

# Dutchess County Public Transit

## Rules of Conduct for Transit Vehicles & Facilities

Dutchess County Public Transit (DCPT), in furtherance of its mission, hereby creates these Rules governing the conduct and safety of the public in the use and operation of its transit services and properties.

### I. AUTHORIZATION & PURPOSE

(a) DCPT, as referenced throughout these Rules, refers to Dutchess County Public Transit, a division of the County's Department of Public Works.

(b) The FTA requirement set forth in 49 C.F.R. Part 673 includes the establishment of a Safety Management System and a Public Transit Agency Safety Plan which authorizes DCPT with the power to make rules governing the conduct and safety of the public in the use and operation of the transit facilities of Dutchess County.

(c) These Rules are established by DCPT to promote safety, facilitate the proper use of the transit facilities of DCPT, protect those transit facilities and their passengers, and assure the payment of fares and other lawful charges for the use of the system.

(d) These Rules regulate conduct occurring on DCPT transit vehicles, within or upon DCPT facilities and properties, and in connection with the DCPT's provision of public transportation services.

(e) These Rules may be amended or added to from time to time in accordance with law.

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

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

### II. DEFINITIONS

(a) "Appellant" shall mean an individual charged with a violation and challenging the finding and/or an exclusion/suspension

(b) "Assault" shall mean an act or attempted act, whether physical or non-physical, in which physical contact, attempted physical contact, or verbal threats or intimidation occur by one person directed to another without lawful authority or permission.

(c) "DCPT" shall mean Dutchess County Public Transit, a division of the County's Department of Public Works.

(d) "Bus Shelters" shall mean structures located in transit vehicles' loading zones that provide cover for the public to board and alight transit vehicles.

(e) "DCPT Representative" shall mean any part-time or full-time, temporary, or regular, exempt, or non-exempt, represented, or non-represented person, including intern(s) and volunteer(s).

(f) "DCPT Facilities, Properties and/or Infrastructure" shall mean all facilities, including transit vehicles, the Transit Hub, structures, schedule and news racks, kiosks, fare vending machines, bulletin and information boards, communication infrastructure such as telephone and radios, 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 DCPT for the purpose of providing public transportation services.

(g) "Personal Commercial Activity" shall mean any enterprise or venture by groups or individuals for the purpose of promoting or selling products or services to DCPT employees or the public, whether for profit or not.

(h) "Excluded" shall mean individuals may not be present or remain on Dutchess County property or equipment used to provide public transportation services.

(i) "General Public" shall mean any person or group of persons, including DCPT employees who are not acting in an official capacity at the time, who use/access DCPT Facilities and Properties.

(j) "Inappropriate Conduct" shall mean any conduct that is disruptive or injurious to other individuals lawfully using DCPT facilities or services; unwanted touching; assault and/or attempted assault including striking, shoving, kicking, or otherwise subjecting another person to physical contact or attempted physical contact or threaten to

do the same; damaging or destructive to transit facilities or services, or disruptive, harassing, stalking, or threatening to transit employees (whether in person, on the telephone or through email) or the public; horseplay; yelling and/or screaming at transit employees or the public while on or about DCPT Facilities or Properties. Inappropriate conduct may also constitute a violation of an ordinance or criminal law. Not being charged or convicted by law enforcement of an incident of inappropriate conduct does not bar investigation, warning, and/or exclusion under these rules.

(k) "Loitering" shall mean remaining on or about any DCPT Facilities and/or Properties, unless specifically authorized to do so, for the purpose of soliciting or engaging in any personal 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 without DCPT approval and or to remain on or about any DCPT Facilities and or Properties without a clear intent of using public transit for any extended period of time.

(l) "Park-N-Ride Lots" shall mean locations officially designated by DCPT at which persons may park their individual vehicles or bicycles and transfer to a DCPT Transit Vehicle. The term shall include all physical improvements and landscaping connected with a Park-N-Ride lot.

(m) "Person" shall mean any individual, firm, partnership, corporation, organization, association, or legal entity of any kind.

(n) "Public Transportation Services" shall mean any transportation service, whether operated by DCPT or any governmental agency, private person, firm, or corporation contracting with DCPT.

(o) "Transit Related Activities" shall mean activities associated with the provision or support of DCPT public transportation services, the use of those services by the public, or DCPT sales, promotion, and maintenance activities in support of the DCPT's public transportation services.

