AGENDA INTERCITY TRANSIT AUTHORITY Wednesday, August 19, 2020 5:30 P.M.

To comply with the Governor's guidance to "Stay Home and Stay Healthy" and in keeping with the Governor's Proclamation 20.28, participation in this meeting will be through remote access.

Dial in using your phone.

United States: +1 (872) 240-3212 / Access Code: 171-182-733 - One-touch: <u>tel:+18722403212,,171182733#</u>

The public may also join using Facebook: https://www.facebook.com/IntercityTransit/

CALL TO ORDER

1) APPROVAL OF AGENDA

2) PUBLIC COMMENT

Public comment may be submitted by email to pmessmer@intercitytransit.com.

Public comments must be submitted by 12:00 p.m. on August 19, 2020.

Emailed comments will be provided to the Authority electronically prior to the meeting. For questions, please contact the Clerk of the Board at 360-705-5860.

1 min.

5 min.

| 3) | APPROVAL OF CONSENT AGENDA ITEMS A. Surplus Dial-A-Lift Vehicle #513: Whether or not to declare Dial-A-Lift (DAL) Vehicle #513 as surplus. (<i>Katie Cunningham</i>) | 1 min. |
|-----|---|---------|
| 4) | NEW BUSINESS | |
| | A. Donation of Surplus Computers (Katie Cunningham) | 5 min. |
| | B. Schedule Public Hearing on the Draft Transit Development Plan (<i>Rob LaFontaine</i>) | 30 min. |
| | C. Equal Employment Opportunity Program–Overview and Utilization Analysis (Heather Stafford Smith) | 30 min. |
| | D. Operator Training, Rules of Conduct & Respect the Ride Campaign (<i>Emily Bergkamp</i>) | 30 min. |
| 5) | COMMITTEE REPORTS - None. | |
| - , | A. Thurston Regional Planning Council and Transportation Policy Board did not meet in August. | |
| 6) | GENERAL MANAGER'S REPORT | 10 min. |
| 7) | AUTHORITY ISSUES | 10 min. |
| | | |

ADJOURNMENT

Intercity Transit ensures no person is excluded from participation in, or denied the benefits of its services on the basis of race, color, or national origin consistent with requirements of Title VI of the Civil Rights Act of 1964 and Federal Transit Administration guidance in Circular 4702.1B.

For questions, or to file a complaint, contact Intercity Transit customer service at 360-786-1881 or by email to <u><i>TitleVI@intercitytransit.com.</u></u>

If you need special accommodations to participate in this meeting, please call us at (360) 705-5860 at least three days prior to the meeting. For TDD users, please use the state's toll-free relay service, 711 or 1-800-833-6384 and ask the operator to dial (360) 705-5860.

INTERCITY TRANSIT AUTHORITY AGENDA ITEM NO. 3-A MEETING DATE: August 19, 2020

- FOR: Intercity Transit Authority
- FROM: Katie Cunningham, 705-5837
- SUBJECT: Surplus Dial-A-Lift Vehicle #513
- 1) The Issue: Whether or not to declare Dial-A-Lift (DAL) Vehicle #513 surplus.
- 2) **Recommended Action:** Declare the property listed as surplus.
- **3) Policy Analysis:** Resolution No. 04-2020 states the Authority shall declare vehicles as surplus to our needs prior to sale or disposal.
- 4) Background: DAL vehicle #513, a 2003 Ford Goshen E-450, recently suffered a debilitating dash fire. Based on an assessment provided by WSTIP, Intercity Transit's insurance provider, the total estimated pre-accident fair market value of the vehicle is \$9,910. The estimated cost to repair the damage of this vehicle is approximate to this established fair market value. This vehicle has met useful life requirements with approximately 387,000 miles and 17 total years of service, and is currently scheduled to be replaced by the new replacement Propane DAL vehicles due to arrive at Intercity Transit next month. While Intercity Transit intended to surplus all DAL vehicles scheduled for replacement at one time, DAL #513 should be disposed of earlier than originally planned due to the current state of the vehicle. The recommended action is to work through WSTIP to facilitate sale of the vehicle through its salvage dealers. Based on the information provided herein, staff is requesting the Authority declare DAL #513 as surplus.

5) Alternatives:

- A. Declare the item surplus. The vehicle has met its useful life, has been totaled and is currently due for replacement.
- B. Defer action. Storage availability on-site and off-site storage costs are an issue.
- C. Retain all items. Storage availability and off-site storage costs are an issue.
- 6) **Budget Notes:** Intercity Transit purchased DAL #513 from Mason Transit as part of that agency's surplus program. Federal funds were not used in the purchase of the vehicle.
- 7) **Goal Reference:** Not specifically identified in the goals.
- 8) References: N/A.

INTERCITY TRANSIT AUTHORITY AGENDA ITEM NO. 4-A MEETING DATE: August 19, 2020

FOR: Intercity Transit Authority

FROM: Katie Cunningham, 705-5837

SUBJECT: Donation of Surplus Computers

- **1) The Issue:** Whether or not to donate surplus computers for use by local school districts.
- **2) Recommended Action:** Donate computers previously approved for surplus to Together! for distribution to students enrolled in local school districts.
- 3) Policy Analysis: Resolution No. 04-2020 governs surplus property.
- **4) Background:** In March 2020, the Authority approved a group of surplus items which included twenty-seven laptop computers. In recent weeks, discussions with the school community and non-profit groups have revealed a need for computer equipment for students during the upcoming school year. As local school districts will begin the school year with distance learning educational models, many students are in need of computers to successfully complete their schoolwork. Together!, a local non-profit organization, currently has a laptop program in which they distribute donated laptops to local school districts. While the computers approved for surplus in March were originally planned to go to state surplus, Intercity Transit is interested in donating these computers to Together! for distribution to local students.

5) Alternatives:

- A. Donate the computers previously approved for surplus to Together! for distribution to students enrolled in local school districts.
- B. Provide the computers to state surplus as originally planned.
- 6) **Budget Notes:** The combined estimated value of the twenty-seven computers is \$2,385.
- **7) Goal Reference: Goal #7:** "Work with governmental entities, educational institutions, businesses and not-for-profit community partners to understand our joint responsibility to facilitate great mobility options as well as educational and socio-economic opportunities in our community."
- 8) References: N/A.

