



Rules of Conduct and Transit Exclusion Policy and Procedures First Adopted November 15, 2013

I. Mission

The mission of the Central Oklahoma Transportation & Parking Authority (COTPA) is to provide public transportation to the citizens and visitors of the greater Oklahoma City metropolitan area so they can safely and affordably travel in a customer-friendly environment.

II. Policy

COTPA has established this Policy to promote the safety and comfort of its patrons, to facilitate the proper use of transit facilities and services, to protect transit facilities and employees, to assure the payment of fares and to ensure that transit vehicles and facilities are safe, welcoming and provide equitable access for transit passengers. Responses to inappropriate and/or illegal conduct are outlined within this Policy.

III. Overview and Definitions

No individual may engage in inappropriate conduct on, at or in COTPA facilities, including boarding and waiting areas of public transit systems, including bus, ferry, train, trolley, streetcar, stops and/or shelters and at administrative, operational, and maintenance facilities, or on vehicles used to provide fixed-route or para transit, transit and/or parking services.

Inappropriate conduct includes any individual or group activity which is seriously disruptive, harassing, threatening or injurious to individuals lawfully using transit facilities or services.

Inappropriate conduct may also constitute a violation of an ordinance or criminal law. The fact that an individual is or is not charged or convicted of an incident of inappropriate conduct does not bar investigation and/or exclusion under this Policy.

The term *COTPA* means Central Oklahoma Transportation and Parking Authority and any of its business units including but not limited to EMBARK, METRO Transit, ParkingOKC, Spokies and or Oklahoma River Cruises.

“Public transportation services” shall be in accordance with the definition of public transportation in 69 O.S. § 4005 (4), 2010 together with vanpools, fixed-route, paratransit, ferry or other transit services, whether operated by COTPA or any governmental agency, private person, firm or corporation contracting with COTPA or its agents.

“Employee” shall mean any part-time or full-time, temporary or regular, exempt or non-exempt,

represented or non-represented person, including an intern, contracted party or agent who is compensated to provide COTPA services by wages, salary or other remuneration.

“Facilities and Properties” means all property and equipment of COTPA, including, without limitation, park-and-ride lots, transit centers, bus shelters, street furniture, public streets, parking facilities and sidewalks inside and outside areas of COTPA property, lands, interest in lands, air rights over lands and rights-of-way of all kinds that are owned, leased, held or used by COTPA for the purpose of providing public transportation and parking services.

“Smoking” means the carrying by a person of a lighted cigar, cigarette, pipe, or other smoking devices such as vaping and e-cigs for tobacco or other weed, plant or substance.

“Tobacco product” means any product made or derived from tobacco that is intended for human consumption, including any component, part or accessory of a tobacco product. This includes, among other products, cigarettes, cigarette tobacco, roll-your-own tobacco and smokeless tobacco.

IV. Level I - Inappropriate Conduct using Transit Services, Facilities and Properties

For any of the following inappropriate conduct on buses, persons will be given a first warning not to engage in the conduct. If the customer does not comply with the warning, an Employee is authorized and may elect to ask the patron to leave the vehicle. Any individual, who declines to leave a bus after being ordered to do so by the Employee, may be subject to arrest and prosecution for trespassing and or disorderly conduct. Continuous repeat infractions may result in exclusion from all Transit Services, Facilities and Properties for not less than 45 days or more than 6 months. See Section VII, Exclusion Procedure. Level I violations include, but are not limited to:

- Boarding unattended minors: children eight (8) years of age and under must be closely accompanied at all times by an older responsible individual;
- Standing in front of the yellow line at the front of the bus near the driver’s seat;
- Having distracting conversations with Bus Operators;
- Roller-skating, roller-blading, or skateboarding while using Transit Services, Facilities and Properties;
- 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;
- Refusal to present valid ID to authorized staff when requesting Special Patron privileges;
- Willfully refusing to present valid, un-expired pass or otherwise failing to pay the appropriate fare;
- Eating on transit vehicles or in prohibited areas of Facilities and Properties;

transportation and consumption of beverages on transit vehicles is permitted when the beverage is in a reusable, leak-proof container with a resealing lid; no glass containers;

