

PVVTA Code of Conduct - Adopted November 2, 2016

A-01 Statement of Conduct

Patrons shall use the Desert Roadrunner bus system in a responsible manner to preserve and protect the aesthetics, and promote the longevity, of this essential public resource for greater mobility in the Palo Verde Valley. Patrons shall treat other patrons and PVVTA representatives with consideration, patience, respect, and civility to allow use, operation, and enjoyment of the Desert Roadrunner bus system in a safe and gratifying manner for all persons.

A-02 Authority

The PVVTA Code of Conduct is enacted pursuant to the authority granted to PVVTA by the California Penal Code Section 640(e) and the California Public Utilities Code Section 99580, et seq.

A-03 Definition

The following terms, whenever used in this chapter, shall be construed as defined in this section:

A. "Abuse" and "harassment" mean any extreme physical or verbal mistreatment, including hitting, kicking, gestures, yelling, spitting, threats, intimidation, assaults, slurs, and cursing and sexual harassment including unwanted touching, comments, or gestures, of a sexual nature or because of their gender, sexual orientation, or gender expression or gender identity.

B. "Commercial activity" means any for-profit activity, including selling goods, food, services, or distributing commercial materials.

C. "Fare" means the monetary charges established by PVVTA for the use of its facilities and vehicles.

D. "Fare media" means the methods by which fares are paid, issued by or on behalf of PVVTA for the payment of fare, including tokens, passes, cards, transfers, tickets, and vouchers.

E. "Fare-required zone" includes areas in any bus between the yellow line near the front of a bus to the rear of the bus, areas where any sign indicates fares are required at or beyond that location.

F. "Graffiti" means any unauthorized inscription, word, figure, mark, or design that is written, marked, etched, scratched, drawn, painted or affixed on PVVTA facilities or vehicles.

G. "Loitering" means unnecessary lingering in PVVTA facilities or vehicles or other location where it interferes with a PVVTA facility or vehicles or use thereof with the intent to commit a crime.

H. "PVVTA" means the Palo Verde Valley Transit Authority and its affiliates, and contractors.

I. "PVVTA representative" means a PVVTA security agent, driver, fare inspector, or other authorized PVVTA employee, board or governing body member, or contractor.

J. "PVVTA facility" means all property and equipment, including rights of way and related stops, signals, power, fuel, communication systems, ventilation systems, CNG Station, cameras, signs, loudspeakers, fare collectors or registers, walls, stations, vacant parcels, bike paths, terminals, platforms, centers, waiting areas,

signs, art work, storage yards, depots, repair and maintenance shops, yards, offices, parking areas, and other real estate or property owned or leased by PVVTA, used for any PVVTA activity, or authorized to be located on PVVTA property.

K. "PVVTA vehicle" means all; bus, truck, car, or other vehicle owned, operated, or used by PVVTA or its contract service providers transporting PVVTA representatives or patrons.

L. "Nonpublic areas" mean vehicle cabs, bus drivers' seats, closed-off areas, mechanical or equipment rooms, PVVTA employee only areas, storage areas, interior rooms, shops, bus yards, garages, centers, depots, areas marked as restricted or dangerous, and secured areas.

M. "Peak hours" means 6:00am to 8:00am and 3pm to 5pm Monday through Friday.

N. "Patron" and "Customer" mean any person in or on, using or attempting to access, a PVVTA facility or vehicle, including without limit paying riders.

O. "Peak hours" means all other times other than off-peak times.

P. "Person" includes an individual, firm, partnership, corporation, association, or company.

Q. "Rules" or "Code" or "Customer Code of Conduct" means PVVTA's Code of Conduct as amended from time to time.

R. "Sound device" means a radio, receiver, communication device, phonograph, television, musical instrument, tape recorder, cassette player, CD player, MP3 player, DVD player, game, speaker system, audio system, sound amplifier, or other device that plays music or emits noise. Sound device does not include assistive hearing devices for persons who have impaired hearing.

S. "Weapon or instrument intended for use as a weapon" includes but is not limited to firearms, switchblade knives, axes, gravity knives, box cutters, straight razors, unpackaged razor blades, swords, nun chucks, explosives, dangerous chemicals or devices, radioactive materials, and highly combustible materials.

T. "Wheelchair" means, a mobility aid belonging to any class of three or more wheeled devices, usable indoors, designed or modified for and used by individuals with mobility impairments, whether operated manually or powered.

U. "Mobility Aid Device" means an assistive device other than a wheelchair used by and primarily intended to assist persons with disabilities with locomotion.

V. "Power driven mobility device" means any device powered by batteries, fuel, or other source that does not fit the definition of a wheelchair regardless whether it is designed primarily for use by individuals with mobility disabilities.

W. "Personal Care Attendant" means an individual designated or employed, by a person with disabilities, to aid in meeting his/her personal needs.