INTERCITY TRANSIT AUTHORITY AGENDA ITEM NO. 4-B MEETING DATE: August 19, 2020

| FOR: | Intercity Transit Authority |
|----------|--|
| FROM: | Rob LaFontaine, Planning Manager 705-5832 |
| SUBJECT: | Schedule a Public Hearing on the Draft Transit Development Plan |

- **1) The Issue:** Schedule a public hearing and review the annual update of Intercity Transit's Transit Development Plan (TDP).
- 2) Recommended Action: Confirm the annual TDP update schedule and set the public hearing date for September 16, 2020, for the purpose of receiving and considering public comments on the 2019 Annual Report and 2020 2025 Transit Development Plan.
- **3) Policy Analysis:** The State requires the local transit's governing body to conduct a public hearing on the annual update of the Transit Development Plan. Authority policy also provides an opportunity for public comment. In addition to the formal Public Hearing, Intercity provides notice of the TDP via onboard communication (Rider News) and our website.

Staff intends to present a summary of the Draft TDP updates at the August 19, 2020, Authority meeting, and post the document for public review the following day. During the public review period additional notice will be posted on the IT website and our Rider News. The formal public process will conclude with a public hearing, proposed for September 16, 2020. Following the public review period staff will seek final adoption of this year's TDP, anticipated at the October 7, 2020*, Authority meeting. Once adopted the TDP is published to the agency website and distributed to WSDOT, local jurisdictions and the Thurston Regional Planning Council.

*Plans are required to be submitted to the State of Washington by September 1st of each year. Given the extremely unique circumstances in 2020, staff requested and received approval for an extension of time from WSDOT to submit our updated TDP after the statutorily required due date.

4) Background: The State of Washington, under RCW Section 35.58.2795, requires each public transit system provide an annual status report and update of its Transit

Development Plan (TDP). This requires the transit system to conduct a public hearing on the plan.

The annual TDP update must include three elements:

- a) Description of the system from the previous year (a 2019 Summary);
- b) Description of planned changes to services and facilities (2020-2025); and
- c) Operating and capital financing elements for the previous year (2019), budgeted for current year (2020), and planned for five years (2021 2025).

5) Alternatives:

- 1. Set a later date for the public hearing and approval of the TDP.
- 6) Budget Notes: N/A.
- **7) Goal Reference:** Conducting a public hearing for the draft TDP reflects all current goals established for the agency.
- 8) References: <u>*RCW* 35.58.2795: Public Transportation Systems Six year transit plans.</u>

INTERCITY TRANSIT AUTHORITY AGENDA ITEM NO. 4-C MEETING DATE: August 19, 2020

FOR: Intercity Transit Authority

FROM: Heather Stafford Smith, Director of Administrative Services, 705-5861

SUBJECT: EEO Program - Overview and Utilization Analysis

- **1) The Issue:** Brief the ITA on the agency's Equal Employment Opportunity (EEO) program and recent applicant and employee utilization analysis.
- 2) **Recommended Action:** Information only.
- **3) Policy Analysis:** The Director of Administrative Services also serves as the agency's Equal Employment Officer and will provide program updates to the Authority.
- **4) Background:** Federal Transit Administration (FTA) grant recipients are required to carry out FTA's Equal Employment Opportunity requirements and prepare EEO Programs.

Under Federal Transit Laws, FTA is responsible for ensuring that its recipients do not engage in employment discrimination:

A person may not be excluded from participating in, denied a benefit of, or discriminated against under, a project, program, or activity receiving financial assistance under this chapter because of race, color, religion, national origin, sex, disability, or age.

An updated program plan, including an annual utilization analysis and program goals, must be submitted to FTA every four years for review and approval. Additionally, the program is evaluated as part of the FTA Triennial Review.

- 5) Alternatives: N/A.
- 6) Budget Notes: N/A
- 7) **Goal Reference:** Our hiring practices are instrumental in achieving all seven of our strategic goals.
- 8) References: N/A.

INTERCITY TRANSIT AUTHORITY AGENDA ITEM NO. 4-D MEETING DATE: August 19, 2020

- FOR:Intercity Transit AuthorityFROM:Emily Bergkamp, Operations Director, 360-705-5889SUBJECT:Intercity Transit's Operator Training Program, Rules of Conduct
Policy OP-5511 and the "Respect the Ride" campaign
- **1) The Issue:** The Authority requested information on the types of training Operators receive and a review of when and how Intercity Transit addresses prohibited passenger conduct.
- 2) Recommended Action: For discussion only.
- **3) Policy Analysis:** Intercity Transit's Human Resource Rules address employee development, responsibilities, performance and conduct. Intercity Transit's Rules of Conduct Policy OP-5511 provides a baseline for appropriate passenger conduct, the basis for an effective Transit Exclusion policy and a method of appeal.
- 4) **Background:** Intercity Transit's Operators receive comprehensive training as new hires and yearly in refresher training. Operators are integral in maintaining a safe operating system by addressing prohibited passenger conduct. Intercity Transit's Rules of Conduct Policy OP-5511 was updated in 2018. Analysis of the updated Rules of Conduct coupled with customer and Operator feedback was proof of concept for the "Respect the Ride" campaign.
- 5) Alternatives: N/A.
- 6) **Budget Notes:** N/A.
- 7) Goal Reference: Goal #1: "Assess the transportation needs of our community throughout the Public Transportation Benefit Area." Goal #2: "Provide outstanding customer service." Goal #3: "Maintain a safe and secure operating system." Goal #6: "Encourage use of our services, reduce barriers to access and increase ridership."
- 8) References: Intercity Transit's Rules of Conduct Policy OP-5511.



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RULES OF CONDUCT ON INTERCITY TRANSIT VEHICLES, FACILITIES AND PROPERTIES

POLICY-OP-5511

POLICY "RULES OF CONDUCT" (POLICY-OP-5511), as attached, is effective December 5, 2018.

This is a revised policy replacing the policy dated October 1997.

Copies of the policy have been emailed to all employees. Any questions regarding this particular policy, contact *Emily Bergkamp*.

| Effective: | December 5, 2018 | Page: 1 of 1 |
|-----------------------|---|--------------|
| Cancels: | Policy dated October 1, 1997 | |
| | POLICY-OP-5511 | |
| See Also: Approved | N/A by: Ann Freeman-Manzanares <u>Ann Freeman-Manzanares</u> <u>Ann Bughawp</u> Emily Bergkamp, Director of Operations | |

<u>RULES OF CONDUCT ON INTERCITY TRANSIT VEHICLES, FACILITIES,</u> <u>PROPERTIES</u>

This policy applies to Intercity Transit employees, and the general public.

