

840-RICR-00-00-3

TITLE 840 – PUBLIC TRANSIT AGENCY

CHAPTER 00 – N/A

SUBCHAPTER 00 – N/A

PART 3 – Rules of Conduct for RIPTA Passengers and Patrons

3.1 Introduction

- A. Consistent with the mission of the Rhode Island Public Transit Authority (“RIPTA”), RIPTA formally sets forth the following Rules of Conduct for all RIPTA transit vehicles and facilities pursuant to its authority under R.I. Gen. Laws § 39-18-4.1 and authority under 49 C.F.R. § 37.5. – Nondiscrimination. These Rules of Conduct incorporate all provisions of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12101 et seq., and R.I. Gen. Laws § 28-5.1-7 and R.I. Gen. Laws Chapters 11-28 and 42-87; and shall be promulgated in accordance with the provisions of R.I. Gen. Laws Chapter 42-35. The purpose of these Rules of Conduct is:
 - 1. To promote safety;
 - 2. To facilitate the proper use of Transit Vehicles and transit facilities;
 - 3. To protect RIPTA riders and employees; and
 - 4. To advise RIPTA riders and employees of the rules of appropriate conduct for riding the RIPTA system, and to provide procedures for enforcing those rules.
- B. RIPTA’s Board of Directors has adopted these Rules of Conduct to maintain public transportation services that are orderly, safe, secure, comfortable, and convenient. These Rules of Conduct may be amended or added to, from time to time, at the sole discretion of RIPTA, in accordance with law.
- C. If any one (1) or more of the provision(s) in the Rules of Conduct shall be declared by any court of competent jurisdiction to be contrary to law then such provision(s)
 - 1. Shall be null and void; and
 - 2. Shall be deemed separable from the remaining provisions in the Rules of Conduct; and

3. Shall in no way affect the validity of the other provisions of the Rules of Conduct.

3.2 Definitions

- A. As used in these Rules of Conduct, the words herein shall have the meanings provided in this section. Words imparting the singular number shall include the plural numbers and vice-versa, unless the context shall otherwise dictate.
 1. “Authority” and “RIPTA” each mean the Rhode Island Public Transit Authority and its officers and agents.
 2. “Bus shelters” means those structures located in Transit Vehicle loading zones that provide cover for the general public to board and alight Transit Vehicles.
 3. “Commercial activity or activities” means any enterprise or venture by groups or individuals for the purpose of promoting or selling products or services to RIPTA Employees or the general public, whether for profit or not.
 4. “General public” means any Person or group of Persons, including RIPTA Employees, when such employees are not acting in an official capacity at the time.
 5. “Harassment” means uninvited and unwelcome words, gestures or actions which tend to persistently annoy, alarm and or abuse another Person.
 6. “Person” means any individual, firm, partnership, corporation, organization, association, or entity of any kind.
 7. “Public transportation services” includes fixed route, flex service, and paratransit services, whether operated by RIPTA or any governmental agency, private Person, firm or corporation contracting with RIPTA.
 8. “RIPTA employee” means any part-time or full-time, temporary or regular, exempt or non-exempt, represented or non-represented Person, including an intern, who is compensated by RIPTA for services by wages, salary, or other remuneration.
 9. “RIPTA facilities” means all RIPTA building facilities, including the Kennedy Plaza Intermodal Transit Center, any buildings at future transit hubs or centers, RIPTA’s facilities on Elmwood Avenue in Providence, RI and facilities on Coddington Highway in Newport, RI, as well as all bus shelters and bus stops that are used by the public to board and alight Transit Vehicles.

10. “Rules of conduct” means the rules of conduct adopted by RIPTA’s Board of Directors on May 20, 2020, which regulate conduct occurring on Transit Vehicles or within or upon RIPTA Facilities, and in connection with RIPTA’s provision of Public Transportation Services. Unless otherwise provided herein, such definition shall include, collectively, §§ 3.1 through 3.3.
11. “Soliciting” means engaging in any business, trade, or other Commercial Activity involving the sale of merchandise or services.
12. “Transit Vehicles” includes every motor vehicle, and any other device, which is owned or operated by RIPTA, including non-revenue cars and maintenance vehicles.

