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**Article I. Introduction**

Rochester-Genesee Regional Transit Authority (“RGRTA”) transit vehicles, facilities and properties are intended to provide public transportation services for the benefit of RGRTA and its subsidiaries, its employees and the public.

RGRTA, as referenced throughout this document, refers to the Rochester-Genesee Regional Transportation Authority and its wholly controlled subsidiaries (RTS, RTS Access, RTS Genesee, RTS Livingston, RTS Ontario, RTS Orleans, RTS Seneca, RTS Wayne, and RTS Wyoming).

The provisions of section 1299-hh of the Public Authorities Law provide RGRTA and its subsidiaries with the power to make rules and regulations governing the conduct and safety of the public in the use and operation of the transit facilities of the authority and its subsidiaries and at RGRTA hosted events. The following Rules of Conduct for RGRTA Transit Vehicles, Facilities, Properties, hosted events, and transit-related activities (“Rules of Conduct”) are established by RGRTA:

1. To promote safety; and
2. To facilitate the proper use of the transit facilities, transit-related activities, and hosted events of the authority and its subsidiaries; and
3. To protect those transit facilities and properties, hosted events, RGRTA employees and persons in their households, customers, and other persons present at RGRTA facilities or events; and

4. To assure the payment of fares and other lawful charges for the use of their systems.

These Rules of Conduct may be amended or added to, from time to time, at the sole discretion of RGRTA in accordance with law.

These Rules of Conduct are intended to regulate conduct occurring on RGRTA transit vehicles, within or upon RGRTA facilities and properties, including the RTS Transit Center, and transit related activities of the RGRTA, including RGRTA hosted events, and with respect to transit-related activities of the RGRTA in connection with RGRTA’s provision of public transportation services. The RGRTA Board of Commissioners has adopted these Rules of Conduct to maintain public transportation services that are orderly, safe, secure, comfortable, and convenient.

The Rules of Conduct consist of four separate articles: Article I—Introduction; Article II—Definitions; Article III—Prohibited Conduct; and Article IV—Enforcement. Unless otherwise provided herein, reference to the phrase “Rules of Conduct” shall collectively include Articles I through IV.

If any one or more of the provision(s) in the Rules of Conduct shall be declared by any court of competent jurisdiction to be contrary to law then such provision(s):

1. Shall be null and void; and
2. Shall be deemed separable from the remaining provisions in the Rules of Conduct; and
3. Shall in no way affect the validity of the other provisions of the Rules of Conduct.

## **Article II. Definitions**

As used in these Rules of Conduct, the words herein shall have the meanings provided in this Article II. Words of the masculine gender shall be deemed and construed to include correlative words of the feminine and neuter genders. Words imparting the singular number shall include the plural numbers and vice-versa, unless the context shall otherwise dictate.

1. *“Aggravated harassment” shall mean aggravated harassment in the second degree as defined under New York State Penal Law § 240.30(1). Aggravated harassment shall mean acts occurring within or about RGRTA facilities or vehicles or at RGRTA hosted events or with respect to RGRTA employees performing transit-related activities when, (1) with intent to harass another person, the actor either (a) communicates, anonymously or otherwise, by telephone, by computer or any other electronic means, or by mail, or by transmitting or delivering any other form of communication, a threat to cause physical harm to, or unlawful harm to the property of, such person, or a member of such person’s same family or household as defined in subdivision one of section 530.11 of the criminal procedure law, and the actor knows or reasonably should know that such communication will cause such person to reasonably fear harm to such person’s physical safety or property, or to the physical safety or property of a member of such person’s same family or household; or (b) causes a communication to be initiated anonymously or otherwise, by telephone, by computer or any other electronic means, or by mail, or by transmitting or delivering any other form of communication, a threat to cause physical harm to, or unlawful harm to the property of, such person, a member of such person’s same family or household as defined in subdivision one of section 530.11 of the criminal procedure law, and the actor knows or reasonably should know that such communication will cause such person to reasonably fear harm to such person’s physical safety or property, or to the physical safety or property of a member of such person’s same family or household; or (2) With intent to harass or threaten another person, he or she makes a telephone call, whether or not a conversation ensues, with no purpose of legitimate communication; or (3) With the intent to harass, annoy, threaten or alarm another person, he or she strikes, shoves, kicks, or otherwise subjects another person to physical contact, or attempts or threatens to do the same because of a belief or perception regarding such person’s race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation, regardless of whether the belief or perception is correct; or (4) With the intent to harass, annoy, threaten or alarm another person, he or she strikes, shoves, kicks or otherwise subjects another person to physical contact thereby causing physical injury to such person or to a family or household member of such person as defined in section 530.11 of the criminal procedure law; or (5) He or she commits the crime of*

harassment in the first degree and has previously been convicted of the crime of harassment in the first degree as defined by section 240.25 of this article within the preceding ten years.

