



Rules of Conduct

SECTION 1. PURPOSE

GoCary is a service of the Town of Cary, administered by its Transportation and Facilities Department, through the efforts of a private contractor that manages and operates the Town's fixed route and demand response transit services. GoCary's mission is to provide safe, reliable, convenient, and efficient public transportation to Cary and Wake County citizens and visitors.

These Rules of Conduct ('Rules') are designed to:

- promote the health, safety and comfort of GoCary Riders and assure that Facilities are safe, clean and accessible;
- promote and facilitate the safe, efficient and proper use of GoCary Facilities and Services;
- protect GoCary Facilities, staff, and Riders; and
- assure the payment of Fares.

These Rules describe conduct that is appropriate and conduct that is prohibited when on or using GoCary Facilities and Services. These Rules also detail the procedures GoCary will follow for ordering Riders who exhibit prohibited conduct off GoCary vehicles and other Facilities and temporarily or permanently prohibiting such persons from using GoCary Facilities and Services ('Excluding' such persons). They also describe the process to be followed for appealing such Exclusion actions.

The Town of Cary may suspend, amend, modify, or revoke the application of any or all of these Rules at any time as it deems necessary or desirable.

SECTION 2. OVERVIEW OF CONDUCT AND DEFINITIONS

Conduct.

All persons using GoCary Facilities and Services shall exhibit conduct that supports and is consistent with the safe and orderly use of the GoCary public transit system in which Riders of different ages and abilities travel in close proximity to one another on fixed

route and door to door vehicles. Appropriate conduct ('Appropriate Conduct') means that all persons using GoCary Facilities or Services shall:

- listen to and follow the lawful orders and directives of GoCary Operators and GoCary Supervisors;
- obey written instructions GoCary posts;
- pay the Fare; and
- conduct themselves in ways that:
 - do not threaten their own health or safety or the health or safety of others;
 - do not unreasonably annoy, disturb, or intrude on the space of others; and
 - do not unreasonably obstruct the aisles, seats, or doors of vehicles or obstruct others from using or accessing Facilities or Services.

No person using GoCary Facilities or Services shall engage in prohibited conduct. Prohibited Conduct is conduct that:

- v. is illegal under any federal, state, or local law, regulation, or ordinance;
- vi. damages any real or personal property of GoCary, Operator, any Rider, or any other person;
- vii. injures an Operator, any Rider, or any other person; or
- viii. substantially interferes with or tends to interfere with GoCary Service or Facilities.

Specific Prohibited Conduct is more fully described below. A Person who exhibits Prohibited Conduct may also be subject to criminal process or civil legal actions pursued by GoCary or others.

Definitions. In addition to the definitions contained elsewhere in these Rules, the following definitions apply.

Exclude, Excluded, Exclusion - means a Person may not enter upon or remain on GoCary Facilities or use GoCary Services for a specified period of time.

Facilities - means all real and personal property and equipment of or used by GoCary in the provision of GoCary Services. Facilities include, but are not limited to, bus shelters, bus stops and transfer points, and areas inside and adjacent to such shelters, stops, and points; buses and other vehicles and equipment; and signs.

Fare – means the lawful charges established by GoCary for the use of Facilities or Services.

Fare Media – means the various instruments and devices issued by or on behalf of GoCary to use for the payment of Fare, including but not limited to farecards, passes, transfers, tickets, and vouchers.

Operator – means the driver of a GoCary vehicle.

Person – means any individual, association, or entity.

Rider – means any Person using GoCary Facilities or Services.

Services – means GoCary fixed route and door to door and related services and such other services as may be offered from time to time by GoCary.

Service Animal – means a guide dog, signal dog, or other animal individually trained to work or perform tasks for an individual with a disability, including, but not limited to, guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items (49 CFR 37.3). Unless required by law, the term Service Animal does not include a therapy animal or animal used for emotional support or comfort. The term Service Animal does include a working dog or other animal of a law enforcement agency.

Sound Production Device – means any device capable of producing sound including but not limited to: radio, television, musical instrument, tape recorder, cassette or compact disc player, speaker device or system, computer, computer tablet, smart phone, and any sound amplifier or sound-producing device like those items listed, but excluding an auxiliary aid or assistive device when utilized by a person with a disability as defined by the Americans with Disabilities Act.

Supervisor – means the Town of Cary Transit Services Administrator or a GoCary employee in a supervisory position. Supervisors are authorized to trespass a Person from Facilities.

