

CORVALLIS CITIZENS ADVISORY COMMISSION ON TRANSIT AGENDA

**Wednesday, March 9, 2011, 8:20 a.m.
Madison Avenue Meeting Room
500 SW Madison Avenue**

- I. INTRODUCTIONS
- II. APPROVAL OF MINUTES
February 9, 2011
- III. CACOT/VISITOR'S COMMENTS
- IV. OLD BUSINESS
- V. NEW BUSINESS
- VI. INFORMATION SHARING
- VII. COMMISSION REQUESTS AND REPORTS
- VIII. PENDING ITEMS
- IX. ADJOURNMENT

Future Meetings:

Wednesday, April 13, 2011, 8:20 a.m., Madison Avenue Meeting Room

Wednesday, May 11, 2011, 8:20 a.m., Madison Avenue Meeting Room

Commission Members:

Bob Lowry, Chair

Stephan Friedt, Vice-Chair

Susan Hyne

Tom Kincaid

Ray Shimabuku

Robert E. Wilson

Brandon Trelstad

Ryan Ludlow, ASOSU Representative

Mike Beilstein, Council Liaison

The Madison Avenue Meeting Room is accessible to the public.
Please contact Tim Bates at (541) 766-6916
if you need special accommodations to attend the meeting.

**CORVALLIS CITIZENS ADVISORY COMMISSION ON TRANSIT
MINUTES
February 9, 2011**

Present

Stephan Friedt, Vice-Chair
Susan Hyne
Tom Kincaid
Ray Shimabuku
Robert E. Wilson

Absent

Bob Lowry, Chair
Ryan Ludlow, ASOSU Representative
Brandon Trelstad
Mike Beilstein, Council Liaison

Staff

Tim Bates, Public Works
Brie Caffey, Public Works

Visitors

Patti Hance, First Student
Annette Mills, Corvallis Sustainability
Coalition

SUMMARY OF DISCUSSION

Agenda Item	Information Only	Held for Further Review	Recommendations
I. Introductions	X		
II. Approval of Jan. 12, 2011 Minutes			Approved.
III. CACOT/Visitor Comments	X		
IV. Old Business	N/A		
V. New Business	N/A		
VI. Information Sharing	X		
VII. Commission Requests and Reports	X		
VIII. Pending Items	N/A		
IX. Adjournment			Adjourned at 9:09 a.m.

CONTENT OF DISCUSSION

- I.** The meeting was called to order at 8:22 am by Vice-Chair Friedt. Introductions of Commission members, staff, and visitors were made.
- II. Approval of Minutes**
Commissioners Kincaid and Shimabuku, respectively, moved and seconded to approve the January 12, 2011 minutes. The motion passed unanimously.

III. CACOT/Visitor Comments

Annette Mills of the Corvallis Sustainability Coalition invited the Commissioners to the Coalition's main event of the year, the Annual Sustainability Fair & Town Hall Meeting. The event is scheduled for 5:00 pm, Wednesday March 9th at the CH2M Hill Alumni Center on the OSU Campus. Ms. Mills said this is a "model event," where they encourage participants to travel to the event via bus, bike, or walking. Commissioner Hyne suggested that, if possible, future Coalition public events be held on Thursday, Friday or Saturday rather than Wednesday evenings so that attendees can return from the event via the Beaver Bus.

Ms. Mills also invited everyone to attend the Coalition's transportation action team meeting at 5:30 pm on Thursday, February 10th at the Benton County Commissioners Room. The team will discuss possible Coalition transportation projects for the coming year. Vice-Chair Friedt said he plans to attend and will provide a report at the next CACOT meeting.

Patti Hance of First Student attended the meeting to pass along the CTS drivers' comments about the first week of fareless rides. Ms. Hance reported that drivers would like to see two rules implemented – no sleeping on the bus, and no lounging on the bus (with feet up). Mr. Bates said that lounging has been addressed in the rule that requires use of only one seat per person and the rule that prohibits feet on the seats. He said sleeping on the bus would need to be addressed as an amendment to the Code of Conduct or Administrative Rules.

Commissioner Wilson asked if vehicle turns in and out of Reiman Avenue have been an issue. Ms. Hance said it has not been.

Commissioner Hyne asked about rider reactions to the system going fareless. Both Ms. Hance and Vice-Chair Friedt reported that rider reactions to the change has mostly been surprise. Both Ms. Hance and Vice-Chair Friedt said that in response to fareless, some riders have also asked, "How long is this going to last?" Commissioner Friedt said that 90% of those riders he spoke to were in favor of the change.

