

ADA standards require that vehicles be designed to accommodate wheelchairs or other mobility devices measuring up to 30 inches wide by 48 inches long, at a level of two inches above the ground, and weighing no more than 600 pounds when occupied. Wheels buses may not be able to accommodate mobility devices exceeding these standards, but will do so if the lift and vehicle can safely accommodate the mobility device and occupant.<sup>iii</sup>

Appropriate personal restraints during paratransit services are also required.

# PASSENGER RULES OF CONDUCT

Livermore-Amador Valley Transit Authority

## Animals<sup>iv</sup>

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Service animals and small pets may enter LAVTA vehicles and facilities, subject to the following:

- 12.** Service animals are animals that are individually trained to work or perform tasks for people with disabilities such as guiding people who are blind, alerting people who are deaf, pulling wheelchairs, alerting and protecting a person who is having a seizure, or performing other special tasks. Service animals are working animals, not pets.
- 13.** The handler of a service animal may be asked to remove the service animal from the premises if the animal is out of control and the handler does not take effective action to control it, or the animal poses a direct threat to the health or safety of others.
- 14.** A passenger may travel with a small pet as long as the animal is fully enclosed in a secure container that the passenger can manage and which the passenger can hold on their lap or place at their feet. The animal must not be a danger to or annoyance to other passengers.
- 15.** A passenger is responsible for any damage or injuries caused by their animal while on the bus. If any animal misbehaves, the passenger will be instructed to remove the animal from the bus at the sole discretion of the Operator.
- 16.** Handlers of animals shall immediately remove all animal waste from LAVTA vehicles or facilities.

## Carts and Strollers

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- 17.** Some of LAVTA's buses are equipped with an area suitable for carts and strollers. If the cart/stroller area is vacant, take your seat immediately upon boarding and place the cart/stroller in front of you. Cart/stroller wheels must be in the locked position and must be controlled by the owner at all times.
- 18.** If the cart/stroller area is full, or if you are on a bus with no designated cart/stroller area, you may place your cart/stroller in the wheelchair area and secure it with the restraints. If a passenger with a mobility device boards, you will be asked to fold your cart/stroller and move to a regular seat.
- 19.** Anything larger than a stroller or personal shopping cart is prohibited unless collapsed. Carts, strollers, and large luggage that create unsafe conditions are prohibited.

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**20.** If a stroller is occupied or small cart is filled, it must be secured in the designated wheelchair area and accompanied by the passenger. However, if a passenger with a mobility device boards, the passenger with the stroller or cart will be asked to move from the area and deboard to wait for the next bus.

### Bikes or other Wheeled Devices

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**21.** All of our buses are equipped with bike racks to accommodate cyclists and space is available on a first-come, first-served basis. Remove any loose items before loading your bike. Do not lock your bike to the bus rack. LAVTA is not responsible for any damage that may be caused while your bike is being loaded/unloaded or while it is in the rack. If the bike rack is full, a passenger may be allowed to bring their bike onboard at the operator's discretion and as long as the bike isn't obstructing the passageway. If a bus is crowded, the passenger may be refused boarding and will have to wait for the next bus.

**22.** Folding bikes and folding electric scooters are allowed on board as long as they can be secured and controlled by the owner without blocking passageways or seats.

**23.** Passengers in mobility devices have priority over bikes, and bicyclists will need to exit the bus and wait for the next one if the mobility device securement area is required.

**24.** Gas-powered wheeled devices are prohibited.

### Civility, Compliance, and Cooperation

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LAVTA will not tolerate violence of any form on its services or on any of its property. Any physical or verbal behavior that threatens or endangers any LAVTA employees or employees of LAVTA's service providers constitutes a violation and will be prosecuted. California Penal Code Sections 241.3, 243.3 and 245.2 call for fines up to \$10,000 and up to five years in jail for assault, battery, or assault with a deadly weapon on a transportation worker or passenger.

