

Rules of the Road – VCTC Bus Passenger Code of Conduct

To ensure that every VCTC bus ride is safe and enjoyable, all VCTC bus passengers shall refrain from engaging in any of the following conduct on a VCTC bus or in a VCTC facility:

- (1) Disturbing others by engaging in boisterous or unruly behavior or through the use of profanity
- (2) Smoking (including the use of an electronic vapor device), Eating, or Drinking on a VCTC bus
- (3) Urinating or defecating, except in designated lavatories
- (4) Willfully blocking the free movement of another person (including not folding strollers when not in use)
- (5) Not keeping hands and arms inside the VCTC bus at all times
- (6) Not wearing shoes and/or a shirt
- (7) Playing of audio devices without headphones
- (8) Littering
- (9) Evading payment of fares on a VCTC bus (including use of stolen transfers or other fraudulent fare media)
- (10) Committing an act or engaging in behavior that that presents a danger to the health, safety, or welfare of any VCTC bus passenger or any VCTC employee. (Such behavior includes conduct which is violent, seriously disruptive, or criminal as defined by the California Penal Code)
- (11) Engaging in verbal or physical abuse of VCTC employees, drivers, or VCTC bus passengers (Such behavior includes spitting, cursing, yelling, making racial epithets, physical intimidation)
- (12) Interfering with the operation of a VCTC bus or impeding boarding or exiting by passengers or VCTC employees (including crossing in front of a VCTC bus)
- (13) Carrying explosives, acid, or flammable liquid on a VCTC bus or within a VCTC facility (includes car batteries)
- (14) Engaging in graffiti or other vandalism actions on a VCTC bus or VCTC facility
- (15) Soliciting, advertising, selling, or distributing goods or services on a VCTC bus or VCTC property, except as authorized by VCTC or its agents (Such behavior includes the sale or distribution of controlled substances or marijuana)
- (16) Committing any acts involving violence, threats of violence, lewd or lascivious behavior, prostitution, or drug dealing on a VCTC bus or in a VCTC facility

Any person who engages in the prohibited behavior listed above shall be subject to suspension of her or his riding privileges as set forth herein below in addition to any other applicable civil or criminal enforcement actions.

VCTC Bus Passenger Suspension Policy

I. Conduct Subject to Immediate Removal and Suspension – Two Citations within 90 Days

A. Any person issued a citation for engaging in any of the following conduct or activities in or on a VCTC bus, in a VCTC facility, or on VCTC property two (2) or more times within any ninety (90) day period will be subject to immediate removal from the bus or facility and suspension from use of all VCTC buses and facilities for a period not to exceed thirty (30) days:

- (1) Disturbing others by engaging in boisterous or unruly behavior or through the use of profanity
- (2) Smoking (including the use of an electronic vapor device), Eating, or Drinking on a VCTC bus
- (3) Urinating or defecating, except in designated lavatories
- (4) Willfully blocking the free movement of another person (including not folding strollers when not in use)
- (5) Not keeping hands and arms inside the VCTC bus at all times
- (6) Not wearing shoes and/or a shirt
- (7) Playing of audio devices without headphones
- (8) Littering
- (9) Evading payment of fares on a VCTC bus (including use of stolen transfers or other fraudulent fare media)

B. Any person issued a second citation within any one-year period for engaging in any of the above conduct or activities on a third occasion within any one-year period will be subject to suspension for a period not to exceed ninety (90) days.

C. Any person cited three or more times within any two-year period for engaging in any of the above conduct or activities on a fourth or subsequent occasion within any two-year period will be subject to suspension for a period not to exceed one hundred and eighty (180) days for each subsequent citation.