Commissioner Hyne asked that Ms. Hance interview the drivers to determine if fareless has resulted in more frequent rides per rider, more short distance rides, or other changes. Ms. Hance said she had not heard anything from the drivers about how or if fareless is affecting ridership patterns.

Commissioner Shimabuku confirmed with Ms. Hance that drivers still communicate via radio to other drivers about transfers. Since riders no longer need to ask drivers for a transfer slip, there was concern that riders will not communicate their intention to transfer, possibly leading to a missed transfer. Vice-Chair Friedt suggested staff create posters for the buses which encourage riders to tell the driver if they wish to transfer. Mr. Bates said he would also add this to the system map before it is reprinted and Ms. Caffey said she would add it to the CTS website.

Commissioner Hyne noted that is helpful to hear from a representative of the drivers and

Commissioner Friedt suggested that CACOT invite Ms. Hance back to CACOT meetings on a quarterly basis. Ms. Hance was open to that idea.

IV. Old Business

None.

V. New Business

None.

VI. Information Sharing

Mr. Bates reviewed the Information Sharing Report. Additional information to the report includes:

Mr. Bates said the pass refund program has been going well and will continue until March 31st. He credited Ms. Caffey with creating a simplified refund process for Utility Billing staff who are issuing in-person refunds. Refunds may also be requested by downloading a refund application from CorvallisTransit.com.

Mr. Bates said that Philomath City Council will meet this Monday to vote on whether or not the PC will become fareless. It is anticipated that Council will not make the PC fareless because fares, especially the OSU group pass, make up about \$7,000 of their revenue.

Mr. Bates reported that he will be making a presentation to OSU's Student Incidental Fee Committee (SIFC) requesting that OSU students continue to fund 70% of the 2011-12 proposed Beaver Bus budget of \$75,000. He will also present the 2011-12 Transit Group Pass Program for the PC on behalf of City of Philomath.

Vice-Chair Friedt asked that Mr. Bates email the group when staff gets word on whether CTS has received the Flexible Funds Grant for a new VIS program. He also requested that staff remove from bus stops the green boxes that were originally intended to display bus locations, as they are no longer operable.

Mr. Bates reported that Vice-Chair Friedt, Commissioners Hyne and Ludlow, and Chair Lowry volunteered to participate in a CACOT route review subcommittee. A discussion about the focus of the subcommittee ensued. Vice-Chair Friedt suggested the focus could be determined at the first meeting.

Mr. Bates asked if the Commission wanted to review the rule about riding to a destination. Vice-Chair Friedt asked Mr. Bates to bring copies of the current Code of Conduct to the next CACOT meeting. Commissioner Hyne said she felt the Commission had done a good job at revising the rules last year, and asked Mr. Bates to determine exactly what isn't working for the drivers. Mr. Bates said that the drivers received a copy of the Code of Conduct with pertinent passages highlighted, specifically the section outlining that drivers are always entitled to ensure "the safe operation of the bus."

Mr. Bates noted that service enhancements will need to wait at least until CTS has collected sufficient TOF funds. Commissioner Hyne suggested the subcommittee set up a prioritized list of goals to accomplish with the enhancement funds, as they have done in the past. Commissioner Wilson asked if it was outlined anywhere how the Commission could use TOF enhancement money. The Commission agreed that it was left to the Commission to determine enhancement spending.

Commissioner Wilson asked if the City's payment to Dial-A-Bus (DAB) for paratransit service will be affected by the TOF. Mr. Bates said the DAB's paratransit service on behalf of the City is not a fee for service. Mr. Bates reported that City and County staff, who share a common contractor, have met about this issue. Further, Mr. Bates, Ms. Caffey and Sharon Fipps, who represents the Benton County Special Transportation Fund (STF) program, met with DAB employees to discuss the ramifications of fareless paratransit, since STF rides still require fares.

Commissioner Wilson asked Mr. Bates to provide the Commission with a breakdown of the TOF money which Commissioners can use when discussing fees with the public. Staff agreed to provide that accounting.

Mr. Bates reported that volunteer Robert Monasky is working to get Linn-Benton Loop's schedule on Google Transit.

VII. Commission Requests and Reports

Mr. Bates noted that during the course of the meeting, Commissioners had requested: a breakdown of the TOF fee; removal of the outdated green bus location boxes; a time line of the TOF fee, copies of the Code of Conduct for the next meeting and an email when staff hears about award of a new VIS grant.