The following conduct in connection with LAVTA's provision of public transportation services is prohibited:

**25.** Destroying, defacing with graffiti, vandalizing, tampering with, or otherwise damaging LAVTA facilities, vehicles, or property (including bus stop signs, shelters, notices).<sup>v</sup>

**26.** Loitering in LAVTA facilities and vehicles.

**27.** Spitting upon a system facility or vehicle.<sup>vi</sup>

## PASSENGER RULES OF CONDUCT

*Livermore-Amador Valley Transit Authority*

- 28.** Discarding litter in other than designated receptacles, or dumping any materials whatsoever on transit property, including but not limited to chemicals, automotive fluids, and bodily fluids.
- 29.** Carrying an explosive or acid (including large batteries), flammable liquid, or toxic or hazardous material in a LAVTA vehicle or facility.
- 30.** Urinating or defecating in a LAVTA facility or vehicle, except in a lavatory. However, this shall not apply to a person who cannot comply as a result of a disability, age, or a medical condition.
- 31.** Entering a LAVTA vehicle while not wearing any type of footgear, shirt, or bottoms.
- 32.** Use of an electric mobility device onboard the bus when not being used as a mobility aid by a person with a disability.
- 33.** Bringing onto transit property personal items (i.e., packages, shopping bags, suitcases, etc.) which cannot be reasonably secured by the owner and stored out of passageways.
- 34.** Operating, stopping, standing or parking a vehicle in any roadway or location restricted for use only by transit vehicles.
- 35.** Extending an object or a portion of one's body through the door or window of a transit vehicle while it is in motion.
- 36.** Bringing onto transit property odors which endanger the health and safety of others or interfere with their use of the transit system, whether such odors arise from one's person, clothes, articles, accompanying animal or any other source.
- 37.** Hanging or swinging on bars or stanchions, inside a transit vehicle or other transit property; hanging onto or otherwise attaching oneself at any time to the exterior of a transit vehicle or other transit property.
- 38.** Engaging in any sport-related activities on transit property.
- 39.** Engaging in gambling or any game of chance for the winning of money or anything of value.
- 40.** Parking a vehicle in an approved parking area on transit property for more than seventy-two (72) consecutive hours.
- 41.** Using a transit facility for residential or commercial parking purposes.
- 42.** Sleeping, camping, or storing personal property on or in LAVTA vehicles, facilities, and properties, unless otherwise authorized by law.



## PASSENGER RULES OF CONDUCT

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43. Entering or remaining upon any non-public areas of LAVTA facilities and properties, including but not limited to staging areas, work areas, and equipment rooms, except when authorized by LAVTA or its designee.
44. Selling, peddling, or engaging in commercial activities, except as authorized by LAVTA or its designee with a written permit, license, concession contract, lease or other written authorization.<sup>vii</sup>
45. Committing any act which tends to create or incite an immediate breach of peace, including, but not limited to fighting, racing, obscene language tending to cause a breach of the peace, and personally abusive epithets, or words or language of an offensive, disgusting or insulting nature, which epithets, words or language, as a matter of common knowledge, are inherently likely to provoke a violent reaction of fear, anger or apprehension.
46. Inciting violence or posing a clear and present danger to others, including verbal or visual gang affiliation or provocation signs.
47. Injuring another person or damaging another person's property or possessions.
48. Engaging in or soliciting another person to engage in lewd conduct.
49. Throwing an object from a transit vehicle.
50. Inappropriate sexual conduct of any nature is prohibited on LAVTA vehicles and facilities. Examples of inappropriate sexual conduct include unwanted sexual comments, indecent exposure, stalking, unlawful imprisonment, sexual assault, simple assault, groping or grabbing, or rubbing against someone in a sexual manner.
51. Falsely claiming to be a transit operator or other LAVTA employee; or through words, actions, and/or the use of clothes, insignia, or equipment resembling transit operator or LAVTA-issued uniforms and equipment, to create a false impression of being a transit employee.
52. Willfully blocking the free movement of another person in a LAVTA facility or vehicle.
53. Skateboarding, roller skating or blading, bicycle riding, or scootering in a LAVTA facility, vehicle, or parking structure, unless necessary for using the transit facility and in a location and manner that does not interfere with the safety of others.

### Eating and Drinking<sup>viii</sup>

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The following acts are prohibited within or upon LAVTA vehicles, facilities, and properties:

54. Eating or drinking within any LAVTA vehicle or facility.

# PASSENGER RULES OF CONDUCT

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55. Carrying any open beverages upon a LAVTA vehicle.

