

I. Purpose and Applicability

MTMA (MVgo and Mountain View Community Shuttle) vehicles, facilities, and properties (including administration and operations buildings, transit centers, vehicle shelters, vehicle stops, and vehicle storage areas) are intended to provide quality, safe public transportation services for the benefit of the public.

The Rules of Conduct, approved and adopted by the MTMA Board of Directors, and the referenced Penal Codes in their entirety are intended to regulate behavior occurring on MTMA vehicles for the safety, comfort, convenience and well-being of both customers and operators. Anyone using MTMA services is expected to treat staff and other customers with consideration, respect, patience, and civility for the mutual enjoyment of the transit system.

II. MTMA Rules of Conduct

Boarding, Seating, Exiting

1. Stay back from the curb and wait until the vehicle comes to a complete stop. If you need to use a boarding ramp, please ask the operator.
2. Seating and boarding priority must be given to those older adults and individuals with disabilities, or those with a reserved mobility device.
3. Make room for others by moving to the back of the vehicle and do not occupy more than one seat or place your feet on the seats.
4. Exit the vehicle using the rear door, if available.
5. Vehicles only stop at designated vehicle stops, both for boarding and alighting.
6. Use the stop request pull cord, if available, to signal to the driver that you would like to get off at the next stop. If a stop request system is not available, please tell the driver which stop you would like to get off at.

Wheelchairs and Other Mobility Devices

7. In order to use MTMA vehicles, proper securement of a wheelchair or other mobility device is required. (See 49 C.F.R. section 37.165(c).) Wheelchair brakes must be in good working order at the time you board a vehicle. This requirement is for your safety during the ride. If you are able to transfer yourself to a regular vehicle seat, you may do so. The driver will secure your wheelchair in the designated wheelchair station by first tying it down. It is your option whether to remain in your wheelchair.

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Wheelchairs and other mobility aids must be secured via a four-point or three-point tie-down system, and passengers must use the appropriate personal restraints. Currently, operators are trained to first secure the front straps to the mobility device at 45-degree angles, then to secure the rear straps to the mobility device, then finally to retighten the front straps to confirm that the device is secure. Securing the front straps first prevents an operator from accidentally forgetting to secure the front strap. Any refusal to allow the securement of a mobility device in a way that is consistent with the existing securement policy and training will be considered a refusal to be secured. Passengers refusing the securements and/or restraints may be asked to deboard the vehicle.

ADA standards require that vehicles be designed to accommodate wheelchairs or other mobility devices measuring up to 30 inches wide by 48 inches long, at a level of two inches above the ground, and weighing no more than 600 pounds when occupied. MTMA vehicles may not be able to accommodate mobility devices exceeding these standards but will do so if the lift and vehicle can safely accommodate the mobility device and occupant. (See 42 U.S.C. section 12101 and 49 C.F.R., parts 37 and 38.)

Appropriate personal restraints during paratransit services are also required.

Animals

Service animals and small pets may enter MTMA vehicles, subject to the following:

8. Service animals are animals that are individually trained to work or perform tasks for people with disabilities such as guiding people who are blind, alerting people who are deaf, pulling wheelchairs, alerting and protecting a person who is having a seizure, or performing other special tasks. Service animals are working animals, not pets.
9. The handler of a service animal may be asked to remove the service animal from the premises if the animal is out of control and the handler does not take effective action to control it, or the animal poses a direct threat to the health or safety of others.
10. A passenger may travel with a small pet as long as the animal is fully enclosed in a secure container that the passenger can manage and which the passenger can hold on their lap or place at their feet. The animal must not be a danger to or annoyance to other passengers.
11. A passenger is responsible for any damage or injuries caused by their animal while on the vehicle. If any animal misbehaves, the passenger will be instructed to remove the animal from the vehicle at the sole discretion of the Operator.
12. Handlers of animals shall immediately remove all animal waste from MTMA vehicles.

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Carts and Strollers

13. Cart/stroller wheels must be in the locked position and must be controlled by the owner at all times.
14. If you are on a vehicle with no designated cart/stroller area, you may place your cart/stroller in the wheelchair area and stow it with the device brakes engaged, if equipped. If a passenger with a mobility device boards, you will be asked to fold your cart/stroller and move to a regular seat.
15. Anything larger than a stroller or personal shopping cart is prohibited unless collapsed. Carts, strollers, and large luggage that create unsafe conditions are prohibited.
16. If a stroller is occupied or small cart is filled, it must be secured in the designated wheelchair area and accompanied by the passenger. However, if a passenger with a mobility device boards, the passenger with the stroller or cart will be asked to move from the area and disembark to wait for the next vehicle.