3.3 Passenger Guidelines

A. To promote safe, efficient, and effective service to customers:

1. Please Have the Proper Fare
 - a. Your operator may deny service if you do not have proper fare or improperly use fare media, such as using someone else’s ID card or using expired, damaged, or mutilated passes. RIPTA time-based fare passes are non-transferable.
2. We Welcome Service Animals
 - a. The ADA defines Service Animals as dogs that are individually trained to do work or perform tasks for people with disabilities.
 - b. Service Animals that are trained to assist people with disabilities are welcome on board. You must keep your Service Animal under your control and ensure they remain well behaved throughout the ride. According to the ADA, Service Animals must be harnessed, leashed, or tethered, unless the individual’s disability prevents using these devices or these devices interfere with the service animal’s safe, effective performance of tasks. In that case, the individual must maintain control of the animal through voice, signal, or other effective controls.
 - c. Other animals or pets can ride only if they are inside a cage or case that fits on your lap.
3. Americans with Disabilities Act (ADA) Mobility Devices
 - a. The Americans with Disabilities Act (ADA) requires that any ADA mobility device on board a bus be secured to protect your fellow passengers and yourself. The operator will secure your device.

4. Be Considerate of Others

- a. Passengers are asked to move from the priority seating area by the door to give seats to seniors and people with disabilities. Please cooperate with your operator to ensure everyone has a safe ride.
- b. Loud and disruptive behavior affects everyone. Passengers may not engage in fighting, threatening or violent or tumultuous behavior. Passengers may not direct at other passengers or at RIPTA Personnel offensive words which are likely to provoke a violent reaction on the part of the average Person so addressed.

5. Turn Down the Volume

- a. Use a low speaking voice during cell phone conversations and avoid using offensive words. Use headphones with sound-producing electronic devices such as cell phones. Headphones should be kept at a low to moderate volume. Your favorite playlist should be a private experience. This includes any and all sound-amplifying or voice-projecting devices.

6. Keep It Clean

- a. No feet on the seat. Do not leave trash behind. Shirt and shoes must be worn while riding. RIPTA requires that its customers maintain acceptable personal hygiene when riding the bus to the extent that such failure becomes offensive and intolerable to other riders and presents serious health or safety risks; unless such failure is the result of a medical condition or disability that can be demonstrated.

7. Non-Alcoholic Beverages

- a. RIPTA permits the transportation and consumption of non-alcoholic beverages on Transit Vehicles when the beverage is in a leak-proof container with a lid.

B. As stated, Rhode Island Public Transit Authority's highest priority is the safety, security and prosperity of its passengers and operators and, therefore, conduct that is violent, seriously disruptive or illegal, or represents a direct threat to the health or safety of others is prohibited on Transit Vehicles and in RIPTA Facilities, as indicated by context and includes, but is not limited to:

- 1. Violating an exclusion order issued according to § 3.4 – Enforcement.
- 2. Carrying any flammable liquid, explosive, acid, or other article or material likely to cause harm to others.

3. Illegally carrying or storing a firearm, shotgun, rifle, or other dangerous weapon or article.
4. Falsely reporting an incident.
5. Falsely representing oneself as eligible for a special or reduced fare or obtaining any permit or pass related to the RIPTA transit system by making a false representation.
6. Falsely claiming to be or criminally impersonating a transit operator, other transit employee, or volunteer; or through words, actions and/or the use of clothes, insignia, or equipment resembling department issued uniforms and equipment, intending to create a false impression that he or she is a transit operator, other transit employee, or volunteer.
7. Interfering or tampering with mobile data computers, fare boxes, public address systems, surveillance equipment, or any other equipment.
8. Wearing an article of clothing or equipment that covers the face except where the clothing or equipment is worn for religious or medical purposes, or to comply with Rhode Island Department of Health guidance or regulations or an Executive Order.
9. Consuming an alcoholic beverage.
10. Engaging in any form of illegal gambling.
11. Hanging or swinging on bars or stanchions, with feet off the floor.
12. Hanging onto or otherwise attaching oneself at any time to the exterior of RIPTA Facilities or Transit Vehicles.
13. Throwing objects, spitting, fighting, or extending an object or a portion of one's body through the door or window of Transit Vehicles in a manner that has the capacity to cause damage or injury to oneself, others, or to RIPTA Facilities and Transit Vehicles.
14. Standing or remaining in front of the yellow line marked on the forward end of the floor of any RIPTA bus while the bus is in motion or after being asked to step back behind the line by the Operator.
15. Obstructing the functionality of Public Transportation Services and deteriorating passenger or one's own safety and comfort by preventing access to or preventing the flow of Transit Vehicles, blocking RIPTA Patrons use of RIPTA Facilities including benches and Bus Shelter space, or by entering RIPTA Facilities or Transit Vehicles when lacking the ability to care for oneself – due to illness, intoxication, or medication(s) - becomes an actual or potential threat to the health, safety, comfort or

wellbeing of oneself, RIPTA patrons, RIPTA Employees or the General Public, among other things.