B-01 Animals

Service animals provide important assistance to individuals with disabilities. Service animals are welcomed on board all Desert Roadrunner buses and system-wide.

Definition of a service animal

Service animals can be guide dogs for the blind or visually impaired, signal dogs for the hearing impaired, or other types of animals that can be individually trained to work or perform tasks for an individual with a disability.

Service animals perform some of the functions and tasks that the individual with a disability cannot perform in their day-to-day activities. An animal that has been specially trained as a psychiatric support animal is a service animal.

All service animals are trained to be calm and remain unobtrusive, even in chaotic public settings. A service animal must always be under the control of the owner or handler. An individual may have more than one service animal. Service animals require no special tag, identification, certification, papers, harness, vest, cape, or pass.

These are examples of work and tasks that service animals typically perform:

- Guiding individuals with visual impairments
- Alerting individuals who are hard of hearing or deaf to intruders or sounds
- Providing minimal protection or rescue work
- Pulling a wheelchair
- Fetching dropped items
- Alerting individuals with seizure disorders to an oncoming, or responding to a seizure
- Reminding individuals with medical conditions to take their medication

The following is defined as not a service animal:

- Pets are not service animals
- Emotional support, therapy, comfort, and companion animals that have not been properly trained are not service animals, as they have not been trained to perform a specific job or task.

However, pets and untrained emotional support, therapy, comfort, and companion animals are welcome aboard the bus when they:

- Are secured in enclosed pet carriers and do not block the aisle or a doorway
- Do not deprive a customer of a seat
- Do not interfere with the safety, comfort or convenience of other customers

Please be aware that a bus driver or other PVVTA representatives may ask if the animal is a service animal required because of disability and what task the animal has been trained to perform.

Note: These service animal guidelines apply on PVVTA services and at PVVTA facilities. Different rules may apply in other public places or transit systems.

C-01 Wheeled Riding Devices

A. Wheeled riding devices including bicycles, skates, skateboards, kick scooters, and other wheeled riding devices except Wheelchairs and Mobility Aid Devices, may not be ridden in PVVTA facilities or vehicles, except for public bike or road ways clearly intended for those types of devices.⁶ A person may carry or walk such wheeled riding devices in a safe manner on PVVTA facilities to park or board PVVTA vehicles.

B. Tandem, three-wheeled, or fuel-powered bicycles or other wheeled riding devices, are not permitted in, attached to, or on PVVTA facilities or vehicles. Bicycles or other wheeled riding devices over 6 feet long are prohibited.

C. All persons entering PVVTA facilities with wheeled riding devices of any type, including Wheelchairs and Mobility Aid Devices, but excluding handheld skates or skateboards, must use ramps to access elevated or lowered platform stops.

D. Bicycles may be carried on stairs when safe to do so. A person who enters a PVVTA facility or vehicle with a bicycle must do the following:

1. Hold a bicycle when it is not in the rack.
2. Use available bicycle racks.
3. If racks on a bus are full, wait for the next bus.
4. Inform the bus operator before exiting that you will be removing a bicycle from a rack in front of the bus.
5. Not block aisles, doorways, or operators' exit way.
6. Board at bicycle-designated doors and keep the bicycle in bicycle-designated areas, such as non-operating cab areas.
7. If an arriving bus is crowded individuals with bicycles must wait for a bus with available room. PVVTA personnel may ask individuals travelling with bicycles to wait.
8. If evacuation is required bicycles must be left on the bus and located so that they do not block aisles or doors.
9. Not take the bicycle down bus aisles.
10. Yield space in designated areas to wheelchairs or other Mobility Aid Devices for persons with disabilities.
11. Load and unload bicycles from the front of a PVVTA bus to the curbside and not into traffic.
12. Not attempt to access the bicycle rack after the bus has left the curb.
13. Use ramps to transport all wheeled riding devices other than handheld skates or skateboards in PVVTA facilities.

E. Folded bicycles, handheld skates or skateboards may be carried into a PVVTA vehicle at any time without using the rack. These items must be stored so that they do not block passageways, aisles or seats.

F. Persons under the age of 14 years travelling with a bicycle must be accompanied by an adult.

D-01 Blocking

The following acts are prohibited in PVVTA facilities and vehicles:

A. Willfully blocking or impeding the free movement of another person.

B. Blocking an aisle, door, or stairway with one's body or an object, in a way that poses a danger, unreasonably impedes a patron's movement, or displaces a person.

C. Operating, stopping, or parking a vehicle in a location that is reserved for transit vehicles or is otherwise restricted.

D. Obstructing or impeding the flow of a PVVTA vehicle or interfering with the operation or use of transit services.

E. Preventing a door from closing.

F. Reclining on, placing objects on, or blocking a seat.

G. Occupying more than one seat.

H. Willfully interfering with the operator or operation of a PVVTA vehicle in a manner that affects the operator's control of the vehicle.