## Alcohol, Drugs and Smoking

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The following acts are prohibited in, on, or in close proximity to LAVTA vehicles, facilities, and properties:

- 56. Carrying or consuming any alcoholic beverages or controlled substances, unless otherwise authorized by law.
- 57. Smoking or ingesting tobacco or marijuana products, including but not limited to cigarettes, e-cigarettes, vapes, cigars, and oral tobacco.
- 58. Using, manufacturing, selling, delivering, or possessing with the intent to manufacture, sell, or deliver a controlled substance or selling for profit any controlled substance or counterfeit substance on a LAVTA vehicle or within one thousand feet of LAVTA properties or facilities, including but not limited to, a transfer center, bus shelter, bus stop, or park and ride lots.
- 59. Being under the influence of alcohol, a drug, a controlled substance, or any combination of those items and unable to care for one's own safety or the safety of others.

## Weapons

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The following acts are prohibited in, on, or in close proximity to LAVTA vehicles, facilities, and properties:

- 60. Carrying onboard corrosives, or 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.
- 61. Discharging or directing a weapon or instrument intended for use as a weapon, or any other object, at, on, in or in close proximity to a LAVTA facility or vehicle, or at any person or object in such facility or vehicle.<sup>ix</sup>

## Noise

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The following acts are prohibited:

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- 62. Playing any sound equipment or sound-amplifying device, except when using headphones or earphones that are inaudible to others.<sup>x</sup>
- 63. Disturbing or engaging in boisterous or unruly behavior.<sup>xi</sup>
- 64. Failure to comply with a warning by a LAVTA representative to cease creating loud, boisterous or unreasonable noise, including unnecessary cell phone or other conversation, that is so loud, lengthy, sexually explicit, threatening, violent, or disruptive, that it causes an unsafe condition and interferes with the enjoyment of LAVTA vehicles or facilities for others.

## III. Enforcement

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Any person violating federal or state law, this Passenger Rules of Conduct or other LAVTA policy is subject to a notice of violation and imposition of any and all remedies, fines, criminal sanctions, damages, and penalties available by law, and may be refused entrance upon or ordered to leave LAVTA vehicles, facilities, and properties by a commissioned law enforcement official, LAVTA personnel, or a contracted service provider (in accordance with terms of the applicable service contract).

All LAVTA Wheels vehicles are equipped with cameras which continually record activity, including sound, in and around the bus during operating hours. Recordings can therefore be reviewed by appropriate personnel and/or law enforcement in order to accurately determine details of all activities in question.

Failure to immediately comply with a removal order may be grounds for prosecution for criminal trespass and/or unlawful bus conduct. Bus operators are required to report any violation of the Passenger Rules of Conduct resulting in a refusal of service or the need for law enforcement assistance to their supervisor. Upon notification of a violation, LAVTA personnel may take any of these actions:

- **Warning** – The offending passenger will be warned that further like conduct will be grounds for removal from the bus and/or future denial of service.
- **Removal** – The vehicle will be stopped until the offending conduct stops or the offending passenger deboards or has been removed from the bus. Law enforcement may be called to assist in removing the offending passenger. At any time a passenger is removed from the bus, their bus fare is forfeited.
- **Immediate Refusal** – The passenger may be immediately reseated, refused transportation, or removed from LAVTA vehicles, facilities, and properties without prior

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written notice if the person has engaged in prohibited conduct which, in LAVTA's or LAVTA's designee'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 LAVTA vehicles, facilities, and properties.

- **Report to Police** – The passenger's conduct may be reported to local law enforcement.
- **Refusal to Comply** – Refusal to immediately comply with written or verbal notice may result in the passenger being excluded or restricted from LAVTA vehicles, facilities, and properties, and may be grounds for prosecution for criminal trespass.
- **Other Laws not Limited** – The enforcement of this policy herein is not intended to limit, in any manner, the enforcement of any applicable federal, state or municipal laws.
- LAVTA reserves the right to suspend, waive, modify, limit, or revoke the application of the code.

## IV. Administrative Action & Suspension

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LAVTA staff will review all reports relating to complaints of conduct or behavior in violation of the Code. Upon such review, LAVTA may at its sole discretion:

- Contact the person violating the Code of Conduct to notify them of the violation and discuss expectations for conduct.
- Issue a warning letter or notification.
- Suspend future riding privileges for a definite or indefinite period.
- Notify appropriate law enforcement agencies and pursue arrest and criminal prosecution.
- Pursue any other appropriate legal or administrative remedies.
- Determine that no further action is required.

In the case of conduct which is determined by LAVTA management, in coordination with legal counsel, to present a clear and immediate threat to the safety of passengers and/or personnel, the violator may be immediately suspended from access to LAVTA's transit services, vehicles, and/or facilities, subject to the person's right to appeal.

