


ATTACHMENT B
RIDERS CODE OF CONDUCT

 Kings County Area Public Transit Agency	Title: KCAPTA Riders Code of Conduct	Document #: 10-0013
	Approved By: KCAPTA Board	Date Approved:
	Effective Date:	Type: Administration Policy

Purpose and Applicability


The purpose of the following policies and rules are to protect the health, safety, and welfare of KART's passengers and drivers, to protect equipment and facilities used in providing public transit services, and to assure civility and desirability of transit service. KART's Riders Code of Conduct ("Code") shall apply to all passengers, whether riding, exiting, entering, or waiting for a KART bus at a designated transit stop, or visiting the transit business offices.

Passenger Conduct (Passenger Courtesy):

- Show courtesy to the driver and other passengers when riding, exiting, or entering the bus, or waiting for the bus at a designated transit stop.
- Yield priority seating and locations designated for use by persons with disabilities and senior citizens.
- Use the passenger's "stop" signal only when approaching your designated bus stop.
- Avoid moving about the bus when it is in motion.
- Keep voices to a low and conversational level.
- Keep cell phone conversations to a minimum.
- Do not push, shove, or crowd other passengers.
- Control animals permitted on board (see special conditions below) prevent them from barking, growling, approaching, or threatening other passengers and/or drivers.
- Clean personal hygiene is a requirement to ride the bus.


Prohibited Behavior:

- Any violation of this Code, Federal, State, or Local Law including but not limited to conduct described in California Penal Code Section 640.
- Standing on the driver's side of the Standee Line.
- Threatening the health, safety, or well-being of the driver and/or other passengers.
- Damaging or defacing the vehicle or any Transit property, including but not limited to bus shelters, benches, and signs.
- Fighting, pushing, crowding, shoving, or initiating physical contact with the driver and/or other passengers.
- Any conduct which distracts or interferes with the drivers's attention to drive and/or

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operation of the bus and execution of duties.

- Disposing of garbage, paper, refuse, or any other materials except in the receptacles provided for that purpose.
- Loud or boisterous talking or noises and/or unwanted conversation with the driver and/or other passengers.
- Using obscene, threatening, offensive, or "hate" language.
- Using of electronic devices except while using headphones at a volume that does not disturb the driver and/or other passengers.
- Smoking (including vaping), eating, or spitting on the bus.
- Entering any restricted transit areas posted as being closed to the general public, except as authorized by KART staff.
- Opening or tampering with emergency windows/exits, except during an emergency.
- Tampering with or operating equipment intended for the bus drivers's exclusive use.
- The use of all forms of tobacco (including vaping) within 25 feet of transit facilities or bus stops.
- Smoking, ingesting cannabis or cannabis products, ingesting alcohol, and/or possessing an open container or open package of cannabis or cannabis products, within 25 feet of Transit bus stops and facilities.
- Smoking (including vaping), ingesting cannabis or cannabis products, ingesting alcohol and/or possessing an open container or open package of cannabis or cannabis products on the transit bus.
- Using Transit buses or facilities while using, being under the influence of, or in possession of any illegal substances or activity.
- Using Transit buses or facilities while intoxicated (having diminished physical and mental control by means of alcoholic liquor, a drug, or another substance).
- Being in possession of an open container of alcohol on the bus, transit facility, or at any transit bus stop.
- Possession of any weapons or hazardous materials, including but not limited to firearms, knives, or martial arts weapons.
- Intentional fare evasion, payment of incorrect fare, misuse of bus passes and/or tickets, or deliberating misrepresentation as a reduced fare recipient.

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- Possession or use of any dangerous flammable substance, or of any devices to produce a flame.
- Disregarding or disobeying the directive of a bus driver with regard to policies and their enforcement.
- Crossing in front of the bus after exiting the vehicle.
- Touching or running after a moving bus.
- Using any part of your body or any object to try to hold open or reopen bus doors if they are closing and/or the driver intends to or is attempting to close them.
- Occupying more than one seat when to do so would cause other passengers to stand (no seats available) or otherwise interfere with the comfort of other passengers.
- Loitering and/or panhandling on the bus, transit facility, or any transit bus stop.
- Entering or remaining on KART bus, transit facility, and/or at a bus stop if emitting/applying excessive fragrances, lotions, perfumes, colognes, or odors which cause a nuisance or extreme discomfort to KART passenger, or drivers.

