

**MADERA COUNTY
PUBLIC WORKS
TRANSPORTATION DIVISION
Policy Governing the Conduct and Safety of the
Public in the Use of Madera County Transit Facilities**

Purpose and Applicability

The purpose of this policy is to protect the health, safety and welfare of Madera County's transit passengers and drivers, to protect equipment and facilities used in providing public transit services, and to assure civility and desirability of transit services. This policy shall apply to all Madera County transit passengers, whether riding, exiting, entering, or waiting for the bus at a designated transit stop, or visiting the transit business offices.

Passenger Conduct

Passenger Courtesy

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

Prohibited Behavior

- Any violation of these policies, federal, State or local law, including but not limited to, conduct described in California Penal Policy Section 640
- Threatening the health, safety or well-being of the driver, other passengers, or any person
- Damaging or defacing the vehicle or other transit property, including but not limited to bus shelters, benches and signs
- Fighting, pushing, shoving, or initiating physical contact with other passengers or the driver
- Any conduct intended to or that distracts or interferes with the driver's operation of the bus
- Throwing any object or trash from or inside the bus
- Loud or boisterous talking or other noise or unwanted conversation with other passengers intended to or that interferes with other passengers' use and enjoyment of the bus
- Using obscene, threatening, offensive or "hate" speech
- Use of musical devices except while using headphones
- Opening or tampering with emergency windows, except during an emergency
- Tampering with or operating equipment intended for the bus driver's exclusive use
- Smoking, eating, drinking or spitting on the vehicle
- Illegal Possession of weapons, including but not limited to, firearms, knives, or martial arts weapons
Using transit facilities while under the influence or in possession of alcohol, illicit drugs, or illegal substances.
- Bringing open containers of alcohol into or on any transit vehicle or facility
- Intentional fare evasion, payment of incorrect fare, misuse of bus transfers or tickets
- Possession or use of any dangerous, flammable substances, or use of any device to produce a flame

- Disregarding or disobeying the directive of a bus driver.
- Touching or running after a moving bus
- Using a hand, umbrella, briefcase, or any other object to try to hold open or reopen bus doors if they are closing
- Occupying more than one seat when to do so would cause other passengers to stand (no seats available), or otherwise interfere with the operation of the vehicle or the comfort of other passengers
- Crossing in front of the bus after exiting the vehicle

Animals

Only guide dogs, working service or special-assistant animals are allowed on buses unless carried in and remaining in an approved hand-carried container which complies with the conditions for "Carry-On Items," below.

Carry-On Items

All items brought onboard, including musical instruments, skateboards or sporting equipment, briefcases, animal carriers or backpacks, must be stowed so as not to block the aisles or safety exits. Items may be stored in luggage racks, underneath the seat or on the passenger's lap. Carrying on any explosives, acid, flammable liquid, and/or toxic or hazardous material is prohibited.

Strollers and Carts

Strollers and other wheeled carts must be folded before boarding and must be stowed safely away from the aisles and safety exits.

Enforcement of Policies

Madera County transit bus drivers are authorized to enforce these policies. Upon witnessing a violation, County transit 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
- 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

The bus driver is required to report any violation of these policies to the County Transit Manager or his/her designee for further action.

Administrative Action by Madera County

Madera County staff will review all reports, by drivers or passengers, relating to complaints of conduct or behavior in violation of this policy. Upon such review, Madera County 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, where applicable
- Pursue any other appropriate legal or administrative remedy
- Contact appropriate school authorities, where applicable
- Issue a warning letter or notification
- Determine that no further action is required

Surveillance

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

Consistency

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

Suspension of Service

Madera County reserves the right to suspend service without refund to individuals who violate any of the policies and/or rules contained herein.

Penalties may be increased if the infraction is deemed to be of a criminal nature and under investigation and/or action by the police and/or court of jurisdiction. The County Transit Manager or County designee shall be authorized to make a decision for suspension of service, which shall be final, subject to the individual's right to appeal, as described below:

Dangerous Conduct Presenting a Serious Threat to Public Safety

In the case of conduct which is determined by the County to present a clear and immediate threat to the safety of Madera County transit passengers and/or operators and/or employees, officers, agents and/or volunteers of the County, and/or which has resulted in injury to the violator, or to County transit passengers and/or operators and/or employees, officers, agents and/or volunteers of the County, the County may immediately revoke indefinitely or suspend transit services subject to the individual's right to appeal as described below.

Suspension - First Offense

The first violation of this policy may result in a suspension of transit services for a period no longer than thirty (30) days.

Suspension - Second Offense

The second violation of this policy within twelve (12) months of the first offense may result in a suspension of transit services for a period no longer than forty-five (45) days.

Suspension - Third Offense

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

Appeal of Suspension Action

Users of Madera County transit services may appeal a suspension of service decision. The appeal must be in writing to the County Transit Manager within 5 business days. The County Transit Manager shall schedule a meeting date within 5 business days of receiving the appeal.

The County Transit Manager , 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 service

The County Transit Manager shall notify the appellant in writing of their decision within 5 business days, which shall be final.

Remedy Not Exclusive

The County's adoption and enforcement of this policy is not an exclusive remedy for conduct affecting the Madera County transit system and does not limit the County's ability to resort to any other judicial or administrative remedy and/or penalty available under alternative County policies, or other applicable local, State or federal law.