

SWITA

Passenger Code of Conduct

Rules of Appropriate Conduct and Transit Exclusion Procedure

Section I. Purpose

It is the mission of Southwest Iowa Transit Agency (SWITA), through the efforts of dedicated, well-trained employees, to provide safe, reliable, convenient, and efficient public transportation to the citizens and visitors of the SWITA service area. SWITA has established this policy to promote the safety and comfort of its riders, to facilitate the proper use of transit facilities and services, to protect transit facilities and employees, to assure the payment of fares and to ensure that SWITA vehicles and facilities are safe, welcoming and provide equitable access for all SWITA passengers. Definitions of and responses to inappropriate and/or illegal conduct are outlined here.

This policy is meant to be used in conjunction with all other applicable SWITA rules and regulations, as well as state and federal laws, and does not replace them.

NOTE: *This policy is meant to be comprehensive, but it is impossible to outline every possible scenario and SWITA reserves the right to take action, up to and including exclusion from transit services for conduct not specifically covered by this policy.*

Section II. Overview and Definitions

No individual may engage in inappropriate conduct on, at or in SWITA facilities, including at administrative, operational, and maintenance facilities, or on vehicles used to provide SWITA services. The provisions of this policy also extend to any service provided under contract by a third party on behalf of SWITA.

Inappropriate conduct includes any individual or group activity which is disruptive, harassing, threatening, or injurious to other individuals using SWITA facilities or services; is damaging or destructive to transit facilities or services; or is disruptive, harassing, threatening or injurious to SWITA employees. Inappropriate conduct may also constitute a violation of a civil ordinance or criminal law. The fact that an individual is or is not charged or convicted of an incident of inappropriate conduct in a court of law does not bar investigation and/or exclusion under this policy.

Definitions

“Commuter Service” means a recurring SWITA service taking passengers to their place of employment whose duration typically lasts longer than 30 minutes.

“Facilities” means all property and equipment of SWITA, including, without limitation, inside and outside areas of SWITA property, and vehicles used to provide SWITA service.

“Operator” means a SWITA staff member primarily tasked with operating SWITA vehicles and may also mean other SWITA staff riding in a SWITA vehicle for purposes of observation. For purposes of this policy it also includes any SWITA staff member engaged in communication with a passenger, such as schedulers.

“Passenger” means any person other than the operator boarding, riding in, or exiting a SWITA vehicle. The term also includes, for purposes of this policy, any person other than a SWITA employee on SWITA property or engaging in communication (written, verbal, telephonic, electronic, or otherwise) with or directly related to SWITA.

“Public area” of SWITA facilities includes those portions of facilities that are open for public use for transit or transit-related purposes.

“Supervisor” means a SWITA employee designated with oversight and direction of one or more other SWITA employees.

“SWITA” means Southwest Iowa Transit Agency, operated by Southwest Iowa Planning Council (SWIPCO). The terms SWIPCO, SWITA, Southwest Iowa Planning Council, and Southwest Iowa Transit Agency are interchangeable for purposes of this policy.

“Transit,” “Transit Service,” or “Service” mean any act related to conveying people from one location to another, including but not limited to demand response vehicle service and paratransit service, as well as planning or scheduling thereof.

“Vehicle” means any conveyance operated by SWITA for purposes of transporting people and typically includes buses, vans, and cars.

Section III. Levels of Inappropriate Conduct on Vehicles or in Other Facilities

The following levels of inappropriate conduct are intended to set benchmarks for the severity of inappropriate conduct and provide guidelines and expectations regarding disciplinary actions related to SWITA operations. SWITA reserves the right to modify these guidelines at any time and may consider mitigating or aggravating circumstances, such as a passenger’s age, when determining appropriate disciplinary action.

Level 1 Inappropriate conduct:

For any of the following inappropriate conduct, passengers will first be given verbal warning by the Operator not to engage in the conduct. If the conduct persists and further warning by the Operator is necessary for failure of the passenger to comply, a SWITA Supervisor will be contacted. The Supervisor is authorized to and may ask the passenger to leave the vehicle or facility. An individual who declines to leave a vehicle or facility after being asked to do so by the SWITA Supervisor is subject to arrest and prosecution for trespassing and or disorderly conduct. Repeat infractions may result in exclusion from vehicles for not less than 1 day but not more than 6 months. (See Section V, Exclusion Procedure).