- 1. <u>Article I Introduction</u>
- 2. <u>Article II Definitions</u>
- 3. Article III Regulation of Conduct
- 4. <u>Article IV Public Communication Activities: Intercity Transit Vehicles, Facilities</u> <u>and Properties</u>
- 5. <u>Article V Public Communication Activities: Intercity Transit Facilities Including</u> <u>Transit Centers, AMTRAK Depot, and Park-N-Ride Lots</u>
- 6. <u>Appendix 1</u>



INTERCITY TRANSIT RULES OF CONDUCT (INCLUDING SERVICE EXCLUSIONS) AND REGULATION OF COMMUNICATION ACTIVITIES

ARTICLE I. INTRODUCTION

Intercity Transit vehicles, facilities, and properties are intended to provide services for the benefit of the general public. Pursuant to RCW 36.57A.080, and in order to maintain public transportation services that are orderly, safe, secure, comfortable, and convenient, Intercity Transit has enacted the following Rules of Conduct. The Rules of Conduct are intended to regulate conduct occurring with Transit employees, on Intercity Transit vehicles, within or upon Intercity Transit facilities and properties, and in connection with Intercity Transit's provision of public transportation services.

The Rules of Conduct consist of four separate articles, which include the following: Article I – Introduction; Article II – Definitions; Article III – Regulation of Conduct; and Article IV – Public Communication Activities. Unless otherwise provided herein, reference to the phrase "Rules of Conduct" shall collectively include Articles I through IV.

If any one 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) shall be null and void and shall be deemed separable from the remaining provisions in the Rules of Conduct and shall in no way affect the validity of the other provisions of the Rules of Conduct.

ARTICLE II. DEFINITIONS

As used in these Rules of Conduct, the words herein shall have the meaning provided in this Article II. Words of the masculine gender shall be deemed and construed to include correlative words of the feminine and neuter genders. Words imparting the singular number shall include the plural numbers and vice-versa, unless the context shall otherwise dictate.

- A. "Bus shelter" shall mean those structures located in transit vehicle loading zones that provide cover for the general public to board and alight from transit vehicles.
- B. "Commercial activity or activities" shall mean any enterprise or venture by groups or individuals for the purpose of promoting or selling products or services to Intercity Transit employees or the general public whether for profit or not.
- C. "General public" shall mean any person or group of persons, including Intercity Transit employees not acting in an official capacity at the time.

- D. "News racks" shall mean any stand, box, structure, rack, or other device, which is designed and used for the sale of and/or distribution of newspapers, periodicals, magazines, or other publications or combinations of the same.
- E. "Park-and-ride lots" shall mean locations at which persons park their individual vehicles and transfer to a transit vehicle or car/vanpool vehicles, including all physical improvements and landscaping.
- F. "Permit" shall mean a permit that gives a Permittee authority to conduct public communication activities in a manner consistent with applicable endorsements, limitations, rules, and procedures described in these Rules of Conduct.
- G. "Permittee" shall mean any individual, firm, partnership, corporation, organization, association, or entity of any kind who obtains a Permit as described above.
- H. "Person" shall mean any individual, firm, partnership, corporation, organization, association, or entity of any kind.
- I. "Public communication activity or activities" shall mean the posting or distributing of flyers, pamphlets, brochures, books, or other written, printed, or graphic material; collecting petition signatures; political campaigning; demonstrating; displaying signs; picketing; unscheduled playing of musical instruments or other performances; public speaking; conducting surveys; soliciting or receiving of funds or contributions of any kind for any purpose; or otherwise communicating or attempting to communicate to the general public.
- J. "Public transportation services" shall include the definition of public transportation services in RCW 36.57A.010(10), together with vanpools and fixed route and paratransit services, whether operated by Intercity Transit or any governmental agency, private person, firm, or corporation contracting with Intercity Transit pursuant to chapter 36.57A RCW.
- K. "Intercity Transit" shall mean the Intercity Transit Authority, a Washington municipal corporation and Public Transportation Benefit Area organized and operating under and by virtue of the laws of the State of Washington.
- L. "Intercity Transit employee" shall mean any part-time or full-time, temporary or regular, exempt or non- exempt, represented or non-represented person, including an intern or contracted party, who is compensated by Intercity Transit for services by wages, salary, or other remuneration.
- M. "Intercity Transit facilities and properties" shall mean all facilities, structures, schedule

and news racks, kiosks, fare vending machines, bulletin and information boards, bus stop signs, lands, interest in lands, air rights over lands, and rights of way of all kinds that are owned, leased, held, or used by Intercity Transit for the purpose of providing public transportation services, including, but not limited to, park and ride lots, transit centers, bus shelters, and public streets and sidewalks that are used by the general public to board and alighting from transit vehicles.

- N. "Intercity Transit vehicle" shall mean a municipal transit vehicle defined in RCW
 46.04.355. It also includes any Intercity Transit maintenance or supervisor vehicle.
- O. "Transit centers" shall mean locations where transit routes have a common terminus and facilities are provided to facilitate general public boarding and alighting from transit vehicles, including all physical improvement and landscaping.
- P. "Transit-related activities" shall mean activities associated with the provision or support of Intercity Transit public transportation services, the use of those services by the general public, or Intercity Transit sales, promotion, and maintenance activities in support of Intercity Transit public transportation services.

ARTICLE III. REGULATION OF CONDUCT

A. Prohibited Conduct

The following conduct is prohibited on Intercity Transit vehicles, within or upon Intercity Transit facilities or property, and in connection Intercity Transit's provision of public transportation services.

- 1. Engaging in any conduct prohibited by RCW 9.91.025 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-cigarettes;
- 3. Discarding litter other than in designated receptacles;
- 4. Dumping or discarding any materials on transit property, including but not limited to hazardous substances and automotive fluids;
- 5. Playing any radio, recorder, or other sound-production equipment, except that nothing herein shall prohibit the use of such equipment when connected to earphones that limit the sound to individual listeners or the use of communication devices by Intercity Transit employees, Intercity Transit contractors, or public safety officers in the line of duty, or the use of private communication devices used to summon, notify, or communication with other individuals (e.g., pagers, beepers, or cellular telephones);
- 6. Spitting, urinating, or defecating, except in the appropriate plumbing fixtures

in restroom facilities;