2. "Authority" and "RGRTA" each mean the Rochester Genesee Regional Transportation Authority and its wholly controlled subsidiaries (RTS, RTS Access, RTS Genesee, RTS Livingston, RTS Ontario, RTS Orleans, RTS Seneca, RTS Wayne, and RTS Wyoming).
3. "Bus shelters" shall mean those structures located in transit vehicle loading zones that provide cover for the general public to board and alight transit vehicles.
4. "Commercial activity or activities" shall mean any enterprise or venture by groups or individuals for the purpose of promoting or selling products or services to RGRTA employees or the general public, whether for profit or not.
5. "General public" shall mean any person or group of persons, including RGRTA employees, not acting in an official capacity at the time.
6. "Harassment" shall mean acts occurring within or about RGRTA facilities or vehicles or at RGRTA hosted events or with respect to RGRTA employees performing transit-related activities when a person intentionally and repeatedly harasses another person by following such person in or about a public place or places or by engaging in a course of conduct or by repeatedly committing acts which places such person in reasonable fear of physical injury.
7. "Loitering" shall mean remaining in any transportation facility or RGRTA hosted events, unless specifically authorized to do so, for the purpose of soliciting or engaging in any business, trade, or commercial transactions involving the sale of merchandise or services, or for the purpose of entertaining persons by singing, dancing or playing any musical instrument.
8. "Park-and-ride lots" shall mean locations officially designated by RGRTA at which persons may park their individual vehicles or bicycles and transfer to a RGRTA transit vehicle or car/vanpool vehicles. The term shall include all physical improvements and landscaping connected with a Park-and-Ride lot.
9. "Person" shall mean any individual, firm, partnership, corporation, organization, association, or entity of any kind.
10. "Public communication activity or public activities" shall mean the posting or distribution of flyers, pamphlets, brochures, books or other written material, collecting petition signatures, political campaigning, demonstrating, displaying signs, picketing, unscheduled playing of musical instruments or other performances, public speaking, conducting surveys, soliciting or receiving of funds or contributions of any kind for any purpose, or otherwise communicating or attempting to communicate to the general public.
11. "Public transportation services" shall include fixed route, demand responsive, deviated fixed route, and paratransit services, whether operated by RGRTA or any governmental agency, private person, firm or corporation contracting with RGRTA.
12. "RGRTA employee" shall mean any part-time or full-time, temporary or regular, exempt or non-exempt, represented or non-represented person, including an intern, who is compensated by RGRTA for services by wages, salary, or other remuneration.
13. "RGRTA facilities and properties" shall mean all facilities, including the RTS Transit Center, structures, schedule and news racks, kiosks, fare vending machines, bulletin and information boards, bus shelters, bus stop signs, lands, interest in lands, air rights over lands, and rights of way of all kinds that are owned, leased, held, or used by RGRTA for the purpose of providing public transportation services, including, but not limited to, park and ride lots, transit centers, bus shelters, and areas that are used by the public to board and alight transit vehicles.
14. "RGRTA hosted event" shall mean all events conducted or hosted by RGRTA for the purposes of publicizing and promoting the RGRTA and publicizing, promoting, and/or selling the public transportation services it provides, regardless of whether such events are conducted on property owned or leased by the RGRTA.
15. "RTS Transit Center" shall mean the downtown transit center located at 60 St. Paul Street, Rochester, New York.
16. "Rules of Conduct" shall mean the rules of conduct adopted by the Board of Commissioners of RGRTA on August 04, 2016, and as amended October 03, 2019, which regulate conduct occurring on RGRTA transit vehicles, within or upon RGRTA facilities and properties, at RGRTA hosted events, and in connection with RGRTA's provision of public transportation services. Unless otherwise provided herein, such definition shall include, collectively, Articles I through III.
17. "Transit-related activities" shall mean activities associated with the provision or support of RGRTA public transportation services, the use of those services by the general public, or RGRTA sales, promotion and maintenance

