

**BOARD POLICY MANUAL**
**PASSENGER CODE OF CONDUCT**

**Approved by Omnitrans  
Board of Directors**

**DATE: June 2<sup>nd</sup>, 2021**

**PURPOSE:**

Behavior on transit property is governed by California Penal Code section 640 and other statutes. The purpose of this policy is to define a customer code of conduct in order to maintain and operate a safe, efficient, and effective public transit system for the safety and comfort of all persons who interact with Omnitrans public transit services. This policy also governs passenger conduct on Omnitrans property and impacting Omnitrans transit services. Passengers and the public may be refused services or access to facilities as a result of unacceptable conduct as described herein.

**DEFINITIONS:**

1. **Agency:** The public transportation agency known as Omnitrans.
2. **Agency Representative:** all duly authorized agency staff members, including Coach Operators, Supervisors, Managers, and contracted Security employees.
3. **Agency property:** buses, bus stops, and other public transportation system facilities owned, leased, or operated by Omnitrans. "Public transportation system" is defined by Section 99211 of the Public Utilities Code.
4. **Agency Facilities:** all property and equipment of Omnitrans, including, without limitation, inside and outside areas of Agency property, transit centers, bus stops or shelters, transfer points, signage, and buses or other vehicles used to provide agency services.
5. **Public area:** those portions of Omnitrans Facilities that are open for public use for transit or transit related purposes.
6. **Transit services:** fixed route bus service, microtransit service, and paratransit service.
7. **Inappropriate, threatening, or harassing conduct:** any individual or group activity which is disruptive or injurious to Agency employees, customers or other individuals lawfully using Agency Facilities or services; or which is damaging or destructive to transit facilities or services. A violation of local, state, or federal law may also constitute inappropriate conduct. The fact that an individual is or is not criminally or civilly charged or convicted of an incident of inappropriate conduct does not bar investigation and/or suspension under this policy.

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8. **Fare Media:** the methods issued by or on behalf of Agency for payment of fare, including passes, cards, transfers, trim passes, vouchers, and mobile ticketing.
9. **Fare-required zone:** (1) areas in any bus behind the yellow line near the front of the bus. or (2) areas where any sign indicates fares are required at or beyond the area.

**REGULATION OF CONDUCT:**

The following activities and/or behaviors are prohibited on Agency property, shall not be engaged in by persons utilizing or desiring to utilize Agency services, and may be cause for removal or suspension from Agency property or service:

**Fares:**

- Refusing to pay a proper fare with cash or accepted fare media (including mobile ticketing).
- Boarding an Agency vehicle or entering other fare-required zones, without proof of valid fare media or without having adequate fare ready and paying fare upon boarding an Agency vehicle.
- Falsely representing oneself as eligible for a waiver or a special or reduced fare, obtaining fare media by making false or misleading representation.
- Boarding an Agency bus through a rear door to avoid payment.
- Entering an Agency vehicle or facility in such a way as to bypass or avoid any fare-required zone and fare collection. (i.e., boarding through the rear door)

**Safety:**

- Refusing to be seated while the bus is in motion when a seat is available or standing in front of the standee line near the driver's seat.
- Using cellular phones and audible devices (e.g., portable radio, musical instruments, tape, CD player, TV, laptop, tablet, etc.), unless such equipment is used with head/earphones so that sound is limited to that person only, or with the volume muted. Cellular phones may not be used on speaker phone mode.

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- Causing sounds that are unreasonable and highly disruptive to other individuals using Agency Facilities or services, including but not limited to: prolonged loud, abusive, indecent, profane, or drunken conduct.
- Drinking alcoholic beverages or possessing open containers of alcoholic beverages.
- Bringing on-board any non-collapsible strollers, baby buggies, walkers, or carts which block the aisle and restrict the free movement of passengers.
- Bringing on-board buses any packages, bags, or articles that cannot be held in the lap of the passenger, other than bags of groceries or limited amounts of luggage.
- Hanging excessive items on, or attaching to, a mobility device, i.e., wheelchair, scooter, or walker. This creates potential unsafe securement. Oxygen bottles or tanks required for medical purposes must be properly secured and sized for the mobility device and placed in a location that does not restrict a proper and safe securement of the device.
- Improper placement of bicycles. The agency provides bicycle racks on fixed route buses. Bicycles placed on the bike racks cannot have improperly secured bags hanging from them. Bicycles left unattended will be removed and stored for 10 business days.
- Unnecessary conversations with Coach Operators. Due to safety concerns with distracted driving, the agency prohibits Coach Operators from having non-business conversations with customers.
- Hanging or swinging from stanchions or other bus equipment with feet off the floor, or hanging out, reaching out, or putting anything out of bus windows.
- Entering or crossing rail tracks on an Agency Facility, except marked cross walks, or designated waiting areas, or at the direction of an Agency representative.