I. Impeding the safe boarding or exiting of passengers.

E-01 Boarding, Exiting, and Seating

The following acts are required in PVVTA facilities and vehicles:

A. Never step or put arms, legs, or objects in the path of a PVVTA vehicle.

B. Maintain control of children at all times in or on PVVTA vehicles or facilities, including when a PVVTA vehicle is approaching.

C. Do not signal in the path of or by touching the bus when it is moving.

D. Yield priority, reserved, Wheelchair, or similarly designated seating to older adults and individuals with disabilities.

E. A Personal Care Attendant ("PCA") must travel with a patron who displays an ADA Certification card with a PCA eligible designation at all times when using the PVVTA bus including boarding and exiting at the same location and traveling in the same bus.

F-01 Carts, Strollers, and Luggage

A. Commercial or large size carts, dollies and strollers are prohibited on PVVTA vehicles, unless collapsed. If a small personal use size stroller is occupied by a child or small cart is filled, then it must be securely held and not block passageways or seats.

B. Carts, dollies, strollers and large luggage that create an unsafe condition are prohibited. There is a limit of 5 carry-on items (bags, luggage, bulk items).

C. During crowded conditions or peak hours, remove children from strollers and materials from carts, and collapse, or wait for the next PVVTA vehicle that has room for the cart or stroller. This provision does not apply to Wheelchairs or other Mobility Aid Devices.

D. Carts, strollers, large luggage and Wheelchairs or other Mobility Aid Devices are to be transported in a proper safe manner at all PVVTA facilities.

G-01 Civility, Compliance, and Cooperation

A. Abuse and harassment of PVVTA representatives or patrons is prohibited in PVVTA facilities and vehicles.

B. A person must comply with all lawful orders and directives given by an authorized PVVTA representative relative to PVVTA facilities or vehicles consistent with the Code, including any instruction to leave a PVVTA vehicle or facility for safety reasons, for a violation of the Code, or following a notice of ejection or exclusion.

C. A person receiving a Notice of Violation must provide accurate and complete identification and fare media on when requested to do so by an authorized PVVTA representative.

D. A person may not falsely represent himself or herself to be a PVVTA representative through words, actions, clothes, insignia, badge, or equipment.

E. A person must wear a shirt, pants or skirt, and shoes, while in a PVVTA facility or vehicle. Infants being held or in strollers and persons in wheelchairs are not required to wear shoes.

F. Patrons unable to care for themselves, who do not exhibit an ability to comply with PVVTA's Code, or who pose a safety risk, must be accompanied by a service animal or a responsible adult individual who can care for the Patron when in a PVVTA facility or vehicle.

H-01 Commercial Activity

A. Persons must not engage in commercial activity in a PVVTA facility or vehicle without first obtaining a PVVTA / City / County permit and paying all required fees.

B. Persons who engage in permitted commercial activity in a PVVTA facility or vehicle must comply with all PVVTA instructions, safety requirements, and applicable laws.

C. Commercial activity is prohibited in any location where it interferes with transit services or the movement of patrons or where it creates a safety hazard.

J-01 Disorderly Conduct

The following acts are prohibited in, on, or in close proximity to PVVTA facilities and vehicles:

- A. Spitting.
- B. Carrying any explosive, acid, flammable liquid, or toxic or hazardous material.
- C. Urinating or defecating, except in a restroom. This subsection does not apply to a person who cannot comply as a result of disability, age, or a medical condition.
- D. Throwing an object at a patron, PVVTA representative, or a PVVTA facility or vehicle.
- E. Gambling of any kind.
- F. Hanging from, swinging from, or attaching anything to hand rails. This does not apply to holding a hand rail to stabilize one's body during transit.
- G. Inciting violence or posing a clear and present danger to other persons, including making verbal or visual gang affiliation or provocation signs.
- H. Engaging in or soliciting another person to engage in lewd conduct.
- I. Engaging in or soliciting another person to engage in prostitution.
- J. Placing feet or shoes on seats or furnishings.
- K. Defacing with graffiti, vandalizing, damaging, destroying, or tampering with PVVTA facilities or vehicles.
- L. Littering or dumping.
- M. Injuring another person or damaging another person's property or possessions.
- N. Throwing an object from a PVVTA vehicle.

K-01 Food, Alcohol, and Drugs

The following acts are prohibited in PVVTA facilities and vehicles:

- A. Eating, drinking, smoking, vaping, or carrying a lit cigar, cigarette of any type, or pipe, except in designated areas permitting that activity or is required by a disability accommodated pursuant to N-01 Miscellaneous G.27
- B. Placing chewed gum onto any surface in a PVVTA facility or vehicle other than into a trash receptacle.
- C. Drinking or possessing in an open container an alcoholic beverage, except in designated areas where there is notice that drinking alcohol is permitted and all required permits have been obtained.
- D. Possessing an illegal drug or substance.