- Using a media playing device (e.g. portable radio, laptop, tablet, CD player, TV, etc.), unless such equipment is used with earphones so that sound is limited to person's self and not disturbing others;
- 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;
- Exhibiting inappropriate personal hygiene (i.e., an individual whose bodily hygiene is so offensive as to constitute a nuisance to other passengers);
- Engaging in unauthorized canvassing, selling, soliciting or distributing any material on Transit Services, Facilities and Properties;
- Changing a diaper on Transit Services, Facilities and Properties, with the exception of public restroom facilities;
- Soliciting or panhandling at or on Transit Services, Facilities and Properties;
- Loitering on Transit Services, Facilities and Properties;
- Entering or remaining upon any non-public areas of Facilities and Properties, including, but not limited to, staging areas, work areas and equipment rooms, except when authorized by an Employee;
- Not wearing shoes or shirt, with the exception of non-ambulatory passengers or infants that are being carried;
- Bringing any un-caged animal on Transit Services, Facilities and Properties, except service animals that assist those with disabilities. Caged animals must fit on customer's lap;
- Bringing on-board any large articles, packages, baggage, non-collapsible strollers or baby buggies which block the aisle and restrict the free movement of passengers;
- Otherwise disorderly or inappropriate conduct at or on Facilities and Properties which is inconsistent with the orderly and comfortable use of their intended purpose.

V. Level II - Inappropriate Conduct using Transit Services, Facilities and Properties

The following conduct is prohibited in all Facilities and Properties, including but not limited to, buses, transfer points, park and ride lots, bus stops and bus shelters except as specifically limited below. Any individual observed engaging in the conduct may be told by an Employee to leave the facilities immediately and may be subject to arrest by proper authorities. Any Employee is authorized to request police assistance, if necessary. These offenses may cause an individual to be excluded from all Transit Services, Facilities and Properties for not less than 6 months or more than 12 months. See Section VII, Exclusion Procedure; further legal action may be taken

as applicable and appropriate. Level II violations include, but are not limited to:

- Defacing, destroying or otherwise vandalizing Transit Services, Facilities and Properties;
- Misuse of fare media;
- Missing scheduled paratransit trips by not showing and/or failing to cancel three or more trips, no later than one (1) hour before the scheduled trip, during any 30 day period provided that, trips missed for reasons beyond his or her control shall not be a basis for determining that such a pattern or practice exists;
- Drinking alcoholic beverages or possessing open containers of alcoholic beverages;
- Smoking or any tobacco use is prohibited within 25 feet of service waiting areas, which are defined as any area designed to be or regularly used by one or more persons to receive or wait to receive a service, enter a public place or make a transaction, whether or not such service includes the exchange of money, such as ticket lines, including the ticketing, boarding and waiting areas of public transit systems, including bus, ferry, train, trolley, streetcar, stops and/or shelters, as well as on or in any COTPA Facilities and Properties.
- Bringing any items of a dangerous nature on transit facilities and properties including: flammable liquids, explosives, acid, toxic or poisonous substances; a vessel containing caustic materials, chemicals, alkalis or other article or material likely to cause harm to others; fishing rods which are not broken down or have unsecured or exposed hooks or lures; lawn or yard equipment; sheet glass and sharp objects;
- Refusing to use personal restraints/seatbelts on transit vehicles providing paratransit services;
- Refusing to use appropriate safety restraints (when applicable) on transit vehicles; or refusal to secure mobility device on fixed-route service;
- Committing any act which is disorderly or may create or incite to provoke a violent reaction of fear, anger or apprehension. Acts included but not limited to: (a) fighting, disorderly, inebriated or drunken, or under the influence of narcotics; (b) use of epithets, abusive or profane language; (c) conduct that is indecent, profane, or obscene; and (d) otherwise disorderly or inappropriate conduct which is inconsistent with the safe and orderly use of transit facilities for their intended purpose;
- Causing sounds that are unreasonable and highly disruptive of other individuals using COTPA Facilities and Properties, including but not limited to, prolonged loud, abusive, indecent or profane;
- 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 or at COTPA Facilities and Properties, may 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 himself/herself or others or to COTPA Facilities and Properties. Employees are authorized to request police assistance. An individual found to have engaged in any of the following activities will be excluded from all Transit Services, Facilities and Properties for a minimum of 12 months pursuant to Section VII, Exclusion Procedure. Level III violations include, but are not limited to:

- Use of counterfeit or stolen fare media;
- Falsely representing oneself as eligible for a special or reduced fare or obtaining any permit or pass related to the transit system by making a false representation;
- Manufacturing, selling, delivering or possessing with the intent to manufacture, sell or deliver a controlled substance or who sells or distributes any controlled substance or counterfeit substance on Facilities or Properties;
- Violating any federal, state or municipal civil and criminal laws;
- Engaging in or soliciting sexual activity on Facilities or Properties;
- Assault and battery or threat of assault;
- Indecent exposure;
- Spitting, urinating or defecating on Facilities and Properties, with the exception of proper use of public restroom facilities;
- Stealing or willfully damaging, defacing or destroying Facilities and Properties will be prosecuted;
- Entering or remaining on Facilities and Properties after having been notified by an Employee to leave, or boarding or remaining on Facilities and Properties during the period when an individual has been banned from the premises;
- Obstructing or interfering with the safe operation of the transit vehicles, Facilities or Properties;
- Lighting an incendiary device (e.g. match, lighter, torch) except that nothing herein shall prevent a person from carrying a cigarette, cigar or pipe lighter or carrying a firearm or ammunition in a way that is not otherwise prohibited by law.

VII. Exclusion Procedures

Once it has been determined that there have been serious incidents of inappropriate conduct by an individual, as described in Levels II and III, or repeated Level I violations, and it is determined that the individual involved should be excluded from Transit Services, Facilities and Properties or that conditions should be placed on the individual's continued use thereof, the Administrator or assigned designee or other assigned designee will issue, or cause to be issued, to the individual involved a written exclusion letter from COTPA Facilities and Properties. 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 Properties is made subject to safety conditions or restrictions (e.g. 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.

Level 1 - minimum 45 days but no more than 6 months from all Transit Services and Facilities

Level 2 - minimum 6 months but no more than 12 months from all Transit Services and Facilities

Level 3 - minimum 12 months from all Transit Services and Facilities

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, police may be called and individual may be subject to further action up to and including arrest for trespassing.

VIII. Appeal Procedures

Any appeal by or on behalf of the party subject to an exclusion order shall be submitted in writing to the Transit Exclusion Appeals Board within ten (10) calendar days after notice to:

COTPA
Transit Exclusion Appeals Board
2000 S May Ave
Oklahoma City, OK 73108

The communication shall state with specificity the grounds for the appeal. The Appeals Board shall hold a hearing within 30 calendar days after the notice has been filed. Notice of the hearing including a statement of the time, place and nature of the hearing shall be mailed to the aggrieved party at least ten (10) business days prior to the hearing. Exclusion orders and violations shall not be stayed pending an appeal, unless the Appeals Board finds that a stay is warranted and necessary under the particular circumstances. A request for stay shall be made in writing by the aggrieved party stating the specific reasons for the request. The Appeals Board consists of individuals appointed by the Administrator of COTPA.

Hearing - At the hearing, the appellant may be represented by counsel, present evidence and call and examine witnesses and cross-examine witnesses of the other party. The Appeals Board shall review any evidence deemed necessary or relevant to the violation at the hearing. The Appeals Board may be recorded.

Decision - Within 30 calendar days of the completion of the hearing, the Appeals Board shall issue a written decision stating the reasons therefore. The Board shall make a finding on whether it is more probable than not, that the excluded individual engaged in the conduct which was the basis for the exclusion. Based on testimony and the evidence in the record, the Board shall have the power to affirm or reverse the written determination or to remand it to the Transit Operation's Manager with instructions for reconsideration consistent with its decision. The decision, except for remand, shall be a final determination for the purpose of judicial review.