- Eating or drinking on vehicles except for drinking from resealable, spill resistant containers such as water bottles. Other exceptions include operators who have permission to do so when vehicles are not in motion, passengers using designated commuter services, and passengers with medical conditions whose conditions may require eating or drinking during transit.
- Depositing trash or other refuse on vehicles or at facilities in other locations than approved receptacles.
- Use of tobacco products including e-cigarettes or vaping.
- Using an audio device (e.g. phone, tablet, portable radio, tape, CD player, TV, etc.), unless such equipment is used with earphones so that sound is limited to the individual user's own listening only
- Standing or sitting in front of the standee line at the front of the vehicle near the driver's seat.
- Bringing any animal on vehicles or facilities unless in a crate or cage, except service animals that assist those with disabilities. Crated/caged animals must fit on customer's lap or crate/cage must be securable in the vehicle. Animals may not block aisles. Passengers are responsible for both loading and unloading of animals and must assume all responsibility for the care of animals, including cleaning up after them if necessary.
- Bringing on-board any large articles including bicycles, packages, baggage, non-collapsible strollers, fishing rods which are not broken down or have unsecured or exposed hooks or lures, ski poles unless secured to skis or have tip covers, or other items which block the aisle and restrict the free movement of passengers.
- Engaging in indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct when such conduct causes or provokes a disturbance. This is not intended to prohibit ordinary conversation between passengers in normal conversational tones.
- Intentionally distracting SWITA Operators.
- Engaging in unauthorized canvassing, selling, soliciting or distributing any material on SWITA vehicles or facilities.
- Not wearing shoes.
- Not wearing clothing which cover at least the chest, buttocks, pubic area and genitals.

- Exhibiting inappropriate personal hygiene, i.e., an individual whose bodily hygiene creates a health or safety concern for other passengers or driver.
- Boarding unattended minors: children five years of age and under must be accompanied by an older responsible individual, three and four year olds may ride unattended if part of an organized pre-school program and secured by a responsible individual other than SWITA staff.
- Roller-skating, rollerblading, or skateboarding on vehicles or at SWITA facilities.
- Hanging or swinging from stanchions or other vehicle equipment with feet off the floor.
- Hanging out, reaching out, or putting anything out of vehicle windows.
- Willfully refusing to pay a fare or show specific fare media to the vehicle operator.
- Using or bringing a motorized bike, scooter (or like device) on the vehicle that cannot be safely stowed out of the aisle unless identified as an official mobility device as outlined by ADA policy.
- Otherwise, disorderly or inappropriate conduct which is inconsistent with the orderly and comfortable use of vehicles for their intended purpose.

Level 2 Inappropriate Conduct:

The following conduct is prohibited in all SWITA facilities and vehicles. Any individual observed engaging in the conduct may be told by an Operator or SWITA Supervisor or other authorized individual to leave the vehicle or facilities immediately and may be subject to arrest by proper authorities. The Operator is authorized to request police assistance if necessary. These offenses may result in exclusion from vehicles for not less than 7 days but not more than 6 months. Further legal action may be taken as applicable and appropriate. (See Section V, Exclusion Procedure).

- Willfully ignoring safety instructions from the Operator.
- Fighting
- Bringing any items of a dangerous nature on-board vehicles including weapons; flammable liquids; dangerous, toxic or poisonous substances; vessels containing caustic materials, chemicals, acids or alkalis; sheet glass and sharp objects.
- Behavior that is disruptive, harassing, or threatening in nature to SWITA passengers or employees. This includes following or stalking passengers or employees.
- Causing sounds that are unreasonable and highly disruptive of other individuals using SWITA facilities or services, including but not limited to: prolonged loud, abusive, indecent, profane or drunken conduct.
- Misuse of fare media, including but not limited to using someone else's fare media or using false information to acquire fare media at a reduced rate.
- Use of stolen fare media or counterfeit currency, forged checks, or counterfeit fare media to purchase transit services.
- Drinking alcoholic beverages or possessing open containers of alcoholic beverages.
- Otherwise, disorderly or inappropriate conduct which is inconsistent with the safe and orderly use of transit facilities for their intended purpose.

Level 3 Inappropriate Conduct/Emergency Situations

The following conduct in all SWITA vehicles and facilities will be cause for police intervention, arrest and/or prosecution. An emergency can be defined as any situation in which an individual's actions present an imminent danger to the life or safety of him/herself or others, or to SWITA property. The Operator is authorized to request police assistance without first contacting a Supervisor. An individual found to have engaged in any of the following activities will be excluded from transit facilities and/or services without warning. These offenses may result in exclusion from vehicles for not less than 7 days but not more than 6 months. Typically, these offenses will result in the most severe consequences. Further legal action may be taken as applicable and appropriate. (See Section V, Exclusion Procedure).

- Assault or threat of assault.
- Making a terroristic threat of any kind.
- Stealing or willfully damaging, defacing or destroying SWITA property.
- Lighting an incendiary device (e.g. match, lighter, torch).
- Obstructing or interfering with the Vehicle Operator's safe operation of the vehicle.
- Possessing or using illegal drugs.
- Indecent exposure.
- Entering or remaining on SWITA vehicles after having been notified by an authorized individual not to do so or boarding or remaining on SWITA vehicles during the period when an individual has been excluded from the premises.