(p) "Transit Vehicle" shall mean every motor vehicle which is owned or operated by the County of Dutchess for public transportation services.

(q) "Indecent Exposure" shall mean the action or offense of intentionally showing one's body, especially one's genitals or breasts, in public in a way that is considered to be unacceptable or obscene.

### III. PROHIBITED CONDUCT

General: The following activities are prohibited in all DCPT transit vehicles and Facilities and Properties without DCPT authorization, which can only be provided by the Commissioner of Public Works or his/her designee:

(a) Level 1: The following activities are prohibited and may be considered Level 1 offenses for purposes of enforcement:

1. Violating a current notice of suspension order.
2. Any Inappropriate Conduct against DCPT employees or passengers. Depending on severity of the Inappropriate Conduct, this may be heightened to a level 2 or 3 offense.
3. Refusing to pay a fare or to show appropriate identification for reduced fare to the bus operator (if applicable).
4. Any smoking, vaping, or chewing tobacco products on transit buses or DCPT Facilities and Properties.
5. Soliciting funds.
6. Engaging in any form of illegal gambling activities.
7. Producing unreasonable noise from a device or utilizing a speaker phone which causes a distraction without headphones/earbuds.
8. Occupying more than one seat or blocking the aisle unnecessarily.
9. Dangerous activities, including but not limited to, skateboarding, hoverboarding, etc.
10. Riding bicycles, scooters, mopeds, and motorcycles, except where public vehicle travel and access is permitted.
11. Unauthorized Personal Commercial Activity.
12. Posting or affixing flyers, pamphlets, brochures, leaflets, written or graphic material of any kind;

affixing or erecting signs, banners, or other paraphernalia on the exterior or interior of DCPT Facilities and Properties without DCPT authorization; engaging in public activities involving signs, boxes, receptables, easels, or other similar apparatus of any kind.

13. Loitering.
14. Extending arms or other body parts out of vehicle windows.
15. Not wearing shoes and clothing, such as shirts, pants, and dresses, etc.
16. Failure to obey DCPT employees or signs.
17. Bringing any animal onboard DCPT transit vehicles or facilities and properties other than a service animal.
18. Eating or drinking on the bus (Note: Food items in closed containers are permitted).
19. Standing in front of the white standee line at the front of the bus near the driver's seat or leaning on the rear doors.
20. Blocking the aisle with any large articles including but not limited to, packages, baggage, shopping carts, and/or non-collapsible strollers and therefore restricting the free movement of passengers to enter or depart the vehicle and causing a potential safety hazard.
21. Engaging in indecent, profane, boisterous, unreasonably loud, demeaning, and disrespectful behavior.
22. Participating in otherwise disorderly or inappropriate conduct that is inconsistent with the orderly and comfortable use of buses for their intended purpose. This includes, but is not limited to, putting feet on the seat, leaving trash behind, and exposing other passengers to bodily fluids of any kind or odors that may present health or safety risks.

(b) Level 2: The following activities are prohibited and may be considered Level 2 offenses for purposes of enforcement:

1. Any non-physical Assault against DCPT employees or passengers.
2. Threatening, harassing or verbal abuse directed at DCPT employees, whether in person or through DCPT Infrastructure, or fellow passengers.
3. Spitting on/in DCPT Facilities and Properties.
4. Fighting on or in DCPT Facilities and Properties.
5. Throwing items on, in or from DCPT Facilities and Properties.
6. Drinking alcoholic beverages or possessing open containers of alcoholic beverages.
7. Obstructing or interfering with the bus operator's safe operation of the vehicle.
8. Obstructing bus traffic lanes.
9. Entering or remaining on or in DCPT Facilities and Properties after having been notified by an authorized individual not to do so or boarding or remaining on DCPT Facilities and Properties during the period when an individual has been banned from the premises.

(c) Level 3: The following activities are prohibited and may be considered Level 3 offenses for purposes of enforcement:

1. Physical Assault or attempted physical Assault against DCPT employees or passengers.
2. Bringing any items of a dangerous nature on or in DCPT Facilities and Properties, including but not limited to, weapons (pistols, rifles, knives, or swords); flammable liquids, dangerous, toxic, or poisonous substances; vessels containing caustic materials, chemicals, acids, alkalis, sheet glass and sharp objects.
3. Willfully damaging, defacing, or destroying DCPT Facilities and Properties.
4. Theft of DCPT Facilities and Properties or the property of any other passenger, DCPT Employee or DCPT Contractor.
5. Lighting an incendiary device on or in DCPT Facilities and Properties (e.g., match, lighter, torch)
6. Purposefully urinating or defecating on/in DCPT Facilities and Properties
7. Spitting on or at bus operators, employees, or passengers.
8. Possessing, transporting, using or distributing illegal or controlled substances.
9. Engaging in indecent exposure.

