

**RULES OF CONDUCT  
(including Service Exclusions)  
and Regulation of Communication Activities**

**Adopted by the Board of Directors  
COWLITZ TRANSIT AUTHORITY  
January 30, 2013**

**Cowlitz Transit Authority  
Rules of Conduct  
(including Service Exclusions)  
and Regulation of Communication Activities**

**ARTICLE I. INTRODUCTION**

Cowlitz Transit Authority (“CTA”) 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, the following Rules of Conduct for CTA Transit Vehicles, Facilities and Properties (the “Rules of Conduct”) have been adopted by the CTA Board of Directors. The Rules of Conduct are intended to regulate conduct occurring with CTA employees, on CTA Transit Vehicles, within or upon CTA Facilities and Properties, and in connection with the CTA’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: CTA Transit Vehicles, Facilities and Properties. 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 CTA employees or the general public whether for profit or not.
- C. “CTA” shall mean the Cowlitz Transit Authority, a Washington municipal corporation and Public Transportation Benefit Area (“PTBA”) organized and operating under and by virtue of the laws of the State of Washington.

- D. "CTA 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 CTA for services by wages, salary or other remuneration.
- E. "CTA 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 CTA 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.
- F. "General public" shall mean any person or group of persons, including CTA employees not acting in an official capacity at the time.
- G. "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.
- H. "Park-and-ride lots" shall mean locations officially designated by CTA at which persons park their individual vehicles and transfer to a CTA transit vehicle or car/vanpool vehicles, including all physical improvements and landscaping.
- I. "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.
- J. "Permittee" shall mean any individual, firm, partnership, corporation, organization, association, or entity of any kind who obtains a Permit as described above.
- K. "Person" shall mean any individual, firm, partnership, corporation, organization, association or entity of any kind.
- L. "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.
- M. "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 Transit Agency or any governmental agency, private person, firm, or corporation contracting with CTA pursuant to chapter 36.57A RCW.
- N. "Transit Vehicle" shall mean a municipal transit vehicle defined in RCW 46.04.355. It also includes any CTA maintenance vehicle or supervisor van.

- 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 CTA public transportation services, the use of those services by the general public, or CTA sales, promotion, and maintenance activities in support of CTA public transportation services.

