**GoDurham: Rules of Conduct and Passenger Conduct Policy**

1. **Purpose**

It is the mission of GoDurham transit, to provide safe, reliable, convenient, and efficient public transportation to the citizens and visitors of Durham. GoDurham has established this Conduct Policy in order to promote the safety and comfort of GoDurham riders and, as well as protect transit facilities, vehicles, and employees. This policy outlines inappropriate and/or illegal behavior, exclusion procedures, and the appeal process.

1. **Overview and Definitions**

* No individual may engage in inappropriate conduct on, at or in the facilities of GoDurham including transfer points, shelters, bus stops, and administrative, operational, and maintenance facilities, or on buses used to provide GoDurham fixed route services.
* Inappropriate conduct includes individual or group activity which is disruptive or injurious to other individuals lawfully using GoDurham facilities or services; damaging or destructive to transit facilities or services; or disruptive, harassing, threatening or injurious to transit employees.
* The term “facilities” means all property and equipment of GoDurham including, without limitation, inside and outside areas of GoDurham property, bus shelters, bus stops, transfer points, signage and buses used to provide GoDurham service.
* The term “facilities” means all property and equipment of GoDurham including, without limitation, inside and outside areas of GoDurham property, bus shelters, bus stops, transfer points, signage and buses used to provide GoDurham service.
* 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.
* A person who has been excluded from the transit system may not enter or remain on GoDurham property during the period of exclusion as determined by the proper authority. North Carolina defines assault as (a) An unlawful threat or attempt to do bodily injury to another, (b) The act or an instance of unlawfully threatening or attempting to injure another.
* Assault on a public transit operator is a class A1 Misdemeanor.

1. **Level I Inappropriate Conduct on Buses & at Durham Station**

For any of the following inappropriate conduct on buses, the Bus Operator will be given a first warning to the individual (s) not to engage in such conduct. Continuous repeat infractions of misappropriate conduct, may result in exclusion from buses for not less than 30 days or more than 90 days.

1. Refusing to vacate designated front seats or designated wheelchair areas in buses for senior citizens or people with disabilities when requested by those persons or by the bus operator on their behalf.
2. Eating, drinking or smoking on the bus. There is no smoking or eating at Durham Transfer Station.
3. Littering on the bus, stop or station.
4. Using an audio device (e.g. portable CD/radio, MP3/IPod, computer, TV, phone, etc.) unless such equipment is used with earphones so that sound is limited for only the person’s own listening pleasure.
5. Standing beyond the white standee line at the front of the bus near the bus operator’s seat.
6. Bringing any animal on buses un-caged, except service animals that assist those with disabilities.
7. Bringing on-board any large articles, packages, baggage, non-collapsible strollers or baby buggies which block the aisle and restrict the free movement of customers.
8. 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 conversations with bus operators.
9. Having distracting conversations with bus operators while the bus is in motion.
10. Engaging in unauthorized canvassing, selling, soliciting or distributing any material onboard buses and/or at Durham Station.
11. Changing a child’s diaper.
12. Boarding unattended minors: Children five years of age and under must be closely accompanied at all times by an older responsible individual.
13. Roller-skating/blading, skateboarding or use of scooters on buses and/or at Durham Station. Scooters may not be used inside the building or on the platforms. Rented scooters/bicycles must be used outside of the station.
14. Hanging or swinging from stanchions or other bus equipment with feet off the floor.
15. Hanging out, reaching out, or putting anything out of the bus windows.
16. Willfully refusing to get off of the bus when requested by a bus operator/supervisor.
17. Spits or expectorates on or at bus operators, terminal employees, or GoDurham customers.
18. Obstructing or interfering with the Bus Operator’s safe operation of the bus.
19. Otherwise disorderly or inappropriate conduct which is inconsistent with the orderly and comfortable use of buses for their purpose.
20. Engaging in or directing conversations towards GoDurham Operators or customers that are profane, demeaning, and disrespectful to GoDurham employees, contractors, and customers.
21. **Level II Inappropriate Conduct on Buses, Durham Station or in Other Facilities**

Level II offenses may result in exclusion from buses for not less than 90 days or more than 6 months. Further legal action may be taken as applicable and appropriate.

1. Smoking or carrying a lighted or smoldering pipe, cigar, or cigarette on the bus, at a bus stop or at Durham Transfer Station (both inside and outside). This includes e-cigarettes and vaping.
2. Fighting.
3. Behavior that is disruptive, harassing, or threatening in nature to GoDurham customers or employees. This includes soliciting, following, or stalking customers or employees.
4. Causing sounds that are unreasonable and highly disruptive of other individuals using GoDurham facilities or services, including but not limited to: Prolonged loud, abusive, indecent, profane or drunken (or under the influence of drugs) conduct.
5. Drinking alcoholic beverages or possessing open containers of alcoholic beverages.
6. Use of Illegal drugs.
7. Willfully refusing to get off of the bus when requested by a bus operator/supervisor.
8. Otherwise disorderly or inappropriate conduct which is inconsistent with the safe and orderly use of transit facilities for their intended purpose.
9. **Level III Inappropriate Conduct/Emergency Situation**

An individual found to have engaged in any of the following Level III violations will be excluded from transit facilities and/or services for not less than 180 days or more than 12 months. Further legal action may be taken as applicable and appropriate.

