

City of Fayetteville Transit Department: Rider Rules of Conduct & Exclusion Policy

It is the mission of the Fayetteville Area System of Transit (FAST) to provide safe, reliable, convenient, and efficient public transportation to the citizens and visitors of Fayetteville. FAST has established this Rider Rules of Conduct & Exclusion Policy in order to promote the safety and comfort of its riders, facilitate the proper use of transit facilities and services, protect transit facilities, protect FAST vehicles, and protect all City employees.

I. Purpose

Fayetteville Area System of Transit has established this Rider Rules of Conduct & Exclusion Policy to outline conduct deemed inappropriate inside and outside areas of FAST property, bus shelters, bus stops, transfer points, and on buses. This policy also details the procedures for rider exclusions and appeals.

II. Definitions

Facilities- means all property and equipment of FAST, including, without limitation, inside and outside areas of property, bus shelters, bus stops, transfer points, signage and vehicles used to provide public transportation services. No individual may engage in inappropriate conduct around or within public transportation facilities.

Inappropriate Conduct- is any conduct that is disruptive or injurious to other individuals' lawfully using FAST facilities or services; damage or destruction of FAST facilities or services; or disruptive, harassing, or threatening of FAST employees. 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 and/or exclusion under this policy.

Excluded-means an individual may not enter or remain on FAST property or equipment used to provide public transportation services.

Assault- (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.

III. Authorizations

FAST Operators/Supervisors- Any individual observed engaging in inappropriate conduct may be instructed by an authorized FAST representative or other authorized individual, to leave a FAST facility and/or exit a FAST vehicle immediately. An individual, who refuses, after being ordered to do so, is subject to arrest and prosecution for trespassing and/or disorderly conduct.

Sworn Law Enforcement Officers- The Fayetteville Area System of Transit permits sworn law enforcement officers of the Fayetteville City Police Department and any agency or individual designated by the Fayetteville City Manager to effectively be authorized and to act as agents for the purpose of excluding those individuals from FAST facilities and/or vehicles whom an officer or designated representative, reasonably believes has violated state or local laws/ordinances and/or the FAST Rider Conduct Policy.

IV. Levels of Inappropriate Conduct

Inappropriate conduct will be categorized as a Level I or Level II violation of the FAST Rider Conduct Policy. Level I offenses will result in exclusion from FAST facilities and/or services for not less than 24 hours and not to exceed 7 days. Level II offenses will result in exclusion from FAST facilities and/or services for not less than 30 days and up to permanent exclusion; based on severity. Further legal action may be taken as applicable and appropriate.

The levels of inappropriate conduct are as follows:

A. Level I Offenses

1. Eating or drinking on any FAST vehicle (ONLY water may be consumed on a FAST vehicle and must be stored in a clear container which has a screw top lid). Restaurant cups and coffee mugs/cups are not permitted onboard FAST vehicles.
2. Using an audio device (e.g. portable radio, tape, CD player, TV, etc.), unless such equipment is used with earphones so that sound is limited to persons own listening and not disruptive to others.
3. Standing in front of the standee line (yellow or white line on the floor of the bus).
4. Bringing any animal onto FAST vehicles or F.A.S.T. property, except service animals.
5. Bringing on-board any large articles, packages, baggage, non-collapsible strollers or baby buggies which block the aisle and/or restrict the free movement of passengers.
6. Engaging in and/or acting indecent, profane, boisterous, unreasonably loud, demeaning, or disrespectful manner towards FAST employees and/or FAST passengers.
7. Engaging in unauthorized canvassing, selling, soliciting or distributing of any material on-board FAST vehicles or facilities.
8. Boarding unattended minors: children (5) five years of age and under must be closely accompanied at all times by an older responsible individual.
9. Roller-skating, roller-blading, or skateboarding on buses or at the transfer facility.
10. Hanging or swinging from stanchions or other FAST vehicle or facility equipment.
11. Hanging out, reaching out, or putting anything out of a FAST vehicle window.
12. Willfully refusing to pay a fare or refusing to show appropriate fare media to the FAST vehicle operator, when requested to do so.
13. Misuse of fare media, including counterfeit or stolen fare media.
14. Obstructing or interfering with the FAST vehicle operator's safe operation of the vehicle
15. Disorderly or inappropriate conduct which is inconsistent with the safe, orderly, and comfortable use of FAST vehicles for their intended purpose.
16. Smoking or carrying a lighted or smoldering pipe, cigar, or cigarette on a FAST vehicle or inside a FAST facility.
17. Attempting to load and/or use a personal transportation device which violates FAST safety policies (e.g. motorized bikes, mopeds, gasoline/fuel combustion type vehicles, or oversized wheelchairs which are larger than that which is deemed appropriate by A.D.A. guidelines)
18. Fighting or instigating fights.
19. Behavior that is perceived to be disruptive, harassing, or threatening in nature to others.
20. Causing sounds that are unreasonable and highly disruptive to other individuals using FAST facilities or services, including but not limited to: prolonged loud, abusive, indecent, profane conduct.
21. Displaying drunken behavior which may endanger FAST passengers and/or FAST employees.
22. Loitering on FAST property (Non-employees of FAST shall not remain on FAST property except for conducting FAST business).
23. Attempting to board a FAST vehicle and/or enter a FAST facility without acceptable clothing attire (must include shoes and shirt at all times).