16. Assaulting, harassing or intimidating the operator or other passengers, destroying, damaging, or tampering RIPTA Facilities or Transit Vehicles, and any other explicitly illegal conduct could cause you to be arrested or banned from RIPTA Facilities or Transit Vehicles. Assault or Battery of a Rhode Island Public Transit Authority bus driver is a felony. See R.I. Gen. Laws § 11-5-5.
17. Commercial Activities, as defined in § 3.2, are prohibited in RIPTA Facilities and on Transit Vehicles. These activities include, but are not limited to, soliciting, canvassing, selling, or distributing any material with the intent to promote or sell a product or service. The carrying of signs is permitted as long as any sign does not impede upon the health, safety, and comfort of other RIPTA Patrons.
18. Using any smoking device, such as “e-cigarettes” or “vaping”; or carrying or holding a lit or smoldering pipe, cigar, or cigarette on RIPTA’s Transit Vehicles or in RIPTA Facilities.

3.4 Enforcement

A. Basis for Removal/Exclusion from RIPTA Facilities and Transit Vehicles.

1. Any Person engaging in prohibited conduct under the provisions of § 3.3 may be refused entrance upon or ordered to leave RIPTA Facilities and/or Transit Vehicles by RIPTA Employees or by authorized personnel of a contracted service provider in accordance with the terms of the applicable service contract. Failure to comply with such a removal order may be grounds for arrest and prosecution.
2. In accordance with 39 C.F.R. § 37.5(h), it is not discrimination for RIPTA to refuse to provide service to an individual with disabilities because that individual engages in violent, seriously disruptive, or illegal conduct, or represents a direct threat to the health or safety of others. RIPTA shall not refuse service to an individual with disabilities solely because the individual’s disability results in appearance or involuntary behavior that may offend, annoy or inconvenience RIPTA Employees, RIPTA patrons or the General Public.

B. Immediate Removal/Exclusion from Service

1. In the following instances, exclusion may commence immediately, without notice first being provided in accordance with § 3.4(C), if a Person’s conduct:
 - a. Seriously disruptive so as to pose safety or security risks;

- b. Seriously disruptive so as to interfere with or impinge on the rights of others;
 - c. Seriously disruptive so as to impede the free flow of the General Public;
 - d. Seriously disruptive so as to impede the orderly and efficient use of RIPTA Facilities or Transit Vehicles; or
 - e. Otherwise interferes with or seriously disrupts Public Transportation Services.
- 2. If a Person is removed or denied entry to a RIPTA Facility or Transit Vehicle for any of the reasons provided in § 3.4(B)(1) above, RIPTA shall provide notice to that Person, after the removal or denial, in accordance with § 3.4(C) below, and the individual shall have the right to appeal the exclusion as provided in § 3.4(G) below. However, the exclusion shall not be stayed pending the appeal if RIPTA determines that the conduct that led to the exclusion was seriously disruptive so as to warrant exclusion during the pendency of an appeal. The basis for such determination shall be specified.

C. Notice Procedure

- 1. Except as provided in § 3.4(B), RIPTA shall provide notice to any Person to be excluded from RIPTA Facilities or Transit Vehicles, before commencement of an exclusion. Such notice shall be provided in writing, by personal delivery, certified mail, or regular U.S. mail, addressed to the Person's last known address. The notice shall specify the reason for exclusion, places and duration of the exclusion, the effective date of the exclusion, and the appeal process set forth in § 3.4(G) below. If client of any RIde funding agency is excluded from service, notice of such exclusion shall also be provided to that RIde funding agency.
- 2. Receipt of a notice is construed to have been accomplished if the Person knew or reasonably should have known from the circumstances that they are excluded from RIPTA Facilities or Transit Vehicles. Receipt of a notice is also presumed to have been accomplished three (3) business days after the notice was sent by personal delivery, certified mail, or regular U.S. mail.