- 7. Failure to maintain a reasonable level of personal hygiene. It is not Intercity Transit's objective to enforce personal hygiene standards on the public, but in order to maintain a clean and safe environment to all who use Intercity Transit's vehicles and property, passengers who may contaminate an area due to blood, urine, fecal matter, or other body fluids will be refused transportation. This includes those whose body odor is so offensive that others would complain and vacate the immediate area;
- 8. Carrying any flammable liquid, explosive, acid, or other article or material likely to cause harm to others except that nothing herein shall prevent 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 or these Rules of Conduct;
- 9. Obstructing or impeding the flow of Intercity Transit's vehicles or passenger traffic or hindering or preventing access to Intercity Transit vehicles, facilities, or property. This includes causing unreasonable delays in boarding or alighting, blocking or partially blocking an aisle or stairway with a package or object, reclining in more than one seat, or otherwise unlawfully interfering with the provision or use of public transportation services;
- 10. Disturbing others by engaging in loud, raucous, unruly, harmful, aggressive, violent, or harassing behavior (flashing gang signs or displaying gang colors is considered harassing behavior);
- 11. Destroying, defacing, or otherwise damaging Intercity Transit property;
- 12. Possessing any open beverage container holding alcohol or possessing controlled substances, unless otherwise authorized by law;
- 13. Carrying, 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;
- 14. Throwing an object at Intercity Transit vehicles, facilities, or property, or throwing an object at any person on Intercity Transit property;
- 15. Allowing any animal to occupy a seat on transit property, to run at large, to unreasonably disturb others, to leave waste matter on Intercity Transit property, to board transit vehicles unless secured in an approved pet container, or to interfere with transit-related activities. Exceptions will be made for service animals;
- 16. Engages in other conduct that is inconsistent with the intended 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 law enforcement officer to cease such conduct;
- 17. Roller-skating, rollerblading, or skateboarding;

- 18. Riding bicycles, unicycles, mopeds, or other motorcycles, except where public vehicle travel and access is permitted;
- 19. Eating on Intercity Transit vehicles or in prohibited areas of Intercity Transit facilities and properties;
- 20. Drinking, except from a spill-proof covered container, on Intercity Transit vehicles or in prohibited areas of Intercity Transit facilities and properties;
- 21. Using a public address system, loudspeaker, or other sound-amplifying device, except as authorized by Intercity Transit or its designee;
- 22. Using Intercity Transit property for residential or commercial parking purposes except as authorized by Intercity Transit or its designee;
- 23. Operating, stopping, standing, or parking a vehicle in any roadway or location restricted for use only by Intercity Transit vehicles or otherwise restricted;
- 24. Sitting or lying on floors of Intercity Transit vehicles or floors, sidewalks, asphalt, or other ground covering in or on Intercity Transit facilities and properties;
- 25. Sleeping, camping, or storing personal property on benches or floors on or within Intercity Transit's vehicles, facilities, properties, unless otherwise authorized by law;
- 26. Entering or remaining upon any nonpublic areas of Intercity Transit facilities or properties, including, but not limited to, staging areas, work areas, and equipment rooms, except when authorized by Intercity Transit or its designee;
- 27. Sitting or remaining in an area marked as reserved for senior citizens or paratransit customers;
- 28. Entering Intercity Transit vehicles, facilities, or properties without wearing a shirt or shoes unless medical accommodation is pre-authorized by the Intercity Transit to allow for coverings other than shoes;
- 29. Engaging in commercial activities, except when such activities are authorized by Intercity Transit or its designee in a written permit, license, concession contract, lease, or other written authorization;
- 30. Engaging in public communication activities, except as such activities are authorized by Articles IV;
- 31. Engaging in any civic, cultural, or other special event, not included in the definitions of commercial or public communication activities in Article II herein, except as such activities are authorized by Intercity Transit or its designee in a written permit, license, concession contract, lease, or other written authorization;
- 32. Committing any act which tends to create or incite, or creates or incites, an immediate breach of peace, including, but not limited to,
 - (a) fighting,
 - (b) racing,

- (c) obscene language and noisy or boisterous conduct tending to cause a breach of the peace, and
- (d) personally abusive epithets or words or language of an offensive, disgusting, or insulting nature, which epithets, words, or language when addressed to the ordinary citizen are, as a matter of common knowledge, inherently likely to provoke a violent reaction of fear, anger, or apprehension;
- 33. Engaging in sexual activity with self or others while riding or accessing Intercity Transit vehicles, facilities, or properties;
- 34. Displaying or reading pornographic material where others may see it;
- 35. Engaging in gambling or any game of chance for the winning of money or anything of value;
- 36. Using Intercity Transit vehicles, facilities, or properties for nontransit-related activities, except as authorized by Intercity Transit or its designee;
- 37. Entering Intercity Transit vehicles, facilities, or properties when lacking the ability to care for oneself because of illness, intoxication, or medication(s);
- 38. Extending an object or a portion of one's body through the door or window of an Intercity Transit vehicle;
- 39. Hanging or swinging on bars or stanchions with feet off the floor while on transit property or hanging onto or otherwise attaching oneself to the exterior of a transit vehicle or other transit property;
- 40. Engaging in any physical sport activity on transit property;
- 41. Loitering or "hanging out" (customers are expected to board the next scheduled transit vehicle traveling in the direction of their destination);
- 42. Refusing to allow proper securement of a wheelchair on Intercity Transit vehicles;
- 43. Failure to pay the appropriate fare as required by Transit Authority; or falsely representing oneself as eligible for a special or reduced fare or obtaining any permit or pass related to the Intercity Transit transit system by making a false representation;
- 44. Falsely claiming to be a transit operator or other transit employee or volunteer, or, through words, actions and/or the use of clothes, insignia, or equipment resembling department-issued uniforms and equipment, creating a false impression that one is a transit operator or other transit employee or volunteer;
- 45. Interfering or tampering with mobile data computers, fare boxes, or any other equipment on Intercity Transit vehicles or properties;
- 46. Laying hands or verbally intimidating a transit operator or transit employee, including spitting on them.
- 47. Exceeding the number of no-shows allowed under the paratransit procedures, provided that trips missed for reasons beyond the customer's control shall not be counted as no-shows;
- 48. Impeding paratransit service through non-compliance with the paratransit

procedures; and

49. Violating an exclusion order issued under these Rules of Conduct.

B. Enforcement

- 1. Exclusion from Service.
 - (a) Basis for Exclusion. Any person engaging in prohibited conduct under these provisions of Article III, Section A, may be refused entrance upon, ordered to leave, or otherwise restricted in the use of Intercity Transit vehicles, facilities, or properties by a commissioned law enforcement official, Intercity Transit personnel, or authorized personnel of an Intercity Transit contracted service provider. Failure to immediately comply with such a removal or exclusion order may be grounds for prosecution for criminal trespass and/or unlawful transit conduct.
 - (b) Immediate Exclusion or Removal. An Intercity Transit employee may immediately reseat, refuse transportation, or remove from Intercity Transit vehicles, facilities, or properties without prior written notice a person who has engaged in prohibited conduct under Article III, Section A, which, in the Intercity Transit employee'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 Intercity Transit vehicles, facilities, or properties. If an individual who is immediately excluded or removed is also excluded from future access to Intercity Transit vehicles, facilities, or properties, Intercity Transit should, to the extent possible, give notice to that individual of the future exclusion pursuant to section (B) (c).
 - (c) Notice Procedure. Intercity Transit may give a person to be excluded from Intercity Transit vehicles, facilities, or properties written notice, to the extent possible, by personal delivery or by U.S. Postal Service Priority Mail, delivery confirmation requested, addressed to the person's last known address. The notice shall specify the reason or reasons for exclusion, identify the scope, duration, and effective date of the exclusion, and explain the appeal process. The exclusion notice is effective upon actual or constructive receipt.
 - (d) Constructive Receipt. Receipt of an exclusion notice is construed to have occurred if the person knew or reasonably should have known from the circumstances that he or she is excluded from Intercity Transit vehicles, facilities, or properties. Receipt of an exclusion notice is also presumed to have been accomplished three calendar days after the notice has been placed in the U.S. Mail to the person's last known mailing address.