Bikes or other Wheeled Devices

17. All of our vehicles are equipped with bike racks to accommodate cyclists and space is available on a first-come, first-served basis. Remove any loose items before loading your bike. Your bicycle must be stowed per the instructions on the bike rack, no personal/external lock can be used to secure your bicycle to the vehicle. MTMA is not responsible for any damage that may be caused while your bike is being loaded/unloaded or while it is in the rack. If the bike rack is full, a passenger may be allowed to bring their bike onboard at the operator's discretion and as long as the bike isn't obstructing the passageway. If a vehicle is crowded, the passenger may be refused boarding and will have to wait for the next vehicle.
18. Folding bikes and folding electric scooters are allowed on board as long as they can be secured and controlled by the owner without blocking passageways or seats.
19. Passengers in mobility devices have priority over bikes, and bicyclists will need to exit the vehicle and wait for the next one if the mobility device securement area is required.
20. Gas-powered wheeled devices are prohibited.

Civility, Compliance, and Cooperation

MTMA will not tolerate violence or harassment of any form on its services or on any of its property. Any physical or verbal behavior that threatens or endangers any MTMA employees or employees of MTMA service providers constitutes a violation and will be prosecuted. California Penal Code Sections

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241.3, 243.3 and 245.2 call for fines up to \$10,000 and up to five years in jail for assault, battery, or assault with a deadly weapon on a transportation worker or passenger.

The following conduct in connection with MTMA provision of public transportation services is prohibited:

- 21.** Destroying, defacing with graffiti, vandalizing, tampering with, or otherwise damaging MTMA vehicles, or property (including vehicle stop signs, shelters, notices). ⁱⁱⁱ
- 22.** Acts of racial or ethnic discrimination.
- 23.** Loitering in MTMA facilities and vehicles.
- 24.** Spitting upon a system facility or vehicle. ^v
- 25.** Discarding litter other than in designated receptacles, or dumping any materials whatsoever on transit property, including but not limited to chemicals, automotive fluids, and bodily fluids.
- 26.** Carrying an explosive or acid (including large batteries), flammable liquid, or toxic or hazardous material in a MTMA vehicle or facility.
- 27.** Urinating or defecating in a MTMA facility or vehicle, except in a lavatory. However, this shall not apply to a person who cannot comply as a result of a disability, age, or a medical condition.
- 28.** Entering a MTMA vehicle while not wearing any type of footgear, a shirt, or bottoms.
- 29.** Use of an electric mobility device onboard the vehicle when not being used as a mobility aid by a person with a disability.
- 30.** Bringing onto transit property personal items (i.e., packages, shopping bags, suitcases, etc.) which cannot be reasonably secured by the owner and stored out of passageways.
- 31.** Operating, stopping, standing or parking a vehicle in any roadway or location restricted for use only by transit vehicles.
- 32.** Extending an object or a portion of one's body through the door or window of a transit vehicle while it is in motion.
- 33.** Bringing onto transit property odors which endanger the health and safety of others or interfere with their use of the transit system, whether such odors arise from one's person, clothes, articles, accompanying animal or any other source. This shall not apply to persons with odors directly related to a disability or medical condition.
- 34.** Hanging or swinging on bars or stanchions, inside a transit vehicle or other transit property; hanging onto or otherwise attaching oneself at any time to the exterior of a transit vehicle or other transit property.