*activities in support of RGRTA public transportation services, including call centers, scheduling offices for paratransit trip reservations, and RGRTA social media sites.*

18. "Transit Vehicle" shall include every motor vehicle, and any other device, which (1) is capable of being moved within, upon, above, or below a public highway, (2) is owned or operated by RGRTA, including Road Supervisor cars and tow trucks and (3) includes revenue vehicles used for the purpose of carrying customers together on a regular schedule.

### **Article III. Prohibited Conduct**

The following conduct is prohibited on RGRTA transit vehicles, and properties, including the RTS Transit Center, at RGRTA hosted events, and in connection with RGRTA's provision of public transportation services and transit-related activities. Use of the RTS Transit Center is exclusively for transit-related activities, including riding buses and aiding others, thus the following prohibitions apply.

1. Using RGRTA transit vehicles, facilities, and properties for non-transit-related activities, except as authorized by RGRTA.
2. Violating an exclusion order issued according to Article IV Enforcement.
3. Violating any federal, state, or municipal civil and/or criminal law.
4. Failing to pay the appropriate fare as required by RGRTA.
  - a. Customer must be in possession of any multi-trip fare pass (e.g. All-Day Pass; Monthly Pass) while on board the bus. Customers who pay a cash fare are not required to possess a fare pass while on board the bus.
  - b. Customers are prohibited from passing back their own fare pass to another customer boarding the same bus.
  - c. RTS fare passes are non-transferable.
  - d. To avoid being victims of fraudulent or forged passes, customers should purchase fare passes only from RTS authorized sales outlets or ticket vending machines.
  - e. Operators will not honor fare passes that are damaged, mutilated, expired, or that read as invalid by the fare box.
  - f. Possession of a forged fare pass may constitute a felony crime.
5. Falsely representing oneself as eligible for a special or reduced fare or obtaining any permit or pass related to the RGRTA transit system by making a false representation.
6. Falsely claiming to be or criminally impersonating a transit operator, other transit employee, or volunteer; or through words, actions and/or the use of clothes, insignia, or equipment resembling department issued uniforms and equipment, creating a false impression that he or she is a transit operator, other transit employee, or volunteer.
7. Refusing to allow proper securement of a wheelchair or mobility device.
8. Interfering or tampering with mobile data computers, fare boxes, public address systems, surveillance equipment, or any other equipment.
9. Wearing an article of clothing or equipment that covers the face while in the RTS Transit Center concourse except where the clothing or equipment is worn for religious or medical purposes.
10. Using any nicotine, tobacco product (i.e. chewing tobacco) or smoking device (including "e-cigarettes" and "vaping") except at a designated place.
11. Carrying or holding a lit or smoldering pipe, cigar, or cigarette except at a designated place.
12. Discarding litter other than in designated receptacles.

