



Customer Code of Conduct and Enforcement Policy

POLICY STATEMENT

(SEC 2)

The New Orleans Regional Transit Authority (RTA) is committed to the safety and security of all customers using its services and of all RTA staff. For the safety of all persons, RTA establishes the following Code of Conduct and Enforcement Policy (“Code”).

PURPOSE

RTA is committed to providing the best possible transit services for its customers and to do so requires all persons in the RTA transit system to work together toward a shared goal of keeping each other safe. RTA has developed this Code to establish rules and expectations regarding appropriate customer conduct on all RTA vehicles, describe the enforcement mechanisms that RTA may employ, and foster a safe and welcoming environment that promotes civil and respectful interaction for all who use the transit system.

APPLICATION

This policy applies to all RTA employees, contractors performing work for RTA, and all RTA customers. In cases of conflict between RTA policies and collective bargaining agreements the collective bargaining agreements will prevail with respect to unionized RTA employees.

RTA, through its employees, contractors, and agents, will ensure this policy is adopted and enforced in accordance with all applicable local, state, and federal laws.

ADOPTED BY:

The RTA Board of Commissioners on XX/XX/XXXX, Resolution XX-XXX.

APPROVED BY:

Ronald G. Baptiste
Interim Chief Executive Officer

Effective Date: xx/xx/xxxx
Date of Last Review: xx/xx/xxxx

RTA CUSTOMER CODE OF CONDUCT AND ENFORCEMENT POLICY (SEC 2)

1.0 GENERAL

It is critical to establish a safe, secure, and comfortable transit environment for RTA's customers, employees and the general public. In support of this goal, the Code of Conduct and Enforcement Policy 1) codifies acceptable behaviors while using RTA public transportation services ("services"), and 2) establishes policies and procedures for addressing non-compliance with the Code.

RTA has established this Code in alignment with existing, applicable state and local laws and with existing RTA policies.

This policy helps ensure that any enforcement, when necessary, aligns with the RTA's values and is executed in a fair and equitable manner.

This policy does not preclude RTA's employees, agents, or contractors from seeking the enforcement of federal, state, or local laws to maintain an orderly and safe environment.

2.0 PROCEDURES

- 2.1 Front-line personnel training
 - 2.1.1 Customer-facing staff shall be trained on the rules codified in this Code of Conduct and Enforcement Policy.
 - 2.1.2 As outlined in RTA policy, operators and other front-line personnel are required to become familiar with all rules and procedures, including customer rules.
- 2.2 Posting
 - 2.2.1 The Code of Conduct and Enforcement Policy will be made available on public transit vehicles, in RTA facilities, on the LePass mobile application, and on the RTA website.
- 2.3 Incidents
 - 2.3.1 Operators and other RTA employees must follow applicable training, policies, and procedures following any incidents related to non-compliance with this Code of Conduct. Employees involved in or responding to incidents are responsible for gathering facts needed to properly report and investigate the incident.
 - 2.3.2 RTA has established procedures for enforcing this Code and provides due process rights, including review and appeal, to any individual subject to enforcement action under this Code.
- 2.4 Enforcement
 - 2.4.1 RTA shall ensure that enforcement of this Code is conducted consistently and in accordance with all applicable provisions herein, whether or not Transit Police or law enforcement assistance is involved.
 - 2.4.2 For Code violations that also constitute a felony or a misdemeanor crime, Transit Police will conduct a thorough police investigation pursuant to NOPD policies and in close coordination with RTA.