### **ARTICLE III. REGULATION OF CONDUCT**

#### **A. Prohibited Conduct**

The following conduct is prohibited on CTA Transit Vehicles, within or upon CTA Facilities and Properties, and in connection with CTA'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. Use of chewing tobacco except at a designated place; use of any nicotine or smoking device which causes any smoke, mist, vapor or the like to be emitted through its use, within twenty-five (25) feet of any CTA transit vehicle, shelter, or other public transportation facility, or within twenty-five (25) feet of any entrance, window, or air intake opening of CTA buildings; smoking or carrying a lighted or smoldering pipe, cigar, or cigarette within twenty-five (25) feet of any CTA transit vehicle, shelter, or other public transportation facility, or within twenty-five (25) feet of any entrance, window, or air intake opening of CTA buildings (RCW 9.91.025);
3. Discarding litter other than in designated receptacles (RCW 9.91.025);
4. Dumping or discarding any materials on transit property, including but not limited to hazardous substances and automotive fluids (RCW 9.91.025);
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 CTA employees, CTA 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) (RCW 9.91.025);
6. Spitting, urinating, or defecating, except in the appropriate plumbing fixtures in restroom facilities (RCW 9.91.025);
7. Failure to maintain a reasonable level of personal hygiene. It is not CTA's objective to enforce personal hygiene standards on the public, but in order to maintain a clean and safe environment to all who use CTA'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 (RCW 9.91.025);
9. Obstructing or impeding the flow of CTA Transit Vehicles or passenger traffic or hindering or preventing access to CTA 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 (RCW 9.91.025);
10. Disturbing others by engaging in loud, raucous, unruly, harmful, aggressive, violent, or harassing behavior (RCW 9.91.025);
  11. Destroying, defacing, or otherwise damaging CTA property or any signs, notices, or advertisements on transit property (RCW 9.91.025);
  12. Consuming an alcoholic beverage, or in possession of an open beverage container holding alcohol in any Transit Vehicle; carrying any alcohol beverage or controlled substance in any Transit Vehicle, unless otherwise authorized by law (RCW 46.61.519);
  13. Consuming an alcoholic beverage, or in possession of an open container of alcohol on CTA Facilities and Properties, except where permitted to do so by virtue of possession of a valid state and/or local liquor license and authorized by CTA (RCW 9.91.025);
  14. 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 (RCW 9.91.025);
  15. Throwing an object at Transit Vehicles or CTA Facilities and Properties, or at any person on CTA Facilities and Properties or using a Transit Vehicle (RCW 9.91.025);
  16. Allowing any animal, including service animals, to occupy a seat on Transit Vehicles or CTA Facilities and Properties, to run at large, to unreasonably disturb others, to leave waste matter on CTA Facilities and Properties, or interfere with transit-related activities. Except for service animals, animals are allowed in CTA Facilities and Properties or Transit Vehicles only if the animal is in a secure carrier designed specifically for animals, with absorbent material on the carrier floor;
  17. Engages in other conduct that is inconsistent with the intended purpose of CTA Facilities and Properties, or Transit Vehicles and refuses to obey the lawful commands of an agent of the CTA or a law enforcement officer to cease such conduct;
  18. Roller-skating, rollerblading, or skateboarding on CTA Facilities and Properties (RCW 9.91.025);
  19. Riding bicycles, unicycles, mopeds, or other motorcycles, except where public vehicle travel and access is permitted;
  20. Eating on Transit Vehicles or in prohibited areas of CTA Facilities and Properties; CTA permits transportation and consumption of beverages on Transit Vehicles when the beverage is in a reusable, leak-proof container with a resealing lid;
  21. Using a public address system, loudspeaker, or other sound-amplifying device, except as authorized by CTA or its designee (RCW 9.91.025);
  22. Using CTA Facilities and Properties for residential or commercial parking purposes except as authorized by CTA or its designee;
  23. Operating, stopping, standing, or parking a vehicle in any roadway or location restricted for use only by Transit Vehicles or otherwise restricted;
  24. Sitting or lying on floors of Transit Vehicles, planters, handrails, stairs, counters, window sills, or any other area or fixture not specifically designed for seating purposes, or floors, sidewalks, asphalt, or other ground covering in or on CTA Facilities and Properties;
  25. Sleeping, camping, or storing personal property on benches or floors on or within Transit Vehicles or CTA Facilities and Properties, unless otherwise authorized by law;
  26. Entering or remaining upon any nonpublic areas of CTA Facilities and Properties, including, but not limited to, staging areas, work areas, and equipment rooms, except when authorized by CTA or its designee;

27. Entering Transit Vehicles or CTA Facilities and Properties without wearing a shirt and shoes;
28. Engaging in commercial activities on CTA Facilities and Properties or Transit Vehicles, except as such activities are authorized by CTA or its designee in a written permit, license, concession contract, lease, or other written authorization;
29. Engaging in public communication activities on CTA Facilities and Properties or Transit Vehicles, except as such activities are authorized by Articles IV herein;
30. 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 CTA or its designee in a written permit, license, concession contract, lease, or other written authorization;
31. 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;
32. Engaging in sexual activity with self or others while riding or accessing a Transit Vehicle; or on CTA Facilities and Properties;
33. Displaying or reading pornographic material where others may see it;
34. Engaging in gambling or any game of chance for the winning of money or anything of value (RCW 9.91.025) on Transit Vehicles or on CTA Facilities and Properties;
35. Use of Transit Vehicles or CTA Facilities and Properties for nontransit-related activities, except as authorized by CTA or its designee (RCW 9.91.025);
36. Entering Transit Vehicles or CTA Facilities and Properties when lacking the ability to care for oneself because of illness, intoxication, or medication(s);
37. Extending an object or a portion of one's body through the door or window of a Transit Vehicle;
38. Hanging or swinging on bars or stanchions with feet off the floor, inside a Transit Vehicle or other CTA Facilities and Properties; hanging onto or otherwise attaching oneself at any time to the exterior of a Transit Vehicle or other CTA Facilities and Properties;
39. Engaging in any physical sport activity on CTA Facilities and Properties;
40. Loitering or "hanging out" (customers are expected to board the next scheduled Transit Vehicle traveling in the direction of their destination);
41. Refusing to allow proper securement of a wheelchair on Transit Vehicles;
42. Refusing to use personal restraints/seatbelts on Transit Vehicles providing paratransit services, unless customer has previously provided CTA with written notice of a statutory exemption from such use (RCW 46.61.688);
43. Failing to pay the appropriate fare as required by CTA, including failure to display proof of payment when requested to do so by a person designated to monitor fare payment or failure