E. Being under the influence of alcohol, a drug, a controlled substance, or any combination of those items, and unable to care for one's own safety or the safety of others, or interfering with the use of a PVVTA facility or vehicle.

F. Creating a public nuisance or a health hazard by dropping food other than in a proper waste disposal receptacle.

G. Smoking or vaping is also not allowed within 20 feet of any PVVTA facility entrance, exit or operable window.

L-01 Loitering

A. Loitering is prohibited in PVVTA facilities and vehicles.

M-01 Lost and Found

A. Items found in a PVVTA facility or vehicle shall be turned in to a PVVTA driver or other authorized PVVTA representative, who will forward the items to the PVVTA Lost and Found at the PVVTA Operations Center.

B. Items can be claimed in person at the PVVTA Lost and Found by providing proof of ownership. Items that remain unclaimed for 30 days will be discarded or donated to a charitable organization, without liability for PVVTA to anyone.

C. PVVTA is not responsible for items lost in a PVVTA facility or vehicle.

N-01 Miscellaneous

A. The Code is not intended to affect lawful activity or first amendment rights protected by state or federal law, including laws related to any aspect of civil or labor sectors.

B. PVVTA reserves the right to suspend, waive, modify, limit, or revoke the application of the Code.

C. PVVTA may refuse service, or access to PVVTA facilities or vehicles, including eject or exclude, to any person who does not comply with the Code or applicable laws.

D. The Code incorporates all relevant applicable legislative changes that occur after the date the Code is adopted.

E. Acts prohibited under the Code are permitted if authorized by agreement, permit, license, or a writing signed by an authorized PVVTA representative.

F. The Code applies with equal force to any person who aids or abets in any of the acts prohibited by the Code or in the avoidance of any of the requirements of the Code.

G. Individuals with disabilities may visit pvvta.com for information and request a reasonable modification of the provisions of this Code. Whenever possible a request for a reasonable modification shall be made in advance to PVVTA at paloverdebus@yahoo.com 760-922-1140 415 N. Main Street Blythe, CA 92225

If a request for a modification is made to a PVVTA Driver or other PVVTA representative the employee may contact his or her supervisor or dispatch center for guidance. Requests for reasonable modifications will not be approved if the request would: fundamentally alter the nature of the service, program, or activity; create a direct threat to the health or safety of others; result in an undue financial and administrative burden; or the individual would be able to fully use the services provided by PVVTA without the modification. Individuals with disabilities may file complaints regarding reasonable modification or accommodation at PVVTA Management at paloverdebus@yahoo.com 760-922-1140 415 N. Main Street Blythe, CA

O-01 Noise

The following acts are prohibited in PVVTA facilities and vehicles:

A. Disturbing others by engaging in boisterous or unruly behavior.

B. Creating noise, including unnecessary cell phone or other conversation, that is so loud, lengthy, sexually explicit, threatening, violent, or disruptive, that it causes a nuisance or unreasonably interferes with the use, operation, or enjoyment of the PVVTA facilities or vehicles for PVVTA representatives or patrons, or creates an unsafe condition, such as distracting driver of PVVTA vehicles.

C. Playing a sound device, except when using headphones or earphones that make the sound inaudible to others unless a permit has been issued for usage of such sound device by PVVTA.

P-01 Odors

A. A person may not be in a PVVTA facility or vehicle with an unavoidable grossly repulsive odor so extreme it causes a nuisance, unreasonably interferes with the use, operation, or enjoyment of the PVVTA facilities or vehicles for PVVTA representatives or patrons, or creates an unsafe condition.³¹ Notwithstanding the foregoing, this subsection shall not apply to persons with odors directly related to a disability or medical condition unless the odor is so severely disruptive that it interferes with the use or operation of the PVVTA facility or vehicle by PVVTA representatives or patrons, or creates direct threat or an unsafe condition.

B. Extreme odors may arise from a variety of sources, including one's body, possessions, clothing, food, chemicals or accompanying animals.

Q-01 Parking and use of PVVTA facilities and vehicles

A. Parking a vehicle at a PVVTA facility shall not exceed the posted allowed period of time, usually 24-hours.

B. Parking or storage of items in PVVTA facilities may only be used for the designated PVVTA related transportation purposes.

C. A person may not perform non-emergency maintenance on a non- PVVTA vehicle at a PVVTA facility unless authorized by PVVTA.

D. Driver training is prohibited at PVVTA facilities unless authorized by PVVTA.

E. A person may not enter nonpublic areas in PVVTA facilities or vehicles, unless authorized by PVVTA.

F. Persons wishing to hold an event, special meeting, or use for commercial purposes, in a PVVTA facility or vehicle, should contact PVVTA for information on its policies and procedures, and obtain its approval in advance, for such use.