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- 2.4.3 In response to a person violating the Code and/or committing a crime, RTA may take action up to and including:
 - 2.4.3.1 Educational and Corrective Actions:
 - 2.4.3.1.1 Advising the person to cease the violating behavior.
 - 2.4.3.1.2 Issuing a written warning and documenting the occurrence.
 - 2.4.3.2 Enforcement Actions (typically reserved for when any of the following are true—enforcement is necessary to ensure the safety of RTA customers and employees, the person is a repeat offender, or the person refuses to cease the violating behavior after being advised to do so):
 - 2.4.3.2.1 Immediate removal from RTA vehicles or facilities by Transit Police or any law enforcement officer.
 - 2.4.3.2.2 Issuance of a Suspension Notice imposing suspension or exclusion from the RTA system whether for a defined period or indefinitely.
 - 2.4.3.2.3 Referral to law enforcement for arrest.
 - 2.4.3.2.4 Issuance of a summons by Transit Police or law enforcement in lieu of physical arrest; refusal to accept a summons may result in physical arrest.
- 2.4.4 RTA shall not refuse to provide service to, or remove, suspend, or otherwise penalize an individual with a disability solely because the individual's disability results in appearance or involuntary behavior that may offend, annoy, or inconvenience RTA employees or other customers.
- 2.4.5 This Code is not intended to limit, replace, or conflict with any federal, state, or local law, regulation, or ordinance, and does not limit or prevent any law enforcement agency or entity from taking any lawful action against any person in or on any RTA vehicle, facility, or property.
- 2.5 Internal RTA investigations of Code of Conduct violations
 - 2.5.1 RTA shall independently investigate Code violations and determine appropriate enforcement action in a timely manner to ensure the safety, security, and integrity of the RTA system. Such investigation may be based on the reports and findings of relevant law enforcement entities.
 - 2.5.2 The decision to impose an enforcement action does not prevent RTA from pursuing any legal remedies against any individual who violates the Code.
 - 2.5.3 Failure to comply with any written or verbal warning or other enforcement action may constitute trespassing under applicable law and may be reported to Transit Police or other law enforcement.
 - 2.5.4 Persons who have been issued an enforcement action from an internal RTA investigation may appeal in accordance with the Appeal Procedures set forth in this policy.

2.6 Fare Forfeiture

- 2.6.1 A person who violates this Code forfeits any remaining value on fare media, including passes or stored value, during any enforcement action. No person suspended or excluded from RTA vehicles or facilities is entitled to a fare refund during the applicable penalty period. However, if an enforcement action is successfully appealed, RTA may, at its discretion, consider reimbursement of forfeited fare value.

3.0 DEFINITIONS

- 3.1 **Americans with Disabilities Act (ADA)** – A U.S. civil rights law (1990) that prohibits discrimination based on disability. It ensures people with disabilities have equal opportunities in various aspects of life, including employment, public services, and access to public accommodations. (Also see *ADA Guidance* page on FTA’s website.¹)
- 3.2 **Ban – See Exclusion**
- 3.3 **Customer** - any individual actively using or intending to use RTA public transportation services, whether riding, entering, or exiting a public transit vehicle, or waiting at a Designated Transit Stop, or visiting any RTA (revenue or non-revenue) facility. (Also see *Passenger*.)
- 3.4 **Designated Fare Zone (“Fare Zone”)** – A portion or entirety of a station, terminal, or other revenue facility designated by RTA in which proof of fare payment is required.
- 3.5 **Designated Transit Stop** – A designated, fixed location where a customer may board or alight a public transit vehicle.
- 3.6 **Enforcement Action** – The administrative action taken by RTA in response to a violation of the Code. For the purposes of this Policy, Enforcement Action refers to the action taken by RTA following section 2.4.3.2 above.
- 3.7 **Exclusion (“Ban”)** – A restriction of access to the RTA system, generally for a longer period than a suspension. An exclusion may apply to the entire RTA system or a portion thereof.
- 3.8 **Fare** – the lawful charges established by RTA for the use of its transit services.
- 3.9 **Passenger** – An RTA customer who boards a public transit vehicle. (Also see *Customer*.)
- 3.10 **Public Transportation System (“RTA System”)** – Includes all RTA property (revenue and non-revenue), Transit Stops (regardless of ownership of the property on which the stop is located), facilities, assets, vehicles (revenue and non-revenue), employees, and contractors.
- 3.11 **Public Transit Vehicles** – For the purposes of this policy, RTA-owned and/or operated buses, streetcars, para-transit vehicles, and ferries, used to provide transit services to the public.