Strollers and Carts

- Strollers and other wheeled carts ~~must be folded before boarding the bus and~~ must be stowed safely away from and secured against moving into the aisle and safety exits.

Mobility Devices


- All mobility devices are required to be secured to the floor in designated area by drivers trained to do so with the proper equipment provided by KART.
- Walkers that can be folded may be stored under the seat or in the seating area in such a way as to prevent them from moving into the aisle or safety exits.

Carry-on Items

- All items brought on board, including skateboards, shopping bags, or backpacks, must be stowed so far as not to block the aisles or safety exits. Items may be stored underneath the seat or on the passenger's lap.

Animals

- KART allows animals on board buses. Riders are responsible for maintaining control over their animals, prevent them from barking and/or growling and approaching or threatening

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other passengers and/or drivers.

- Animals must ride on the floor in front of the rider. Animals are not allowed on passenger seats and may not ride in the aisles or safety exits.

Bicycles/Bicycle Trailers

- All KART buses are equipped with bike racks, available on a first-come, first-served basis.
- Passenger is responsible for correctly loading, securing, and unloading their bicycles.
- KART is not responsible for the theft or loss of bikes, damages incurred to the bike while on the transit system, at a bus facility, or bus stop. KART is not responsible for damages to the bike nor injury to the riders during the loading or unloading of a bike. Riders are responsible for any damages and/or injuries to third parties caused by the rider or bike while the bike is being loaded or unloaded.

Surveillance


- To further the health, safety, and welfare of drivers and passengers, Kings County Area Public Transit Agency may, at its discretion, equip some or all of its vehicles and facilities with video and/or audio equipment. Said equipment shall be used solely in connection with the furtherance of the above policies.

Enforcement of Policies

Passengers must comply with KART bus drivers at all times. Bus drivers are authorized to enforce these policies and may refuse service to anyone who engages in prohibited behavior; additionally, the privilege to ride KART buses may be suspended.

Upon witnessing a violation, KART bus drivers may:

- Warn the offending passenger that further like conduct will be grounds for removal from the bus and/or future denial of services.
- Stop the vehicle until the offending conduct stops, the offending passenger has been removed from the bus, or law enforcement can assist in removing the offending passenger. At any time a passenger is put off the bus, their bus fare shall be forfeited.
- Refuse to admit the passenger onto the bus if the offending conduct occurs before the passenger boards (i.e., at the bus stop or the passenger is subject to a current suspension).
- Report the passenger's conduct to the police.

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- Bus drivers are required to report any violation of this Policy to their supervisor.
- All KART buses are equipped with cameras that continually record activity 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.

Administrative Action by Kings County Area Public Transit Agency

Kings County Area Public Transit Agency staff will review all reports by drivers or passengers relating to complaints of conduct or behavior in violation of this Code.

Upon such review, Kings County Area Public Transit, in its sole discretion, may:


- Suspend future riding privileges for a definite or indefinite period (refer to "Suspension of Service" below).
- Notify appropriate law enforcement agency(s) and pursue arrest and criminal prosecution of the offending passenger.
- Pursue any other appropriate legal or administrative remedy.
- Issue a warning letter or notification.
- Determine that no further action is required.

Dangerous Conduct Presenting a Serious Threat to Public Safety

In the case of conduct which is determined by MV Transportation Management or Kings County Area Public Transit Agency Director to present a clear and immediate threat to the safety of passengers, drivers, employees, officers, agents, and/or volunteers of Kings County Area Public Transit Agency, and/or which has resulted in injury, may immediately and/or permanently result in suspended transit services subject to the individual's right to appeal as described below.