- to depart the bus or other mode of public transportation when requested to do so by a person designated to monitor fare payment (RCW 36.57A.230/RCW 9.91.025);
44. Falsely representing oneself as eligible for a special or reduced fare or using any permit or pass related to a Transit Vehicle by making a false representation of eligibility (RCW 9.91.025);
  45. 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 (RCW 9.91.025);
  46. Interfering or tampering with mobile data computers, camera components; fare boxes, or any other equipment on Transit Vehicles or CTA Facilities and Properties (RCW 9.91.025);
  47. Laying hands or verbally intimidating a CTA Transit Operator or CTA Transit employee, including spitting on them;
  48. 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;
  49. Impeding paratransit service through non-compliance with the paratransit procedures;
  50. Violating an exclusion order issued under these Rules of Conduct (RCW 9A.52.070/080).
  51. Making hostile, harassing, threatening or nuisance telephone calls to CTA employees;
  52. Violating any federal, state or municipal civil and criminal laws.

## **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 Transit Vehicles, or CTA Facilities and Properties by a commissioned law enforcement official, CTA personnel, or authorized personnel of a CTA 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.** A CTA employee may immediately reseat, refuse transportation, or remove from Transit Vehicles, or Facilities and Properties without prior written notice, a person who has engaged in prohibited conduct under Article III, Section A, which, in the CTA 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 CTA vehicles, facilities, or properties. If an individual, who is immediately excluded or removed, is also excluded from future access to Transit Vehicles or Facilities and Properties, CTA should, to the extent possible, give notice to that individual of the future exclusion pursuant to section (B) (c).
- (c) **Notice Procedure.** CTA may give a person to be excluded from Transit Vehicles or Facilities and 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 Transit Agency 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 CTA 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 considered by CTA in determining the length of exclusion may include, without limitation, the immediate incident, CTA's documented history of prior incidents involving the excluded person, CTA security records, supervisor records and any other public records available to CTA regarding the individual's conduct while using or accessing Transit Vehicles or CTA Facilities and Properties. **Permanent exclusion may be appropriate under certain circumstances.**

First Offense:	1-90 days
Second Offense:	91-180 days
Third Offense:	181-365 days
Each Subsequent Offense:	365 or more days

- (f) **Appeal Procedure.** The following appeal process shall be provided to any person excluded from Transit Vehicles or CTA Facilities and Properties for a period of thirty (30) days or more. Not later than ten (10) calendar days after the exclusion notice becomes effective, an excluded person may appeal in writing to the designated CTA representative 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, CTA will make reasonable accommodations. If no hearing is requested, the designated CTA representative, or his or her designee, shall render a written decision within twenty (20) calendar days after CTA's receipt of the appeal.
  
- (g) **Hearing.** If the appellant does request a hearing, the hearing shall be held within thirty (30) calendar days after CTA's receipt of the appeal, and a written decision shall be rendered within thirty (30) calendar days after the hearing. Exclusions shall not be stayed during the appeal process, unless the exclusion is for missing scheduled trips under Article III, Section A., 49 herein.

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 CTA is not authorized to assist a patron or employee in enforcing a court order prohibiting or restricting contact with any other

person other than to notify appropriate law enforcement personnel via CTA's dispatcher or CTA Security.

**C. Liability**

Nothing in Article III herein shall create a duty to any person on the part of CTA or form any basis for liability on the part of CTA, its officers, agents, employees or volunteers. The obligation to comply with Article III is solely that of any person entering and using Transit Vehicles or CTA Facilities and Properties, and CTA'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, CTA makes a variety of Transit Vehicles and certain CTA Facilities and Properties available to persons who use such public transportation services. Although these Transit Vehicles and CTA 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. CTA's Legitimate Interests.**

Most public communication activities are prohibited on Transit Vehicles and within or upon CTA Facilities and Properties, regardless of the viewpoint expressed, because they are incompatible with CTA's legitimate interests including, but not limited to:

- (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 and CTA 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 of Transit Vehicles.

