



Berkshire Regional Transit Authority

Customer Code of Conduct

Revised July 2019

Purpose

The purpose of this document is to establish the Berkshire Regional Transit Authority (BRTA) policy and procedures governing customer conduct on BRTA vehicles and at BRTA Facilities as described herein. Such prohibited behaviors shall have associated discipline and appeals processes. BRTA reserves the right at all times to suspend individuals indefinitely from all Authority property and services for violation of this Code of Conduct.

Background

Proper customer behavior on BRTA vehicles and property is essential for providing quality service to our member communities and for ensuring safety of all transit patrons and BRTA employees. Establishing a customer code of conduct and an associated disciplinary process is a necessary component to maintain the high levels of service for all transit patrons.

Definitions

BRTA	Berkshire Regional Transit Authority headquartered at 1 Columbus Ave, Pittsfield, MA 01201
Intermodal Transit Center (ITC)	Central bus terminal for BRTA located at 1 Columbus Ave, Pittsfield, MA 01201.
BRTA Property	All vehicles, BRTA owned bus stops, BRTA owned shelters and other public transportation system facilities owned or operated by BRTA and its contractors.
BRTA Employee	All duly authorized BRTA staff members directly employed by the transit authority. For the purpose of this policy, coverage shall extend to all employees of contracted service operators including but not limited to managers, supervisors, and drivers.
Immediate Denial of Service Privileges	Immediate discretion of the service operator to prevent a customer from using the service, through demonstrated prohibited actions, or when preventing an individual from using the service would be in the immediate interest of public safety.
Suspension of Service Privileges	Denial of Service Privileges for a specified or indefinite period of time due to a minor or major violation(s) of this code of conduct.
Trespass Notice	Legal notice stating an individual may not be present at or within BRTA property or vehicles. Trespass Notices will usually accompany formal notice of service suspension.
Minor Violations	Any behavior that is considered to be a violation of the Customer Code of Conduct. These behaviors are of a lesser severity than those violations considered to be "major". Minor Violations will usually result in progressively longer service suspensions imposed against a customer for continual violations.
Major Violations	Any severe violation of the Customer Code of Conduct or engaging in a behavior which may pose harm to the greater public interest. Major Violations will usually result in service suspension and/or Trespass Notice upon a first offense.
Appeal	The formal process for reviewing a customer's suspension of service privileges.

Minor Violations

Prohibited Behavior on or within Transit Vehicles and Transit Centers

Table 1, below, lists activities and descriptions of behaviors that are either expressly prohibited or somehow otherwise controlled on BRTA property. Minor Violations, especially continual Violations, shall be punishable by Suspension of Service Privileges.

Table 1: Minor Violations of the BRTA Customer Code of Conduct

Customer Behavior	Transit Vehicle	Transit Center
Displaying or offering for sale, selling, or distributing goods or services.	Prohibited	Prohibited, except where allowed by written agreement.
Distributing literature.	Prohibited	Prohibited, except where allowed by written agreement.
Posting or affixing leaflets or signs to transit property.	Prohibited	Prohibited, except where allowed by written agreement.
Transporting animals.	Prohibited, except in a secure carrier, or if such animal is considered to be a 'service animal' as defined in 49 CFR Section 37.3	Prohibited, except in a secure carrier, or if such animal is considered to be a 'service animal' as defined in 49 CFR Section 37.3
Skateboarding, roller skating, bicycle riding, or rollerblading in a transit or system facility, vehicle, or parking structure [1].	Prohibited	Prohibited
Drinking non-alcoholic beverages or eating.	Prohibited, except for customers experiencing a medical emergency	Allowed
Purposefully blocking the free movement of another person in or on BRTA property, including placing objects that block aisles, stairways or seats from use by other customers [2].	Prohibited, except at driver's discretion if space allows; however, strollers and shopping carts must always be folded prior to boarding.	Not Applicable
Loitering or storing personal property [2] [3].	Prohibited	Prohibited
Extension of any object or item out windows or doors of vehicles.	Prohibited	Not Applicable
Hanging onto, or swinging from, hand-hold bars or stanchions in a manner which the station was not designed.	Prohibited	Not Applicable
Smoking, chewing and other uses of tobacco or marijuana, including but not limited to use of all conventional cigarettes, electronic-cigarettes, vaporizers, or any other delivery devices.	Prohibited	Prohibited, inside of buildings. Allowed only in designated smoking areas.

