



# **Rules of Conduct and Inappropriate Conduct Transit Exclusion Procedure**

*Amended on March 14, 2023*

## **I. Purpose**

It is the mission of the Butler Transit Authority (BTA), through the efforts of dedicated and well-trained employees, to provide safe, reliable, convenient, and efficient public transportation to the citizens and visitors of the Butler service area. BTA has established the within Policy to promote the safety and comfort of its riders, to facilitate the proper use of transit facilities and services, to protect transit facilities and employees and to ensure that BTA vehicles and facilities are safe, welcoming facilities, while continuing to provide equitable access for BTA passengers. Responses to inappropriate and/or illegal conduct are outlined below and may be changed from time to time as deemed necessary by the BTA.

## **II. Prohibitions**

No individual may engage in inappropriate conduct on, at or in the facilities of BTA, including at Transfer Points, in shelters, at bus stops, and at administrative, operational, and maintenance facilities, or on buses used to provide BTA fixed route or paratransit services.

## **III. Definitions**

“Butler Transit” or “BTA” means the Butler Transit Authority.

“Facilities” includes both the public and non-public areas of BTA, and shall include all property and equipment of Butler Transit, inside and outside areas of Butler Transit property, bus shelters, bus stops, transfer points, signage and buses used to provide Butler Transit service, as well as those portions of facilities that are open for public use for transit or transit-related purposes.

“Inappropriate conduct” includes any individual or group activity which is disruptive or injurious to other individuals lawfully using BTA facilities or services; damaging or destructive to transit facilities or services; or disruptive, harassing, threatening or injurious to transit employees. Inappropriate conduct also includes activity which constitutes a violation of an ordinance or criminal law. The fact that an individual is or is not charged criminally or convicted of an incident of a violation does not bar investigation and/or exclusion under this Policy.

#### **IV. Level I Inappropriate Conduct on Buses**

For any of the following inappropriate conduct on buses, persons will be given a first warning by the Bus Operator not to engage in the conduct. If further warning by the Bus Operator is necessary for failure of the passenger to comply, a BTA Subcontractor Supervisor may be contacted and may be called to the scene by the Bus Operator. The Supervisor is authorized to and may ask the passenger(s) to leave the bus. An individual who declines to leave a bus after being ordered to do so by the Supervisor is subject to arrest and prosecution for trespassing and or disorderly conduct. Continuous repeat infractions may result in exclusion from buses for not less than 7 days or more than 6 months. See Section VI, Exclusion Procedure. **Reasonable accommodations or exceptions to the below-listed requirements and exclusions may be granted by the BTA Executive Director when deemed medically necessary or appropriate.**

- Refusing to vacate designated front seats and designated wheelchair areas in buses for senior citizens and people with disabilities when requested by those persons or by the driver on their behalf.
- Eating or drinking with the exception of bus operators who have permission to do so when vehicles are not in motion.
- Using an audio device (e.g. portable radio, tape, CD player, TV, etc.), unless such equipment is used with earphones so that sound is limited to person's own listening only.
- Standing in front of the standee line at the front of the bus near the driver's seat.
- Bringing any animal on buses un-caged, except working animals that assist those with disabilities. Caged animals must fit on customer's lap.
- Bringing on-board any large items articles, packages, baggage, non-collapsible carts, strollers, or baby buggies which block the aisle and restrict the free movement of passengers. Each passenger is expressly limited to two (2) bags or articles that do not exceed 15"x18"x12" (H x W x D).
- Engaging in indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct under circumstances in which such conduct tends to cause or provoke a disturbance. This is not intended to prohibit ordinary conversation between passengers in normal conversational tones.
- Having distracting conversations with BTA Bus Operators.
- Engaging in unauthorized canvassing, selling, soliciting or distributing any material on-board buses.
- Changing a child's diaper.
- Exhibiting inappropriate personal hygiene, i.e., an individual whose bodily hygiene is so offensive as to constitute a nuisance to other passengers.
- Boarding unattended minors: children five years of age and under must be closely accompanied at all times by an older responsible individual.
- Roller-skating, roller-blading, or skateboarding on buses.
- Hanging or swinging from stanchions or other bus equipment with feet off the floor.
- Hanging out, reaching out, or putting anything out of bus windows.
- Willfully refusing to pay a fare, or show specific fare media to the bus operator.
- Using of or bringing a Segway (or like device) on the bus.
- Otherwise disorderly or inappropriate conduct which is inconsistent with the orderly and comfortable use of buses for their intended purpose.

**V. Level II Inappropriate Conduct on Buses or in Other Facilities** The following conduct is prohibited in all Butler Transit facilities, including but not limited to, buses, Transfer Points, park & ride lots, and bus shelters except as specifically limited below. Any individual observed engaging in the conduct may be told by a Bus Operator or Supervisor or other authorized individual to leave the facilities immediately and may be subject to arrest by proper authorities. The Bus Operator is authorized to request police assistance if necessary. These offenses may also subject passenger(s) to the Exclusion Procedure, described in Section VII; further legal action may be taken as applicable and appropriate. Smoking on buses. (See Section VI below, concerning lighting an incendiary device (e.g., match, lighter, or torch)).