1. Bringing any items of a dangerous nature on-board buses including: weapons (pistols, rifles, knives or swords); flammable liquids; dangerous, toxic or poisonous substances: vessels containing caustic materials, chemicals, acids or alkalis; sheet glass and sharp objects and/or at Durham Station.
2. Stealing or willfully damaging, defacing or destroying GoDurham property. The City will prosecute anyone who steals or willfully damages, defaces or destroys GoDurham property.
3. Lighting an incendiary device (e,g, match, lighter, torch).
4. Indecent exposure.
5. Entering or remaining on GoDurham buses/Station after having been notified by an authorized individual not to do so, or boarding or remaining on GoDurham buses/Station during the period when an individual has been banned from the buses and/or Durham Station.
6. Assault or threat of assault on a GoDurham employee, customer or contractor.
7. **Authorizations**

* Any individual observed engaging in misconduct may be told by a Bus Operator, Supervisor or an authorized individual to leave the facilities immediately and may be subject to arrest by proper authorities. The Bus Operator is authorized to request police assistance if necessary.
* The GoDurham Supervisor is authorized to and may ask the customer(s) to leave the bus/Station. An individual who declines to leave a bus/Station after being ordered to do so by the Supervisor is subject to arrest and prosecution for trespassing and or disorderly conduct.
* GoDurham permits sworn law enforcement officers of the Durham Police Department, authorization to act as agents for the purpose of excluding those individuals from GoDurham buses and/or facilities whom an officer reasonably believes has violated state and local laws and or the GoDurham Customer Behavior Policy.

1. **Transit Exclusion Procedure**

After repeated or serious incidents of inappropriate conduct by an individual, and it is determined that the individual involved should be excluded from transit facilities and/or services or that conditions should be placed on the individual’s continued use thereof:

* Authorized personnel will issue, or cause to be issued, to the individual involved a written exclusion letter from GoDurham facilities, including services as may be warranted. The letter shall indicate the reasons for the exclusion, the length of the exclusion, and the facilities and/or services to which the exclusion order applies. If continued use of transit facilities and/or services 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 their right to appeal the decision and include a copy of the appeal procedure. The General Manager of his/her designee shall provide a copy of the letter to all staff involved who have a need to know about the reasons for and length of the exclusion.
* If an appeal is not filed or moved to the next step in the process within the prescribed timelines, then the right to the appeal is considered waived.

1. **Appeal Procedure**

The aggrieved party has 10 days from the commencement of the exclusion to submit an appeal in writing to the General Manager to rescind or alter the terms of the exclusion. Appeals must be sent to:

**GoDurham Transit Service Exclusion Appeals**

**1903 Fay St**

**Durham, NC 27704**

Following the investigation of the matter, the General Manger shall review and may reconsider or modify the decision to exclude an individual. Within 14 business days of receipt of the appeal, the reasons for the rescission or modification, if applicable, to the grievant shall be specified in writing.

The appeal shall contain a) a copy of the exclusion notice and b) a statement of the reason why the exclusion is improper or should be altered.

For those requesting a hearing in person before the General Manager, the hearing will be scheduled within 30 days following receipt of the appeal.

The hearing shall be conducted as follows: a) presentation of documents and testimony opposing the exclusion. The General Manager or designee may question those providing testimony and may tape record the proceedings.

Any decision levied by the General Manager will be in writing and shall be final.

1. **Exclusion Terms**

The following suggested exclusion durations are guidelines to be issued by GoDurham in determining the duration of a particular exclusion. The Actual exclusion period imposed by the GoDurham General Manager, may be shorter or longer depending on the circumstances of each case. Circumstances that GoDurham may consider in determining the length of exclusion include, but are not limited to, the circumstances of the incident and the individual’s history of documented prior conduct/incidents while using or accessing GoDurham vehicles, facilities, or properties. **Permanent exclusion may be appropriate under certain circumstances.**

Level 1 – minimum 30 days but not more than 180 days from all GoDurham Transit Service and Facilities.

Level 2 – minimum 180 days but no more than 360 days from all GoDurham Transit Service and Facilities.

Level 3 – minimum 360 days from all GoDurham Transit Service 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, the police may be called and the individual may be subject to further action up to and including arrest for trespassing.

**Permanent Exclusion**

GoDurham retains the right to impose a permanent exclusion for severe crimes committed against persons or property. Permanent exclusions will be decided by a committee consisting of the General Manager, Safety Officer, Transit Security representative and Durham City Mobility Services Manager.

1. **Notice**

In addition to outlining the appeals process on the Exclusion Notice, GoDurham will mail a copy of the entire Appeal Policy to people issued Exclusion Notices who provide a mailing address. A copy of this policy is also available for inspection at the GoDurham main facility located at 1903 Fay Street, Durham, North Carolina 27704 and at the Durham Transfer Station.