Except in cases in which an immediate suspension is necessary to preserve public safety, prior to proceeding with suspending access to LAVTA vehicles and facilities, LAVTA

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management will make reasonable effort to contact the violator verbally and in writing to provide a warning that their conduct, if continued, will result in suspension. Warning and suspension communications will be delivered in a format that is language-appropriate and accessible to the violator. These communications will be deemed received on the date of personal delivery or three days after the warning or suspension letter is either mailed or e-mailed to the violator.

## Suspensions will be handled as follows:

- Initial Suspension: The initial suspension of service for violation of the Passenger Rules of Conduct will be for a period no longer than one week.
- Second Offense: The second violation of the Passenger Rules of Conduct within 12 months of the first offense may result in a suspension of transit services for a period no longer than one month.
- Third Offense: The third violation of the Passenger Rules of Conduct Code within 18 months of the second offense may result in a suspension of transit services for a period no longer than one year.
- Penalties may be increased if the behavior is deemed to be of a criminal nature or presents a threat to the safety of transit system personnel or passengers.

## Appeal of Violation – Due Process<sup>xii</sup>

- Initial Review – Individuals may request an initial review of a violation within 21 days of receiving notice by contacting LAVTA at the address, phone number, or email listed below:

LAVTA Administrative Office  
Attn: Appeals  
1362 Rutan Court, Suite 100  
Livermore, CA 94551  
(925) 455-7555  
appeals@lavta.org

- **Hearing** – Individuals unsatisfied by the initial review may, within 21 calendar days, appeal a suspension decision by contacting LAVTA to request a hearing at the address, phone number or email listed above.

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- Appellants must be able to be contacted in order to be notified of the hearing and/or decision.
- If a hearing is requested, the hearing shall be held within thirty (30) calendar days of receipt of the appeal, and a final written decision shall be rendered within ten (10) calendar days of the hearing. The exclusion shall remain in effect during the appeal process.
- The hearing shall occur at a time and place provided to the appellant at least five days prior to the date of the hearing. The appellant shall have the right to participate at the hearing in person or via telephone or video conference.
- After considering the appeal, the Hearing Officer may:
  - Uphold the violation
  - Modify the violation
  - Dismiss the violation and reinstate the appellant's ability to use the transit service and facilities
  - Allow the payment of penalties in installments
  - Permit the performance of community service in lieu of penalties

### V. Application to Student Riders

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The Passenger Rules of Conduct and all aforementioned policies apply equally to youth and student riders as well as to adults. Students found in violation of any of the Passenger Rules of Conduct may be subject to the enforcement mechanisms described above. In addition, violations of the Passenger Rules of Conduct by youth and student riders also will be reported to school personnel, if known. Such reports will be provided with accompanying camera footage of the violative behavior or incident. Penalties include:

- First Offense: Verbal warning from the bus driver
- Second Offense: Written warning to primary student contact and school contact
- Third Offense: Five-day suspension of bus privileges without refund or reimbursement
- Fourth/Final Offense: Suspension of bus privileges for the remainder of Academic School Year without refund or reimbursement for pre-paid fares or passes

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## VI. Application to Individuals with Disabilities

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Nothing in these Passenger Rules of Conduct shall be applied in a manner that discriminates against individuals with disabilities. It is not discrimination to refuse to provide service to an individual with disabilities because that person engages in violent, seriously disruptive or illegal conduct. These Passenger Rules of Conduct shall not otherwise alter LAVTA paratransit eligibility procedures.

## VII. Liability

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

## References

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- <sup>i</sup> California Penal Code 640(c)(1).
- <sup>ii</sup> California Penal Code 640(e)(2).
- <sup>iii</sup> 49 CFR Parts 37 and 38
- <sup>iv</sup> 49 CFR section 37.167
- <sup>v</sup> California Penal Code 594, 640.5-640.8.
- <sup>vi</sup> California Penal Code 640(b)(4).
- <sup>vii</sup> California Penal Code 640(b)(6)
- <sup>viii</sup> California Penal Code 640(b)(1)
- <sup>ix</sup> California Penal Code 245.2
- <sup>x</sup> California Penal Code 640(b)(2)
- <sup>xi</sup> California Penal Code 640(d)(1)
- <sup>xii</sup> CPUC § 99580