¹ <https://www.transit.dot.gov/regulations-and-guidance/civil-rights-ada/ada-guidance>

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- 3.12 **Reasonable Waiting Period** – Up to 60 minutes before or 30 minutes after a scheduled transit trip. Customers may be asked to demonstrate a legitimate reason for being on the property if their presence exceeds this timeframe.
- 3.13 **Service Animal** – Service animals may accompany customers with disabilities in accordance with ADA. Customers are responsible for their service animals. Service animals can be denied boarding if the animal is out of control, or its owner cannot control the animal or if the animal poses a direct hazard to the health and safety of RTA personnel or customers.
- 3.14 **Suspension** – A temporary loss of privileges to utilize any portion of the RTA system, for a defined period. It can apply to the entire RTA system or a portion thereof.
- 3.15 **Warning** – A formal notification issued by RTA in response to a violation of the Code. It serves as notice that continued or repeated violations may result in suspension or exclusion from the RTA system consistent with the Enforcement provisions of this policy.

4.0 CUSTOMER CODE OF CONDUCT

- 4.1 Violation of this Code, or of any applicable federal, state, or local law, regulation, or ordinance, may result in suspension or exclusion from RTA vehicles, facilities, and services, and/or referral to law enforcement for further action.
- 4.2 RTA revenue facilities, including terminals, are open exclusively during posted hours of operation.
- 4.3 The following are prohibited **in or on any RTA vehicle, facility, or property**:
- 4.3.1 Abusive, harassing, intimidating, or threatening behavior toward an RTA employee or another customer.
 - 4.3.2 Expectoration (spitting) in or upon any part of any RTA employee, customer, vehicle, or property.
 - 4.3.3 Failure to pay established fare consistent with the RTA Fare Policy, other applicable policies, and posted signage, placards, and notices.
 - 4.3.3.1 Passengers must provide evidence of fare payment or eligibility for a free fare upon request from an operator or authorized fare validation personnel:
 - While on board any RTA public transit vehicle
 - While in designated fare zones
 - Upon exiting an RTA public transit vehicle at the request of fare validation personnel
 - 4.3.4 Vending, selling, or attempting to sell any item.
 - 4.3.5 Smoking or carrying a lighted or smoldering pipe, cigar, or cigarette (inclusive of e-cigarettes/vaporizers).
 - 4.3.6 Littering.
 - 4.3.7 Intentionally damaging or destroying any RTA vehicle, equipment, facility, or property, or the personal property of any other passenger, without the consent of the owner.

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- 4.3.8 Possession of markers, spray paint, etching instruments, or similar devices under circumstances indicating intent to damage, deface, or destroy RTA vehicles, equipment, facilities, or property.
- 4.3.9 Playing audio from any device or instrument at a volume audible to other passengers, except when the device is connected to headphones worn by the user.
- 4.3.10 Possession, distribution, or consumption of illicit drugs.
- 4.3.11 Loitering, except when waiting a reasonable period of time in a facility or on a property for a scheduled transit trip as defined in this policy.
- 4.3.12 Riding or operating bicycles, scooters, skateboards, hoverboards, tricycles, or any other non-motorized or motorized personal vehicle or device (excluding personal assistive mobility devices) on RTA vehicles, platforms, stations, facilities, and passenger walkways.
- 4.3.13 Solicitation.
- 4.3.14 Tampering or interfering with any security devices such as cameras or locks.
- 4.3.15 Negligent handling or illegal possession or carrying of a firearm or dangerous weapon.
- 4.3.16 Boarding or entering with a pet that is not a service animal, unless securely enclosed in a kennel or carrier.
- 4.3.17 Posting or distributing literature without the permission of RTA.
- 4.3.18 Parking in unauthorized areas or in violation of any sign, placard, or pavement marking.
- 4.4 In addition to the general prohibitions listed in 4.3, the following are prohibited on any **RTA public transit vehicle**:
 - 4.4.1 Eating or consuming food or open beverages onboard RTA vehicles. Sealed, lidded, or capped beverages are permitted. Exceptions may be made for passengers with documented medical needs.
 - 4.4.2 Engaging in conduct that is seriously disruptive to other passengers or employees, or that poses a direct threat to the health or safety of any person on or near RTA vehicles or facilities.
 - 4.4.3 Interfering with the safe operation of any RTA public transit vehicle by not complying with the instructions of the RTA operator, employee, or agent regarding the vehicle's operation and matters of safety.
 - 4.4.4 Standing in front of the yellow line on the floor of a bus or streetcar when the vehicle is in motion.
 - 4.4.5 Blocking or obstructing the movement of passengers or emergency egress with personal belongings, equipment, or devices, including but not limited to large suitcases or bags, strollers, wagons, or shopping carts.
 - 4.4.5.1 A maximum of two (2) large suitcases or bags are allowed when stored in a manner that does not block any aisles or doorways.