B. Level II Offenses

1. Bringing any items of a dangerous nature on-board FAST vehicles including but not limited to: 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.
2. Stealing or willfully damaging, defacing or destroying FAST property. ***The City will prosecute anyone who steals or willfully damages, defaces or destroys City property.***
3. Lighting an incendiary device on the bus (e.g. match, lighter, torch).
4. Indecent exposure.
5. Entering or remaining on FAST vehicles, after having been notified by an authorized FAST representative not to do so, or boarding or remaining on FAST vehicles and/or FAST property during any period when an individual has been previously notified of their exclusion from FAST vehicles and/or FAST property.
6. Possession, distribution, and/or being under the influence of narcotics, illegal drugs, and/or drug paraphernalia.
7. Engaging in violent acts, violating an individual's "personal space", and/or instigating or threatening acts of violence towards any FAST employee and/or FAST passenger
8. Assault or threat of assault on a FAST passenger or FAST employee.
[NC G.S. 14-33 states: Any person who commits a simple assault or a simple assault and battery or participates in a simple affray is guilty of a Class 2 misdemeanor which is punishable up to (\$50 or 30 days) ; b) (Two years and/or fine)].

V. Transit Exclusion Procedure

In the event that it is determined that an individual should be excluded from FAST facilities and/or services, the process shall be as follows:

- a. FAST vehicle and facility operators/dispatchers must notify an Authorized personnel representative (FAST Supervisor level or higher) of the issue, concern, and/or Rider Rules of Conduct Policy violation immediately. At no time, may any FAST vehicle or facility operator/dispatcher impose any exclusion actions against a rider without prior approval. At the time of an exclusion decision, a FAST representative shall complete a RIDER INCIDENT FORM, obtain the rider's name, address, and contact information, and notify the rider within 48 hours (for Level II violations: a written exclusion letter will be provided; indicating the reasons for the exclusion, the duration, and the facilities and/or services to which the exclusion order applies). If continued use of FAST 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. etc.), a conditional exclusion letter may be issued specifying that the individual will be subject to exclusion until the imposed restrictions are adhered to and full compliance has been confirmed.
- b. The letter shall also advise the individual of his/her right to appeal the decision and include a copy of the appeal procedure.
- c. If an appeal is not filed by the excluded party within ten (10) days from the commencement date of the exclusion to the FAST Superintendent, then the right to appeal is considered waived.

VI. Appeal Procedure

- a. If the aggrieved person appeals the exclusion, he/she must submit an appeal in writing to request that the FAST Superintendent rescind or alter the terms of the exclusion. Appeals can be mailed or hand delivered to Director Randy Hume, 455 Grove Street, Fayetteville, N.C. 28301. The FAST Director shall review and may reconsider or modify the decision to exclude an individual, following investigation of the matter and shall specify in writing within fourteen (14) business days of receipt of the appeal, the reasons for recession, or modification, if applicable, to the grievant.
- b. 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.
- c. Should the excluded person wish to appeal the decision of the F.A.S.T. Superintendent, he/she may forward the appeal to the FAST Director at the same address above.
- d. For those requesting a hearing in person before the FAST Director, the FAST Superintendent or designee will schedule a hearing within ten (10) days following receipt of the appeal.
- e. The hearing shall be conducted as follows: a) presentation of documents and testimony supporting the exclusion, and b) presentation of documents and testimony opposing the exclusion. The FAST Director or designee may question those providing testimony and request that other designated City of Fayetteville employees be included and present at the appeals hearing.
- f. Any decision levied by the FAST Director will be in writing and shall be final. Copies of any and all documents included in the appeals process will be forwarded to the appropriate City of Fayetteville personnel.

VII. Notice

In addition to outlining the appeals process on the Exclusion Notice, FAST will mail a copy of the entire Appeal Policy to persons issued Exclusion Notices who provide a mailing address. A copy of this policy is also available for inspection at Fayetteville Area System of Transit's main office, located at 505 Franklin Street, Fayetteville, N.C. 28301.