Vehicle – Any GoCary bus or other vehicle.

SECTION 3. PROHIBITED CONDUCT

Level I Prohibited Conduct includes:

1. Entry onto a Vehicle when a Person's ability to function safely and in an orderly manner is believed to be weakened or diminished by the consumption of alcohol or by the taking of any drugs or other substance.
2. Entry onto a Vehicle, or causing a child to enter onto a Vehicle, when the child is age 12 or under unless accompanied by a Person 16 years of age or older.

3. Disturbing other Riders or the Operator or impeding, interfering with, or obstructing the provision of safe, efficient, comfortable, clean, and hygienic Service. This includes but is not limited to:
 - a. Refusing to vacate seats and areas designated by signs for senior citizens and people with disabilities when requested by a senior citizen or a person with a disability or by the Operator on behalf of such persons.
 - b. Using a Sound Production Device except when such Sound Production Device is used with headphones or earphones such that sound from such device is heard by the user only.
 - c. Standing when the Vehicle is in motion in front of the standee line at the front of the Vehicle near the Operator's seat.
 - d. Bringing any animal on a Vehicle unless such animal is caged. The cage must be capable of being held in the lap of the Rider possessing the animal. This prohibition does not apply to Service Animals.
 - e. Bringing on-board a Vehicle any packages, articles, or equipment that cannot be safely carried by the Rider in one trip and that cannot be or are not secured by the Rider outside of the aisle. Packages, articles, or equipment may not block any exits or restrict the free and safe movement of Riders. Strollers and carts are permitted provided they are collapsed, secured by the Rider outside of the aisle, and do not block exits or restrict the free and safe movement of Riders. This prohibition does not apply to wheelchairs, crutches, canes, or other mobility aids or assistive devices.
 - f. Distracting, or attempting to distract, an Operator.
 - g. Engaging in canvassing, selling, or soliciting on or at a Facility.
 - h. Distributing any paper or other material on or at a Facility.
 - i. Changing a child's diaper in a Vehicle.
 - j. Spilling food or drink, littering, or otherwise leaving trash or garbage on or at a Facility.
 - k. Exhibiting personal hygiene that may cause a health or safety hazard.
 - l. Hanging or swinging from stanchions or other Vehicle equipment with feet off the floor.
 - m. Hanging out, reaching out, or putting any item, article or other substance outside of Vehicle windows.
 - n. Engaging in conduct that may cause a safety hazard.

Level II Prohibited Conduct includes:

1. Entry onto a Vehicle without payment of the Fare or display of Fare Media.
2. Entry onto a Vehicle using counterfeit or stolen Fare Media.
3. Destroying any property including marking, soiling, painting, inscribing, writing, spray painting, or placing graffiti upon and Facility; removing, injuring, or tampering with any Facility; or attempting to commit any of those acts, except as specifically permitted or directed by GoCary.
4. Stealing or wrongfully taking any GoCary Facility or other property or the property of another Person while on or using a Facility.
5. Disorderly or disruptive conduct, including:
 - a. Fighting.
 - b. Assaulting another or threatening to inflict bodily injury on another through words or actions.

- c. Offensively touching another or using force on another without their consent or intentionally injuring another.
 - d. Harassing another.
 - e. Screaming or shouting offensive and unwelcome words at another.
 - f. Stalking another.
6. Smoking or lighting any incendiary device, including a match, lighter, or torch on a Vehicle; or using vapor products as defined by G.S. 14-313, including but not limited to electronic cigarettes, on a Vehicle.
 7. Bringing any items of a dangerous nature on-board a Vehicle. Items of a dangerous nature include: pistols, guns, and other deadly weapons as defined in G.S. 14-269(a); any knife having a blade of three inches or longer; BB gun; air gun; paintball gun; airsoft gun; bow and arrow; flammable liquids; dangerous, toxic, caustic, hazardous, or poisonous substances; sheet glass; and sharp objects. Fencing foils must be sheathed and left at the front of the vehicle with the Operator. This prohibition does not apply to a person who has a concealed handgun permit or others exempt from the need for such a permit as defined in NCGS Chapter 14, Article 54(B).
 8. Obstructing or interfering with the Operator's safe operation of the Vehicle.
 9. Exposing any private part of a Person's body (indecent exposure as defined in G.S. 14-190.9).

SECTION 4. ENFORCEMENT OF THE RULES

The Operator may refuse entry onto a Vehicle to any Person who violates these Rules of Conduct.