Commissioner Hyne asked that staff report ridership year-to-date numbers so that CACOT members can accurately report any increases in ridership.

Mr. Bates asked the Commission for ideas on new marketing messages for events, since traditionally CTS has advertised free rides as an incentive to use public transportation. Commissioners Hyne and Friedt suggested staff focus on avoidance parking hassles and service on Sundays during events that offer Sunday service.

VIII. Pending Items

None.

IX. Adjournment

Commissioners Wilson and Hyne, respectively, moved and seconded that the meeting be adjourned. The motion passed unanimously.

The meeting was adjourned at 9:09 a.m.

NEXT MEETING: March 9, 2011, 8:20 am, Madison Avenue Meeting Room

MEMORANDUM

DATE: March 4, 2011
TO: CACOT Members
FROM: Tim Bates, Transit Coordinator
SUBJECT: Information Sharing Report

Refund Program - Refunds of unused CTS bus passes, coupons and day passes are available through March 31st. Utility Billing staff, who are serving walk-in customers, have reported no problems.

City of Philomath City Council will make a final decision on making the Philomath Connection fareless at the Philomath City Council meeting on March 14th. Group Pass Program privileges offered by City of Philomath have been extended through the meeting date.

Flexible Funds Program Grant - ODOT announced that the City of Corvallis has been awarded a grant for a replacement VIS. Staff will work with ODOT staff to expeditiously sign an Intergovernmental Agreement, allowing the project work to begin as soon as possible.

FTA Representative Site Visit - Bill Ramos, the City's FTA Region IX representative, was in Corvallis on Wednesday to receive a tour of operations from City staff and address any questions staff had. Mr. Ramos has been very helpful in guiding staff through grant applications, reporting and all other federal requirements needed to allow the City to continue to receive federal funding.

2011-13 JARC Grant Application - Staff submitted the JARC application to ODOT before the deadline. The application requests ongoing funding of existing JARC service.

ADA Paratransit Application - Staff continues to develop a new, more concise ADA paratransit application process. Staff also has been working closely with Benton County staff on the development of a new Special Transportation Fund application process. When these processes are complete, the differences in the two programs should be easier for applicants to decipher.

Annual Sustainability Fair & Town Hall 2011 - Will be held Wednesday March 9th, 5:00pm - 7:00pm at the CH2MHill Alumni Center on OSU's campus.

Map Revisions Update - CTS map revisions, including references to "Fareless", will be reflected when the new maps are printed in the next week or so. Revised Beaver Bus maps are at the printer and should be available shortly. A printing of Philomath Connection maps will be done as soon as Philomath City Council decides the issue of the Philomath Connection being a fareless or fare-based system.

Ridership - Percentage changes are based on rides per service hour due to the differences in days of service and revised routes effective September 22, 2008.

- **CTS provided 80,794 rides in February, an average of 39.5 rides/service hour, a 23.7 % increase from February, 2010.** Ridership for February, 2010 was 65,306, an average of 31.9 rides/service hour.
- **Philomath Connection provided 2,735 rides in February, an average of 21.0 rides/service hour, a 23.9% increase from February, 2010.** Ridership for February, 2010 was 2,207, an average of 17.0 rides/service hour.

- **Beaver Bus provided 1,674 rides in February, an average of 11.6 rides/service hour, a 42% increase in rides/service hour from February, 2010.** 1,179 rides were provided in February, 2010, an average of 8.2 rides/service hour.
- **Dial A Bus** - 491 ADA paratransit rides were provided in February.

Follow-up on issues presented at the February CACOT meeting.

- Satellite Transit Centers - No news to report.
- Park & Ride Locations - No news to report.
- Commissioner Hyne asked that staff report ridership year-to-date numbers so that CACOT members can accurately report any increases in ridership - This information was emailed to the Commissioners shortly after the meeting.
- The Commission requested a breakdown of the Transit Operations Fee and a time line - This information was emailed to Commissioners shortly after the meeting.
- The Commission requested an email when staff received confirmation of a grant award for a replacement VIS - This was done as soon as staff was notified about the grant award.
- The Commission requested the removal of outdated green bus location boxes throughout the system - The boxes have been removed.
- The Commission requested copies of the Code of Conduct - The Code of Conduct, along with the CTS Administrative Rules on Exclusions, was included in the March CACOT packet.