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- 4.4.5.2 Children must be removed from strollers, which must then be folded securely and stored in a manner that does not block aisles or doorways.
 - 4.4.6 Carrying flammable liquids, fireworks, car batteries with acid, lithium-ion batteries, or any other hazardous materials.
 - 4.4.6.1 Small batteries installed on motorized wheelchairs and mobility devices are permitted.
 - 4.4.7 Non-destination riding or other misuse of an RTA-issued fare media.
 - 4.4.7.1 A person who remains onboard a transit vehicle for more than one full route cycle (“trip”) and who fails to indicate to the operator or other RTA employee their intended destination, may be riding without a destination. This is also considered misuse of the fare.
 - 4.4.8 Bringing onboard animals that are not securely enclosed in a kennel or carrier. This section does not apply to service animals (also see 4.5).
 - 4.4.8.1 Small animals may be carried onboard a public transit vehicle provided they are securely enclosed in a kennel or carrier that can reasonably be carried onboard and placed without danger or hindrance to other customers. The container must not occupy another seat on the public transit vehicle.
- 4.5 Service Animals
 - 4.5.1 Service animals may accompany customers with disabilities in accordance with ADA.
 - 4.5.2 Owners are responsible for cleaning up after their animals.
 - 4.5.3 Service animals may be denied boarding if the handler cannot maintain control of the animal or if the animal poses a direct threat to the health or safety of other customers or employees.
 - 4.5.3.1 Consistent with ADA requirements, an RTA operator or employee may only ask: 1) whether the animal is a service animal required because of a disability; and 2) what work or task the animal has been trained to perform.
 - 4.5.4 Comfort or emotional support animals are not considered service animals under the ADA and as such, are not allowed, unless enclosed in a carrier.
- 4.6 Posted Rules
 - 4.6.1 By entering any RTA vehicle, facility, or property, customers agree to comply with all posted rules, regulations, and notices for the duration of their use of the RTA system. Failure to comply with posted rules, regulations, and notices may result in enforcement action under this Code.
 - 4.6.2 Rules and regulations consistent with this Code are also available on RTA’s website at www.norta.com.

5.0 COMMON COURTESY REMINDERS

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- 5.1 To ensure a pleasant and safe experience for everyone, RTA encourages customers to show consideration toward others while using the RTA system.
 - 5.1.1 Remain seated while the public transit vehicle is in motion when possible. If standing, hold on to the stanchion or handles.
 - 5.1.2 Allow onboard passengers to exit before boarding and, if possible, exit using the rear door.
 - 5.1.3 Kindly offer your seat to older people, people with disabilities or mobility challenges, and people carrying young children.
 - 5.1.4 Use headphones when listening to music or watching video content, and limit the use of speakerphone while on calls.
 - 5.1.5 Please do not litter. Take your trash and personal belongings with you as you exit the public transit vehicle.
 - 5.1.6 Keep personal belongings in your lap or at your feet. Refrain from placing feet or large items on seats and always keep aisles and doorways clear.
 - 5.1.7 Be respectful and attentive of others. Kindly make room for customers who have reached their destination and are safely trying to exit the vehicle.
 - 5.1.8 Help keep the RTA system safe by immediately notifying the operator or another employee of misconduct or if you notice something suspicious. If you see something, say something.

