



Adopted:

CODE OF CONDUCT

PURPOSE

GoRaleigh is a service of the City of Raleigh, a program within the City of Raleigh's Department of Transportation. It is the mission of GoRaleigh, through the efforts of dedicated, well-trained employees, to provide safe, reliable, convenient, and efficient public transportation to the citizens and visitors of Raleigh and Wake County.

GoRaleigh has established this Code of Conduct Policy to:

- Ensure the safety and comfort of its riders,
- facilitate the safe, proper, and efficient use of transit facilities and services,
- protect GoRaleigh facilities, staff and riders and
- assure the payment of fares.

These Rules describe conduct that is appropriate and conduct that is prohibited when on or using GoRaleigh facilities and services. These rules also detail the procedures GoRaleigh will follow for ordering riders who exhibit prohibited conduct from GoRaleigh vehicles and other facilities and temporarily or permanently prohibiting such persons from using GoRaleigh facilities and services ('Excluding' such persons). The Rules also describe the process to be followed for appealing such Exclusion actions.

The City of Raleigh may suspend, amend, modify, or revoke the application of any or all Rules at any time as it deems necessary or desirable.

II. OVERVIEW AND DEFINITIONS

All persons using GoRaleigh facilities and services shall exhibit conduct that supports and is consistent with the safe and orderly use of the GoRaleigh transit system in which riders of different ages and abilities travel in close proximity to one another on fixed route and door to door vehicles.

Appropriate conduct ('Appropriate Conduct') means that all persons using GoRaleigh facilities or services shall:

1. listen to and follow the lawful orders and directives of City of Raleigh staff or staff contracted by the City of Raleigh, including GoRaleigh staff
2. obey any written instructions posted by GoRaleigh
3. pay the appropriate fare as applicable; and
4. conduct themselves in ways that:
 - a. does not threaten their own health or safety or the health or safety of others;
 - b. does not unreasonably annoy, disturb, or intrude on the space of others; and
 - c. does not unreasonably obstruct the aisles, seats, or doors of vehicles or obstruct others from using or accessing facilities or services.

No person using GoRaleigh facilities or services shall engage in prohibited conduct. Prohibited Conduct is conduct that:

1. is illegal under any federal, state, or local law, regulation, or ordinance;
2. damages any real or personal property of an operator, rider, or any other person;
3. causes injury to an operator, rider, or any other person; or
4. substantially interferes with or tends to interfere with GoRaleigh facilities or services.

Specific Prohibited Conduct is more fully described below. A Person who exhibits Prohibited Conduct may also be subject to criminal process or civil legal actions pursued by GoRaleigh or others.

DEFINITIONS.

The following definitions apply:

Assault – a threat or use of force on another that causes that person to have a reasonable apprehension of immediate harmful or offensive contact.

Contractor - a person or entity providing services for the City of Raleigh related to Raleigh's provision of transit services.

Direct threat - is defined as a "significant risk of substantial harm to the health or safety of the individual or others that cannot be eliminated or reduced by reasonable accommodation".

Exclude, Excluded, Exclusion - a Person may not enter upon or remain on GoRaleigh facilities or use GoRaleigh services for a specified period of time.

Facilities - all real and personal property and equipment of or used by GoRaleigh in the provision of GoRaleigh Services. Facilities include, but are not limited to, buildings, transit stations, bus shelters, bus stops, and areas inside and adjacent to such buildings, shelters, stops, and points; buses and other vehicles and equipment; and signs.

Fare - the lawful charges established by GoRaleigh for the use of facilities or services as applicable.

Fare Media - the various instruments and devices issued by or on behalf of GoRaleigh to use for the payment of fare, including but not limited to farecards, passes, tickets, and vouchers.

Harassment – taking actions against another person that put that person under emotional stress.

Incendiary Device – a device used to ignite a flame.

Operator - the driver of a GoRaleigh vehicle.

Person - any individual, association, or entity.

Rider - any Person using GoRaleigh facilities or services.

Services - GoRaleigh fixed route, on demand, and any other services as may be offered from time to time by GoRaleigh.

Service Animal - any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition. The work or tasks performed by a service animal must be directly related to the individual's disability. Examples of work or tasks include, but are not limited to, assisting individuals who are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, providing non-violent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting individuals to the presence of allergens, retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility

disabilities, and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors. The crime deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of this definition. (28 C.F.R. § 35.104 and § 36.104).