CORVALLIS TRANSIT SYSTEM

CODE OF CONDUCT

AND

IMPLEMENTING PROCEDURES

**Adopted
February 2006**

CORVALLIS TRANSIT SYSTEM
Code of Conduct & Implementing Procedures

February 2006

I. Introduction and Purpose

The following Code of Conduct and Implementing Procedures has been adopted for the Corvallis Transit System. The Code represents a consolidation of regulations, many of which are founded in City ordinances, State law, and/or City administrative rules. The Code and Implementing Procedures are adopted for the safety, convenience, and comfort of Corvallis Transit System passengers. *These regulations should always be interpreted in a manner that best maintains the safe and efficient operation of the Corvallis Transit System.*

II. Definitions

As used in these regulations, unless the context requires otherwise:

“Corvallis Transit System” means the property, equipment and improvements of whatever nature owned, leased or controlled by the City to provide public transportation for passengers or to provide for movement of people, and includes any City transit vehicle and any City passenger shelter.

“City” means the City of Corvallis, Oregon.

“City transit vehicle” includes a bus, trolley, van or other vehicle used to transport passengers and owned or operated on behalf of the City.

“City passenger shelter or shelter” includes a structure provided along a transit route for the purpose of providing seating and/or protecting transit passengers from inclement weather and that publicly-owned area within three (3) feet of the structure.

“Emergency” means an on-board City transit vehicle fire, serious physical injury to person(s), or threat thereof, or any apparently urgent medical need.

“Peace officer” includes a sheriff, constable, marshall, municipal police officer, member of the Oregon State Police, and such other persons as may be designated by law.

Unreasonable Interference with the safe and efficient operation of the transit system includes any action by a person or persons which reduces the overall safety, timeliness, convenience or accessibility of drivers, vehicles or

facilities of the transit system in a manner no reasonable person would allow.

III. Regulations

1. Elderly and Disabled Seating. The aisle-facing benches at the front of buses are for the use of disabled and senior passengers. Non-qualifying passengers must vacate seating upon request of the transit operator or City employee.

2. Shirt and Shoes. All passengers (except infants who are held) must wear a shirt and shoes on City vehicles and in transit shelters.

3. Repulsive Odors. No person shall board or remain on a City vehicle or enter or remain in a transit shelter if the person or the person's clothing emanates a grossly repulsive odor that is unavoidable by other transit customers on the vehicle or in the shelter.

4. Safety. No person shall:

- (a) Interfere with the operation or movement of any City transit vehicle;
- (b) In any manner hang onto or attach himself or herself onto any exterior part of a City transit vehicle at any time;
- (c) Ride a skateboard or roller skates in a City transit vehicle or shelter;
- (d) Knowingly throw an object or discharge a bow and arrow, air rifle, rifle, gun, revolver, or other firearm at or within a City transit vehicle or transit shelter, or at any person on a City transit vehicle or in any part of a transit shelter, except that a peace officer in the course of employment is exempt from this paragraph;
- (e) Extend any portion of his or her body through any door or window of a City transit vehicle while it is in motion;
- (f) Smoke tobacco or any other substance, or chew tobacco, or carry any burning or smoldering substance, in any form, aboard a City transit vehicle or in a transit shelter;
- (g) Spit, defecate, or urinate in or upon any City transit vehicle or transit shelter;

(h) Activate the "Emergency Exit", "Emergency Stop", or alarm device of a City transit vehicle in the absence of an emergency;

(i) Leave unattended a child under the age of 8 unless accompanied by a person 12 years or older;

(j) Talk to the driver while the bus is in operation, except for information facilitating their trip.

5. No person shall:

(a) Engage in any activity prohibited by State or Municipal Criminal Law while on a City transit vehicle or in a transit shelter;

(b) Discard or deposit, other than into a trash receptacle provided for that purpose any rubbish, trash, debris, or offensive substance in or upon a City transit vehicle or shelter;

(c) Play tape recorders, radios, or other audio devices or music instruments on a City transit vehicle or in a shelter, except if the sound produced thereby is only audible through earphones to the person carrying the device;

(d) Canvass to collect money or sell or distribute anything, or solicit for any purpose, on any City transit vehicle or shelter, without written authorization of the City's transit manager or his or her designee. The transit manager, or designee, shall adopt regulations establishing reasonable time, place, and manner conditions for soliciting activities, and shall give written permission for activities complying with such regulations.

