

**INTERCITY TRANSIT
COMMUNITY ADVISORY COMMITTEE
AGENDA
November 19, 2018
5:30 PM**

CALL TO ORDER

- | | | |
|--------------|--|----------------|
| I. | APPROVE AGENDA | 1 min. |
| II. | INTRODUCTIONS | 1 min. |
| | A. Intercity Transit Authority Representative CLARK GILMAN
<i>(Sue Pierce)</i> | |
| III. | MEETING ATTENDANCE | 3 min. |
| | A. December 5, 2018, Regular Meeting <i>(Michael Van Gelder)</i> | |
| | B. December 19, 2018, Work Session <i>(Joan O'Connell)</i> | |
| | C. January 2, 2019, Regular Meeting <i>(Ursula Euler)</i> | |
| | D. January 16, 2019, Work Session <i>(Tim Horton)</i> | |
| IV. | APPROVAL OF MINUTES – October 15, 2018 | 1 min. |
| | MILESTONE CELEBRATION | 15 min. |
| V. | NEW BUSINESS | |
| | A. ELECTION OF OFFICERS <i>(Sue Pierce)</i> | 5 min. |
| | B. RIDER CONDUCT UPDATE <i>(Emily Bergkamp)</i> | 30 min. |
| | C. LONG RANGE PLAN <i>(Eric Phillips)</i> | 30 min. |
| VI. | CONSUMER ISSUES – All | 15 min. |
| VII. | REPORTS | |
| | A. Service Change Report <i>(Eric Phillips & Rob LaFontaine)</i> | |
| | B. October 17, 2018, Work Session <i>(Linda Vail)</i> | |
| | C. November 7, 2018, Regular Meeting <i>(Justin Belk)</i> | |
| | D. General Manager's Report <i>(Ann Freeman-Manzanares)</i> | |
| VIII. | NEXT MEETING – January 10, 2019. | |
| IX. | ADJOURNMENT | |

Attendance report is attached.

Intercity Transit ensures no person is excluded from participation in, or denied the benefits of its services on the basis of race, color, or national origin consistent with requirements of Title VI of the Civil Rights Act of 1964 and Federal Transit Administration guidance in Circular 4702.1B.

For questions, or to file a complaint, contact Intercity Transit customer service at 360-786-1881 or by email to TitleVI@intercitytransit.com.

If you need special accommodations to participate in this meeting, please call us at (360) 705-5857 three days prior to the meeting. For TDD users, please use the state's toll-free relay service, 711 and ask the operator to dial (360) 705-5857.

Please consider using an alternate mode to attend this meeting: bike, walk, bus, carpool, or vanpool. This facility is served by Routes 62A, 62B (on Martin Way), and 66 (on Pacific Avenue).

Minutes
INTERCITY TRANSIT
COMMUNITY ADVISORY COMMITTEE
October 15, 2018

CALL TO ORDER

Chair Pierce called the October 15, 2018, meeting of the Community Advisory Committee (CAC) to order at 5:32 p.m. at the administrative offices of Intercity Transit.

Members Present: Chair Sue Pierce; Tim Horton; Linda Vail; Marie Lewis; Ursula Euler; Jan Burt; Marilyn Scott; Victor VanderDoes; Michael Van Gelder; Justin Belk; Jonah Cummings; Scott Paris; and Carla Dawson.

Absent: Lin Zenki; Billie Clark; Peter Diedrick; Denise Clark; Vice-Chair Austin Wright; Joan O'Connell and Walter Smit.

Staff Present: Ann Freeman-Manzanares; Eric Phillips; Emily Bergkamp; Paul Koleber; Rob LaFontaine; Steve Swan; Brian Nagel; Cheryl Arnett; and Nancy Trail.

APPROVAL OF AGENDA

It was M/S/A by VAN GELDER and BURT to approve the agenda.

INTRODUCTIONS

Pierce introduced Authority member, DEBBIE SULLIVAN, as the representative attending the meeting.

MEETING ATTENDANCE

- A. October 17, 2018, Work Session – Linda Vail
- B. November 7, 2018, Regular Meeting – Justin Belk
- C. December 5, 2018, Regular Meeting – Michael Van Gelder

APPROVAL OF MINUTES

It was M/S/A by VAN GELDER and LEWIS to approve the minutes of the August 27, 2018 meeting with the changes to page 5 regarding the maintenance plan in place to replace non-tapered trees.

- A. NOMINATION OF OFFICERS –** *(Nancy Trail)* Trail shared that annually the CAC elects a Chair and Vice Chair to preside over the meetings for the coming year. Both Pierce and Wright have each served one year as Chair and Vice-Chair respectively. The Bylaws allow for two consecutive terms for each position. Trail opened the floor for nominations for Chair.