Using sound-producing equipment including inconsiderate cell phone use (speaker phone)	Prohibited, except when customers make use of headphones so long as others cannot hear the output.	Prohibited, except when customers make use of headphones so long as others cannot hear the output.
Interfering with the provision of public transportation services. (including but not limited to conduct such as failure to properly board or alight, blocking progress of transit vehicles, disturbing the driver, crossing the yellow line/standee line, improper use of priority seating, etc.)	Prohibited	Prohibited
Failure to follow reasonable directions from a BRTA employee	Prohibited	Prohibited

- [1] This paragraph does not apply to any activity that is necessary for utilization of the transit facility by a bicyclist, including but not limited to, an activity that is necessary for parking a bicycle or transporting a bicycle aboard a transit vehicle, if that activity is conducted with the permission of the BRTA in a manner that does not interfere with the safety of the bicyclist or other patrons of the transit facility.
- [2] This shall not be interpreted to affect any lawful activities permitted for first amendment rights protected under the laws of this state or applicable federal law, including, but not limited to, laws related to collective bargaining, labor relations, or labor disputes.
- [3] Loitering is defined as riding the same bus without a determined end destination or remaining on BRTA property for more than two successive hours unless such behavior is otherwise permitted by law.

Major Violations

Prohibited Behavior on or within Transit Vehicles and Transit Centers

Table 2, below, lists activities and descriptions of behaviors that are either expressly prohibited or cause harm to the interest of employee and public safety. Major Violations, especially continual violations, shall be punishable by Suspension of Service Privileges and Trespass Notice. BRTA reserves the right to permanently suspend a customer’s service privileges for any major infraction, even upon a first offense.

Table 2: Major Violations of the BRTA Customer Code of Conduct

Customer Behavior	Transit Vehicle	Transit Center
Selling, possessing, using or otherwise consuming illegal drugs. This extends to open containers of alcohol.	Prohibited	Prohibited
Weapons Including but not limited to, guns, knives, switchblades, bow/arrows, explosive or corrosive substances.	Prohibited, except for those individuals lawfully licensed to carry pursuant to applicable Massachusetts Law	Prohibited, except for those individuals lawfully licensed to carry pursuant to applicable Massachusetts Law
Spitting, urinating or defecating; Including creating unsanitary conditions through presence of blood, urine, feces, vomit, or other bodily	Prohibited	Prohibited

fluids or obnoxious odors on or about one's person.		
Carrying an explosive or acid, flammable liquid or material, toxic or hazardous material in or on BRTA property.	Prohibited, except for respirators and portable oxygen supply as defined in 49 CFR Section 37.167	Prohibited, except for respirators and portable oxygen supply as defined in 49 CFR Section 37.167
Willfully disturbing others in or on BRTA property by engaging in boisterous, unruly, threatening, or otherwise unwelcomed behaviors which may pose a threat to the interests of public safety.	Prohibited	Prohibited
Defacing, destroying or otherwise vandalizing transit property including any technology, sign, notices or advertisements thereon.	Prohibited	Prohibited
Throwing objects at BRTA property or at persons in or on transit property.	Prohibited	Prohibited
Failure to pay the appropriate fare or present a valid pass upon request. [4].	Prohibited	Prohibited
Failure to surrender an invalid pass if requested by an authorized BRTA employee, including sharing or reselling passes.	Prohibited	Prohibited
Misrepresenting oneself as eligible for reduced or free fare [4].	Prohibited	Prohibited
Sexually, verbally, or physically harassing, intimidating, or threatening others. This includes, but is not limited to, stalking, staring, lurking with intent to annoy, offensive touching, obscene acts, and indecent exposure towards customers or employees. This also may include, but is not limited to, the use or any combination of obscene, abusive, or racist language or gestures. [5].	Prohibited	Prohibited

[4] In the event that an eligible discount fare rider is not in possession of acceptable proof at the time of request, any suspension of service shall be postponed for a period of 72 hours to allow the user to produce acceptable proof to the BRTA Administrator.
If the proof is subsequently provided, the suspension shall be voided.
If the proof is not produced within that time period, then the suspension shall be enforced.