13. Dumping and/or discarding any materials including but not limited to hazardous substances and automotive fluids.
14. Producing unreasonable noise, including playing sound-producing devices without earphones, headphones, or an ear receiver to limit sound to individual listeners. Exceptions are the use of any communication devices by RGRTA employees, RGRTA contractors or public safety officers in the line of duty, or the use of private communication devices used to summon, notify, or communicate with other individuals (e.g., two-way radios, public announcement system, pagers, beepers or cellular telephones).
15. Spitting, expectorating, urinating, or defecating, except in the appropriate plumbing fixtures in restroom facilities.
16. Carrying any flammable liquid, explosive, acid, or other article or material likely to cause harm to others.
17. Obstructing or impeding the flow of RGRTA transit vehicles, customers, or attendees at RGRTA hosted events.
18. Hindering or preventing access by:
  - a. Causing unreasonable delays in boarding or alighting;
  - b. Blocking or partially blocking an aisle or stairway with a package or object;
  - c. Reclining in more than one seat; or
  - d. Interfering with or seriously disrupting the provision or use of transit services in any way.
19. Tampering with fire and police apparatus. Causing any false alarm of fire in any manner.
20. Falsely reporting an incident.
21. Disturbing others by engaging in loud, raucous, unruly, aggressive, violent, harmful, or harassing behavior.
22. Destroying, defacing, or otherwise damaging RGRTA property or any signs, notices, or advertisements on transit property or the property at any RGRTA hosted event.
23. Consuming an alcoholic beverage or having possession of an open container containing an alcoholic beverage.
24. Carrying or storing any firearm, shotgun, rifle, or other dangerous weapon or article.
25. Throwing any object:
  - a. At RGRTA transit vehicles, facilities, and properties; or
  - b. At any person in RGRTA transit vehicles or properties or present at an RGRTA hosted event; or
  - c. Within RGRTA transit vehicles, facilities, properties, or while at an RGRTA hosted event; or
  - d. Out of any door or window of any RGRTA transit vehicle.
26. Bringing any uncaged animal onboard RGRTA transit vehicles or inside RGRTA properties or the locations of an RGRTA hosted event other than a service animal.
27. Allowing any animal to:
  - a. Occupy a seat on a concourse bench or a bus seat (unless required by applicable law in the case of a service animal); or
  - b. Run at large; or
  - c. Block an aisle or exit; or
  - d. Unreasonably disturb others; or
  - e. Leave waste matter; or
  - f. Interfere with transit-related activities or RGRTA hosted events.
28. Roller-skating, roller-shoes, rollerblading, or skateboarding.

29. Riding bicycles, unicycles, mopeds, and motorcycles, except where public vehicle travel and access is permitted.
30. Using space for residential or commercial parking purposes except as authorized by RGRTA or its designee.
31. Operating, stopping, standing, or parking a vehicle in any roadway or location restricted for use only by RGRTA transit vehicles or otherwise restricted.
32. Eating on RGRTA transit vehicles or in prohibited areas unless required by applicable law. RGRTA permits transportation and consumption of non-alcoholic beverages on Park-and-Ride Transit Vehicles when the beverage is in a leak-proof container with a lid.
33. Using a public address system, loudspeaker, or other sound-amplifying device, except as authorized by RGRTA or its designee.
34. Sitting or lying on floors, sidewalks, asphalt, or other ground covering.
35. Lying on benches provided for sitting.
36. Sleeping, camping, or storing personal property on benches and floors.
37. Entering or remaining upon any nonpublic areas, including, but not limited to, staging areas, work areas, and equipment rooms, except when authorized by RGRTA or its designee.
38. Storing materials in front of doors.
39. Not wearing shoes and/or clothing, such as shirt, pants, dresses, etc.
40. The following activities are all prohibited in all RGRTA transit vehicles, facilities, and properties—including the RTS Transit Center and at all RGRTA hosted events and with respect to all RGRTA transit-related activities—unless authorized by RGRTA or its designee in a written permit, license, concession contract, lease, or other written authorization:
  - a. Engaging in commercial activities; or
  - b. Engaging in public communication activities;
  - c. Engaging in any civic, cultural, and other special event, not included in the definitions of commercial or public communication activities in Article II herein; or
  - d. Posting or affixing flyers, pamphlets, brochures, leaflets, written or graphic material of any kind; or
  - e. Affixing or erecting signs, banners, or other paraphernalia on the exterior or interior; or
  - f. Carrying signs; or
  - g. Engaging in public activities involving signs, boxes, receptacles, easels, or other similar apparatus of any kind.
41. Engaging in any sport activity.
42. Distributing, selling, or offering for sale or donation any written or printed material, including books and pamphlets.
43. Soliciting funds.
44. Committing any act which tends to create or incite, or creates or incites, an immediate breach of peace, including, but not limited to:
  - a. Fighting; or
  - b. Running; or
  - c. Obscene language and noisy or boisterous conduct tending to cause a breach of the peace; or