- (e) Length of Exclusion. The following suggested exclusion lengths are guidelines to be used by Intercity Transit in determining the duration of a particular exclusion under the provisions of Article III. The actual exclusion period imposed may be shorter or longer depending on the circumstances of each case. Circumstances that Intercity Transit may consider in determining the length of exclusion include, but are not limited to, the circumstances of the incident and the individual's history of documented prior conduct/incidents while using or accessing Intercity Transit vehicles, facilities, or properties. Permanent exclusion may be appropriate under certain circumstances.
 - (1) If the person being excluded has had no policy violations, including exclusions or removals, in the prior 12 months, and
 - a. The prohibited conduct would constitute a misdemeanor in Washington State or prohibited by RCW 9.91.025, the duration of the exclusion should not exceed 30 days.
 - b. The prohibited conduct would constitute a felony in Washington State, the exclusion should not exceed (90 days.
 - (2) If the person being excluded has had one prior policy violation, including exclusions or removals, in the prior 12 months, and
 - a. The prohibited conduct would constitute a misdemeanor in Washington State or prohibited by RCW 9.91.025, the duration of the exclusion should not exceed 60 days.
 - b. The prohibited conduct would constitute a felony in Washington State; the exclusion should not exceed 90 days.
 - (3) If the person being excluded has had two or more prior policy violations, including exclusions or removals, in the prior 12 months, and
 - a. The prohibited conduct would constitute a misdemeanor in Washington State or prohibited by RCW 9.91.025, the duration of the exclusion should not exceed 90 days.
 - b. The prohibited conduct would constitute a felony in Washington State; the exclusion should not exceed 120 days.
 - (4) If the prohibited conduct is identified as a crime against a person or involves a firearm or other dangerous weapon, the duration of the exclusion could range from 365 days to permanent.
 - (f) Appeal Procedure. Not later than 15 calendar days after an exclusion

notice becomes effective, an excluded person may appeal in writing or by phone to the Intercity Transit Director of Operations for a review of the exclusion. The appellant may request a hearing, or the appellant may request review without a hearing based on a written statement setting forth the reasons why the appellant believes exclusion is invalid or improper. If the appellant is unable to respond in writing, Intercity Transit will make reasonable accommodations. If no hearing is requested, the Intercity Transit Director of Operations, or his or her designee, shall render a written decision within 20 calendar days after Intercity Transit's receipt of the appeal.

(g) Hearing. If the appellant does request a hearing, the hearing shall be held within 30 calendar days after Intercity Transit's receipt of the appeal, and the hearing may be recorded (see consent form). The Intercity Transit Director of Operations, or his or her designee, shall render a written decision within 20 calendar days after the hearing. The appellant may be represented by counsel and may present witnesses to testify upon oath or affirmation in support of the appeal. The Director of Operations may also hear from witnesses who testify upon oath or affirmation, and he or she may examine evidence during the appeal hearing. The exclusion shall remain in effect during the appeal process.

2. Other Laws Not Limited.

The enforcement of Article III herein is not intended to limit, in any manner, the enforcement of any applicable federal, state, or municipal laws, provided that Intercity Transit employees and volunteers are not authorized to assist in enforcing a court order prohibiting or restricting contact with any other person other than to notify appropriate law enforcement personnel via Intercity Transit's dispatcher or Intercity Transit Security.

C. Liability

Nothing in Article III herein shall create a duty to any person on the part of Intercity Transit or form any basis for liability on the part of Intercity Transit, its officers, agents, employees, or volunteers. The obligation to comply with Article III is solely that of any person entering and using Intercity Transit's vehicles, facilities, and properties, and Intercity Transit's enforcement of Article III is discretionary not mandatory.

ARTICLE IV. PUBLIC COMMUNICATION ACTIVITIES

A. Purpose and Scope

1. Non-Public Forum

As a provider of public transportation services, Transit Agency makes a variety of transit vehicles, facilities, and properties available to persons who use such public transportation services. Although these transit vehicles, facilities, and properties may be accessed by the general public, they are not open public forums either by nature or by designation. They are intended to be used solely for transit-related activities and provide little, if any, space for other nontransit-related activities.

2. Intercity Transit's Legitimate Interests

Most public communication activities are prohibited on Intercity Transit vehicles and within or upon Intercity Transit facilities and properties regardless of the viewpoint expressed, because they are incompatible with Intercity Transit's legitimate interests. These legitimate interests include, but are not limited, to the following:

- (a) securing the use of scarce parking spaces and bus shelter space for persons who are using public transportation services;
- (b) maintaining safe, clean, and secure transit vehicles, facilities, and properties to retain existing, and attract new, users of public transportation services;
- (c) reducing litter pick-up and other maintenance or administrative expenses so as to maximize the provision of public transportation services; and
- (d) preventing delays and inconvenience to the general public by minimizing congestion and expediting boarding, transferring, and alighting from Intercity Transit vehicles.
- 3. Purpose of Article IV and Intercity Transit Vehicles, Facilities, and Properties

Transit Agency vehicles, facilities, and properties are first and foremost intended for Intercity Transit public transportation services and the use of those services by the general public. Safe and efficient movement of Intercity Transit vehicles and customers within and upon facilities and properties is paramount to achieving safety, security, maintenance, and operation objectives and meeting general public expectations concerning the Intercity Transit's provision of public transportation services. Intercity Transit's intent and desire is to allow members of the general public to engage in public communication activities on Intercity Transit vehicles or within or upon Intercity Transit's facilities and properties to the extent that such activities are compatible with Intercity Transit's legitimate proprietary functions and interests.

Accordingly, Intercity Transit is, within reasonable limits, authorized to regulate the time, place, and manner in which persons engage in public communication activities. Without regard to content, individuals, or groups involved, some activities might be denied altogether, made subject to the Rules of Conduct, or limited by scope, location, or duration. Such activities would include, but are not necessarily limited to, those that are inconsistent with the intended purpose of a given area; pose safety or security risks; interfere with or impinge on the rights of others; impede the free flow of the general public; affect the orderly and efficient use of transit vehicles, facilities, or properties; or otherwise interfere with Intercity Transit's public transportation services, operations, or maintenance activities.