Sound Production Device - any device capable of producing sound including but not limited to radio, television, musical instrument, tape recorder, cassette or compact disc player, speaker device or system, computer, computer tablet, smart phone, and any sound amplifier or sound-producing device like those items listed but excluding an auxiliary aid or assistive device when utilized by a person with a disability as defined by the Americans with Disabilities Act.

Supervisor - GoRaleigh staff overseeing the daily operations of the GoRaleigh transit system. Supervisors are authorized to trespass a person from facilities.

Trip – The full movement of a bus through its route in both the inbound and outbound direction.

Vehicle - any GoRaleigh bus or other vehicle.

III. PROHIBITED CONDUCT

Level I Prohibited Conduct includes:

1. Disturbing other Riders or the Operator or impeding, interfering with, or obstructing the provision of safe, clean, reliable, and efficient service. This includes but is not limited to:
 - a. Refusing to vacate seats and areas designated by signs for people with disabilities and senior citizens when requested by a senior citizen or a person with a disability, or by the Operator on behalf of such persons.
 - b. Using a Sound Production Device except when such Sound Production Device is used with headphones or earphones such that sound from such device is heard by the user only.
 - c. Standing when the Vehicle is in motion in front of the standee line at the front of the Vehicle near the Operator's seat.
 - d. Bringing any animal on a Vehicle unless such animal is contained within a bag or carrier. The carrier must be held in the lap of the Rider possessing the animal. The Rider must maintain control of the animal. This prohibition does not apply to Service Animals.

- e. Service Animals may be prohibited from GoRaleigh vehicles if one of the following conditions occur. If an animal is excluded for such reasons, staff must still offer their goods or services to the person without the animal present:
 - i. The service animal is out of control and the animal's owner does not take effective action to control it.
 - ii. The service animal poses a direct threat to the health or safety of others. This does not apply to allergies of bus operators or riders.
 - iii. The animal fundamentally alters nature of public place &/or goods and services provided
 - iv. The service animal's presence will compromise legitimate safety requirements necessary for safe operation of the facility or poses a legitimate safety concern or direct threat to the health and safety of others that cannot be eliminated (see *Roe v Providence Health Sys. – Or.*, 655 E. Supp. 2d 1164 (D. Or. 2009) (citing 42 U.S.C. § 12182)).
- f. Bringing on-board any large items which block the aisle and restrict the free movement of passengers. This prohibition does not apply to wheelchairs, crutches, canes, or other mobility aids or assistive devices.
- g. Distracting, or attempting to distract, an Operator.
- h. Engaging in canvassing, selling, soliciting or distributing any material on-board buses or at a transit facility.
- i. Changing and/or leaving a child's diaper in a vehicle or on a station platform.
- j. Eating or drinking on-board buses with the exception of bus operators who have permission to do so when vehicles are not in motion.
- k. Hanging or swinging from stanchions or other vehicle equipment with feet off the floor.
- l. Litter, dump garbage, liquids or other matter, create a nuisance, hazard or unsanitary condition (including, but not limited to, spitting, vomiting, defecating, or urinating, except in facilities provided).
- m. Hanging out, reaching out, or putting any item, article, or other substance outside of vehicle windows.

- n. Remaining on board a bus for multiple trips.
- o. Roller-skating, rollerblading, or skateboarding on buses or station platforms.
- p. Otherwise, disorderly or inappropriate conduct which is inconsistent with the orderly and comfortable use of service for its intended purpose. This includes putting feet on seats; failing to be fully dressed, including the wearing of shoes, and/or the wearing of any clothes in a manner that is revealing of undergarments or undergarment areas of the body.

Actions that impede or deny other rider's access to service including threatening/ abusive telephone calls; intentionally tying up telephone lines.

Level II Prohibited Conduct includes:

1. Smoking or lighting any incendiary device, including a match, lighter, or torch on a Vehicle or in GoRaleigh facilities; or using vapor products as defined by G.S. 14-313, including but not limited to electronic cigarettes, on a vehicle or in GoRaleigh facilities.
2. Entry onto a vehicle without payment of the Fare or display of Fare Media as applicable.
3. Entry onto a vehicle using counterfeit or stolen Fare Media.
4. Stealing or destroying any property including marking, soiling, painting, inscribing, writing, spray painting, or placing graffiti upon any facility; removing, injuring, or tampering with any facility; or attempting to commit any of those acts.
5. Disorderly or disruptive conduct, including:
 - a. Fighting.
 - b. Assaulting another person or threatening to inflict bodily injury on another person through words or actions.
 - c. Offensively touching another person or using force on another person without their consent or intentionally injuring another person.
 - d. Harassing another person.
 - e. Screaming or shouting at another person. This is not intended to prohibit ordinary conversation between passengers in normal conversational tones.
 - f. Stalking another person.