R-01 Photography and Recording

A. A person may not photograph, film, duplicate, record, or sketch a PVVTA facility or vehicle for commercial purposes without first obtaining a PVVTA permit and any other required permits, and paying all required fees.

B. A person who photographs, films, or records in a PVVTA facility or vehicle must comply with all PVVTA safety requirements, instructions, licenses, and applicable laws including copyright laws.

C. A person may photograph, film, record, or sketch a PVVTA facility or vehicle for non-commercial purposes only in public areas, unless otherwise authorized by PVVTA, and in a manner, at a time, and at a place that does not interfere with PVVTA operations, or create an unreasonable risk to the safety or well-being of PVVTA representatives or patrons. Prohibited activities shall include use of a tripod, or laying of cord or cables, in a walkway; use of a flash bulb that is blinding to patrons or PVVTA Representatives; or creating congestion during an emergency evacuation.

D. Use of a covert sound recording device including cameras, cell phones and any other recording device is prohibited without properly notifying PVVTA or those who are subject to being recorded in a PVVTA facility or vehicle.

S-01 Safety

A. The following acts are prohibited in PVVTA facilities and vehicles:

1. Attaching to, hanging from, or riding on any part of the outside of a PVVTA vehicle, or being inside an area in which the public are prohibited. This section does not apply to an employee conducting PVVTA business.

2. Interfering with the safe operation or movement of a PVVTA vehicle.

3. Abandoning personal items.

4. Throwing or kicking a ball, disc, or other object where it is not safe to do so.

5. Standing, lying, or climbing on a sign, bench, passenger shelter, trash container, stanchion or planter.

6. Extending anything in the path of or through a door or window on a PVVTA vehicle.

7. Entering or crossing travel paths in a PVVTA facility, except in marked crosswalks or designated waiting areas, or at the direction of a PVVTA representative.

8. Engaging in sport, horseplay, or recreational activities.

9. Creating a danger to other persons.

10. Extending any portion of the body through any window opening of a PVVTA vehicle in an unsafe manner.

11. Engaging in any unsafe activity other than those described in Safety subsection S-01 of the Code.

B. To avoid injury, patrons must use care at all times when on or in a PVVTA facility or vehicle.

C. Patrons should be alert and promptly report to PVVTA or law enforcement any unsafe condition, broken equipment, or suspicious activity, odor, or package.

D. Emergencies should be reported immediately to a PVVTA representative, law enforcement, or emergency personnel. Emergencies may be reported using telephones or cell phones if available from a PVVTA facility or vehicle.

E. If a PVVTA representative or other authorized personnel evacuates a PVVTA facility or vehicle, patrons shall promptly and orderly follow instructions to avoid injury to other persons.

F. No person shall remove, tamper with, injure or destroy a PVVTA vehicle or the contents thereof, with the intent to cause great bodily injury to another person, or place an obstruction in front of a PVVTA vehicle, or willfully set a PVVTA vehicle in motion while it is at rest and unattended.

T-01 Signs

A. No person shall affix or post signs, stickers, buttons, advertisements, circulars, or other printed materials on or in PVVTA facilities or vehicles. Written permission must be obtained from PVVTA prior to placing, posting, or displaying a poster, notice, advertisement, sign, or other written material on a PVVTA facility or vehicle.

B. No persons shall destroy, cover, deface with graffiti, remove, damage, or tamper with a PVVTA poster, sign, advertisement, or notice, unless authorized by PVVTA.

C. Persons shall obey any sign that is intended to provide for the safety and security of transit passengers or the transit system.

D. Persons shall also obey all other notices and signs posted by PVVTA in a PVVTA facility or vehicle.

E. The carrying of signs or stick-like items into any PVVTA facility or vehicle shall be limited and subject to those restrictions set forth in subsection U-01 Solicitation herein.

U-01 Solicitation

A. No person shall aggressively solicit money or other things of value in a PVVTA facility or vehicle. Aggressive solicitation includes the following:

1. At or near a passenger area;
2. Using insults, profanity or threats;
3. Repeated requests to the same person who has refused; or
4. Making demands while blocking access to a facility such as a building or restroom.

B. No person shall solicit public support, or distribute materials, for any cause in PVVTA vehicles and in a non-public area of PVVTA facilities where the distribution is disruptive, presents a safety hazard, or impedes the movement of PVVTA patrons.