Intercity Transit expressly does not hereby designate its transit vehicles, facilities, or properties as public forums. It is the purpose of Article IV to describe the limited extent to which the general public is allowed to engage in public communication activities on Intercity Transit vehicles and within or upon Intercity Transit facilities and properties.

Article IV does not apply to Intercity Transit employees engaged in authorized activities in the course of their employment or to events or commercial activities previously authorized by Intercity Transit.

4. Facilities Governed by Article IV.

All Intercity Transit vehicles, facilities, and properties are governed by Article IV herein.

B. Regulation of Public Communication Activities

1. Limitations

Public communication activities, which are otherwise lawful, are permitted on Intercity Transit vehicles and within or upon Intercity Transit facilities and properties, subject to the following exceptions and limitations:

- (a) Posting, projecting or affixing flyers, pamphlets, brochures, leaflets, displays, or any other written, printed, or graphic materials of any kind is prohibited.
- (b) Selling or offering for sale or donation books, pamphlets, or any other written, printed, or graphic material is prohibited.
- (c) Soliciting funds is prohibited.
- (d) Signs, banners, structures, displays, or other paraphernalia may not be affixed to, projected on, or erected on Intercity Transit vehicles or within or upon Intercity Transit facilities or properties, except as authorized by Intercity Transit or law.
- (e) Signs carried by or on a person are permitted, provided that the signs are not constructed of a size or material that could inadvertently or intentionally cause injury to a person or property, and provided that the signs are not permitted on Intercity Transit vehicles. Signs may not be of a size that obstructs the free flow of the general public and may not exceed 32 inches by 32 inches. A "sandwich board" sign may not extend beyond the carrier's shoulders or, if used by a Permittee, beyond the permitted area.
- (f) Public communication activities will not be permitted in parking areas or roadways. Public communication activities may not block any loading zone, signage, stairway, escalator, elevator, customer service counter, ticket or automatic teller machine, authorized commercial activity, fire safety system component, telephone, information board, or the normal general public paths to and from such areas.
- (g) Public communication activities otherwise permitted under Article IV are prohibited if the number of person engaged in the activities, their location, or the manner of conducting the activities creates safety or security problems; interferes with the free flow of persons onto Intercity Transit vehicles or into, within, or from Intercity Transit facilities or properties; or interferes with the operation of such transit vehicles, facilities, or properties, or Intercity Transit's

provision of public transportation services.

(h) Persons engaged in public communication activities within or upon Intercity Transit facilities and properties shall not use any parking spaces provided at such facilities or properties unless they are also using Intercity Transit's public transportation services.

C. Permitting Procedures

- 1. Permit. No person shall engage in public communication activities permitted under Article IV without first obtaining a Permit in accordance with the rules and procedures set forth herein.
- 2. Application for Permit. Any person that desires to obtain a Permit shall submit an application ("Application") to Intercity Transit's Director of Operations or his or her designee. A copy of the form of this Application is attached hereto as Appendix 1. Applications may be obtained in person from Intercity Transit's Business Office located at 526 Pattison Street SE in Olympia during business hours (8 a.m. and 5 p.m., Monday through Friday). Applications may also be requested by mail or by calling 360-786-8585 during Business Office hours of operation.
- 3. Issuance of Permit.
 - (a) Within a period of no longer than five calendar days of receipt of a completed Application, a Permit shall be issued by Intercity Transit's Director of Operations or his or her designee, or the applicant shall be furnished a written statement setting forth the reason why the Application for a Permit had been denied. A Permit will not ordinarily be issued more than 14 calendar days prior to the commencement of intended use and will be valid only for the specific dates, times, and designated areas identified in the Permit. A Permit shall be effective for a period of no longer than seven calendar days and will be limited to the normal hours and days that the designated areas identified in the Permit are open for public access. Applications shall be processed in the order of their receipt.
 - (b) A Permit may be renewed prior to its expiration for up to seven additional calendar days by filing with Intercity Transit's Director of Operations or his or her designee a notice that the Permittee intends to continue the activity, together with any amendments necessary to keep the information required by the Application current and accurate. A Permit shall not be renewed if the notice and information herein required are not timely filed or if the continued presence of the Permittee cannot be accommodated under these rules and

procedures.

- (c) Permittees are required to have the Permit on their person (or with the group) when engaged in the permitted activity and to present the Permit to Intercity Transit and security personnel upon request. A copy of the form of the Permit is attached hereto as Appendix 3.
- 4. Denial of Permit. If a Permit is denied, Intercity Transit's Director of Operations or his or her designee shall serve on the applicant personally or by US Postal Service Priority Mail, delivery confirmation requested, a written statement of reasons for the denial. A Permit shall not be denied unless:
 - (a) The applicant has not furnished the information required by the Application, or the applicant has failed to agree to the conditions of the Permit;
 - (b) Conditions exist which make the applicant's proposed activity at the date, time, or location proposed by the applicant incompatible with Intercity Transit's operational function or is otherwise limited or prohibited under Article IV;
 - (c) The nature of the activity that the applicant wishes to conduct constitutes a commercial activity subject to other requirements of Intercity Transit described in Article III herein;
 - (d) There has been within the previous 12 months: (i) an exclusion order issued to the applicant or participant pursuant to Article III herein; (ii) a revocation of a previous Permit issued to the applicant; or (iii) a failure to comply with the terms and conditions of a Permit previously issued to the applicant; or
 - (e) One or more applicants have requested Permits for the same date, time, or location; Intercity Transit cannot reasonably accommodate additional public communication activities at that same date, time, or location; and the current applicant is not entitled to priority in accordance with these rules and procedures.
- 5. Revocation of Permit. A Permit may be revoked immediately by Intercity Transit's Director of Operations or his or her designee, when evidence exists that:
 - (a) A Permittee has violated the provisions of the Permit or these Rules of Conduct, or
 - (b) The activity has attracted a crowd of sufficient size so as to begin to adversely impact the safety, security, or rights of others; the free flow of the general public; or the normal operation requirements of the transit vehicle, facility, or property.

Before revoking a Permit, the Director of Operations or his or her designee may, but is not required to, give Permittees verbal warnings of any violations of the Permit or these Rules of Conduct or return a Permit after adverse conditions that existed at the time of revocation are no longer present.