II. Conduct Subject to Immediate Removal and Suspension

A. Any person cited for engaging in any of the following conduct or activities in or on a VCTC bus, in a VCTC facility, or on VCTC property, at any time, will be subject to immediate removal from the vehicle or facility and suspension from use of all VCTC vehicles and facilities for a period not to exceed thirty (30) days upon the first occurrence, not to exceed ninety (90) days upon the second occurrence within any one-year period, and not to exceed one hundred eighty (180) days upon every subsequent occurrence within the same one-year period:

- (1) Committing an act or engaging in behavior that that presents a danger to the health, safety, or welfare of any VCTC bus passenger or any VCTC employee. (Such

behavior includes conduct which is violent, seriously disruptive, or criminal as defined by the California Penal Code)

- (2) Engaging in verbal or physical abuse of VCTC employees, drivers, or VCTC bus passengers (Such behavior includes spitting, cursing, yelling, making racial epithets, physical intimidation)
- (3) Interfering with the operation of a VCTC bus or impeding boarding or exiting by passengers or VCTC employees (including crossing in front of a VCTC bus)
- (4) Carrying explosives, acid, or flammable liquid on a VCTC bus or within a VCTC facility (includes car batteries)
- (5) Engaging in graffiti or other vandalism actions on a VCTC bus or VCTC facility
- (6) Soliciting, advertising, selling, or distributing goods or services on a VCTC bus or VCTC property, except as authorized by VCTC or its agents (Such behavior includes the sale or distribution of controlled substances or marijuana)

III. Conduct Subject to Extended Suspension – Arrests and Convictions

A. Any person arrested for a misdemeanor committed in or on a VCTC bus, in a VCTC facility, or on VCTC property, for acts involving violence, threats of violence, lewd or lascivious behavior, prostitution, or drug dealing will be subject to immediate removal from the vehicle or facility and suspension from use of all VCTC vehicles and facilities for a period not to exceed ninety (90) days.

B. Any person arrested for a felony committed in or on a VCTC vehicle, in a VCTC facility, or on VCTC property, for acts involving violence, threats of violence, lewd or lascivious behavior, prostitution, or drug dealing will be subject to immediate removal from the vehicle or facility and suspension from use of all VCTC vehicles and facilities for a period not to exceed one hundred eighty (180) days.

C. Any person convicted of a misdemeanor committed in or on a VCTC vehicle, in a VCTC facility, or on VCTC property, for acts involving violence, threats of violence, lewd or lascivious behavior, prostitution, or drug dealing will be subject to immediate suspension from use of all VCTC vehicles and facilities for a period not to exceed one hundred eighty (180) days when added to the suspension for the initial misdemeanor arrest.

D. Any person convicted of a felony committed in or on a VCTC vehicle, in a VCTC facility, or on VCTC property, for acts involving violence, threats of violence, lewd or lascivious behavior, prostitution, or drug dealing will be subject to immediate suspension from use of all VCTC vehicles and facilities for a period not to exceed one (1) year when added to the suspension for the initial felony arrest.

IV. Notice and Appeal Procedure

A. Notice of Suspension by the Program Manager

When an individual is found to be subject to suspension for engaging in conduct or activities in violation of sections I., II., or III. above, the Program Manager of VCTC (“Program Manager”), or his or her designee, shall issue a Notice of Suspension setting forth a description of the conduct underlying the violation or violations giving rise to the suspension, including reference to the applicable statutory provision, ordinance, or VCTC rule violated, the date of the violation, the approximate time of the violation, the location where the violation occurred, the period of the proposed suspension, and the scope of the suspension. The Notice of Suspension shall state the procedure for appealing the suspension. The Notice of Suspension shall be directly served upon the violator, either by personal service or by certified mail. Proof of service of the Notice of Suspension shall be filed with VCTC.