6. Bringing any items of a dangerous nature on-board a Vehicle. Items of a dangerous nature include pistols, guns, and other deadly weapons as defined in G.S. 14-269(a); any knife having a blade of three inches or longer; BB gun; air gun; paintball gun; airsoft gun; bow and arrow; flammable liquids; dangerous, toxic, caustic, hazardous, or poisonous substances; sheet glass; and sharp objects. This prohibition does not apply to a person who has a concealed handgun permit or others exempt from the need for such a permit as defined in NCGS Chapter 14, Article 54(B).
7. Obstructing or interfering with the Operator's safe operation of the Vehicle.
8. Exposing any private part of a Person's body (indecent exposure as defined in G.S. 14-190.9)
9. Failure to comply with N.C. G.S. 14-275.1:
 - a. Engage in disorderly conduct
 - b. Use vulgar, obscene or profane language, or
 - c. On any occasion, without having necessary business there, loiter and loaf upon the premises after being requested to leave by any police officer or by any person lawfully in charge of such premises.
10. Drinking alcoholic beverages or possessing open containers of alcoholic beverages.
11. Entering or remaining on GoRaleigh buses after having been notified by an authorized individual not to do so or board or remain on GoRaleigh buses during the period when an individual has been banned from the premises.

IV. ENFORCEMENT OF THE RULES

The Operator may refuse entry onto a Vehicle to any person who violates these Rules of Conduct.

The Operator or a Supervisor may provide oral and written warnings and may eject (order a Person to leave) or Exclude persons from facilities and suspend the use of GoRaleigh Services as follows:

1. If an Operator or Supervisor becomes aware that any Person is engaging in any Prohibited Conduct, such Operator or Supervisor will give that Person an oral First Warning to immediately cease engaging in the Conduct and/or not to engage in the Conduct again. If the person does not cease engaging in the Conduct, or if the person was engaged in any Level II Prohibited

Conduct, then the Operator or Supervisor may direct the person to immediately leave the Vehicle or other facility.

2. If a Person fails or refuses to leave a Vehicle or other facility after being directed to do so by an Operator or Supervisor, then such person is subject to arrest and prosecution. Additionally, failing to leave a Vehicle or other facility after being directed to do so may also subject a person to the Exclusion Procedure, described in Section 5.

If the Operator or Supervisor identifies a Direct Threat, the following criteria must be met:

- **Objective evidence:** The determination cannot be based on stereotypes, fears, or generalizations. It must be based on objective, factual, and current medical or other evidence.
- **Individualized assessment:** The entity must assess the specific individual's abilities and the nature of the specific threat, rather than assuming a risk based on a person's disability.
- **Reasonable accommodation:** Before concluding that a direct threat exists, the entity must consider if there are any reasonable accommodations that could eliminate or reduce the risk to an acceptable level.

DUE PROCESS

Throughout the exclusion procedure GoRaleigh's transit exclusion appeals procedure must be followed. GoRaleigh is required to provide administrative due process to the customer/service animal, as follows:

- 1) Adequate documentation must be on file to support the decision. The reason for exclusion has been identified and carefully investigated, and that action is warranted.
- 2) If exclusions are imposed, the customer must be notified ahead of time verbally, in writing, or in accessible format.
 - A) If an immediate exclusion is imposed, a verbal notification must be swiftly followed by the required written or accessible format notice.
- 3) The Exclusion Order must identify the basis for the proposed action with specifics and describe the proposed exclusion period. It must notify the customer of his/her right to appeal and how to file an appeal.
- 4) Exclusion decisions may be subject to appeal hearing before the independent transit exclusion appeals board. The board's decision is final and binding.

In that hearing:

- The rider has the right to present written and oral information and arguments.
- The rider has the right to representation or to bring a supporting person.

V. TRANSIT EXCLUSION PROCEDURE

If a person has failed or refused to follow an order to cease Prohibited Conduct and a Supervisor determines that an individual should be excluded from GoRaleigh facilities and/or services, or that conditions should be placed on the person's continued use thereof, the process is as follows:

The GoRaleigh Director of Security will issue an Exclusion Order to the person stating the reasons for the exclusion, the length of the exclusion, and the facilities and/or services to which the Exclusion Order applies.