Burt nominated Pierce for Chair. Trail closed the nominations for Chair.

Trail opened the floor for nominations for Vice-Chair.

Pierce nominated Belk for Vice-Chair. Trail closed the nominations for Vice-Chair.

Trail advised elections would occur at the November meeting.

- B. CANCEL DECEMBER 17, 2018 MEETING** (*Ann Freeman-Manzanares*) Freeman-Manzanares indicated the CAC had cancelled their December meetings for the past few years. This allows everyone to have a nice holiday break. Staff can plan future agendas around the meeting cancellation if that is the desire of the CAC.

Freeman-Manzanares answered questions.

Pierce – asked if the committee needed to vote or just a consensus to cancel meeting. The committee agreed to cancel the December 17, 2018 meeting.

- C. DISCOUNTED BUS PASS PROGRAM** – (*Ann Freeman-Manzanares*) Freeman-Manzanares indicated this is the seventh year of the Discounted Bus Pass program (DBP) and that this agenda item was information. The DBP provides half prices monthly bus passes for qualifying governmental and social service entities to serve the unmet transportation needs of low income clients. The Authority has set aside up to \$400k per year in half price monthly passes. Freeman-Manzanares asked the committee to please spread the word to anyone who might be able to use the program. Applications are due on the 16th of November. Last year 25 organizations were served by the program. The Authority will make awards in December and it is a rolling application program so long as it hasn't hit the \$400k mark and agencies can continue to apply as long as there is money left.
- D. SURPLUS VAN GRANT PROGRAM** – (*Ann Freeman-Manzanares*) Freeman-Manzanares stated this was another informational item to share the surplus van grant program. The applications went out last week and they are also due on November 16th. The program serves non-profit agencies within the PTBA that need transportation for their clientele. She asked the committee to share the program with anyone who might be interested in a surplus vanpool vehicle. This program does not have a rolling enrollment. A resolution from the Authority provides up to 4 vehicles and last year there were so many qualified applicants staff recommended an additional 3 vehicle grants and the Authority was supportive of the increase.

Pierce – asked if the committee understood where the vans come from. She shared that staff has a nice presentation of the recipients each year.

- E. SEPTEMBER SERVICE CHANGE CHECK-IN** – (*Rob LaFontaine and Eric Phillips*) Phillips indicated this was an opportunity for staff to check in and for questions concerning the service change process. Staff will provide some highlights and benchmarks and provide some information on the processes if staff can't answer them.

LaFontaine indicated he and his planning team were interested in hearing comments and feedback on the service change. To refresh folks on the service change the process started months ago and included data review, interviews, and public outreach through the IT Road Trip. He reviewed some of the goals to improve on-time performance and reliability of the fixed route system. Schedules were adjusted so that the buses are where the schedule books say they should be. As well as a goal of making some changes to the fixed route network for some new trip options in NE Lacey, west Olympia and for route 68 configuration options along Yelm Highway, West Olympia and SPSCC. Another goal was making the changes as

revenue neutral as possible so it required no new resources or operators to support the change. One of the first discussions was the Olympia Express service. The ridership performance has been below desired performance and the original recommendation was to consider collapsing the service altogether and get out of providing service on I-5. Express service has a grant that goes through June, 2021 and so collapsing the service wasn't the greatest use of that resource. Instead staff decided to make adjustments to the service and try to establish a new ridership market. Flashing forward, the Authority board gave approval for staff to work on implementation plan. It has been quite some time since Intercity Transit has gone through a change like this. LaFontaine added that he was in his first year with the Agency and so were some of his staff and some of the key marketing staff. Staff learned some good lessons in this process. After the board gave approval and staff finalized design Steve Swan, Senior Planner who is the architect behind the bus blocks and builds the work the bus does. Brian Nagel is the planning scheduler and he had a very busy summer working on the operator run cut which divides the blocks into pieces of work the operators can bid on and it's like a giant puzzle. It is subject to a lot of differing opinions. It was a great exercise for planning staff to go through and everyone learned a lot. There were 492 bus stops affected by this service change. Paul's maintenance crew did an awesome job on the 23 new bus stops constructed as part of the service change. There were just shy of 400 on street schedules that had to be changed to give you an idea of the magnitude of the process. Staff had to make changes to destination signs on the buses, and the stop annunciator had to be rebuilt and ready for the service change. Emily is our in-house voice recorder for those not in the library. A tremendous amount of work went into this service change and staff was able to learn and grow as a planning division. When this all came together it ended up being an increase of about 5.5% in service hours and about a 9% increase in miles. Staff is now interested in feedback and will begin monitoring new and improved data sources, including on-time performance and ridership. There are some challenges and the design wasn't exactly perfect and there is some work to do on connections of routes 68 and 13. There are some frustrations and it isn't going as good as it could and staff has every intention of improving that. He then turned it over to the CAC to provide their feedback.