**Civility and Compliance:**

- Eating or drinking on board agency buses.
- Refusing to vacate designated seats and wheelchair areas on buses for senior citizens and people with disabilities when requested by those persons or by the driver/conductor on their behalf.
- Vandalism, graffiti, or damage of any kind to Agency Facilities properties/buses/shelters etc. Such acts shall also be subject to criminal charges.

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- Bringing on board any bags of open or empty aluminum cans, plastic or glass bottles or any material that has an offensive odor or is leaking any liquids.
- Engaging in indecent, profane, boisterous, loud, or otherwise disorderly conduct; or loud or otherwise disorderly conversations, including while using a cellular phone, in which such conversations are disturbing other customers or affect the Coach Operator ability to operate.
- Exhibiting inappropriate personal hygiene which is considered a health hazard for the operator or passengers such as severe body odor or presence of bodily fluids.
- Presence of bodily fluids. Due to health and safety concerns, passengers who have bodily fluids, urine, feces, or blood on themselves or their clothing will not be transported in Agency vehicles.
- Improper clothing. All passengers on Agency property must be properly clothed including shirt and shoes. Halloween masks or costumes that cover the face are not permitted.
- Otherwise, disorderly, or inappropriate conduct which is inconsistent with the orderly and comfortable use of transit buses for their intended purpose.
- Engaging in unauthorized canvassing, selling, soliciting, or distributing any material on board buses, inside or on agency property.
- Abuse and harassment of Agency employees, representatives, or passengers.

**Animals:**

- Improper containment of animals. Designated service animals must always be on leash and under control of the passenger. Passengers may be asked to provide information about the service animal's tasks. All other animals must be kept in a secure pet carrier that fits on the passenger's lap.
- Denying seats to other passengers or blocking aisles due to animals or carriers.
- Not promptly cleaning up animal waste from Agency vehicles and Facilities.

In addition to the above, the following conduct is prohibited in all Agency Facilities, including but not limited to, buses, transfer points, and bus stops.

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- Smoking, including vaping or use of any electronic or other smoking device, on agency buses, inside agency facilities, or outside designated smoking areas at Agency Facilities.
- Fighting, pushing, crowding, shoving, or initiating physical contact toward another passenger. Such conduct may result in the immediate removal of the violator from Agency Facilities, potential permanent suspension of the violator's use of Agency Facilities and may be cause for law enforcement intervention.
- Gambling or solicitation.
- Behavior that is disruptive, harassing, or threatening in nature to agency customers or employees is prohibited. This includes following and/or stalking customers or employees.
- Roller-skating, rollerblading, scooters, or skateboarding.
- Otherwise, disorderly, or inappropriate conduct which is inconsistent with the safe and orderly use of transit buses or facilities for their intended purpose.

In addition to a violation of this policy, the following conduct on any Agency buses, or Facilities, including bus stops or platforms may be cause for law enforcement intervention.

- Use of counterfeit or stolen fare media (pass, transfer, ride card, or Omnitrans ID).
- Stealing or willfully damaging, defacing, or destroying Agency property. The Agency will prosecute anyone who steals or willfully damages, defaces, or destroys Agency property.
- Lighting an incendiary device: e.g., match, lighter, torch or flare, except use of a match or lighter in designated smoking areas at all Agency Facilities.
- Assault or threat of assault. Assault of a transit employee is subject to violation under Penal Code sections 241.3(a) and 243.3(a) and is punishable by fine or imprisonment. Such conduct will also result in the immediate removal of the violator from Agency Facilities and a permanent suspension of the violator's use of Agency Facilities,
- Bringing any items of a dangerous nature on-board a bus or inside any agency facility, including but not limited to weapons (firearms, taser, knives or swords), flammable liquids; dangerous, toxic, or poisonous substances, vessels containing caustic materials, chemicals, acids, or alkalis.