Level I Prohibited Conduct may result in exclusion for not less than 14 days or more than 3 months and Level II Prohibited Conduct may result in exclusion for not less than 90 days or more than 24 months. Repeated instances of Prohibited Conduct will result in an exclusion period for not less than 24 months to permanent.

If continued use of 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 Order may be issued specifying that the person will be subject to exclusion unless the imposed restrictions are complied with. The Exclusion Order may be issued verbally; however, any verbal notice will be followed by a written Exclusion Order.

- B. The written Exclusion Order shall also advise the person of his/her right to appeal the decision and include a copy of the appeal procedure. The Director of Security will inform appropriate staff about the reasons for and length of the exclusion.
- C. If an appeal is not filed by the excluded party within ten (10) business days from the commencement of the exclusion, the right to appeal terminates and the Exclusion Order is final.

VI. APPEAL PROCEDURE

- a) Any person/service animal Excluded from GoRaleigh facilities of services may appeal such Exclusion Order by submitting a verbal or written Notice of Appeal to the Director of Security. It must be submitted in a sealed envelope, marked as GoRaleigh Operations, c/o Director of Security, 4104 Poole Road, Raleigh, NC 27610.

Any appeal by or on behalf of the party subject to an exclusion order shall be submitted in writing to the Director of Security within thirty (30) days of denial of

service. The letter shall state with specificity the grounds for the appeal. The Director of Security shall review and may reconsider or modify the decision to exclude an individual/service animal, following investigation of the matter and shall specify in writing within thirty (30) business days of receipt of the appeal the reasons for rescission or modification, if applicable, to the appellant.

Should the Excluded Person/Service Animal wish to appeal the decision of the Director of Security, the Excluded Person may appeal the Director of Security's decision to the GoRaleigh General Manager by filing a verbal or written Notice of Appeal of the Director of Security's decision within ten (10) days of the date of the decision. It must be submitted in a sealed envelope, marked as GoRaleigh Operations, c/o General Manager, 4104 Poole Road, Raleigh, NC 27610. The General Manager will respond, following investigation of the matter and shall specify in writing within thirty (30) business days of receipt of the appeal the reasons for rescission or modification, if applicable, to the appellant.

Should the Excluded Person/Service Animal wish to appeal the decision of the General Manager, the Excluded Person/Service Animal may appeal the General Manager's decision to the Director of Security by filing a verbal or written Notice of Appeal of the General Manager's decision within ten (10) days of the date of the decision. It must be submitted in a sealed envelope, marked as GoRaleigh Operations, c/o Director of Security, 4104 Poole Road, Raleigh, NC 27610. The Director of Security will return a letter of response to the appellant notifying them of the time and place of a hearing in front of the City's Transit Appeals Panel.

- b) The Director of Security shall appoint a special Transit Exclusion Appeals Board consisting of three Panel members. Panel members will disqualify themselves should they have a conflict of interest that would bias their decision on the individual's eligibility appeal.

Panel members will have an opportunity to review the appeals letter and supplemental information provided by the applicant as well as any added information provided by the City's Transit Staff. Panel members and City staff will treat all information as confidential.

- c) This Panel shall hold a hearing within thirty (30) days after the notice has been filed. A notice of the hearing including a statement of the time, place and nature of the hearing shall be mailed to the aggrieved party by the City's Transit staff. Exclusion orders shall remain in effect pending an appeal.

The appellant and his/her representative (if any) will be notified of the hearing date, time and location. The appellant may attend the hearing, if he/she chooses, accompanied by his/her representative and one attendant. The Appeals Hearing is confidential and is NOT a public meeting.

On the day of the Hearing:

- d) The three members meeting to hear the appeal shall first choose one member to act as chairperson.

- e) Staff shall introduce the appellant to panel members and review the determination of reinstatement of Transit service.
- f) Appellant and staff each will have equal time (10 minutes) to present evidence specific to eligibility before the Appeals Panel.
- g) Panel members may ask questions, after presentation by appellant and staff, at their discretion.
- h) Upon completion of questions, the appellant is informed:
 - i) A decision on eligibility status will be made within thirty days (state date).
 - ii) If a Panel decision is not made by the 31st day, the appellant may request use of Transit service until a decision is made.
- i) Panel members will then discuss the appellant's case and evidence, after appellant and staff are excused. The Panel shall deliberate cases as necessary. They shall either come to a common conclusion on eligibility or vote on determination of eligibility. The Panel shall then state their reasons for their decision, adding any special conditions for eligibility or denial of service.
- j) The Panel decision is communicated in writing to the applicant within 30 days of completion of the appeals process.