(d) Any other action that threatens public safety or inhibits the County's ability to deliver public transit services, including any violations of Federal, State or Local law, may be treated as a violation of these rules, and will be assessed on a case-by-case basis in terms of the level of violation.

(e) The County reserves all rights to use any legal mechanism at its disposal to enforce these charges and/or to protect its Facilities and Properties, including pressing appropriate criminal charges on a case-by-case basis. A waiver of enforcement of a particular violation shall not be considered a waiver of this Policy or the County's rights to act pursuant to this Policy.

#### IV. EXCLUSION/SUSPENSION

Exclusion/Suspension: Violations of these rules may result in exclusion/suspension from DCPT Facilities and Properties and/or services. The Commissioner of DPW shall designate one or more Rules Enforcement Officer(s) or designate the Director of Public Transit, who shall determine the duration of exclusion/suspension periods.

Generally, length of exclusion/suspension is determined using the following schedule:

1. Level 1 Offenses: Not less than forty-five (45) days or no more than ninety (90) days.
2. Level 2 Offenses: Not less than ninety (90) days or no more than one hundred eighty (180) days.
3. Level 3 Offenses: Not less than one hundred eighty (180) days or permanently based on severity.

The Commissioner of Public Works will review and decide on all permanent suspensions. Further legal action may be taken as applicable and appropriate for all offenses.

#### V. APPEALS

(a) DCPT provides an appeal process to a three-person Suspension of Service Hearing Committee to be designated by the Commissioner of Public Works. This process is available to any person issued any level offense (the Appellant).

1. Failure to follow the prescribed appeals process constitutes accepting the penalty and waiving a right to an appeal.

(b) Appeals must be requested by the Appellant in writing not later than ten (10) days after notice of the exclusion/suspension. Commencement of the exclusion/suspension shall be defined as the date upon which the exclusion/suspension became effective and shall be determined by DCPT's official records.

1. Appeals may be addressed to: Commissioner, Dutchess County Department of Public Works or their designee at: Transit Suspension of Service Hearing Committee, 626 Dutchess Turnpike, Poughkeepsie, NY 12603.

(c) A hearing must be requested by the Appellant in the request for an appeal. **If no hearing is requested in the request for appeal, the hearing is waived.**

1. A hearing will be scheduled within ten (10) days from the Commissioner's receipt of the request of an appeal.
2. A hearing must occur no later than twenty (20) days after the Commissioner's receipt of the request for a hearing.
3. The Appellant is entitled to one adjournment as of right, not to exceed ten (10) days.
4. A hearing must be conducted no later than thirty (30) days after the Commissioner's receipt of the request for a hearing if adjournment request is made by the Appellant.
5. The appellant shall bring to the hearing any documents, witnesses, or any other evidence that he/she believes is relevant to their case.
6. The formal rules of evidence shall not apply at the hearing.
7. The standard of proof shall be clear and convincing evidence.
8. Hearings will occur at the County Attorney's Office located at 22 Market Street, Poughkeepsie, NY 12601, Fifth Floor.

(d) A written decision shall be rendered within twenty (20) days from the receipt of the appeal.

(e) Exclusions/suspensions shall not be stayed during the appeal process, even with adjournments. Individuals attempting to use DCPT Facilities and Properties or showing a physical presence at a DCPT Facility and Properties

during an exclusion/suspension period, will be subject to further enforcement under the parameters of this document.

(f) If an exclusion/suspension is overturned on Appeal, the exclusion/suspension shall be immediately vacated and the Suspension of Service Hearing Committee may determine an award of damages, if any, based on evidence provided at the Hearing or submitted with the request for appeal.

#### VI. LIABILITY

(a) Nothing in this document shall create a special duty to any person on the part of DCPT or form any basis for liability on the part of the County of Dutchess, its officers, agents, or employees. The obligation to comply with these Rules is solely that of any person entering and/or using DCPT Facilities and Properties.