- 6. Notice of Revocation.
 - (a) Notice of revocation shall be in writing, supported by a statement of facts and a list of witnesses to the facts stated, and be personally served upon the Permittee or mailed to the Permittee by US Postal Service Priority Mail, delivery confirmation requested. A notice of revocation need not be in writing if immediate conditions exist that pose safety or security risks; interfere with or impinge on the rights of others; impede the free flow of the general public; affect the orderly and efficient use of the transit facility; or otherwise interfere with Intercity Transit's public transportation services, operations, or maintenance activities. If written notice of revocation is not given because of such immediate conditions, the Intercity Transit Director of Operations or his or her designee shall, within three calendar days from the date of revocation, prepare a written notice of revocation as required above.
 - (b) Once a Permit has been revoked, a person shall not continue their activity until another Permit has been obtained or the revoked Permit returned. If the Permit has been revoked on a permanent basis, all materials involved in the terminated activity must be removed immediately by the individual(s) involved.
- 7. Appeal from Denial or Revocation.
 - (a) Upon notification of the denial of a Permit or revocation thereof, an applicant or Permittee may file with Intercity Transit's General Manager a notice of appeal.
 - (b) Upon Intercity Transit's receipt of the notice of appeal, the matter shall be set for a hearing before Intercity Transit's General Manager within fifteen calendar days. The General Manager or his or her designee shall issue a notice of hearing which shall be sent by certified mail, return receipt requested, to the applicant or Permittee, and which shall contain the date, time, and place of the hearing.
 - (c) At the hearing, the applicant or Permittee may be represented by legal counsel. Testimony shall be taken upon oath or affirmation first of witnesses in support of the denial or revocation. The applicant or Permittee may then testify and present witnesses on his or her behalf. A record shall be made of the proceeding and kept on file with Intercity Transit for at least three years.

- (d) The General Manager's findings and order shall, within seven calendar days of the conclusion of the hearing, be sent to the applicant or Permittee by US Postal Service Priority Mail, delivery confirmation requested.
- 8. Availability of and Limit Upon Permits.
 - (a) Permits will be issued on a first-come, first-served basis, subject to availability, provided that Intercity Transit may give preference to an applicant or applicants who have had the least opportunity during the preceding 30 calendar days to conduct public communication activities. Permits shall be issued without regard to the identity of the person or cause for which the Permit is being requested.
 - (b) For safety and security reasons; to ensure that the free flow of the general public and the intended transportation functions of the transit vehicles, facilities, and properties are met; and to accommodate other activities competing for the limited available space; a maximum of four (4) individuals representing the same groups or causes will be allowed to engage in public communication activities at any given time.
- 9. Transferability. Upon written approval by Intercity Transit's Director of Operations, a Permit may be transferred to another person engaged in the same activity, provided that the receiving party complies with the conditions of the Permit and retains it on her or her person during the activity.
- 10. Reproduction. Permits may not be reproduced or altered in any manner. Reproduced or altered Permits will be considered invalid and confiscated. The holder of the invalid Permit will be required to cease their activity until a valid Permit is obtained.
- 11. Signs, Banners, Literature, Etc. Signs, banner, literature, leaflets, posters, structures, or other paraphernalia may not be affixed to the Intercity Transit vehicles, facilities, or properties or erected in conjunction with an activity, unless space has otherwise been provided for such purpose or under provision stated elsewhere in these rules and procedures. Permittees may offer literature to the general public, but they shall refrain from attempting to distribute literature to any member of the general public who indicates he or she does not desire to receive said literature. Permittees may not distribute or offer to distribute said literature within ten (10) feet of persons in queue lines, bus exits or entrances, or permanent waiting fixtures, unless invited closer by a transit patron.
- 12. Responsibility for Clean-up. Permittees shall be responsible for cleaning up litter that

they personally (or as a group) generate in the course of their activity. If, at the end of the Permittee's activity, the Permittee fails to clean up such litter, Intercity Transit shall cause the clean-up of the Permittee's litter and the Permittee shall reimburse Intercity Transit for all costs incurred therefore.

- 13. Unattended Distribution and Storage of Materials. No Permittee shall leave unattended distribution or storage of materials, placards, boxes, or other supplies used in support of public communication activities.
- 14. Hold Harmless. Any Permittee, including Permittee's personal representatives, successors in interest, and assigns, shall, as a precondition to the issuance of any Permit, agree to indemnify, defend and hold harmless Intercity Transit and its officers, agents, and employees from all suits, claims, actions, and damages of whatsoever kind or nature arising out of or resulting from Permittee's use of the premises, except to the extent caused by the negligence of Intercity Transit and its officers, agents, and employees. Any Permittee shall further covenant and agree to specifically assume potential liability for actions brought by Permittee's own employees against Intercity Transit and its officers, agents, and employees and, for that purpose only, Permittee specifically waives any immunity under workers' compensation act, Title 51 RCW, provided, however, that said waiver shall not apply to such actions in which Permittee's employee alleges that the claim arises through no fault of Permittee, unless the fault of Permittee is established through discovery or at trial.
- 15. Interaction with the General Public. Intercity Transit and its officers, agents, and employees, shall not unnecessarily interfere with any consensual conversation between Permittees and members of the general public. Permittees shall forthwith terminate any conversation with any member of the general public when requested to do so by the addressee. No person, while engaged in public communication activities, shall physically touch or contact a member of the general public, unless the person has previously consented to the contact or unless the person has previously agreed to contribute to the Permittee or the organization that he or she represents.
- 16. Misrepresentation. No person, while engaging in solicitation of funds, shall misrepresent the true purposes for which the resources obtained will be utilized by the person. In the solicitation of funds, the person shall inform the person being solicited of the true intent of the organization for which said funds are solicited. No false, fraudulent, or misleading statements or representations shall be made.
- 17. Permits and Licenses. The Permittee shall be responsible for obtaining all necessary permits and licenses from any other regulatory agencies required for the Permittee's use of transit vehicles, facilities, or properties. Permittee shall provide copies of said permits to Intercity Transit upon its request.

18. Compliance with the Rules of Conduct and Laws. Permittees shall abide by the Rules of Conduct and all applicable federal, state, and municipal criminal and civil laws.

D. General

1. Liability for Clean-up

Any person engaged in public communication activities and found responsible for litter, damages, or destruction of property, whether by accident or intent, shall be responsible for the clean-up and/or liable for the cost of repairing or replacing the damaged or destroyed property.

2. Liability of Intercity Transit

Nothing in Article IV or in the permission of public communications activities on Intercity Transit vehicles or within or upon Intercity Transit facilities or properties shall create a duty to any person on the part of Intercity Transit or form any basis for liability on the part of Intercity Transit or its agents or employees. The obligation to comply with the requirements of Article IV is solely that of any persons engaging in public communication activities and Intercity Transit's enforcement of Article IV is discretionary, not mandatory.