(e) Use or possess alcohol or illegal drugs on a City transit vehicle or in a shelter, except alcoholic beverages that have not been unsealed;

(f) Mutilate, deface or destroy any City property or sign, notice, or advertisement posted by the City or located on any City transit vehicle or any other public property;

(g) Place, permit or cause to be placed any notice or advertisement upon any City transit vehicle or on any shelter without first obtaining written permission of the transit manager or the manager's designee;

(h) Place his or her feet on seat of any City transit vehicle or in any seat in a shelter.

(i) Act in any manner not specifically set forth in these regulations which will unreasonably interfere with the safe and efficient operation of the Corvallis Transit System.

6. Disorderly Conduct. No person shall, with the intent to cause public inconvenience, annoyance, or alarm, or recklessly creating a risk thereof:

(a) Engage in fighting or violent, tumultuous or threatening behavior within any City transit vehicle or shelter;

(b) Intentionally harass or annoy another person by subjecting such other person to offensive physical contact;

(c) Make unreasonable noise within any City transit vehicle or in any shelter; or

(d) Obstruct the free movement of passengers within any City transit vehicle or shelter; or

(e) Create a hazardous or physically offensive condition within a City transit vehicle or shelter by any act which the person is not licensed or legally entitled to do;

(f) Utter fighting words on a City transit vehicle or in a passenger shelter;

(g) Utter obscenities on a City transit vehicle or in a passenger shelter in the presence of a minor;

(h) Utter obscenities on a City transit vehicle when such language is reasonably likely to offend, annoy, or intimidate another passenger and which does offend, annoy, or intimidate another passenger.

7. Weapons. No person, except a peace officer or person with a valid concealed weapon permit, shall bring into or carry aboard a City transit vehicle, or bring in to a shelter, any fire arm, knife (except a folding knife with a blade less than 3 ½ inches in length), any explosive device or material, or any other weapon.

8. Food and Beverages. No person shall bring aboard a City transit vehicle any food or beverage in open containers, and no person shall consume

food or beverage while on a City transit vehicle. Paper cups and plastic cups with snap-on lids are not considered closed containers for the purpose of this regulation.

9. Flammable Substances. No person shall bring aboard a City transit vehicle or take into a shelter:

- (a) any flammable fuel containers; or
- (b) any flammable liquid, except in a cigarette lighter.

10. Animals. No person shall bring or carry aboard a City transit vehicle or take into a shelter any animal not housed in an enclosed carrying container, except that a person with a disability who needs a service animal for assistance, or a person training a service animal may carry or bring aboard a service animal.

11. Prohibited Baggage/Packages.

(a) Carriages and Strollers. No person shall bring or carry aboard a City transit vehicle a carriage or stroller unless such item is folded and unoccupied. Strollers and carriages must remain folded while aboard the City transit vehicle.

(b) Large objects. No persons shall bring or carry aboard a City transit vehicle any package(s) or object(s) of a size that will block any aisle or stairway upon the vehicle.

12. Use of a City Passenger Shelter. Unless the person has first obtained written exemption from the City's transit manager:

(a) No person shall occupy or use a City passenger shelter except for boarding, disembarking, or waiting for a City transit vehicle;

(b) No person occupying a City passenger shelter for the purpose of waiting to ride a City transit vehicle shall intentionally fail or refuse to take the next available bus to the person's destination;

(c) No person occupying a City passenger shelter for the purpose of waiting to greet passengers on any arriving City transit vehicle shall intentionally fail or refuse to leave the City transit shelter promptly after arrival

of the City transit vehicle for which the person is waiting;

(d) No persons shall continuously occupy a City passenger shelter for a time exceeding two (2) hours;

(e) No person occupying a City passenger shelter shall fail to identify on demand of any City employee or peace officer the City transit vehicle for which the person is waiting.

(f) No person shall occupy a City passenger shelter in a manner which unreasonably interferes with the safe and efficient operation of the Corvallis Transit System.

13. Non-payment of Fare; Misuse of Bus Pass or Group Pass.

(a) Non-payment of Fare. It shall be unlawful for any person to occupy, ride in or use, any City transit vehicle without paying the applicable fare.

(b) Misuse of Bus Pass. It shall be unlawful for a person to use or attempt to use a City bus pass to board or ride in a City transit vehicle unless the bus pass was lawfully acquired at an authorized City outlet by or on behalf of the person.