[5] BRTA reserves the right to permanently suspend a customer's service privileges for any major infraction, even upon a first offense.

Consequences for Violating the Customer Code of Conduct

In addition to the types of behavior which could result in suspension as described above, behaviors prohibited at all times on all BRTA property include but not limited to:

- criminal conduct
- assault of any kind
- disorderly conduct
- illegal drug or alcohol use

If any above conduct is observed, the BRTA will contact the local law enforcement department within the jurisdiction in which the offense had been observed. In addition to civil and criminal penalties, individuals who violate the BRTA Code of Conduct policies and/or any other applicable laws may be subject to immediate denial of BRTA service and possible suspension of BRTA service in the future as described in Table 3, below. Additionally, the BRTA reserves the right to seek an immediate Trespass Notice against accused violators deemed by the Administrator, or their designee, to pose a legitimate threat to the safety or welfare of BRTA employees or customers.

Immediate suspension of BRTA service may be affected by a law enforcement officer or any authorized BRTA employee. Failure to comply with denial of service or suspension of service shall be grounds for criminal trespass prosecution.

For initial minor violations, customers who have been denied service or whom have had their service privileges suspended must petition (in writing) to the Administrator in order to resume transit service privileges. The Administrator, or their designee, will respond in writing within five business days with details of when the date service privileges may be reinstated. For repeat offenders or major violations, the Administrator or their designee, shall issue a written notice stating the cause and duration of the suspension and the process for requesting review. Suspension shall be in effect upon issuance of the notice and shall remain in effect during any review process.

Disciplinary Actions for Violating the Customer Code of Conduct

Table 3, below, describes the types of disciplinary actions which may be imposed against a customer who violates this code of conduct.

Table 3. Disciplinary Actions for Violations of the Customer Code of Conduct

Type	Offense	Disciplinary Action
Minor	1 st Offense	Immediate Denial of Service
	2 nd Offense	Immediate Denial of Service and Suspension of service privileges for seven (7) calendar days.
	3 rd Offense	Immediate Denial of Service and Suspension of service privileges for no longer than thirty (30) calendar days.
	4 th Offense	Immediate Denial of Service and Suspension of service privileges for no longer than one hundred and eighty (180) calendar days; and/or permanent suspension of service privileges.
Major	1 st Offense	Immediate Denial of Service and Suspension of service privileges for no longer than thirty (30) days; or permanent suspension of service privileges
	2 nd Offense	Immediate Denial of Service and suspension of service privileges for no longer than one hundred and eighty (180) calendar days; or permanent suspension of service privileges.

Instructions for Appeal of Service Suspension

The offender, within ten (10) business days after the receipt of a service suspension notice, may deliver to the BRTA Administrator a written request for review of the suspension order and/or trespass notice.

Then, within ten (10) business days after receiving a request for review, the offender will be provided with an opportunity to present evidence which may contest or amend the incident/violation or which may provide cause for the Administrator or their designee to reconsider a suspension order.

The BRTA Administrator, or their designee, shall set up a telephonic or in person hearing to review a service suspension decision with the offender. The hearing shall be held within ten (10) business days following the offender's request for a hearing.

The BRTA Administrator, or their designee shall, within ten (10) business days following the hearing, issue a written decision to either affirm or reverse the service suspension.

The post-hearing decision of the Administrator and/or designees shall be final.

Offenders may notify the BRTA Administrator by phone at: (413) 499-2782

Or by mail: Berkshire Regional Transit Authority
 Attn: BRTA Administrator
 1 Columbus Avenue
 Pittsfield, MA 01201