- d. Personally abusive epithets, or words or language of an offensive, disgusting or insulting nature, which when addressed to the ordinary citizen are, as a matter of common knowledge, inherently likely to provoke a violent reaction of fear, anger or apprehension.
- 45. Engaging in sexual activity with oneself or others or wearing clothing explicitly depicting sexual activity.
- 46. Engaging in any form of gambling.
- 47. Entering RGRTA transit vehicles, facilities, and properties or RGRTA hosted events when lacking the ability—because of illness, intoxication, or medication(s)—to care for oneself unless accompanied by a person attending to such person lacking ability due to illness or medications..
- 48. Extending an object or a portion of one’s body through the door or window of RGRTA transit vehicles in a manner that has the capacity to cause injury to oneself, others, or to RGRTA transit vehicles, facilities, and properties.
- 49. Hanging or swinging on bars or stanchions, with feet off the floor.
- 50. Hanging onto or otherwise attaching oneself at any time to the exterior of RGRTA transit vehicles, facilities, or properties.
- 51. Standing or remaining in front of the white (or yellow) line marked on the forward end of the floor of any RGRTA bus while the bus is in motion or after being asked to step back behind the line by the Operator.
- 52. Loitering as defined in Article II.
- 53. Engaging in any aggravated harassment or harassment as defined in Article II. RGRTA employees performing transit-related activities are authorized to terminate telephone calls, refuse to accept telephone calls, or delete posts. Threats to employees or their family members or household may be referred to local law enforcement. Furthermore, RGRTA reserves the right to terminate communication if the situation rises to such a level.

**Article IV. Enforcement**

**A. Removal from RGRTA Transit Vehicles, Facilities, Properties, and RGRTA Hosted Events**

Any person engaging in prohibited conduct under the provisions of Article III may be refused entrance upon or ordered to leave RGRTA transit vehicles, facilities, properties and/or RGRTA hosted events, or may be denied permission to utilize transit-related activities by a commissioned law enforcement official, RGRTA personnel, or authorized personnel of a contracted service provider in accordance with the terms of the applicable service contract. Failure to comply with such an order may be grounds for arrest and prosecution.

**B. Exclusion from Service**

Except as provided in RGRTA’s Rules of Conduct (Article IV, Section B, 4 – Immediate Refusal or Removal), RGRTA employees shall not continually refuse service to anyone who has not been formally excluded from RGRTA service pursuant to the application of RGRTA’s Rules of Conduct or a court order.

**1. Basis for Exclusion**

Engaging in prohibited conduct under Article III shall be cause for excluding a person from the privilege of entering and using all or any part of RGRTA transit vehicles, facilities, properties—including the RTS Transit Center, and/or RGRTA hosted events, and/or the used of transit-related activities of RGRTA—for a period as determined by RGRTA based on the number of violations in a period of five (5) years, and/or the severity of the violation(s).

**2. Notice Procedure**

The RGRTA Chief Executive Officer, or his/her designee, shall give written notice, by personal delivery, certified mail, or regular U.S. mail, addressed to the person’s last known address to any person to be excluded from RGRTA transit vehicles, facilities, properties, and/or RGRTA hosted events or denied permission to use the transit-related activities of the RGRTA. The notice shall specify the reason for exclusion, nature, places and duration of the exclusion, the effective date of the exclusion, the appeal

process, and provide the person an opportunity to respond in person, by telephone or in writing, to the proposed action within five (5) business days of actual or constructive receipt of the notice by the person being excluded.

Exclusion shall commence on the sixth business day after actual or constructive receipt of the notice by the person being excluded, unless the person has timely requested an administrative review of the notice. In the case of administrative review, the RGRTA Chief Executive Officer, or his/her designee, shall review the exclusion and shall render a written decision determining whether exclusion is warranted, within five (5) business days from the date of the person's request for review. The written decision is sent by personal delivery, certified mail, or regular U.S. mail addressed to the person's last known address.

If the RGRTA Chief Executive Officer, or his/her designee, determines that exclusion is warranted, such exclusion shall commence and be effective upon actual or constructive receipt of the written decision by the person to be excluded.

### 3. Constructive Notice

Receipt of a notice is construed to have been accomplished if the person knew or reasonably should have known from the circumstances that he/she is excluded from RGRTA transit vehicles, facilities properties, and/or RGRTA hosted vehicles or the use of RGRTA transit-related activities. Receipt of a notice is also presumed to have been accomplished three (3) business days after the notice was sent by personal delivery, certified mail, or regular U.S. mail.

### 4. Immediate Refusal or Removal

The notice procedure described in Article IV, Section B, 2 above will be inapplicable if, in RGRTA's discretion, immediate conditions exist that:

- a. Pose safety or security risks; or
- b. Interfere with or impinge on the rights of others; or
- c. Impede the free flow of the general public; or
- d. Impede the orderly and efficient use of RGRTA transit vehicles, facilities, , properties, and/or the orderly, safe and efficient conduct of an RGRTA hosted event and/or the functioning of RGRTA transit-related activities; or
- e. Otherwise interfere with or seriously disrupt RGRTA's transit related activities.