(c) Misuse of Group Pass. It shall be unlawful for a person to use or attempt to use a group pass identification card to board or ride a City transit vehicle unless:

i) The identification card is a valid identification card, lawfully acquired from an authorized employer, organization, or school by or on behalf of the person; and

ii) The person is then a member of the group to whom a valid group pass program is valid pursuant to a group pass agreement.

14. Confiscation of Misused Bus Pass or Group Fare ID Cards.

(a) Any City transit operator or any peace officer may confiscate a bus pass used or presented for use in violation of Subsection 13(b) of this Code and may confiscate a group pass ID card presented in violation of Subsection 13(c) of this Code.

(b) Confiscation of a group pass ID card shall be disposed of as follows:

i) If the person from whom the card was confiscated was excluded from the City's transit system pursuant to Section IV of this Code, or was issued a citation pursuant to Corvallis City Code or State law, the card shall be returned or made available to the person promptly on conclusion of any appeal of exclusion or of any court proceeding involving the citation.

ii) If the person from whom the card was confiscated was not excluded or issued a citation, the card shall be returned or made available to the person by the end of the seventh day following the date the card was confiscated.

IV. Exclusion

(1) In addition to other measures provided for the violation of this Code or the laws of the City of Corvallis or State of Oregon, any peace officer, City transit operator, City's transit manager, and persons designated by the City's transit manager may exclude from all or any part of the City's Transit System any person who violates any provision of these regulations for a period of time specified in regulations promulgated by the City's transit manager.

(2) A person excluded under Section IV of this Code may not enter or remain upon any part of the City's Transit System from which said person is excluded during the period of exclusion. An excluded person who enters or remains upon any part of the Corvallis Transit System from which the person has been excluded is a trespasser and may be arrested and prosecuted for the crime of Criminal Trespass in the Second Degree (ORS 164.245), or for violation of Section 5.03.090.060 of the Corvallis Code, or both. In addition, failure to abide by an exclusion notice shall constitute a further violation of this regulation for which the period of exclusion may be extended if so specified in regulations promulgated by the City's transit manager.

(3)(a) Except as provided in (b) below, written notice signed by the issuing party shall be given to a person excluded from all or part of the Corvallis Transit System, which notice shall specify the reason for exclusion, places and duration of exclusion, and the consequences for failure to comply with the notice. Exclusion shall commence immediately upon delivery of the notice to the excluded person.

(b) A City transit vehicle operator may, without giving written notice of exclusion, direct a passenger to leave a City transit vehicle, or direct a

prospective passenger not to board a City transit vehicle, if the passenger is in violation of any provision of these regulations. Such oral exclusion, without written notice of exclusion, shall be effective only for the route in progress at the time of the exclusion.

(c) A City transit vehicle operator or the City's Transit Coordinator may exclude a passenger for unreasonably interfering with the operation of the transit system, but must, as soon as possible, but not later than the end of that working day, provide a written explanation of how the passenger was behaving and how the passenger's action unreasonably interfered with the operation of the transit system. The written explanation will be filed with the Transit Coordinator, and a copy will be mailed to the passenger. If the passenger's address is unknown, or if the passenger will not provide an address, then the written explanation will be filed with Transit Coordinator's office.

(4) The City's transit manager shall promulgate administrative regulations establishing the duration of exclusion, which shall be based upon the type of violation.

(5) Not later than ten (10) days after commencement of the exclusion, an excluded person may appeal in writing to the City's transit manager, or the manager's designee, for de novo review of the exclusion and may petition the City's transit manager, or designee, to rescind the exclusion, alter the places of exclusion or reduce the duration of exclusion. An appeal shall contain a copy of the exclusion notice, if written; a request for a hearing or request for written review without a hearing; and a statement setting forth the reason that the exclusion is/was invalid or otherwise improper. The City's transit manager, or designee, shall render a decision not later than ten (10) days after receipt of the appeal, unless the appellant requests a hearing.

(6) If, as part of the written appeal, the excluded person requests a hearing, a public hearing shall be conducted by the City's transit manager, or designee, within ten (10) days after receipt of the appeal, and the City's transit manager, or designee, shall render a decision within ten (10) days after the hearing.

(7) The order of the hearing shall be as follows: presentation of documentation and testimony supporting the exclusion, followed by presentation of documentation and testimony opposing the exclusion. The City's transit manager or designee may question witnesses and review all documentation referred to by the witnesses. There shall be no continuance or reopening of the hearing. A tape recording shall be made of the hearing which shall be made available to the appellant upon the appellant paying the cost of

producing the tape recording. If the appeal raises a dispute of fact, the burden of persuasion shall be on the excluded person.