C. The exercise of freedom of speech is permitted in PVVTA facilities and vehicles, subject to the following restrictions:

1. Activity at a PVVTA facility is limited to public street side areas and areas which are not waiting areas for patrons.
2. Activity may not occur within fifteen (6) feet of a walkway, loading zone, kiosk, transit entrance or exit, emergency exit or telephone, bus shelter, or customer service station.
3. Activity may not impede transit services or the movement of patrons or PVVTA personnel.
4. Pamphlets and leaflets may not be left unattended in a PVVTA facility or vehicle.
5. The carrying of signs or placards larger than thirty (30") inches by thirty (30") inches, in PVVTA facilities or vehicles is prohibited. Large signs can be folded or rolled up to comply with the 30" by 30" restriction. No pole, stick, or other similar object or device utilized to display a sign shall exceed a length of thirty inches (30"), nor shall such object exceed a thickness of one-quarter inch (1/4") and a width of two inches (2"); or if not generally rectangular in shape, such object shall not exceed three-quarters inch (3/4") at its thickest dimension. This limitation is not intended to prohibit walking canes, crutches, or similar devices used for mobility assistance by a person with a disability. No object shall have an exposed sharp pointed end.
6. Carrying of any such signs or sticks must not to interfere with the movement, seating, or safety of patrons or PVVTA personnel.
7. Food and drinks shall not be distributed in PVVTA facilities or vehicles except by PVVTA or persons who obtain a permit from PVVTA.
8. Tables and portable equipment are prohibited, unless approved by PVVTA.

V-01 Weapons

- A. A weapon or instrument intended for use as a weapon shall not be discharged or directed at a PVVTA facility or vehicle, or at a person or object in a PVVTA facility or vehicle.
- B. Entering a PVVTA facility or vehicle with a weapon or instrument intended for use as a weapon is prohibited. This provision does not apply to law enforcement or PVVTA security personnel.

W-01 Fares

- A. Patrons who ride PVVTA vehicles or use PVVTA services must pay all applicable fares and fees.
- B. Patrons shall show proof of payment of fare upon request by a PVVTA representative.
- C. Evading payment of a PVVTA fare is prohibited. Fare evasion includes the following:
 1. Boarding a PVVTA vehicle or other fare required zone, without proof of valid fare media or without paying the fare upon boarding a PVVTA bus.
 2. Duplicating, counterfeiting, altering, or transferring any nontransferable fare media without PVVTA authorization.
 3. Placing anything other than valid coin, ticket, United States currency or other valid fare media, into a fare box, or other fare validation or collection device.

4. Falsely representing oneself as eligible for a waiver or a special or reduced fare, or obtaining fare media by making a false or misleading representation.
5. Refusing to show proof of valid, validated, unexpired fare media upon request by a PVVTA representative. Patrons shall show identification upon request for the purpose of accurate completion of citation data entry in accordance with posted policies.
6. Misusing fare media with the intent to evade payment of a fare.
7. Unauthorized use of a discount ticket or failing to present upon request by PVVTA or within 72 hours thereafter, acceptable proof of discount eligibility to use a discount ticket and show identification in accordance with posted policies.
8. Boarding through a rear bus door to avoid payment of fare.
9. Entering a PVVTA vehicle or facility when any penalty, fee or assessment for violation of the Code is past due or during any exclusion period.
10. Entering a PVVTA vehicle or facility in such a way as to bypass or avoid any fare-required zone barriers such as a PVVTA representatives collecting fares.

D. No payment will be made to patrons who overpay the required fare or who are ejected or excluded from PVVTA facilities or vehicles for violating the Code or applicable laws.

X-01 Enforcement

A. A person who violates the Code is subject to a notice of violation and imposition of any and all remedies, fines, criminal sanctions, damages, and penalties available by law. Enforcement of any provisions of the Code involving the payment of any fees, penalties or other administrative amounts, or community service, by adults based on California Penal Code section 640 (b) and (c), shall be pursuant to the authority and according to the procedures, herein and as set forth in the California Public Utilities Code including section 99580 et seq. The procedures set forth in section 99580 et seq. shall not apply to minors, whose violations shall be subject to enforcement as criminal matters in Superior Court as provided by law.

B. (1) A Person who violates any provision of the Code other than those described in Section A above and who receives a notice of violation may, within 7 days of the issuance of such notice of violation, request an initial review of the notice of violation by PVVTA. The request for review may be made in writing only. There shall be no charge for this review. If following the initial review PVVTA is satisfied that the violation did not occur, or that extenuating circumstances exist, and that the dismissal of the notice of violation is appropriate in the interests of justice, PVVTA may cancel the notice of violation. PVVTA shall notify, in writing the person requesting the review of the results of the initial review. If the notice of violation is not dismissed, reasons shall be provided for the denial. Notice of the results of the review shall be deemed to have been received by the person who requested the initial review when personally delivered ten (10) days following the mailing of the decision by PVVTA.

(2) If the person subject to the notice of violation is not satisfied with the result of the initial review, the person may no later than 14 days following the mailing of the initial review decision request an administrative hearing of the violation.