IV. Disciplinary Actions other than Exclusion

Exclusion from transit services is a serious consequence and is reserved for repeat or serious offenses. SWITA may at its sole discretion, for Level 1 infractions or where there are otherwise mitigating circumstances, require a passenger to meet certain criteria in order to continue to use the service. Examples of these disciplinary actions include, but are not limited to:

- Require a rider to sit in a specific location.
- Require a rider to keep items such as water bottles, which are normally allowed, to be stowed while enroute.
- Require a rider to stow an electronic device for the duration of a trip.
- Limit/remove eating privileges on a commuter route. (for non-medical reasons)
- Exclude a non-service animal from a vehicle or premises.
- Request that a rider pick up their trash or refuse and remove it from the vehicle.

V. Transit Exclusion Procedure

When staff determine that there have been repeated or serious incidents of inappropriate conduct by an individual, and it is determined that the individual involved should be removed and/or suspended from transit facilities and/or services or that

conditions should be placed on the individual's continued use thereof, the matter will be referred to the SWIPCO Executive Director and the process shall be as follows:

A. SWIPCO Executive Director or his/her designee may issue, or cause to be issued, to the individual involved a written exclusion letter from SWITA facilities, including services as may be warranted. The letter shall indicate the reasons for the exclusion, the time period 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 (eg. 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 suspension unless the imposed restrictions are complied with. The letter shall also advise the individual of his/her right to appeal the decision and include a copy of the appeal procedure. The Executive Director shall provide a copy of the letter to the Transit Department, who have a need to know, about the reasons for and length of the exclusion.

B. At the discretion of the Executive Director or his/her designee, a juvenile may be restricted to use SWITA services only when the juvenile is accompanied by a responsible designated adult for a designated period of time. The juvenile's parent or guardian must be notified of the restriction. Failure to abide by the restriction may lead to exclusion under this policy.

VII. Appeal Procedure

Customers who have been notified of a suspension exceeding 7 calendar days from SWITA services and/or facilities have the right to appeal that suspension via mail, email, or by hand delivery. All appeals must be in writing on the "SWITA Service Suspension" form attached to this policy.

HOW TO FILE AN APPEAL

- Customers must submit the completed "SWITA Service Suspension Appeal Form" documenting why they believe the violations were charged in error and/or do not warrant suspension. Any supporting documentation must also be submitted with the completed form.
- These documents must be emailed to the email address specified on the form, or be mailed or delivered in person to:

Attn: Suspension Appeals
Southwest Iowa Transit Agency
1501 SW 7th St.
Atlantic, IA 50022

- All appeals must be postmarked, emailed, or delivered in person within 7 calendar days of the date the suspension began. Appeals delivered in person will only be accepted during the SWITA office normal business hours, which are Monday

through Friday, 8am to 5pm, excluding New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving and the Friday following, and Christmas Day. It is recommended that the sender fully document the delivery of the appeal and keep an original copy for their own records.

INITIAL REVIEW OF APPEAL

- When an appeal is received for a suspension relating to activity that clearly falls only within Level 1 and Level 2 Inappropriate Conduct as defined within this policy, a rider's suspension will be temporarily delayed while the appeals process is underway. Suspension arising from Level 3 Inappropriate Conduct will remain in effect during the appeals process.
- The Executive Director or their designee will review the appeal within 5 calendar days of receipt.
- Should the reviewer find that the suspension was issued in error, the reviewer may approve the appeal and the suspension will be revoked or modified to a lesser discipline within this policy as appropriate and the rider will be contacted.
- If the reviewer finds that the suspension was not issued in error, the rider will be contacted, and the rider may request an appeal hearing.

APPEAL HEARING PROCEDURE

- Within 5 calendars of a request for an appeal hearing, the Executive Director or their designee shall appoint an appeals board, which shall consist of the Executive Director, the Administrative Services Director, a member of SWIPCO's Safety Committee other than the Transit Director, and the SWIPCO Policy Council Chair or their designee.
- Also within 5 calendar days of a request for an appeal hearing, the Executive Director or their designee shall schedule the hearing for not more than 14 calendar days following the request. Hearings shall be scheduled during SWITA office normal business operating hours, listed above.
- The appellant and/or their representative are strongly encouraged to attend the hearing in person or via electronic means. Appellant may submit items of evidence and witness statements as long as those are provided in the original appeal.
- The appeals board may also consider statements and/or interviews and evidence from staff, riders, law enforcement personnel, and other witnesses to the activity as well as video and/or audio recordings from the incident.
- If necessary, the appeals board may recess to gather further information but may not do so for more than three calendar days without reconvening.
- The appeals board has the authority to repeal a suspension, reduce the length of the suspension, impose a lesser disciplinary action in line with this policy, or to leave the suspension in place as initially stated.
- A majority vote of three members of the appeals board is necessary to issue a decision.

- The decision of the appeals board is final and shall be issued in writing to the appellant.
- Should the suspension of an appellant whose suspension was delayed during the appeals process be upheld, the appeals board shall state in writing when the suspension shall commence.

VIII. 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.