- Fighting.
- Bringing any items of a dangerous nature on-board buses including: knives or swords; flammable liquids; dangerous, toxic or poisonous substances; vessels containing caustic materials, chemicals, acids or alkalis; fishing rods which are not broken down or have unsecured or exposed hooks or lures, ski poles unless secured to skis or have tip covers; sheet glass and sharp objects. Fencing foils must be sheathed and left at the front of the bus with the bus operator.
- Behavior that is disruptive, harassing, or threatening in nature to BTA passengers or employees. This includes following or stalking passengers or employees.
- Causing sounds that are unreasonable and highly disruptive of other individuals using BTA facilities or services, including but not limited to: prolonged loud, abusive, indecent, profane or drunken conduct.
- Misuse of fare media.
- Drinking alcoholic beverages or possessing open containers of alcoholic beverages.
- Otherwise disorderly or inappropriate conduct which is inconsistent with the safe and orderly use of transit facilities for their intended purpose.

## **VI. Level III Inappropriate Conduct/Emergency Situations**

The following conduct in all Butler Transit vehicles and facilities, including buses, Transfer Points, Park and Ride Lots and bus shelters, will be cause for police intervention, arrest and/or prosecution. An emergency situation can be defined as any situation in which an individual's actions present an imminent danger to the life or safety of him/herself or others, or to BTA property. The Bus Operator is authorized to request police assistance and/or to order the individual to depart the property/vehicle. An individual found to have engaged in any of the following activities will be excluded from transit facilities and/or services pursuant to the process in Section VII, Exclusion Procedure.

- Use of counterfeit or stolen fare media
- Assault or threat of assault.
- Stealing or willfully damaging, defacing or destroying BTA property. The Butler Transit Authority will prosecute anyone who steals or willfully damages, defaces or destroys BTA property.
- Lighting an incendiary device (e.g. match, lighter, torch).
- Obstructing or interfering with the Bus Operator's safe operation of the bus
- Indecent exposure
  - Entering or remaining on BTA buses after having been notified by an authorized individual not to do so, or boarding or remaining on BTA buses during the period when an individual has been banned from the premises. See NON-COMPLIANCE

## WITH EXCLUSION ORDER (XIII).

### **VII. Transit Exclusion Procedure**

After staff determine that there have been repeated or serious incidents of inappropriate conduct by an individual, and it is determined that the individual involved should be excluded from transit facilities and/or services or that conditions should be placed on the individual's continued use thereof:

- The Executive Director will issue, or cause to be issued, to the individual involved a written exclusion letter from BTA facilities and/or services as may be warranted. The letter shall indicate the reasons for the exclusion, the time period of the exclusion, and the facilities and/or services to which the exclusion order applies. If continued use of transit facilities and/or services is made subject to safety conditions or restrictions (eg., presence of a parent or guardian in the case of a juvenile; accompaniment by a personal care attendant or aide), a conditional exclusion letter may be issued specifying that the individual will be subject to exclusion unless the imposed restrictions are complied with. The letter shall also advise the individual of his/her right to appeal the decision and include a copy of the appeal procedure. The Executive Director shall provide a copy of the letter to the Subcontractor and will inform all staff involved, who have a need to know, about the reasons for and length of the exclusion.
- At the discretion of the Executive Director, a juvenile may be restricted to use of BTA services only when the juvenile is accompanied by a responsible designated adult for a designated period of time. The juvenile's parent or guardian must be notified of the restriction via certified mail. Failure to abide by the restriction may lead to exclusion under this policy.
- In the event that a bus operator observes conduct that poses an immediate threat or safety concern, the bus operator is authorized to demand that the individual immediately departs from the property or vehicle. BTA's subcontractor is authorized to impose suspensions and/or exclusions in situations where the need to do so is immediate or emergent, as provided in BTA's Exclusion of Service and Disruptive Passenger Policy. In such cases, the subcontractor shall provide BTA with an incident report within 24 hours. An exclusion or suspension imposed by the subcontractor shall remain in effect for up to three (3) days, until reviewed and/or approved by the BTA Executive Director.
- Notification. Notification of a suspension or exclusion shall be provided pursuant to the BTA Exclusion of Service and Disruptive Passenger Policy, Section 2.

### **VIII. Appeal Procedure**

Any appeal by or on behalf of the party subject to an exclusion order shall be submitted in writing to the Butler Transit Authority within ten days after service by mail of the Executive Director's determination. The communication shall state with specificity the grounds for the appeal. The determination of the Executive Director to exclude an individual shall be stayed pending appeal to the Board Chairperson. The Chairperson shall review and may reconsider or modify the decision to exclude an individual, following investigation of the matter and shall specify in writing within fourteen business days of receipt of the appeal the reasons for rescission or modification,

if applicable, to the appellant. The Chairperson will seek review of a draft written response by the Authority's Solicitor's Office before issuing the response to an individual subject to an exclusion order.

### **IX Non-Compliance with Exclusion Order: Trespassing**

If an individual subject to an exclusion order enters the specified facilities or services before the return date listed in the exclusion letter, the individual will be considered a Trespasser; police will be called and individual will be subject to arrest for trespassing. The BTA Trespass Policy outlines the applicable procedures to be observed in such case.