



PASSENGER RULES OF CONDUCT

Livermore-Amador Valley Transit Authority

I. Purpose and Applicability

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

Faresⁱ

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

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.

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7. Yield priority, reserved mobility device, or similarly designated seating to older adults and individuals with disabilities.ⁱⁱ
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

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.ⁱⁱⁱ

Appropriate personal restraints during paratransit services are also required.

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Animals^{iv}

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

- 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

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

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).^v

26. Loitering in LAVTA facilities and vehicles.

27. Spitting upon a system facility or vehicle.^{vi}

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- 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.

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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.^{vii}
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^{viii}

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

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

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55. Carrying any open beverages upon a LAVTA vehicle.

Alcohol, Drugs and Smoking

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

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.^{ix}

Noise

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.^x
- 63. Disturbing or engaging in boisterous or unruly behavior.^{xi}
- 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

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

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^{xii}

- 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

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

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

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

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