D. Commencement of Exclusion

- 1. Except as provided in § 3.4(B) above, exclusion shall commence on the 10th calendar day after actual or constructive receipt of the notice by the Person being excluded, unless the Person has timely requested an appeal of exclusion, which shall be conducted in accordance with § 3.4(G) below.

If a timely appeal has been requested, the exclusion shall be stayed until the appeal is complete, except as provided in § 3.4(B) above.

E. Refusal to Comply

1. The refusal to comply with an order excluding a Person from RIPTA Facilities or Transit Vehicles shall be grounds for issuance of a no trespass order and subsequent arrest and prosecution.

F. Length of Exclusion

1. The following suggested exclusion lengths are guidelines to be used by RIPTA in determining the duration of a particular exclusion under the provisions of § 3.3 and/or the severity of the violation(s). The duration of exclusion is determined by the severity of the violation and number of violations committed over a period of five (5) years. RIPTA reserves the right, however, to impose an exclusion of greater length for any violation where the severity of the violation warrants it, even if it is the first violation. Conduct that endangers another individual or the safety of Public Transportation Services will be considered as the most severe violations. Commencement of the exclusion shall be defined as the date upon which the exclusion became effective and shall be determined by RIPTA's official records.
 - a. First violation – may result in a verbal or written warning up to an exclusion of up to seven (7) days;
 - b. Second violation – may result in an exclusion of up to (30) days;
 - c. Third violation – may result in an exclusion of up to ninety (90) days;
 - d. Each successive violation occurring in a five (5) year period – may result in an exclusion of up to one hundred eighty (180) days.

G. Appeal Procedure

1. The following appeal process shall be provided to any Person excluded from RIPTA Facilities or Transit Vehicles pursuant to this section. Not later than ten (10) calendar days after commencement of the exclusion, an excluded Person, or his/her parent or guardian, or an advocate on his/her behalf, may file an appeal of the exclusion. Appeals must be hand delivered or mailed to the attention of RIPTA's Chief Legal Counsel and RIPTA's Chief of Security at 705 Elmwood Avenue, Providence, RI 02907. The appeal may request a hearing or may request review without a hearing based on a written statement setting forth the reasons why the exclusion is invalid or improper. If the excluded Person is unable to submit

a written appeal, RIPTA will work with the Person to make a reasonable accommodation to allow such Person to lodge a verbal appeal.

2. If an appellant requests a hearing, the hearing shall be held within twenty (20) calendar days after receipt of the appeal in accordance with the provisions of R.I. Gen. Laws Chapter 42-35. The hearing may be attended by the appellant, as well as the appellant's parent or guardian or advocate. In the event that the appellant is a client of a RIde funding agency, a representative of that funding agency may attend the hearing, and the hearing officer shall consider the recommendation of that representative in rendering his/her decision. If an appellant requires Public Transportation Services to attend the hearing, the appellant shall contact the office of RIPTA's Chief Legal Counsel five (5) business days prior to the hearing date, and RIPTA shall make arrangements to provide the necessary Public Transportation Services for the appellant. The hearing shall be conducted by a hearing officer designated by RIPTA's Chief Executive Officer. The hearing officer shall issue a written decision within twenty (20) calendar days of the hearing, and such decision shall be final, except that the individual aggrieved by the decision shall have a right of appeal to the Superior Court, which shall affirm the decision unless it is clearly erroneous or contrary to law.
3. If no hearing is requested, a hearing officer designated by RIPTA's Chief Executive Officer, shall review the appeal based upon the record, and shall render a written decision within twenty (20) calendar days after the receipt of the appeal. The decision of the hearing officer shall be final, except that the Person aggrieved by the decision shall have a right of appeal to the Superior Court, which shall affirm the decision unless it is clearly erroneous or contrary to law.

H. Other Laws Not Limited

1. The enforcement of § 3.4 herein is not intended to limit, in any manner, the enforcement of any applicable federal, state or municipal laws, provided RIPTA is not authorized to assist a patron or RIPTA Employee in enforcing a court order prohibiting or restricting contact with any other Person other than to notify appropriate law enforcement.

I. Liability

1. Nothing in § 3.4 herein shall create a duty to any Person on the part of RIPTA or form any basis for liability on the part of RIPTA, its officers, agents, or employees. The obligation to comply with § 3.4 is solely that of any Person entering and using RIPTA Facilities and Transit Vehicles and RIPTA's enforcement of § 3.4 is discretionary not mandatory.