6.0 REPORTING SAFETY AND SECURITY CONCERNS

- 6.1 Customers may contact Transit Police by calling Rideline at 504-248-3900. Be prepared to give the agent your address or, if on a public transit vehicle, the vehicle number and the route or line number. **Always dial 9-1-1 in the event of an emergency.**
- 6.2 Customers may report non-emergency Code of Conduct violations or concerns to any RTA employee or by calling Rideline at 504-248-3900.

7.0 REFERENCE

New Orleans Code of Ordinances

RTA Fare Policy

8.0 ATTACHMENTS

Notice of Suspension/Exclusion

Appeal Procedure



NOTICE OF SUSPENSION/EXCLUSION

CUSTOMER NAME: _____

EXCLUSION NO. _____

DATE: _____

To be completed by RTA:

Incident occurred aboard: (Check One)				
☐ Bus	☐ Streetcar	☐ Paratransit	☐ Ferry	
RTA Vehicle Number:				
☐ Property or Facility owned, operated or maintained by RTA				
RTA Incident Number:				
YOU ARE SUSPENDED / EXCLUDED FROM ONE OR MORE OF THE ABOVE PRIVILEGES FOR A PERIOD OF NOT LESS THAN:				
☐ 14 DAYS	☐ 30 DAYS	☐ 60 DAYS	☐ 1 YEAR	☐ OTHER
EXCLUSION START DATE: _____				
PURSUANT TO THE FOLLOWING TERMS IF APPLICABLE (e.g. times, routes, modes): _____				
RTA is imposing this enforcement action due to your conduct on ____ day of _____, 20____, on or about _____ ☐ AM ☐ PM as follows:				
IN VIOLATION OF SECTION _____ OF SEC2 – RTA CODE OF CONDUCT POLICY.				
You may appeal this Notice <u>within ten (10) business days of issuance of this Notice.</u>				
This enforcement action is in full effect for the duration the issuing officer has specified above, unless you are notified otherwise. You may request a review. Go to https://www.norta.com/ride-with-us/know-before-you-go/code-of-conduct for more information.				
IF YOU ATTEMPT TO ENTER ANY RTA VEHICLE OR FACILITY THAT YOU ARE EXCLUDED FROM DURING THE ABOVE PERIOD, YOU MAY BE SUBJECT TO ARREST BY RTA TRANSIT POLICE AND PROSECUTION FOR CRIMINAL TRESPASSING (New Orleans City Code 1955, § 54-153).				

APPEAL PROCEDURES FOR EXCLUSION OR SUSPENSION FROM RTA SERVICES OR PROPERTY

Any person against whom RTA takes any enforcement action, up to and including suspension or exclusion from any portion of RTA Transit Services or Facilities may request a review of the enforcement action in accordance with these appeal procedures.

The purpose of the review is to determine whether the enforcement action is for just cause and appropriate. **The review applies to any enforcement action enacted by RTA only.**

1. Request

The excluded individual must submit a written request for review, **within ten (10) business days of the issuance of the Notice of Suspension/Exclusion**, using one of the following methods:

1. Mailing address or in-person:

Exclusion Review Board

c/o RTA Chief Safety, Security, and Emergency Management Officer (CSSEM)

2817 Canal Street

New Orleans, LA 70119

2. Email address: comments@norta.com

3. Submit webform request: <https://www.norta.com/help-and-contacts/feedback-and-customer-service>

Requests for review shall include:

- Full name, address, phone number, and email
- Date of suspension/exclusion
- Suspension/Exclusion Notice number (located in the top right corner of Notice)
- List of reasons the exclusion should be modified or repealed
- Specifically indicate if a hearing is requested or waived

2. Receipt of Request for a Review

Dependent on the circumstances of the violation, the CSSEM may lift the effects of the enforcement action until the review process is concluded and a final order has been issued. Failure to appeal shall be deemed an affirmative waiver of this right.

3. Conduct Exclusion Review Based on Enforcement Period

a. Exclusion Review (Enforcement Period of 30 Days or Less) - CSSEM

All exclusions of thirty (30) days or less will be reviewed by the CSSEM or designee within ten (10) business days of receipt of the request for review.

