



## **EXCLUSION POLICY**

Revised 4-21-23

The following conduct is prohibited on any Pacific Transit System (PTS) vehicle or property:

1. Engaging in any conduct prohibited by RCW 9.91.025 (attached below) or prohibited by any federal, state, or municipal civil or criminal law.
2. Except in a designated place, the use of chewing tobacco or smoking or carrying a lighted or smoldering pipe, cigar, or cigarette, or e-cigarette.
3. Discarding litter other than in designated receptacles.
4. Using any radio, MP3 player, or other sound-producing equipment without the use of earphones.
5. Spitting or eliminating anywhere other than in restroom facilities.
6. Carrying any flammable liquid, explosive, acid, or other such material on PTS vehicles.
7. Engaging in loud, raucous, unruly, harmful, aggressive, violent, or harassing behavior or language.
8. Destroying, defacing, tampering, or otherwise damaging PTS property.
9. Possessing any open beverage container holding alcohol or possessing controlled substances, unless otherwise authorized by law.
10. Throwing an object at PTS vehicles, facilities, or property, or throwing an object at any person on PTS property.
11. Refusal to follow a directive of a transit Operator, transit official or law enforcement official while on PTS property.
12. Eating or drinking except from a spill-proof covered container on PTS vehicles or in prohibited areas of PTS facilities and properties.
13. Operating, stopping, standing, or parking a vehicle in any roadway or location restricted for use by PTS vehicles.
14. Blocking or interfering with public walkways on PTS vehicles or properties.
15. Sleeping on benches or floors on PTS vehicles, bus stops, or properties.

16. Remaining in an area marked as reserved for senior citizens or people with disabilities after being requested to move.
17. Entering PTS vehicles, facilities, or properties without wearing a shirt or shoes.
18. Engaging in commercial activities, except when such activities are authorized by PTS or its designee in a written permit, license, concession contract, lease, or other written authorization.
19. Loitering or “hanging out”, customers are expected to board the next scheduled PTS vehicle traveling in the direction of their destination.
20. Failure to pay the appropriate fare are required by PTS or falsely representing oneself as eligible for a special or reduced fare or obtaining any permit or pass related to the PTS by making a false representation.
21. Verbally intimidating, threatening, or touching a PTS Operator or PTS employee.
22. Exceeding the number of no-shows allowed under PTS Dial-A-Ride procedures. (Trips missed for reasons beyond the customer’s control will not be counted as no-shows).
23. Impeding PTS Dial-A-Ride Service through non-compliance with the PTS Dial-A-Ride procedures.
24. Violating a trespass from PTS properties.

### **SUSPENSION FROM SERVICE**

Anyone who engages in prohibited conduct may be trespassed, ordered to leave, or otherwise restricted in the use of PTS property or services by a member of law enforcement or a PTS employee. Failure to immediately comply may be grounds for prosecution for criminal trespass and/or unlawful transit conduct.

Immediate Suspension: A PTS employee may immediately re-seat, refuse transportation, or temporarily suspend (for the rest of the day) from PTS vehicles, facilities, or properties, anyone who poses a safety or security risk, interferes with or infringes on the rights of others, impedes the free flow of the general public, or impedes the orderly and efficient use of PTS vehicles, facilities, or properties.

Notice Procedure: Whenever possible, PTS will provide a suspended person with written notice. The notice will specify the reason for suspension, duration, and effective date of the suspension, and state the appeal process.

Length of Suspension: PTS will use the following guidelines, as well as other criteria when determining the length of suspension. Other criteria include, but are not limited to, the individual’s history of documented prior conducts and/or incidents. PTS supervisory personnel, may, using their own judgment, suspend a person from PTS properties and/or service for an undetermined length of time, for example, until further notice. See guidelines as follows:

1. If the suspended person has had no suspension violations, including removals, in the prior 12 months, and the prohibited conduct would constitute a misdemeanor in Washington State or prohibited by RCW 9.91.025, the duration of the suspension should not exceed 60 days.

2. If the suspended person has had one violation, including suspension or removal, in the prior 12 months, and the prohibited conduct would constitute a misdemeanor in Washington State or be prohibited by RCW 9.91.025, the duration of the suspension should not exceed 90 days.
3. If the suspended person has had two or more policy violations, including suspension or removal, in the prior 12 months, and the prohibited conduct would constitute a misdemeanor in Washington State or be prohibited by RCW 9.91.025, the duration of the suspension should not exceed 120 days.
4. If the prohibited conduct is identified as Class C or above felony, the duration of the suspension could range from one year to indefinite.
5. Permanent suspension may be appropriate under certain circumstances, for example, Assault in the 3<sup>rd</sup> Degree or greater.