The Operator or a Supervisor may provide oral and written warnings and may eject (order a Person to leave) or Exclude Persons from Facilities and suspend the use of GoCary Services as follows:

- If an Operator or Supervisor becomes aware that any Person is engaging in any Prohibited Conduct, such Operator or Supervisor may give that Person an oral First Warning to immediately cease engaging in the Conduct and/or not to engage in the Conduct again. If the Person does not cease engaging in the Conduct, or if the Person was engaged in any Level II Prohibited Conduct, then the Operator or Supervisor may direct the Person to immediately leave the Vehicle or other Facility.
- If a Person fails or refuses to leave a Vehicle or other Facility after being directed to do so by an Operator or Supervisor, then such Person is subject to arrest and prosecution. Additionally, failing to leave a Vehicle or other Facility after being directed to do so may also subject a Person to the Exclusion Procedure, described in Section 5.

The remedy described in this section is not exclusive, and GoCary or any other person may pursue such further legal action as applicable and appropriate. If a Person receives more than three (3) First Warnings in any 30 day period, that Person may be excluded from GoCary Facilities and Services for not less than 14 days or more than 24 months.

SECTION 5. FACILITY EXCLUSION PROCEDURE

If a Person has failed or refused to follow an order to cease Prohibited Conduct and GoCary determines that an individual should be excluded from GoCary Facilities and/or Services, or that conditions should be placed on the Person's continued use thereof, the process is as follows:

A. The GoCary General Manager or designee will issue an Exclusion Order to the Person stating the reasons for the exclusion, the time period of the exclusion, and the Facilities and/or Services to which the Exclusion Order applies. In general, Level I Prohibited Conduct may result in exclusion for not less than 14 days or more than 3 months and Level II Prohibited Conduct may result in exclusion for not less than 90 days or 24 months. Repeated instances of Prohibited Conduct will result in longer exclusion periods. If continued use of Facilities and/or Services is made subject to safety conditions or restrictions (e.g. presence of a parent or guardian in the case of a juvenile; accompaniment by a personal care attendant or aide), a conditional Exclusion Order may be issued specifying that the Person will be subject to exclusion unless the imposed restrictions are complied with. The Exclusion Order may be issued verbally; however, any verbal notice will be followed by a written Exclusion Order.

B. The written Exclusion Order shall also advise the Person of his/her right to appeal the decision and include a copy of the appeal procedure. The GoCary General Manager shall provide a copy of the written Exclusion Order to the Town's Transit Services Administrator and will inform appropriate staff about the reasons for and length of the exclusion.

C. If an appeal is not filed by the excluded party within ten (10) business days from the commencement of the exclusion, the right to appeal terminates and the Exclusion Order is final.

APPEALS

A. Any Person Excluded from GoCary Facilities or Services may appeal such Exclusion Order by submitting a written Notice of Appeal to the Transit Services Administrator at the following address: 316 N. Academy Street, Cary, NC 27513.

Such Notice of Appeal must be submitted within ten (10) business days from the date of the Exclusion Order. The Notice of Appeal shall state with specificity the grounds for the appeal and all the facts that the Excluded Person believes are relevant to the appeal. The Transit Services Administrator shall review and may uphold, reconsider, or modify the Exclusion Order and shall make his/her decision in writing within fifteen (15) business days of receipt of the Notice of Appeal. Exclusion Orders shall remain in effect pending an appeal.

B. Should the Excluded Person wish to appeal the decision of the Transit Services Administrator, the Excluded Person may appeal the Transit Services Administrator's

decision to the Town Manager by filing a written Notice of Appeal of Transit Administrator's Decision within ten (10) days of the date of the decision of the Transit Administrator at the following address: 316 N. Academy Street, Cary, NC 27513.

The Town Manager or designee shall hold a hearing within thirty (30) business days after the appeal has been filed. A notice of the hearing including a statement of the time, place, and nature of the hearing shall be mailed to the Excluded Person by the Town's Transit staff. The Excluded Person shall attend the hearing and may be represented by counsel and/or accompanied by a representative and one attendant. The Appeals Hearing is an administrative meeting and is NOT a public meeting. All decisions by the Town Manager or designee are final.

NON-COMPLIANCE WITH EXCLUSION ORDER: TRESPASSING

If any Person subject to an Exclusion Order enters the specified Facilities or Services before the termination date listed in the Exclusion Order, that Person shall be trespassing and is subject to arrest and prosecution.