In such immediate conditions, persons engaging in prohibited conduct under the provisions of Article III may be immediately reseated, refused transportation, or removed from RGRTA transit vehicles, facilities, properties, and/or RGRTA hosted events or the right to utilize RGRTA's transit-related activities. The notice and administrative review provisions of Article IV, Section B 2 are only available to persons immediately refused transportation or removed from RGRTA transit vehicles, facilities, properties, and/or RGRTA hosted events and/or the use of RGRTA transit-related activities for periods of thirty-one (31) calendar days or more.

### 5. Refusal to Comply

The refusal to comply with an order excluding a person from RGRTA transit vehicles, facilities, properties, and/or RGRTA hosted events and/or the use of RGRTA transit-related activities, shall be grounds for arrest and prosecution.

### 6. Length of Exclusion

The following suggested exclusion lengths are guidelines to be used by RGRTA in determining the duration of a particular exclusion under the provisions of Article III and/or the severity of the violation(s). The duration of exclusion is determined by the number of violations committed over a period of five (5) years. RGRTA reserves the right, however, to impose an exclusion of greater length for any violation where the severity of the violation warrants it, even if it is the first violation.

- First violation = seven (7) or thirty (30) days exclusion
- Second violation = thirty (30) or (60) days exclusion
- Third violation = ninety (90) days exclusion
- Each successive violation occurring in a five (5) year period = one hundred eighty (180) days



## 7. Appeal Procedure

The following appeal process shall be provided to any person excluded from RGRTA transit vehicles, facilities or properties for a period of thirty-one (31) days or more. Not later than ten (10) calendar days after commencement of the exclusion, an excluded person may appeal in writing to the RGRTA Chief Executive Officer or his/her designee, for de novo review (a new review) of the exclusion. Commencement of the exclusion shall be defined as the date upon which the exclusion became effective and shall be determined by RGRTA's official records. The appellant may request a hearing or may request review without a hearing based on a written statement setting forth the reasons why the exclusion is invalid or improper. If the excluded person is unable to respond in written format, RGRTA will make reasonable accommodation to allow due process. The Chief Executive Officer shall convene a Hearing Panel comprised of three (3) persons selected as follows:

1. The Manager of Transit Center Operations or designee;
2. The Manager of Service Delivery or designee;
3. The Director of Service Delivery or designee; or
4. A person selected from the RGRTA staff by the Chief Operating Officer or designee.

The said RGRTA staff person shall be a person other than the Chief Executive Officer. The decision of the majority of the members of the Hearing Panel shall be the decision of the Hearing Panel. The Hearing Panel shall hear the appeal—or if no hearing is requested, review the matter based upon the record—and render a written decision within twenty (20) calendar days after the receipt of the appeal. The decision of the Hearing Panel shall be final.

## 8. Hearing

If a hearing is requested, the hearing shall be held within twenty (20) calendar days after receipt of the appeal, and a written decision shall be rendered within twenty (20) calendar days after the hearing. Exclusions shall not be stayed during the appeal process. If an appellant requires public transportation services to attend the hearing, the appellant shall contact the RGRTA Chief Executive Officer, or his/her designee, five (5) business days prior to the hearing date, and RGRTA shall make arrangements to provide the necessary public transportation services for the appellant.

## 9. Other Laws Not Limited

The enforcement of Article IV herein is not intended to limit, in any manner, the enforcement of any applicable federal, state or municipal laws, provided RGRTA is not authorized to assist a patron or employee in enforcing a court order prohibiting or restricting contact with any other person other than to notify appropriate law enforcement personnel via RGRTA's Radio Control/Dispatch or Security.

## C. Liability

Nothing in Article IV herein shall create a duty to any person on the part of RGRTA or form any basis for liability on the part of RGRTA, its officers, agents, or employees. The obligation to comply with Article IV is solely that of any person entering and using RGRTA transit vehicles, facilities, properties, and/or RGRTA hosted events and/or using RGRTA transit-related activities and RGRTA's enforcement of Article IV is discretionary not mandatory.