3. Non-Intercity Transit Uses

Notwithstanding the limitations and prohibitions contained in Article IV, Intercity Transit reserves the right to enter into leases or other use agreements permitting non-Intercity Transit uses of Intercity Transit vehicles, facilities, or properties that are found to be compatible with Intercity Transit's proprietary functions and interests.

Appendices

- Appendix 1 Intercity Transit Exclusion Order
- Appendix 2 Application to Engage in Public Communication Activities
- Appendix 3 Permit to Engage in Public Communication Activities
- Appendix 4 Consent to Record Appeal Hearing
- Appendix 5 RCW 9.91.025



INTERCITY TRANSIT EXCLUSION ORDER

DATE:

TO:

This letter shall serve as a Notice of Exclusion.

This exclusion is effective for 30/60/90/180/365 days. Throughout this period you are barred from contact with any Intercity Transit employee or entering in or onto:

The Olympia Transit Center, Lacey Transit Center and surrounding property.

All Intercity Transit vehicles, facilities, and properties.

Failure to comply with this Exclusion Order shall be grounds for criminal prosecution for trespass.

This action is being taken because:

If you wish to appeal this decision, you need to contact the Director of Operations, in writing at the address below, or by phone at the number listed below, within 15 calendar days of the effective date of this Exclusion Order. You may request a hearing or a review without a hearing based on a written statement why you believe this exclusion is invalid or improper. **This exclusion will remain in effect throughout the appeal process.**

Operations Supervisor

NOTES:

Intercity Transit, P.O. Box 659, Olympia, WA 98507-0659 • 360-786-8585

Distribution: White - Customer

Yellow - Supervisor Pink - Security

rity Gold - Director of Operations

Rules of Conduct, Appendix 1, Exclusion Order

Office Use Only Permit #

INTERCITY TRANSIT APPLICATION

PERMIT TO ENGAGE IN PUBLIC COMMUNICATION ACTIVITIES

Please fill out form and attach all requested information. Incomplete applications will not be considered.

| 1. Applicant Information: | | | | |
|--------------------------------|-------------------------------|---------------------|-------|-----|
| Name | | | | |
| Address | | | | |
| #/Str | eet | City | State | Zip |
| Contact Number(s) | | | | |
| 2. Sponsor/Promoter/Organiz | er Information (if different | <u>than above):</u> | | |
| Name | | | | |
| Address | | | | |
| #/Str | eet | City | State | Zip |
| Contact Number(s) | | | | |
| 3. Give a short description of | the nature of the activity ar | nd its purpose: | | |
| Description: | | | | |
| | | | | |
| Purpose: | | | | |
| | | | | |
| 4. Activity Information: | | | | |
| Location requested: (check or | ne) | | | |
| Olympia Transit Center | | Amtrak Depot | | |
| Lacey Transit Center | | Other | | |
| Dates/Times requested: | | | | |
| Start Date: | | Date: | | |
| Daily Start Time: | | y End Tme: | | |
| | Rules of Conduct, Appen | dix 2, Application | | |

5. Participant Information:

Total number of people who will be participating:

Name and current address is required for **each** participant. Use additional sheets if necessary.

| Name | | | | |
|---------|----------|------|-------|-----|
| Address | #/Street | City | State | Zip |
| Name | | | | |
| Address | #/Street | City | State | Zip |
| Name | | | | |
| Address | #/Street | City | State | Zip |

6. Attach a copy of any literature the applicant intends to display or distribute and contents of any signs or other visual displays the applicant intends to utilize.

7. Please indicate your preference below regarding issuance of the Permit:

Mail the Permit to the address provided in section 1 above. Contact me at the phone number listed in section 1 above for pick up at the Business Office, 526 Pattison Street, S.E., Olympia, WA 98501.

Applicant Signature

DATED this

| Day | Month | Year | |
|---|----------------|---|--|
| Office Use Only | al queres | the second s | |
| Date Application Received | | the second se | |
| Received by: Name & Title | | and an and a second second | |
| Approved; Permit mailed: | or Applicant c | ontacted: | |
| Denied: Written statement of reasons for denial mailed: | | | |



INTERCITY TRANSIT PERMIT

TO ENGAGE IN PUBLIC COMMUNICATION ACTIVITIES

PERMIT Number: Intercity Transit, 526 Pattison SE, Olympia, WA 98501 hereby authorizes:

(The "Permittee"), to engage in Public Communication Activities under the terms and conditions set forth herein.

The days and hours of use are limited to:

Permittee may conduct Public Communication Activities at:

Restricted to the area designated on the attached diagram.

The following group is the only one permitted to conduct Public Communication Activities:

Permittee shall use the premises for the purpose of:

The Permittees will be required to have this Permit on their person (or with group) when engaged in their activity, and to present the Permit to Intercity Transit and security personnel upon request. This Permit may not be reproduced or altered in any manner. Reproduced or altered permits will be considered invalid and confiscated. The holder of the invalid permit will be required to cease their activity until a valid permit is obtained. Any other use whatsoever is specifically prohibited. Permittee's use shall comply with the Rules of Conduct.

DATED this day of Intercity Transit

By: Emily Bergkamp, Director of Operations



INTERCITY TRANSIT CONSENT TO RECORD APPEAL HEARING

It is Intercity Transit's routine business practice to make an audio recording of Intercity Transit exclusion appeal hearings. By signing this consent form, you are confirming that you understand that this exclusion appeal is being recorded, and you are confirming that the recording is being made with your consent.

Signature of appellant:

Printed name of appellant:

Signature of hearing officer

Date:

Date:

Printed name of hearing officer:

Date/location of appeal hearing:

* In the event of a telephonic appeal hearing, the hearing officer can read this consent form into the record and request the appellant's oral authorization to record the hearing.



RCW 9.91.025

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, or 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 loud, 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;

(I) 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 for the winning of money or anything of value;

(o) Skates on 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 a transit station if that conduct is not otherwise prohibited by law; or

(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 purposes 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, street car, 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 <u>35.58.2721</u> or chapter <u>35.95A</u> RCW, a county transportation authority under chapter 36.57 RCW, a metropolitan municipal corporation transit system under chapter <u>36.56</u> RCW, a public transportation benefit area under chapter <u>36.57A</u> RCW, an unincorporated transportation benefit area under RCW <u>36.57.100</u>, a regional transportation authority under chapter <u>81.112</u> RCW, or any special purpose district formed to operate a public transportation system.

(3) Any person who violates this section is guilty of a misdemeanor.
[2009 c 279 § 3; 2004 c 118 § 1; 1994 c 45 § 4; 1992 c 77 § 1; 1984 c 167 § 1.]
Notes:
Findings -- Declaration -- Severability -- 1994 c 45: See notes following RCW 7.48.140.

Drinking in public conveyance: RCW <u>66.44.250</u>.