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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<sup>1</sup>. To maintain public transportation services that are orderly, safe, secure, comfortable, and convenient, the following Rules of Conduct for RGRTA Transit Vehicles, Facilities, and Properties (the “Rules of Conduct”) have been adopted by the RGRTA Board of Commissioners. The 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 in connection with RGRTA’s provision of public transportation services.

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) shall be null and void and shall be deemed separable from the remaining provisions in the Rules of Conduct and shall in no way affect the validity of the other provisions of the Rules of Conduct.

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<sup>1</sup> “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).

## 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.

- **“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).
- **“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.
- **“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.
- **“General public”** shall mean any person or group of persons, including RGRTA employees, not acting in an official capacity at the time.
- **“Harassment”** shall mean acts occurring within or about RGRTA facilities or vehicles: (1) 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; (2) when a person, with intent to harass, annoy, or alarm another person:
  - He or she strikes, shoves, kicks or otherwise subjects another person to physical contact, or attempts to or threatens to do the same; or
  - He or she follows a person about in a public place or places; or
  - He or she engages in a course of conduct or repeatedly commits acts which alarm or seriously annoy such other person and which serve no legitimate purpose.
- **“Loitering”** shall mean remaining in any transportation facility, 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.
- **“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.
- **“Person”** shall mean any individual, firm, partnership, corporation, organization, association, or entity of any kind.
- **“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.
- **“Public transportation services”** shall include fixed route and paratransit services, whether operated by RGRTA or any governmental agency, private person, firm or corporation contracting with RGRTA.
- **“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.

- **“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.
- **“RTS Transit Center”** shall mean the downtown transit center located at 60 St. Paul Street, Rochester, New York.
- **“Rules of Conduct”** shall mean the rules of conduct adopted by the Board of Commissioners of RGRTA on 11/11/2014, which regulate conduct occurring on RGRTA transit vehicles, within or upon RGRTA facilities and properties, and in connection with RGRTA’s provision of public transportation services. Unless otherwise provided herein, such definition shall include, collectively, Articles I through III.
- **“Second Floor”** shall mean the second floor of the RTS Transit Center.
- **“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.
- **“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) 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, and in connection with RGRTA’s provision of public transportation services:

1. Using any nicotine, tobacco product (i.e. chewing tobacco) or smoking device (including “e-cigarettes”) except at a designated place.
2. Carrying or holding a lit or smoldering pipe, cigar, or cigarette except at a designated place.
3. Discarding litter other than in designated receptacles.
4. Dumping and/or discarding any materials including but not limited to hazardous substances and automotive fluids.
5. Producing unreasonable noise. 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).
6. Spitting, expectorating, urinating, or defecating, except in the appropriate plumbing fixtures in restroom facilities.
7. Carrying any flammable liquid, explosive, acid, or other article or material likely to cause harm to others.

8. Obstructing or impeding the flow of RGRTA transit vehicles or customers.
9. 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.
10. Tampering with fire and police apparatus. Causing any false alarm of fire in any manner.
11. Falsely reporting an incident.
12. Disturbing others by engaging in loud, raucous, unruly, aggressive, violent, harmful, or harassing behavior.
13. Destroying, defacing, or otherwise damaging RGRTA property or any signs, notices, or advertisements on transit property.
14. Consuming or carrying an alcoholic beverage, or having possession of an open beverage container holding alcohol.
15. Carrying or storing any firearm, shotgun, rifle, or other dangerous weapon or article.
16. Throwing any object:
  - a. At RGRTA transit vehicles, facilities, and properties; or
  - b. At any person therein; or
  - c. Within RGRTA transit vehicles, facilities, and properties; or
  - d. Out of any door or window of any RGRTA transit vehicle.
17. Bringing any uncaged animal onboard or inside other than a service animal.
18. Allowing any animal to:
  - a. Occupy a seat; 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.
19. Roller-skating, roller-shoes, rollerblading, or skateboarding.
20. Riding bicycles, unicycles, mopeds, and motorcycles, except where public vehicle travel and access is permitted.
21. Using space for residential or commercial parking purposes except as authorized by RGRTA or its designee.
22. Operating, stopping, standing, or parking a vehicle in any roadway or location restricted for use only RGRTA transit vehicles or otherwise restricted.

23. Eating on RGRTA transit vehicles or in prohibited areas. RGRTA permits transportation and consumption of beverages on Park-and-Ride Transit Vehicles when the beverage is in a leak-proof container with a lid.
24. Using a public address system, loudspeaker, or other sound-amplifying device, except as authorized by RGRTA or its designee.
25. Sitting or lying on floors, sidewalks, asphalt, or other ground covering.
26. Lying on benches provided for sitting.
27. Sleeping, camping, or storing personal property on benches and floors.
28. 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.
29. Storing materials in front of doors.
30. Not wearing shoes and clothing, such as shirt, pants, dresses, etc.
31. The following activities are all prohibited in all RGRTA transit vehicles, facilities, and properties, including the RTS Transit Center, 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.
  - h. Engaging in any sport activity.
32. Distributing, selling, or offering for sale or donation any written or printed material, including books and pamphlets.
33. Soliciting funds.
34. 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.
35. Engaging in sexual activity with oneself or others.

36. Engaging in any form of gambling.
37. Using RGRTA transit vehicles, facilities, and properties for non-transit-related activities, except as authorized by RGRTA.
38. Entering RGRTA transit vehicles, facilities, and properties when lacking the ability—because of illness, intoxication, or medication(s)—to care for oneself.
39. 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.
40. Hanging or swinging on bars or stanchions, with feet off the floor.
41. Hanging onto or otherwise attaching oneself at any time to the exterior of RGRTA transit vehicles, facilities, or properties.
42. 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.
43. 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.
44. 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.
45. Refusing to allow proper securement of a wheelchair or mobility devices.
46. Interfering or tampering with mobile data computers, fare boxes, public address systems, surveillance equipment, or any other equipment.
47. Violating an exclusion order issued according to Article IV Enforcement.
48. Violating any federal, state, or municipal civil and criminal law.
49. 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.
50. Loitering in or about the immediate vicinity of, as defined in Article II.
51. Engaging in any harassment as defined in Article II.

## Article IV. Enforcement

### A. Removal from RGRTA Transit Vehicles, Facilities, and Properties

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, and properties 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 a removal 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, and properties including the RTS Transit Center for a period as determined by RGRTA based on the number of violations in a period of five (5) years.

#### 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 and properties. The notice shall specify the reason for exclusion, 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 and properties. 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 may be waived, 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, and properties; 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, and properties. The notice and administrative review provisions of Article IV, Section B 2 shall not be available to a person immediately refused transportation or removed from RGRTA transit vehicles, facilities, and properties for any period less than thirty (30) calendar days.

## 5. Refusal to Comply

The refusal to comply with an order excluding a person from RGRTA transit vehicles, facilities, and properties 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. The duration of exclusion is determined by the number of violations committed over a period of five (5) years.

- First violation = seven (7) days exclusion
- Second violation = thirty (30) 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 (30) 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 Director of Transit Center and Field Operations or designee;
2. The Manager of Field Operations or designee;
3. The Director of RTS Bus Operations 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, and properties and RGRTA's enforcement of Article IV is discretionary not mandatory.