**3. Purpose of Article IV.**

CTA's intent and desire is to allow members of the general public to engage in public communication activities on Transit Vehicles and within or upon CTA Facilities and Properties to the extent that such activities are compatible with CTA's legitimate proprietary functions and interests, but expressly does not hereby designate its Transit Vehicles or CTA Facilities and 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 Transit

Vehicles and within or upon CTA Facilities and Properties. Article IV does not apply to CTA employees engaged in authorized activities in the course of their employment or to events or commercial activities previously authorized by CTA. Article IV does not apply to commercial advertising on or upon CTA Facilities or Properties.

#### **4. Facilities Governed by Article IV.**

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

#### **B. Regulation of Public Communication Activities**

Persons engaging in public communication activities involving signs, boxes, receptacles, easels or other similar apparatus of any kind, must first obtain a CTA Permit in accordance with the rules and procedures set forth in Article IV herein. Otherwise, no permit will be required for public communications activities as otherwise provided herein.

CTA personnel may require that any public communication activity not be conducted within ten feet of persons in transit vehicle queue lines, bus entrances or exits, or permanent waiting fixtures, unless invited closer by a transit patron.

##### **1. Limitations**

Public communication activities, which are otherwise lawful, are permitted on CTA Transit Vehicles and within or upon CTA Facilities and Properties, subject to the following exceptions and limitations:

- (a) Posting or affixing flyers, pamphlets, brochures, leaflets, 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, or other paraphernalia may not be affixed to or erected on CTA Transit Vehicles or within or upon CTA Facilities and Properties, except as authorized by CTA 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 CTA 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 CTA Transit Vehicles or into, within, or from CTA Facilities and Properties; or interferes with the operation of such Transit Vehicles, Facilities and Properties, or CTA's provision of public transportation services.
- (h) Persons engaged in public communication activities within or upon CTA Facilities and Properties shall not use any parking spaces provided at such Facilities and Properties unless they are also using CTA'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 the designated CTA representative 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, Monday – Friday (except holidays), 8:00 a.m. to 5:00 p.m., from CTA's Business Office, 254 Oregon Way, Longview, WA 98632.
3. **Issuance of Permit.**
  - (a) Within a period of no longer than five (5) calendar days of receipt of a completed Application, a Permit shall be issued by the designated CTA representative 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 fourteen (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 (7) calendar days and will be limited to the normal hours and days that the designated area(s) identified in the Permit is 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 (7) additional calendar days by filing with the designated CTA representative 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 Transit Agency and

security personnel upon request. A copy of the form of the Permit is attached hereto as Appendix 2.

4. **Denial of Permit.** If a Permit is denied, the designated CTA representative 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 CTA'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 CTA described in Article III herein;
  - (d) The applicant is subject to: (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; CTA 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 the designated CTA representative 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  
  
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 Vehicles or Facility and Properties. Before revoking a Permit, the designated CTA representative 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 CTA's public transportation services, operations or maintenance activities. If written notice of revocation is not given because of such immediate conditions, the designated CTA representative or his or her designee shall, within three (3) 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 CTA a notice of appeal.
- (b) Upon CTA's receipt of the notice of appeal, the matter shall be set for a hearing before the designated CTA representative within fifteen (15) calendar days. The designated CTA representative 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 CTA.
- (d) The designated CTA representative's findings and order shall, within seven (7) 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 CTA may give preference to an applicant or applicants who have had the least opportunity during the preceding thirty (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 CTA Transit Vehicles and CTA 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 the designated CTA representative, 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 Transit Vehicles, CTA Facilities and 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, CTA shall cause the clean-up of the Permittee's litter and the Permittee shall reimburse CTA 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 CTA 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 CTA 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 CTA 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.** CTA 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 Transit Agency 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 CTA**

Nothing in Article IV or in the permission of public communications activities on Transit Vehicles or within or upon CTA Facilities and Properties shall create a duty to any person on the part of CTA or form any basis for liability on the part of CTA 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 CTA's enforcement of Article IV is discretionary, not mandatory.