The decision of the Appeals Panel is a final administrative review.

VII. 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 will be called and individual will be subject to arrest for trespassing under NC GS Chapter 14 Article 22B.

VIII: APPEAL PROCEDURE: TRESPASSING

- k) Any person/service animal Trespassed from GoRaleigh facilities of services may appeal such Trespass Order by submitting a verbal or written Notice of Appeal to the Director of Security. It must be submitted in a sealed envelope, marked as GoRaleigh Operations, c/o Director of Security, 4104 Poole Road, Raleigh, NC 27610.

Any appeal by or on behalf of the party subject to a trespass order shall be submitted in writing to the Director of Security within thirty (30) days of denial of

service. The letter shall state with specificity the grounds for the appeal. The Director of Security shall review and may reconsider or modify the decision to trespass an individual/service animal, following investigation of the matter and shall specify in writing within thirty (30) business days of receipt of the appeal the reasons for rescission or modification, if applicable, to the appellant.

Should the Trespassed Person/Service Animal wish to appeal the decision of the Director of Security, the Trespassed Person/Service Animal may appeal the Director of Security's decision to the GoRaleigh General Manager by filing a verbal or written Notice of Appeal of the Director of Security's decision within ten (10) days of the date of the decision. It must be submitted in a sealed envelope, marked as GoRaleigh Operations, c/o General Manager, 4104 Poole Road, Raleigh, NC 27610. The General Manager will respond, following investigation of the matter and shall specify in writing within thirty (30) business days of receipt of the appeal the reasons for rescission or modification, if applicable, to the appellant.

Should the Trespassed Person/Service Animal wish to appeal the decision of the General Manager, the Trespassed Person may appeal the General Manager's decision to the Director of Security by filing a verbal or written Notice of Appeal of the General Manager's decision within ten (10) days of the date of the decision. It must be submitted in a sealed envelope, marked as GoRaleigh Operations, c/o Director of Security, 4104 Poole Road, Raleigh, NC 27610. The Director of Security will return a letter of response to the appellant notifying them of the time and place of a hearing in front of the City's Transit Appeals Panel.

- l) The Director of Security shall appoint a special Trespass Appeals Board consisting of three Panel members. Panel members will disqualify themselves should they have a conflict of interest that would bias their decision on the individual's eligibility appeal.

Panel members will have an opportunity to review the appeals letter and supplemental information provided by the applicant as well as any added information provided by the City's Transit Staff. Panel members and City staff will treat all information as confidential.

- m) This Panel shall hold a hearing within thirty (30) days after the notice has been filed. A notice of the hearing including a statement of the time, place and nature of the hearing shall be mailed to the aggrieved party by the City's Transit staff. Trespass orders shall remain in effect pending an appeal.

The appellant and his/her representative (if any) will be notified of the hearing date, time and location. The appellant may attend the hearing, if he/she chooses, accompanied by his/her representative and one attendant. The Appeals Hearing is confidential and is NOT a public meeting.

On the day of the Hearing:

- n) The three members meeting to hear the appeal shall first choose one member to act as chairperson.

- o) Staff shall introduce the appellant to panel members and review the determination of reinstatement of Transit service.
- p) Appellant and staff each will have equal time (10 minutes) to present evidence specific to eligibility before the Appeals Panel.
- q) Panel members may ask questions, after presentation by appellant and staff, at their discretion.
- r) Upon completion of questions, the appellant is informed:
 - iii) A decision on eligibility status will be made within thirty days (state date).
 - iv) If a Panel decision is not made by the 31st day, the appellant may request use of Transit service until a decision is made.
- s) Panel members will then discuss the appellant's case and evidence, after appellant and staff are excused. The Panel shall deliberate cases as necessary. They shall either come to a common conclusion on eligibility or vote on determination of eligibility. The Panel shall then state their reasons for their decision, adding any special conditions for eligibility or denial of service.
- t) The Panel decision is communicated in writing to the applicant within 30 days of completion of the appeals process.

The decision of the Appeals Panel is a final administrative review.