

CITY OF JACKSONVILLE NORTH CAROLINA	TRANSPORTATION SERVICES			SUBJECT:
	TRANSIT POLICIES			CONDUCT AND EXCLUSION POLICY
	NUMBER TS-1020	REVISIONS	EFFECTIVE DATE December 5, 2017	PAGE 1 of 4
SUPERSEDES	APPROVED BY Anthony Prinz, Transportation Services Director			

PURPOSE: Jacksonville Transit has established this Conduct and Exclusion Policy to identify conduct deemed inappropriate for the transit system and corrective action options and limitations available to management. This policy is designed to promote safety and comfort for our passengers, protect transit facilities and employees, as well as to ensure payment of proper fare for services rendered.

DEFINITIONS:

Inappropriate Conduct: An individual or group activity that is disruptive, harassing, threatening, injurious or damaging to Jacksonville Transit employees, facilities and/or passengers. Inappropriate conduct also may constitute a violation of the Jacksonville City Code and/or criminal law.

Facilities and Properties: All property and equipment owned or operated by Jacksonville Transit.

Excluded: An individual may not enter, remain on or utilize any facility or property owned or operated by Jacksonville Transit.

LEVELS OF INAPPROPRIATE CONDUCT:

Inappropriate conduct is categorized as Levels I and II. Level I offenses will result in exclusion from transit facilities and/or services for no more than 30 days based on severity. Level II offenses will result in exclusion from transit facilities and/or services for no less than 30 days based on severity. Legal action may be taken as appropriate for any offense. The levels of inappropriate conduct are as follows:

Level I:

1. Refusing to vacate designated wheelchair areas and/or seating for senior citizens and persons with disabilities.
2. Using profanity, tobacco products, eating or drinking on the bus (Note: items in closed containers are permitted). Tobacco products include electronic cigars or cigarettes.
3. Spits or expectorates on or at Jacksonville Transit employees or passengers.
4. 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 the individual using the device.
5. Bringing any animal on buses, except qualifying service animals.
6. Engaging in indecent, profane, boisterous, unreasonably loud, demeaning, and disrespectful behavior toward Jacksonville Transit employees or passengers.
7. Engaging in unauthorized canvassing, selling, soliciting or distributing any material on-board buses or at a transfer facility.

8. Willfully refusing to pay a fare, or show appropriate identification or fare media to the bus operator.
9. Misuse of fare media, including counterfeit or stolen fare media.
10. Obstructing or interfering with the safe operation of the bus.
11. Otherwise disorderly or inappropriate conduct which is inconsistent with the orderly and comfortable use of buses for their intended purpose.
12. Behavior that is disruptive, harassing, or threatening in nature to Jacksonville Transit passengers or employees. This includes following or stalking passengers or employees.

Level II:

1. Repeat Level I offenses
2. Bringing items of a dangerous nature onto Jacksonville Transit property or facilities including 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. Concealed Carry is not authorized.
3. Stealing or willfully damaging, defacing or destroying Jacksonville Transit property.
4. Indecent exposure
5. Assault or threat of assault
6. Drinking alcoholic beverages or possessing open containers of alcoholic beverages.
7. Filing fraudulent claims about injury sustained on a Jacksonville Transit vehicle or at a transfer facility.
8. Entering or remaining on Jacksonville Transit buses after having been notified by an authorized individual not to do so, or boarding or remaining on Jacksonville Transit buses during the period when an individual has been formally excluded from facilities and property.
9. Any other activity not referenced above that is prohibited by City Code and/or criminal law.

Transit Exclusion Procedure:

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

- a) Authorized Jacksonville Transit personnel will issue a written exclusion letter indicating the reasons for exclusion, duration of exclusion, and facilities and/or services to which the exclusion applies. If continued use of transit 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; accompanied by a personal care attendant or aide), a conditional exclusion letter may be issued specifying that the individual will be subject to exclusion unless the imposed restrictions are followed.
- 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 20 days from the date of notice of the exclusion to the City Manager, then the right to appeal is considered waived. In addition to outlining the appeals process on the Exclusion Notice, Jacksonville Transit 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 review at City Hall located at 815 New Bridge St, Jacksonville, NC. 28541.

Appeals Procedure:

The City of Jacksonville has developed an appeals procedure providing for prompt and equitable resolution of complaints as they pertain to the Conduct and Exclusion Policy. An appeal form is included as Attachment 1. An exclusion appeal must be filed within 20 days of the date of notice. The appeal must be in written form and may be completed by a third party if the appellant desires. An employee of Jacksonville Transit does not qualify as an eligible third party.

If a timely appeal is filed, a hearing date and time will be set with timely notification provided to the appellant. The appellant shall have an opportunity to present their case at the hearing. Reasonable support for persons with disabilities will be provided upon request of the appellant. The appellant may be represented by an individual of their choice, excluding Jacksonville Transit employees. Jacksonville Transit may be represented by the initial decision maker, the City Attorney and/or other representatives as needed. At the hearing, the appellant and Jacksonville Transit may present evidence, including testimony of witnesses, in support of or in opposition to the appellant's case. The Jacksonville City Manager will administer the hearing and make a determination on the appeal. The City Manager's decision is final, except for the right to appeal to the Jacksonville City Council. A summary of the hearing, resulting decisions and rationale shall be provided to the appellant in writing.



APPEAL OF EXCLUSION FROM JACKSONVILLE TRANSIT FACILITIES AND/OR SERVICES

INSTRUCTIONS: If you have received a letter of exclusion from Jacksonville Transit and would like to appeal, please complete the form below and return it to: Jacksonville Transit, c/o City Manager, 815 New Bridge Street, Jacksonville, NC 28541.

1. Name (Appellant): _____

2. Phone: _____

3. Home Address (Street #, City, State, Zip Code): _____

4. Date of Exclusion Letter (Please provide a copy of the letter): _____

5. Reason for Appeal: _____

6. Please list any person(s) who we can contact for additional information or to support/clarify your reason for appeal:

Name: _____ Phone Number: _____

Address: _____

Name: _____ Phone Number: _____

Address: _____

Name: _____ Phone Number: _____

Address: _____

An appeal of exclusion from Jacksonville Transit facilities and/or services must be filed within 20 days of the date of exclusion notice. An appeal shall not be considered if it is not received by Jacksonville Transit within the specified time limit.