Suspension of Services

Kings County Area Public Transit Agency reserves the right to suspend service to individuals who violate any of the policies and/or rules contained herein. Offenses that have occurred prior to the adoption of this Code shall not be considered for purposes of the progressive penalties described herein. Penalties may be increased if the infraction is deemed to be of a criminal nature and under investigation by the police and/or court of jurisdiction. The Kings County Area Public Transit Agency Director shall be authorized to make all final decisions that may immediately and/or permanently result in suspended transit services subject to the

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individual's right to appeal as described below:

Violation of Prohibited Behavior are handled as follows:

First Offense

The first violation of this Code may result in the suspension of transit services for a period of no longer than one (1) week.

Second Offense

The second violation of the Code within 12-months of the first offense may result in a suspension of transit service for a period no longer than one (1) month.

Third Offense

The third violation of this Code within 18-months of the second offense may result in a suspension of transit services for a period no longer than one (1) year.

Due Process – Appeal of Suspension Action

Users of KART may appeal a suspension of service decision either in writing or by contacting the Kings County Area Public Transit Agency in person to schedule an appeal hearing at the address/phone number listed below:


Kings County Area Public Transit Agency
610 W 7th Street
Hanford CA 93230
(559) 852-2717

The appeal hearing shall be scheduled within 14 calendar days from the date the notice of appeal is received by Kings County Area Public Transit Agency. If the request is made in person, Kings County Area Public Transit Agency may require the appellant to sign a written form requesting an appeal hearing.

The "Transit Suspension Appeals Panel" is established to consider all suspension appeals and render a final decision on a suspension consist of:

- Kings County Area Public Transit Agency Director or designee
- Kings County Area Public Transit Agency Transit Manager
- Kings County Behavioral Health Director or designee

The Transit Suspension Appeals Panel ("Panel") shall meet at a time and place provided to

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the appellant in writing at least five days prior to the date of the Panel hearing. Appellant shall have the right to appear at the hearing and may request a continued time or date acceptable to the Panel. If the appellant requests review of an appeal upon submission of written information and/or documents, the Panel shall meet to consider the written appeal. The Panel, after considering the appeal, may;

- Uphold the suspension, and determine the starting and ending date of the suspension
- Modify the suspension, and determine the starting and ending date of the suspension
- Dismiss the suspension and reinstate the appellant's ability to use the transit services.


The Panel's decision shall be final. The appellant shall be notified in writing of the Panel's decision within 7 days of the Appeal Panel's meeting.

Remedy not Exclusive

Kings County Area Public Transit Agency adoption and enforcement of this Code is not an exclusive remedy for conduct affecting the KART system and does not limit Kings County Area Public Transit Agency ability to restore to any other judicial or administrative remedy and/or penalty available under applicable local, state or federal law.

Consistency

The above policies shall be enacted and enforced consistently with all applicable federal and state laws.

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State of California

PENAL CODE

Section 640

640. (a) (l) Any of the acts described in paragraphs (l) to (6), inclusive, of 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 the violator's hours of school attendance or employment. Except as provided in subdivision (g), any of the acts described in paragraphs (l) to (3), inclusive, of subdivision (c), upon a first or second violation, 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 the violator's hours of school attendance or employment. Except as provided in subdivision (g), a third or subsequent violation of any of the acts described in paragraphs (l) to (3), inclusive, of subdivision (c) is a misdemeanor punishable by a fine of not more than four hundred dollars (\$400) or by imprisonment in a county jail for a period of not more than 90 days, or by both that fine and imprisonment. Any of the acts described in subdivision (d) shall be punishable by a fine of not more than four hundred dollars (\$400), by imprisonment in a county jail for a period of not more than 90 days, or by both that fine and imprisonment.

(2) This section shall apply only to acts committed on or in a facility or vehicle of a public transportation system.


(b) (l) Eating or drinking in or on a system facility or vehicle in areas where those activities are prohibited by that system.

(2) Playing unreasonably loud sound equipment on or in a system facility or vehicle, or failing to comply with the warning of a transit official related to disturbing another person by loud or unreasonable noise.

(3) Smoking in or on a system facility or vehicle in areas where those activities are prohibited by that system.