##### **3. Non-Transit Agency Uses**

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

# Appendices

- Appendix 1 CTA Exclusion Order
- Appendix 2 CTA's Application for a Permit to Engage in Public Communication Activities
- Appendix 3 CTA's Permit to Engage in Public Communication Activities

# Appendix 1

## RIVERCITIES TRANSIT EXCLUSION ORDER

DATE: \_\_\_\_\_

TO: \_\_\_\_\_

This letter shall serve as a Notice of Exclusion.

This exclusion is effective \_\_\_\_\_ for \_\_\_\_\_. Except as specified in the appeal process. Throughout this period, you are barred from contact with any RiverCities Transit Employee or entering in or onto:

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

This action is being taken because:

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If you wish to appeal this decision, you must contact the Operations Supervisor, in writing, at the address below, within fifteen (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:

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# Appendix 2

## APPLICATION FOR A PERMIT TO ENGAGE IN PUBLIC COMMUNICATION ACTIVITIES

1. Please state the applicant's name, address, and telephone number:

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2. Please state the name, address, and telephone number of the person and/or organization sponsoring, promoting, or organizing the requested activity, if any:

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3. Does the applicant intend to use tables and chairs? \_\_\_\_\_

4. Please state the location, date, time, and duration of the activity the applicant wishes to conduct:

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5. Please describe any props (i.e., books, pamphlets, leaflets, flyers, signs, etc.) the applicant intends to use, without reference to the content of those props:

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6. By signing this application, the applicant hereby acknowledges that he/she has read and agrees to abide by the Transit Agency Rules of Conduct and all applicable federal, state, and municipal criminal and civil laws.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

\_\_\_\_\_  
Applicant

By: \_\_\_\_\_

Title: \_\_\_\_\_

# Appendix 3

## PERMIT TO ENGAGE IN PUBLIC COMMUNICATION ACTIVITIES

The Cowlitz Transit Authority (“CTA”), 254 Oregon Way, Longview, WA 98632, hereby authorizes \_\_\_\_\_ (the “Permittee”) to engage in public communication activities on CTA property or facilities under the terms and conditions set forth herein. The Permittee recognizes and agrees that this Permit is issued for the Permittee’s sole benefit and convenience. CTA assumes no responsibility for the care or custody of equipment, materials, supplies, or any other furniture to be used on CTA property, nor does CTA agree to provide an alternative facility if for any reason the premises should cease to be available. This Permit is subject to the following conditions, and by accepting this Permit the Permittee thereby has accepted each such condition:

**1. Authorized Areas:**

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[insert description of designated area of permitted activity, and include a map of the area if available]

**2. Participants:**

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[insert the identity of the person(s) who is participating in the activity]

**3. Term:** The days and hours of use are limited to:

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This Permit shall be effective through

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**4. Other restrictions or limitations:**

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**5. Retention of Permit:** The Permittee is required to have this Permit on their person (or with the group) when engaged in the public communication activity.

**6. Reproduction of Permit:** 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 his or her activity until a valid permit is obtained.

**7. Responsibility for Clean-up:** All persons or groups issued this Permit 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, CTA shall cause the clean-up of the Permittee’s litter and the Permittee shall reimburse CTA for all costs incurred therefor.

8. **Liability for Damaging Property:** Any person or organization engaged in public communication activities and found responsible for damaging, injuring, or destroying CTA property, whether by accident or intent, shall be liable for the cost of replacing and/or repairing such property.
9. **Signs, Banners, Literature, Etc.** Signs, banners, structures, or other paraphernalia may not be affixed to or erected on CTA vehicles or within or upon CTA facilities or properties, except as authorized by CTA or law. 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 CTA 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. 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 offer to distribute or 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.
10. **Hold Harmless:** The Permittee, including Permittee's personal representatives, successors in interest, and assigns, hereby agrees to indemnify, defend and hold harmless CTA 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 CTA 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 CTA 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.
11. **Interaction with the General Public:** CTA 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.
12. **Misrepresentations:** 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.
13. **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 CTA transit vehicles, facilities, or properties. Permittee shall provide copies of said permits to CTA upon its request.
14. **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.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

COWLITZ TRANSIT AUTHORITY

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_