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35. Operating, stopping, or parking a vehicle in a location that is reserved for transit vehicles or is otherwise restricted.
36. Sleeping, camping, or storing personal property on or in MTMA vehicles, unless otherwise authorized by law.
37. Selling, peddling, or engaging in commercial activities, except as authorized by MTMA or its designee with a written permit, license, concession contract, lease or other written authorization. ^{iv}
38. Committing any act which tends to create or incite an immediate breach of peace, including, but not limited to fighting, racing, obscene language tending to cause a breach of the peace, and epithets, or words or language of an offensive, disgusting or insulting nature, which epithets, words or language, as a matter of common knowledge, are inherently likely to provoke a violent reaction of fear, anger or apprehension.
39. Inciting violence or posing a clear and present danger to others, including verbal or visual gang affiliation or provocation signs.
40. Injuring another person or damaging another person's property or possessions.
41. Engaging in or soliciting another person to engage in lewd conduct.
42. Throwing an object from or at a transit vehicle.
43. Inappropriate sexual conduct of any nature is prohibited on MTMA vehicles and facilities. Examples of inappropriate sexual conduct include unwanted sexual comments, indecent exposure, stalking, unlawful imprisonment, sexual assault, simple assault, groping or grabbing, or rubbing against someone in a sexual manner.
44. Falsely claiming to be a transit operator or other MTMA employee; or through words, actions, and/or the use of clothes, insignia, or equipment resembling transit operator or MTMA issued uniforms and equipment, to create a false impression of being a transit employee.
45. Willfully blocking the free movement of another person in a MTMA vehicle.
46. Skateboarding, roller skating or blading, bicycle riding, or scootering in a MTMA vehicle, unless necessary for using the transit facility and in a location and manner that does not interfere with the safety of others.

Eating and Drinking

The following acts are prohibited in or on MTMA vehicles:

47. Eating or drinking within any MTMA vehicle.
48. Carrying any open beverages upon a MTMA vehicle.

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Alcohol, Drugs and Smoking

The following acts are prohibited in, on, or in close proximity to MTMA vehicles:

- 49.** Consuming any alcoholic beverages or controlled substances, unless otherwise authorized by law.
- 50.** Smoking or ingesting tobacco or marijuana products, including but not limited to cigarettes, e-cigarettes, vapes, cigars, and oral tobacco.
- 51.** Using, manufacturing, selling, delivering, or possessing with the intent to manufacture, sell, or deliver a controlled substance or selling for profit any controlled substance or counterfeit substance on a MTMA vehicle.
- 52.** Being under the influence of alcohol, a drug, a controlled substance, or any combination of those items and unable to care for one's own safety or the safety of others.

Weapons

The following acts are prohibited in, on, or in close proximity to MTMA vehicles:

- 53.** Carrying onboard corrosives, or exhibiting, displaying, or drawing any firearm, dagger, sword, knife or other cutting or stabbing instrument, club or any other weapon apparently capable of producing bodily harm, in a manner, under circumstances and at a time and place that either manifests an intent to intimidate another or that warrants alarm for the safety of other persons, unless otherwise authorized by law.
- 54.** Discharging or directing a weapon or instrument intended for use as a weapon, or any other object, at, on, in or in close proximity to a MTMA vehicle, or at any person or object in such vehicle.

Noise

The following acts are prohibited:

- 55.** Disturbing or engaging in boisterous or unruly behavior.ⁱ
- 56.** Failure to comply with a warning by a MTMA operator or representative to cease creating loud, boisterous or unreasonable noise, including unnecessary cell phone or other conversation, that is so loud, lengthy, sexually explicit, threatening, violent, or disruptive, that it causes an unsafe condition and interferes with the enjoyment of MTMA vehicles for others.

III. Enforcement

Any person violating federal or state law, this Passenger Rules of Conduct or other MTMA policy is subject to a notice of violation and imposition of any and all remedies, fines, criminal sanctions, damages, and penalties available by law, and may be refused entrance upon or ordered to leave MTMA vehicles, by a commissioned law enforcement official, MTMA personnel, or a contracted service provider (in accordance with terms of the applicable service contract).

All MTMA vehicles are equipped with cameras which continually record activity in and around the vehicle during operating hours. Recordings can therefore be reviewed by appropriate personnel and/or law enforcement in order to accurately determine details of all activities in question.

Failure to immediately comply with a removal order may be grounds for prosecution for criminal trespass and/or unlawful vehicle conduct. Vehicle operators are required to report any violation of the Passenger Rules of Conduct resulting in a refusal of service or the need for law enforcement assistance to their supervisor. Upon notification of a violation, MTMA personnel may take any of these actions:

- **Warning** – The offending passenger will be warned that further like conduct will be grounds for removal from the vehicle and/or future denial of service.
- **Removal** – The vehicle will be stopped until the offending conduct stops or the offending passenger deboards or has been removed from the vehicle. Law enforcement may be called to assist in removing the offending passenger.
- **Immediate Refusal** – The passenger may be immediately reseated, refused transportation, or removed from MTMA vehicles without prior written notice if the person has engaged in prohibited conduct which, in MTMA's or MTMA's designee's discretion poses a safety or security risk, interferes with or impinges on the rights of others, impedes the free flow of the general public, or impedes the orderly and efficient use of MTMA vehicles.
- **Report to Police** – The passenger's conduct may be reported to local law enforcement.
- **Refusal to Comply** – Refusal to immediately comply with written or verbal notice may result in the passenger being excluded or restricted from MTMA vehicles and may be grounds for prosecution for criminal trespass.
- **Other Laws not Limited** – The enforcement of these Passenger Rules of Conduct is not intended to limit, in any manner, the enforcement of any applicable federal, state or municipal laws.
- MTMA reserves the right to suspend, waive, modify, limit, or revoke the application of the Passenger Rules of Conduct.

IV. Administrative Action & Suspension

MTMA staff will review all reports relating to complaints of conduct or behavior in violation of the Passenger Rules of Conduct. Upon such review, MTMA may at its sole discretion:

- Contact the person violating the Passenger Rules of Conduct to notify them of the violation and discuss expectations for conduct.
- Issue a warning letter or notification.
- Suspend future riding privileges for a definite or indefinite period.
- Notify appropriate law enforcement agencies and pursue arrest and criminal prosecution.
- Pursue any other appropriate legal or administrative remedies.
- Determine that no further action is required.

In the case of conduct which is determined by MTMA management, in coordination with legal counsel, to present a clear and immediate threat to the safety of passengers and/or personnel, the violator may be immediately suspended from access to MTMA's transit services, vehicles, and/or facilities, subject to the person's right to appeal.

Except in cases in which an immediate suspension is necessary to preserve public safety, prior to proceeding with suspending access to MTMA vehicles, MTMA management will make reasonable effort to contact the violator verbally and in writing to provide a warning that their conduct, if continued, will result in suspension. Warning and suspension communications will be delivered in a format that is language-appropriate and accessible to the violator. These communications will be deemed received on the date of email or personal delivery or three days after the warning or suspension letter is mailed.

Suspensions will be handled as follows:

- **Initial Suspension:** The initial suspension of service for violation of the Passenger Rules of Conduct will be for a period no longer than one week.
- **Second Offense:** The second violation of the Passenger Rules of Conduct within 12 months of the first offense may result in a suspension of transit services for a period no longer than one month.
- **Third Offense:** The third violation of the Passenger Rules of Conduct Code within 18 months of the second offense may result in a suspension of transit services for a period no longer than one year.

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- Behavior which is deemed to be of a criminal nature or presents a threat to the safety of transit system personnel or passengers will result in immediate and permanent suspension.

V. Application to Student Riders

The Passenger Rules of Conduct and all aforementioned policies apply equally to youth and student riders as well as to adults. Students found in violation of any of the MTMA Passenger Rules of Conduct may be subject to the enforcement mechanisms described above. In addition, violations of the Passenger Rules of Conduct by youth and student riders will also be reported to school personnel, if known. Penalties include:

- First Offense: Verbal warning from the vehicle driver and a written incident report emailed to the school contact(s).
- Second Offense: Five-day suspension of vehicle privileges and written incident report emailed to the school contact(s).
- Third/Final Offense: Suspension of vehicle privileges for the remainder of Academic School Year and incident report emailed to the school contact(s).

Behavior which is deemed to be of criminal nature or presents a threat to the safety of transit system personnel or passengers will result in immediate and permanent suspension.

VI. Application to Individuals with Disabilities

Nothing in these Passenger Rules of Conduct shall be applied in a manner that discriminates against individuals with disabilities. It is not discrimination to refuse to provide service to an individual with disabilities because that person engages in violent, seriously disruptive or illegal conduct. These Passenger Rules of Conduct shall not otherwise alter MTMA paratransit eligibility procedures.

VII. Liability

Nothing in these Passenger Rules of Conduct shall create a duty to any person on the part of MTMA or form any basis for liability on the part of MTMA, its officers, agents or employees. The obligation to comply with the Passenger Rules of Conduct is solely that of any person entering and using MTMA vehicles, and MTMA's enforcement of the Passenger Rules of Conduct is discretionary, not mandatory.

References

- i. California Penal Code 640(c)(1).
- ii. California Penal Code 640(e)(2).
- iii. California Penal Code 594, 640.5-640.8.
- iv. California Penal Code 640(b)(6).
- v. California Penal Code 640(b)(4).