(4) Expectorating upon a system facility or vehicle.

(5) Skateboarding, roller skating, bicycle riding, roller blading, or operating a motorized scooter or similar device, as defined in Section 407.5 of the Vehicle Code, in a system facility, vehicle, or parking structure. This paragraph does not apply to an activity that is necessary for utilization of the transit facility by a bicyclist, including, but not limited to, an activity that is necessary for

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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.

(6) Selling or peddling any goods, merchandise, property, or services of any kind whatsoever on the facilities, vehicles, or property of the public transportation system if the public transportation system has prohibited those acts and neither the public transportation system nor its duly authorized representatives have granted written consent to engage in those acts.

(c) (1) Evasion of the payment of a fare of the system. For purposes of this section, fare evasion includes entering an enclosed area of a public transit facility beyond posted signs prohibiting entrance without obtaining valid fare, in addition to entering a transit vehicle without valid fare.

Misuse of a transfer, pass, ticket, or token with the intent to evade the payment of a fare.

(3) (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) If an eligible discount ticket user is not in possession of acceptable proof at the time of request, a 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.

(d) (l) Willfully disturbing others on or in a system facility or vehicle by engaging in boisterous or unruly behavior.

(2) Carrying an explosive, acid, or flammable liquid in a public transit facility or vehicle.


(3) 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.

(4) Willfully blocking the free movement of another person in a system facility or vehicle. This paragraph 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.

(5) Willfully tampering with, removing, displacing, injuring, or destroying any part of a facility or vehicle of a public transportation system.

(e) Notwithstanding subdivision (a) or (g), a public transportation agency, as defined in paragraph (4) of subdivision (c) of Section 99580 of the Public Utilities Code, may do either of the following:

(1) Enact and enforce an ordinance providing that a person who is the subject of a citation for any of the acts described in subdivision (b) of Section 99580 of the Public Utilities Code on or in a facility or vehicle described in subdivision (a) for which the public transportation agency has jurisdiction shall, under the circumstances set forth by the ordinance, be afforded an opportunity to complete an administrative process that imposes only an administrative penalty enforced in a

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civil proceeding.

The ordinance for imposing and enforcing the administrative penalty shall be governed by Chapter 8 (commencing with Section 99580) of Part 1 1 of Division 10 of the Public Utilities Code, (2) Enforce as an infraction pursuant to subdivision (b) the act of failing to yield seating reserved for an elderly or disabled person in a facility or vehicle for which the public transportation agency has jurisdiction, provided that the governing board of the public transportation agency enacts an ordinance to that effect after a public hearing on the issue.

(f) For purposes of this section, "facility or vehicle of a public transportation system" means 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) A facility of, or vehicle operated by, an entity subsidized by, the Department of Transportation.

(3) A facility or vehicle of a rail authority, whether owned or leased, including, but not limited to, any part of a railroad, or track of a railroad, or any branch or branchway, switch, turnout, bridge, viaduct, culvert, embankment, station house, or other structure or fixture, or any part thereof, attached or connected to a railroad.

(4) A leased or rented facility or vehicle for which any of the entities described in paragraph (1), (2), or (3) incurs costs of cleanup, repair, or replacement as a result of any of those acts.

(g) A minor shall not be charged with an infraction or a misdemeanor for violation of paragraphs (1) to (3), inclusive, of subdivision (c). Nothing in this subdivision shall limit the ability of a public transportation agency to assess an administrative penalty as established in paragraph (1) of subdivision (e) and in Section 99580 of the Public Utilities Code, not to exceed one hundred twenty-five dollars (\$125) upon a first or second violation and not to exceed two hundred dollars (\$200) upon a third or subsequent violation, to permit the performance of community service in lieu of payment of the fare evasion or passenger conduct penalty pursuant to Section 99580 of the Public Utilities Code, or to allow payment of the fare evasion or passenger conduct penalty in installments or deferred payment pursuant to Section 99580 of the Public Utilities Code.

(Amended by Stats. 2017, Ch. 219, sec. 1. (SB 614) Effective January 1, 2018.)