The request may be made by in writing only. The person requesting the administrative hearing shall provide PVVTA all applicable information or evidence regarding the notice of violation prior to the administrative review hearing. An administrative hearing shall be held within 90 days of the receipt of request for an administrative hearing.

(3) The administrative hearing shall include all of the following:

(a) The person requesting the hearing shall have the choice of a hearing in person or by mail. An in person hearing shall be held within the jurisdiction of PVVTA, and shall be conducted according to such written procedures as may from time to time be approved by the PVVTA General Manager or appointed designee. The hearing shall provide an independent, objective, fair, and impartial review of contested violations.

(b) The hearing shall be conducted before a hearing officer designated to conduct the review by PVVTA General Manager. In addition to any other requirements of employment the hearing officer shall demonstrate those qualifications, training, and objectivity as are necessary and consistent with the duties and responsibilities of the position as determined by PVVTA General Manager. The hearing officer's continued employment shall not be directly or indirectly linked to the penalties imposed by the hearing officer.

(c) The person who issued the notice of violation shall not be required to participate in an administrative hearing. PVVTA shall not be required to introduce any evidence other than the notice of violation. The notice of violation, in proper form shall be prima facie evidence of the violation.

(d) Following a determination by a hearing officer that there is sufficient evidence that a person did commit the violation, the hearing officer may, pursuant to PVVTA procedures, uphold, reduce or alter the recommended course of action originally given. Where it is determined that circumstances exist such that the dismissal of the notice of violation would best serve the interests of justice the Hearing Officer may dismiss the notice of violation and shall provide written reasons in support of that decision. The Hearing Officer shall have the power and authority to make rulings in the interests of justice within the law and PVVTA policies concerning notices of violation and the adjudication of hearings.

(e) The hearing officer's decision following the administrative hearing may be delivered personally by the hearing officer or may be sent by first class mail.

Y-02 Ejection

A person who violates any provision of the Code may be ejected by order of an authorized PVVTA representative and may be excluded from all or a portion of PVVTA vehicles and facilities. This remedy is in addition to any other fine, penalty, assessment, or other remedy available at law. The procedures for exclusion are those set forth by this Code.

1. A person who violates the Code may be immediately ejected from the PVVTA facility or vehicle, without refund of any fare, by an authorized PVVTA representative who witnesses a violation.

2. A person who violates the Code is subject to an all applicable enforcement action.

3. A person who violates the Code must, in addition to enforcement action may be subject to pay restitution if the violation involves damages.

4. A violation of the Code that is also a violation of a local, state, or federal law may be prosecuted in a court proceeding by the appropriate authority, in addition to any enforcement by or remedies available to PVVTA.

5. Failure to comply with a Notice of Exclusion may result in fines, a citation for criminal trespass, and any other applicable criminal and civil remedies.

6. PVVTA may establish procedures concerning the administration of any hearing provided such procedures are not in conflict with applicable law or the Code, and are approved by the PVVTA Board or the PVVTA General Manager.

7. PVVTA's Board of Directors or General Manager or Hearing Officer shall designate the officers, employees, consultants, or contractors who shall be authorized to issue notices of violation, order ejections and exclusions, or otherwise carry out the duties under the Code and any requisite training for such persons.

Y-03 Exclusion

1. A person, who violates the Code or a law in a PVVTA facility or vehicle, may be excluded from all or part of PVVTA facilities and vehicles either indefinitely or for a period of time specified in the PVVTA penalty schedule or notice of exclusion provided pursuant to Y-04 below.
2. Any person to whom a notice of violation or Penal Code citation pertaining to an offense which occurred on or in a public transit facility or vehicle is subject to exclusion, and may receive a notice of exclusion pursuant to Y-04 below.
3. A person excluded under the Code may not enter a PVVTA facility or vehicle during the period of exclusion. PVVTA may take any reasonable steps necessary to enforce an order of exclusion, including criminal arrest by an affiliated law enforcement agency or such other remedies as may be available at law.

Y-04 Notice of Exclusion

A notice of exclusion shall be given by PVVTA or its authorized representative by personal delivery, first class mail, or if the person does not provide PVVTA or its representative with a valid current address, to the address provided by the excluded person at the time of any underlying violation(s), or at the excluded person's last known address. A notice of exclusion is deemed received on the date of personal delivery or five (5) days after the date the notice of exclusion is mailed. The notice of exclusion shall specify the reason for exclusion, the places or transit areas from which the person is excluded, the duration of exclusion, the consequences for failing to comply with the terms of exclusion, and the right to seek review or appeal the decision. Any exclusion shall begin on the next day following receipt of the notice of exclusion unless otherwise specified in the notice of exclusion, except that exclusions issued for a period of one day or less are effective at the time the notice of exclusion is received. The exclusion, or other remedy, may be suspended upon PVVTA's receipt of a request for review and until the review is decided.

