

# **TOWN OF NEWBURGH TRANSPORTATION STANDARD OF CONDUCT**

## **PURPOSE**

To establish standards of conduct for transit passengers while utilizing services and facilities operated by the Town of Newburgh. This policy is to help ensure the safety, health and welfare of staff, passengers and the general public.

## **POLICY**

It is the desire of the Town of Newburgh to provide safe, secure, convenient and efficient transportation to the citizens of the Town of Newburgh. The Town of Newburgh believes that it is the obligation of each and every person to do his/her part to contribute to the safety of the employees and patrons of the system by refraining from inappropriate behavior while utilizing any of the facilities or vehicles as provided as part of the transportation system. To this end, the Town of Newburgh has adopted the following "passenger conduct" policy which outlines the conduct that is expected from every passenger or patron of the services provided.

## **CRITERIA FOR SUSPENSION**

1. Verbal or physical abuse of Town of Newburgh employees, or passengers.
2. Behavior that presents a danger to the health, safety or welfare of the offending passenger, other passengers, or a Town of Newburgh employee. Such behavior includes conduct which is violent, seriously disruptive, or criminal as defined by the State of New York.
3. Urinating, defecating, vomiting, spitting or inappropriately discharging of bodily fluids on transit property.
4. Body odor or personal hygiene which disturbs the reasonable comfort of other passengers.
5. Harassing or abusing a Town of Newburgh employee or passenger because of that person's race, nationality, sexual orientation or other protected classifications.
6. Disruptive conduct of passengers temporarily unable to care for themselves due to illness or intoxication (alcohol, drugs, or other intoxicating substances), which interferes with the safe and smooth operation of the system.
7. Smoking or carrying a lighted or smoldering pipe, cigar, cigarette, electronic cigarette, nicotine delivery systems or using any tobacco products on Town of Newburgh properties not designated as tobacco use areas.

8. Carrying any flammable liquid, explosive, acid or other article or material likely to cause harm to others.
9. Intentionally obstructing or impeding the flow of transit vehicles, passenger traffic, hindering or preventing access to transit vehicles or pick up points, or unlawfully interfering with the provision or use of public transportation services.
10. Intentionally disturbing others by engaging in loud, boisterous, raucous, unruly, or harassing behavior that is harmful and intimidating to Town of Newburgh employees or other passengers.
11. Destroying, defacing, or otherwise damaging property of Town of Newburgh. Willfully tampering with, removing, displacing, injuring, or destroying any part of any facility or vehicle of the Town of Newburgh.

### **FEDERAL REGULATIONS**

This policy is developed in part in accordance with the Americans with Disabilities Act.

It is not discrimination under this part for an entity to refuse to provide service to an individual with disabilities because that individual engages in violent, seriously disruptive, or illegal conduct. However, an entity shall not refuse service to an individual with disabilities solely because the individual's disability results in appearance or involuntary behavior that may offend, annoy, or inconvenience employees of the entity or other persons.

The determination of whether an individual poses a direct threat to the health or safety of others will be made by the Town of Newburgh based on observed behaviors and forwarded to Orange County Adult Protective Services for assessment.

In any event, a range of consequences will be used to address violations of this policy.

### **PROCEDURES FOR SERVICE SUSPENSION OR TERMINATION**

The Town of Newburgh continuously strives to make each individual's comfort a priority. Behavior disruptions will not be tolerated and will be addressed as follows:

Upon the first violation the passenger will receive a verbal warning from either the driver or a Town of Newburgh employee. This verbal warning will be documented and filed.

Upon the second violation the passenger will receive a written letter from an authorized agency of the Town giving details of the unacceptable behavioral issues and consequences in the event of additional violation.

At the third violation, The Town of Newburgh will make reasonable efforts to verbally notify the individual that his/her privileges are being suspended or terminated and will make reasonable efforts to provide written notice of service suspension or service termination. Should a service

suspension or service termination be issued, the duration will be determined based upon the severity of the incident and likelihood or probability of recurrence.

### **APPEAL PROCEDURE**

Passengers who receive a written letter of warning may file a written response within thirty (30) days of the date of the warning letter with the Commission of Parks, Recreation and Conservations to review the incident. Follow up, if any, will be based upon a review of the facts and circumstances of the incident.

A passenger who has been issued a service termination or a service suspension for more than seven (7) days may appeal the denial of service in writing to the Town Supervisor within thirty (30) days of the date of written notice of the service termination or suspension. The Supervisor will schedule an appeal hearing with the individual and at the conclusion of the hearing render a decision within twenty one (21) days.