B. Initial Review by the Director of Public Transit

For a period of ten (10) calendar days from the delivery of the Notice of Suspension by personal service or certified mail, the person may request an initial review of the suspension by the Director of Public Transit of VCTC (“Transit Director”), or his or her designee. The request may be made by telephone (with confirmation by the Transit Director via email), in writing, or in person at the VCTC offices. There shall be no charge for this review. In conducting its review and reaching a determination, the Transit Director shall determine whether the suspension meets the requirements of sections I., II., or III. and, unless the person has been convicted of the offense or offenses, whether the offense or offenses for which the person was cited or arrested are established by a preponderance of the evidence. If, following the Initial Review, based on these findings, the Transit Director determines that the suspension is not adequately supported or that extenuating circumstances make dismissal of the suspension appropriate in the interest of justice, the Transit Director shall cancel the Notice of Suspension. If, following the Initial Review, based on these findings, the Transit Director determines that the suspension should be upheld in whole or in part, the Transit Director shall issue a written statement to that effect, including any modification to the period or scope of the suspension. The Transit Director shall serve the results of the Initial Review to the person contesting the Notice of Suspension by personal service or by certified mail.

The Transit Director may modify or cancel a suspension in the interest of justice. The Transit Director may also cancel a suspension if he or she determines that the person did not understand the nature and extent of his or her actions or did not have the ability to control his or her actions. If the person is dependent upon VCTC’s transit system for trips of necessity, including, but not limited to, travel to or from medical or legal appointments, school or training classes, places of employment, or obtaining food, clothing, and necessary household items, the Transit Director may modify a suspension to allow for those trips. A person requesting a cancellation or modification in the interest of justice shall have the burden of establishing the qualifying circumstances by a preponderance of the evidence.

C. Review Hearing before the Executive Director

If the person is dissatisfied with the results of the Initial Review, the person may request a Review Hearing before the Executive Director of VCTC (“Executive Director”) to review the suspension no later than ten (10) calendar days after the results of the Initial Review by the Transit Director are delivered by personal service. The request may be made by telephone, in writing, or in person. A Review Hearing before the Executive Director shall be held within thirty (30) calendar

days after the receipt of a request for a Review Hearing. The person requesting the Review Hearing may request one continuance, not to exceed seven (7) calendar days.

The Review Hearing before the Executive Director (“Hearing”) process shall include all of the following:

(1) The person requesting the Hearing shall have the choice of a Hearing by mail or in person. An in-person Hearing shall be conducted within Ventura County.

(2) The person who issued the Notice of Suspension shall not be required to participate in the Hearing, unless participation is requested by the person requesting the Hearing. The request for participation must be made at least five (5) calendar days prior to the date of the Hearing and may be made by telephone (with confirmation by the Transit Director via email), in writing, or in person at the VCTC offices. The Notice of Suspension, in proper form, shall be prima facie evidence of the violation or violations pursuant to sections I., II., or III., establishing a rebuttable presumption affecting the burden of producing evidence.

(4) In issuing a decision, the Executive Director shall determine whether the suspension meets the requirements of section I., II., or III. and, unless the person has been convicted of the offense or offenses, whether the offense or offenses for which the person was cited or arrested are established by a preponderance of the evidence. Based upon these findings, the Executive Director may uphold the suspension in whole, determine that the suspension is not adequately supported, or cancel or modify the suspension in the interest of justice. A person requesting a cancellation or modification in the interest of justice shall have the burden of establishing the qualifying circumstances by a preponderance of the evidence.

(5) The Executive Director’s decision following the Review Hearing shall be final. The Executive Director’s written decision following the Review Hearing shall be delivered by personal service or certified mail.

(6) A person aggrieved by the final decision of the Executive Director may seek judicial review of the decision within ninety (90) days of the date of delivery of the decision by personal service, as provided by section 1094.6 of the Code of Civil Procedure.

D. Request for Refund of Prepaid Fare Media

A person issued a suspension under sections I., II., or III. may, within ten (10) calendar days of the date the suspension goes into effect, request a refund for any prepaid fare media rendered unusable in whole or in part by the suspension, including, but not limited to, monthly passes. If the fare media remain usable for one or more days outside the period of the suspension, the refund shall be prorated based on the number of days the fare media will be unusable. The issuance of a refund may be made contingent on surrender of the fare media.

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