### **APPEAL PROCEDURE**

- The Service Suspension Notice submitted to a trespassed person notifies them of their right to appeal the decision to the Director. Notice of Appeal responses can be mailed to 216 N. 2<sup>nd</sup> Street Raymond, WA 98577, Attn: Director.
- The trespassed person may request a Review of Appeal. A review may be requested based on a written statement or phone interview outlining the reasons why the suspension should be revoked. If requested, the phone interview of the Review of Appeal shall be held by the Director as soon as practicable.
- Following the Review of Appeal, the Director shall render a decision as soon as practicable after receipt of the Notice of Appeal or the completion of the review. The decision may be conveyed to the trespassed person in writing or via phone depending on their accessibility.
- PTS will not provide service to the trespassed person pending resolution of the Appeal.

## Unlawful Transit Conduct:

- (1) A person is guilty of unlawful transit conduct if, while on or in a transit vehicle or in or at a transit station, he or she knowingly:
  - a. Smokes or carries a lighted or smoldering pipe, cigar, or cigarette, unless he or she is smoking in an area designated and authorized by the transit authority.
  - b. Discards litter other than in designated receptacles.
  - c. Dumps or discards, or both, any materials on or at a transit facility including, but not limited to, hazardous substances and automotive fluids.
  - d. Plays any radio, recorder, or other sound-producing equipment, except that nothing herein prohibits the use of the equipment when connected to earphones or an ear receiver that limits the sound to an individual listener. The use of public address systems or music systems that are authorized by a transit agency is permitted. The use of communications devices by transit employees and designated contractors or public safety officers in the line of duty is permitted, as is the use of private communications devices used to summon, notify, and communicate with other individuals, such as pagers and cellular phones.
  - e. Spits, expectorates, urinates, or defecates, except in appropriate plumbing fixtures in restroom facilities.
  - f. Carries any flammable liquid, explosive, acid, or other article or material likely to cause harm to others, except that nothing herein prevents a person from carrying a cigarette, cigar, or pipe lighter or carrying a firearm or ammunition in a way that is not otherwise prohibited by law.
  - g. Consumes an alcoholic beverage or is in possession of an open alcoholic beverage container, unless authorized by the transit authority and required permits have been obtained.
  - h. Obstructs or impedes the flow of transit vehicles or passenger traffic, hinders or prevents access to transit vehicles or stations, or otherwise unlawfully interferes with the provision or use of public transportation services.
  - i. Unreasonably disturbs others by engaging in lude, raucous, unruly, harmful, or harassing behavior.
  - j. Destroys, defaces, or otherwise damages property in a transit vehicle or at a transit facility.
  - k. Throws an object in a transit vehicle, at a transit facility, or at any person at a transit facility with intent to do harm.
  - l. Possesses an unissued transfer or fare media or tenders an unissued transfer or fare media as proof of fare payment.
  - m. Falsely claims to be a transit operator or other transit employee or through words, actions, or the use of clothes, insignia, or equipment resembling department issued uniforms and equipment, creates a false impression that he or she is a transit operator or other transit employee.
  - n. Engages in gambling or any game of chance of winning of money or anything of value.
  - o. Skates or roller skates or in-line skates, or rides in or upon or by any means a coaster, skateboard, toy vehicle, or any similar device. However, a person may walk while wearing skates or carry a skateboard while on or in a transit vehicle or in or at transit station if that conduct is not otherwise prohibited by law.
  - p. Engages in other conduct that is inconsistent with the intended use and purpose of the transit facility, transit station, or transit vehicle and refuses to obey the lawful commands of an agent of the transit authority or a peace officer to cease such conduct.

- (2) For the purpose of this section:

- a. “Transit station” or “transit facility” means all passenger facilities, structures, stops shelters, bus zones, properties, and rights-of-way of all kinds that are owned, leased, held, or used by a transit authority for the purpose of providing public transportation services.
- b. “Transit vehicle” means any motor vehicle, streetcar, train, trolley vehicle, ferry, boat, or any other device, vessel, or vehicle that is owned or operated by a transit authority or an entity providing service on behalf of a transit authority that is used for the purpose of carrying passengers on a regular schedule.
- c. “Transit authority” means a city transit system under RCW 35.58.2721 or RCW chapter 35.95A, a county transportation authority under RCW chapter 36.57, a metropolitan municipal corporation transit system under RCW chapter 36.56, a public transportation benefit area under RCW chapter 36.57A, an unincorporated transportation benefit area under RCW 36.57.100, a regional transportation authority under RCW chapter 81.112, or any special purpose district formed to operate a public transportation system.

(3) Any person who violates this section is guilty of a misdemeanor.

Revised 04-21-23  
Adopted 11-01-15