If a hearing is requested by the individual, the hearing will be conducted by the CSSEM, or designee, by telephone or virtual meeting only. No in-person meetings for this level of enforcement period.

The Hearing requires advance notice transmitted to all parties at least 72 hours prior to the Hearing.

If a hearing is not requested by the individual, the individual may submit any other documentation that they believe may support a modification or repeal of the exclusion.

No later than ten (10) business days following the conclusion of the Exclusion Review (with or without hearing), the CSSEM or designee issues a final order, setting forth all findings and a decision on the enforcement action. The CSSEM retains all investigation and hearing files for any subsequent reviews or audits.

b. Exclusion Review (Enforcement Period of 31 Days or Greater) – Board (For Hearings): CSSEM (For Document Review Only)

If the exclusion is greater than or equal to thirty-one (31) days and the excluded individual requests review with a hearing, a representative of the CSSEM will contact the individual within ten (10) business days of receipt of the review request to schedule the hearing date. The hearing can take place via virtual or in-person meeting for these enforcement actions. This review should take place within fifteen (15) business days of receipt of the request for review.

The Hearing requires advance notice transmitted to all parties at least 72 hours prior to the Hearing.

If a hearing is not requested by the individual, the individual may submit any other documentation that they believe may support a modification or repeal of the exclusion. **For enforcement actions at this level (greater than 31 days) for which a hearing is not requested, the CSSEM or designee performs the Exclusion Review.**

For enforcement actions at this level (greater than 31 days) for which a hearing is requested, a cross-departmental **Exclusion Review Board (“Board”)** conducts a thorough review of the case, as follows:

The Board will consist of the following (4) four members:

- CSSEM or designee (Chair)
- Chief, External Affairs or designee
- Chief Transit Officer or designee

- RTA Transit Police Commander or designee

If any member of the Board is directly involved in the incident giving rise to the exclusion or is unable to attend the review for any reason, the CSSEM shall appoint a designee to serve on the Board in their place.

4. Review Hearings

A review hearing shall be an informal proceeding to facilitate a review of the exclusion and provide an opportunity for the excluded individual to be heard. The hearing shall be recorded.

The excluded individual may present evidence on his or her behalf, including witness statements, oral presentations, and other supporting documentation. The Chair shall maintain and rule upon all questions regarding the order and conduct of the hearing and review. The Chair shall ensure that the individual receives appropriate notice as well as a meaningful opportunity to be heard, make arguments on their behalf, and present evidence in support of their position.

The Board shall make a final determination on whether the exclusion is supported by the evidence. Their decision shall be determined by a majority rule. The Board may modify the original exclusion, if warranted.

The final order shall reflect the final determination, as follows:

1. Sustained - the exclusion stands without modification
2. Modified - the exclusion stands, but with the length or locations modified for specified reasons
3. Repealed - the exclusion is overturned. All privileges are restored and forfeited fare is reimbursed in full.

The Board may forward additional recommendations to the appropriate staff in light of the rule on the appeal, such as instituting increased checks on a particular route or temporarily reassigning an operator.

The CSSEM or designee may reduce or remove any enforcement action at any point, prior to and during the enforcement taking place, and regardless of whether an appeal was heard. This is appropriate if it becomes clear at any point that the basis for the enforcement action was in error or was unjust.

5. Final Order by Either the CSSEM or the Board (As Appropriate)

No later than ten (10) business days following the conclusion of the Exclusion Review (with or without hearing), the CSSEM or designee shall issue a final order, setting forth all findings and a decision on the enforcement action. The CSSEM retains all investigation and hearing files for any subsequent reviews or audits.

A final order shall be deemed issued and effective within three (3) business days after the date of mailing to all parties at the addresses provided by the parties, through regular U.S. Mail.

APPENDIX B – APPEAL PROCEDURES

If the excluded individual fails to provide a mailing address, the final order will be held for pick-up at the RTA Front Desk, Main Lobby, 2817 Canal Street, New Orleans, LA 70119.

****The appellant must call 504-248-3900 to make arrangements for pick-up.**