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- Obstructing or interfering with the Coach Operator's safe operation of the bus.
- Indecent exposure, unwelcome touching, or lewd acts of any kind (passengers or employees).
- Entering or remaining on Agency buses and inside Agency facilities or Agency property after having been notified by an authorized individual not to do so, or boarding or remaining on Agency buses, or property during the period when an individual has been suspended from all Agency property.

**OMNITRANS TRANSIT CENTERS AND OTHER AGENCY FACILITIES**

Agency Facilities including, but not limited to, Agency transit centers exist for the convenience of passengers.

- No person shall occupy or use any Agency Facilities except for the purpose of boarding, disembarking, waiting for an agency bus, or conducting agency related/authorized business. Persons occupying Agency Facilities may be required to identify the intended agency route and destination upon the request of an agency employee or representative. Persons who fail to identify the intended Agency route or destination will be asked to leave the property. Persons loitering at Agency Facilities longer than twenty minutes or until their bus arrives will be asked to leave the property.
- No person occupying Agency Facilities for the purpose of waiting to greet passengers on any arriving Agency bus shall fail or refuse to leave the facility promptly after the arrival of the Agency bus for which the person is waiting.
- Presence of bodily fluids. Due to health and safety concerns, passengers who have bodily fluids, urine, feces, or blood on themselves or their clothing are prohibited from entering Agency Facilities.
- No person shall affix or post signs, stickers, buttons, advertisements, circulars, or other printed materials on an Agency Facilities. Written permission must be obtained from Agency prior to placing, posting, or displaying a posters, notices, advertisements, signs, or other written material on an Agency Facility.
- Persons shall obey any sign that is intended to provide for the safety and security of transit passengers or transit systems.

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- Persons shall obey all other notices and signs posted by Agency-on-Agency Facilities.

**REMOVAL FROM TRANSIT FACILITIES**

The refusal to comply with the provisions above may lead to the removal of the violator from Agency property, Agency Facilities, or other Transit Facilities. If a violator refuses to vacate the premises, Agency may contact law enforcement and the individual may be subject to arrest for trespassing.

**SUSPENSION PROCEDURE**

The following steps may be taken following agency representative's determination that there have been repeated and documented incidents of conduct in violation of this policy for which a warning was issued, or one or more serious incidents of unacceptable conduct by an individual. Length of suspension, including whether such conduct would result in a permanent suspension, will be determined by the severity of the incident at Agency's sole discretion.

Prior to suspending any person from use of Agency property or services or imposing any restrictions on such person's use of Agency property or services, an Agency representative will issue, or cause to be issued, to the person involved, a written suspension letter. The letter shall indicate the reasons for the suspension, the time period of the suspension, and the facilities and/or services made subject to safety conditions or restrictions. In cases where the person's identity and/or address is not known all efforts will be made to issue a suspension letter at the next possible opportunity.

**APPEAL PROCEDURE**

The person may appeal in writing within ten (10) days after the commencement of the suspension. An appeal shall contain a copy of the suspension notice, and a statement setting forth the reason that the suspension should be rescinded, altered, or reduced. The appeal must be mailed or delivered to the General Manager/CEO c/o Omnitrans, 1700 West Fifth Street, San Bernardino, California 92411. The General Manager/CEO or designee shall render a decision no later than ten (10) days after receipt of an appeal.

**NON-COMPLIANCE WITH SUSPENSION ORDER: TRESPASSING**

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If an individual subject to a suspension order enters the specified facilities or services before the return date listed in the suspension letter, law enforcement will be called, and the individual will be subject to arrest for trespassing.

**ELECTRONIC SURVEILLANCE**

All Agency buses and Facilities are equipped with electronic surveillance devices/cameras which are used to view accidents, incidents and complaints received from the customers.