Y-05 Review Request

An excluded person may request a review of the exclusion. The exclusion may be suspended upon PVVTA's receipt of a request for review of a notice of exclusion, and until the review is decided and received by the excluded person. The request for review must be made in writing, and may be submitted by mail, or in person or as otherwise provided in the notice of exclusion, within seven (7) days after the Notice of Exclusion is received from PVVTA. A request for review is deemed to be received on the date it is personally delivered, or if mailed, three (3) days after the date of the postmark. The excluded person will be notified of the date for public hearing by mail or in person. The excluded person may request that the exclusion be rescinded or waived for good cause, that the places of exclusion be altered, or that the duration of exclusion be reduced. The request should include a copy of the notice of exclusion or the number assigned to the notice, a request for review, the current mailing address and signature of the excluded person, and any written statement (and supporting documentation) to explain why the exclusion should be rescinded, waived, altered, reduced, or otherwise modified.

Y-06 Administrative Review

The hearing shall be conducted by a Hearing Officer who is fair and impartial. The excluded person is not required to attend the hearing, and shall have the choice of the hearing being conducted by mail or in person. No PVVTA representative shall be required to attend the hearing. PVVTA may submit a copy of the notice(s) of violation, any notice of exclusion, and any documentation or statement by the PVVTA representative(s) issuing the notice(s) of violation or notice of exclusion. Any notice(s) of violation and/or notice of exclusion shall be received into evidence. Other relevant evidence submitted may be received into evidence at the determination of the presiding Hearing Officer. Copies of the notice(s) of violation and/or notice(s) of

exclusion shall be prima facie evidence of the facts stated therein and shall establish a rebuttable presumption supporting the exclusion of the individual. At the hearing, the Hearing Officer will review the prima facie validity of the Notice of Exclusion. PVVTA and the excluded person may present evidence including witness testimony to the Hearing Officer and may question witnesses who are present at the hearing. The Hearing Officer's decision shall be based on a preponderance of the evidence. Hearing officers shall have the discretion to dismiss or reduce the fines or other penalties, cancel the Notice of Exclusion, and make necessary modifications in the interests of justice in accordance with any policies or procedures adopted by the PVVTA Board. Continuances of the appeal hearing are disfavored but may be ordered by the hearing officer. The hearing officer may authorize the recording of the hearing. The decision of the hearing officer shall be made in writing. The decision of the Hearing Officer shall be deemed in full effect upon personal service to the excluded person or (3) three days after the mailing of the decision to the address provided by the excluded person.

List of Applicable Codes

- 1 49 CFR 37.3
- 2 ADA Title II, section 35.104
- 3 49 CFR 37.123
- 4 Civil Code § 54.25
- 5 Civil Code §§ 54.1-54.2; 28 CFR 36.104
- 6 Penal Code § 640(b)(5)
- 7 Vehicle Code § 406
- 8 Penal Code § 640(d)(4)
- 9 Vehicle Code § 22500(i); Vehicle Code § 22523(b)
- 10 Public Utilities Code § 99170
- 11 Vehicle Code § 21701
- 12 Public Utilities Code § 99170(a)(2)
- 13 Civil Code § 54.1
- 14 Penal Code §§ 241.3, 243.3, 243.35, 245.2, 640(b)(2) & 640(d)(1)
- 15 Penal Code § 602.7
- 16 Penal Code § 640(b)(4)
- 17 Penal Code § 640(d)(2)
- 18 Penal Code § 640(d)(3)
- 19 Penal Code § 640(d)(1)
- 20 Penal Code §§ 241.3 & 245.2
- 21 Penal Code § 647(a)
- 22 Penal Code § 647(b)
- 23 Penal Code §§ 594, 640.5-640.8
- 24 Penal Code § 374.4
- 25 Penal Code §§ 243.3 & 243.35
- 26 Public Utilities Code §99170(a)(4)
- 27 Penal Code §§ 640(b)(1) & (b)(3)
- 28 Penal Code § 640(b)(1)
- 29 B & P Code § 25662; H & S Code §§ 11350-11351, 11357
- 30 Penal Code § 647(f)
- 31 Civil Code § 3479
- 32 Government Code § 7597(a); Penal Code § 640(b)(3)
- 33 Penal Code § 647(h)
- 34 Penal Code § 647(e)
- 35 Penal Code §§ 640(b)(2) & (d)(1)
- 36 Vehicle Code §§ 21203 & 21712
- 37 Penal Code § 625c
- 38 Penal Code § 647(c)
- 39 Penal Code §§ 245.2, 247(b) & 171.7
- 40 Penal Code § 171.7
- 41 Penal Code § 640(c)
- 42 Penal Code § 640(c)(3)
- 43 Penal Code § 640(c)(2)
- 44 Penal Code § 640(c)(1)
- 45 Penal Code § 640(e)