(8) At any time during the exclusion, an excluded person may petition in writing to the City's transit manager, or designee, for a temporary waiver of the exclusion.

Public Works Department

Transportation Division
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P.O. Box 1083
Corvallis, OR 97339-1083
(541) 766-6916
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Corvallis Transit System Administrative Rules

AR 09-01

Adopted: April 8, 2009

Last Reviewed: April 8, 2009

EXCLUSION and APPEAL RULE

Summary:

This rule specifies the exclusion procedures of the Corvallis Transit System.

Discussion:

The *Code of Conduct and Implementing Procedures (Code)* for the Corvallis Transit System was originally approved in 1996 and adopted via ordinance into the Corvallis Municipal Code. It was most recently updated in February, 2006. The *Code* was adopted for the safety, convenience, and comfort of Corvallis Transit System passengers. For the purposes of these and other administrative rules, the "Transit Manager" shall be considered to be the Transit Coordinator position. Language within the *Code* states, in part, "The City's Transit Manager shall promulgate administrative regulations establishing the duration of exclusion, which shall be based upon the type of violation." Further, language within the exclusion section of the *Code* states, "In addition, failure to abide by an exclusion notice shall constitute a further violation of this regulation for which the period of exclusion may be extended if so specified in regulations promulgated by the City's transit manager." This rule responds to that language within the *Code*.

An appeals process is contained within the February, 2006 *Code*.

Rule:

The City's Transit Manager has developed administrative regulations (see below) which establish the duration of exclusion based on the type of violation. The City's Transit Manager also developed administrative regulations (see below) related to individuals who violate the terms of an exclusion notice. The Citizens Advisory Commission on Transit approved the regulations April, 2009.

Corvallis Transit System Exclusion Durations

Level	Frequency	Length of Exclusion
1	First Offense	Bus run upon which offense occurred
1	Second Offense	One month
1	Third Offense and subsequent	Six Months
2	First Offense	One Week
2	Second Offense	Three Months
2	Third Offense and subsequent	One Year
3	First Offense	One Month
3	Second Offense	One Year
3	Third Offense and subsequent	Permanent
4	First Offense and subsequent	Permanent

Examples of **Level One** offenses include, but are not limited to:

- Occupancy or use of a City passenger shelter except for boarding, disembarking, or waiting for a City transit vehicle.
- Bringing aboard a City transit vehicle any food or beverage in open containers, or consuming food or beverage while on a City transit vehicle.
- Smoking tobacco or any other substance, or chewing tobacco, or carrying any burning or smoldering substance, in any form, aboard a City transit vehicle or in within three (3) feet of a transit shelter.

Examples of **Level Two** offenses include, but are not limited to:

- Offensive language or exhibiting disruptive behavior on a City transit vehicle when such language or behavior is reasonably likely to offend, annoy or intimidate another passenger and which does offend, annoy, or intimidate another passenger.
- Boarding or remaining on a City vehicle or entering or remaining in a transit shelter if the person or the person's clothing emanates a grossly repulsive odor that is unavoidable by other transit customers on the vehicle or in the shelter.

Examples of **Level Three** offenses include, but are not limited to:

- Engaging in fighting or violent, tumultuous or threatening behavior (verbal or physical) within any City transit vehicle or shelter.
- Activating the "Emergency Exit", "Emergency Stop", or alarm device of a City transit vehicle in the absence of an emergency.

Examples of **Level Four** offenses include, but are not limited to:

- Knowingly throwing an object or discharging a bow and arrow, air rifle, rifle, gun, revolver, or other weapon at or within a City transit vehicle or in any part of a transit shelter.

Violation of an Exclusion Notice

A violation of an exclusion notice shall result in the violation being considered a violation of an offense one frequency higher, pending appeal. For example, violating an exclusion notice for a Level 1 First Offense will result in an exclusion notice issued for a Level 1 Second Offense. The term of the upgraded offense will be served in full by the violator. In the case of a violation of a third offense for Levels 1-3, and any violation of a Level 4 offense, the violator will be considered permanently excluded, pending appeal.

Any person with two violations of any exclusion notice issued to him/her, shall be permanently excluded, pending appeal.

NEXT SCHEDULED REVIEW: April, 2012