Van Gelder – shared that there is an ancient saying in service planning that on the day that changes are implemented planners leave town. He had two questions and the first was ongoing issues with Tumwater Square and routes 68/13 connections, and intercounty service timing downtown. He asked for some details on possible resolution.

Phillips – indicated the 68/13 issues are mostly concerning one or two morning trips and some of the afternoon trips when there is a mass exodus of state employee going home for the evening. Planning is working with operations staff to make sure it is really clear that there is a hard hold being requested. The issue has quieted down some and recent feedback indicates it is working better. There has been some unruly traffic issues so on top of service change the agency was crushed with accidents on I-5. At one point service fell down 40 minutes. People were frustrated and it was almost like the perfect storm. September is the worst traffic month for back to school until parents figure out patterns and things settle down. Planning is looking at making changes to schedules mid shake-up to iron out the wrinkles. Tumwater Square has proven frustrating with the shelter installation because the agency can't use federal funds for the shelter so it will come later. People missing connections there with no shelter added insult to injury. Most of the trip times with issues were early morning connecting from route 68 and outbound in the afternoon is still an issue.

Bergkamp – added that Operations put out a memo to hold for those two routes to converge and messages on orbital and those help the little blips and word might still need to trickle down with specific operators. She is hopeful they will hold until connecting buses arrive and they can make the transfer and it would eliminate customers having to ask for a transfer arriving and departing at same time.

Phillips – added that the transit guide was also revised and routes 13/68 are on the same time schedules and need to be offset to make it work. It won't change the current running times for the cycle but will hopefully make the connection a little easier. He indicated that some folks really like the changes to the Express service and others not so much. There are some connection issues coming into town at the Martin Way Park and Ride and St. Pete's with the 62. The frequency was changed to 15 minutes so that should make a difference. Staff is working to target local connection issues and learning from our riders who are being patient with us. Another issue planning struggled with going to downtown versus the Tacoma Dome Station knowing either way about half of the people were going to be frustrated. The northbound employment seekers and further into Tacoma is a harder connection but the offset is the availability of regional service connections at the Tacoma Dome Station. There has been some difficulty with Pierce Transit and on-street signage.

VanderDoes – shared that routes 68 and 12 take his family everywhere they want to go.

Phillips – indicated people can sign up for govdelivery subscription and receive route specific notifications. This is the fastest way to get information during situations when a route is delayed or otherwise effected.

Pierce – added that she was frustrated by the Friday night I-5 traffic delays.

Phillips – indicated getting text notifications with a link to the rider alert is the easiest way to get current information especially with winter weather approaching. A lot of work has gone into making sure there is enough time in the schedules so the public can see that the time is a pretty reliable window. It will allow the agency to market the service more aggressively and hopefully attract new ridership. Staff will begin looking at the data and take out Friday, picking the normal days to see what kind of adjustments need to be made.

Dawson – commented concerning route 47 and some negative comments she'd heard because it no longer goes in front of Capital Medical Center and doesn't go by the Safeway anymore or make stops it used to make and is there anything that can be done to make it back the way it was.

LaFontaine – indicated the short answer is there are no immediate plans to make adjustments. Routes 68/13 have been the primary focus as well as route 62 but that is interesting feedback. He had heard the Safeway piece before and an adjustment to route 68 will provide service to the Safeway on Cooper Point.

Paris – shared that to get to the Safeway he takes the 12 and transfers to the 68 and has to walk down Cooper Point. He has mixed feelings about the expanded 12 service. Sometimes he has appointments at St. Joe's and rides the 609 and it's nice that it has expanded service but he is concerned about getting off at the Tacoma Dome Station and having to catch the

train and then the bus again. He has heard mixed reviews about the Lacey Transit Center and people having to go downtown to transfer to the 62.

Scott – inquired about the stops for routes 47 and 45 for the folks at Affinity because they can't get off at Kaiser. She asked if there would ultimately be one by Phyl's. Affinity residents are having a hard time walking Capital Mall Drive by the hospital.

LaFontaine – indicated there have been issues with a private property owner for a bus stop that staff is working through and will hopefully be resolved soon. He added that they have thought about putting a stop at Phyl's. They will most likely let ridership develop to determine where. This is good feedback due to the lack of a shoulder in some areas on either side of the road.

Belk – inquired about the initial data for express service ridership. He indicated some of the operators had some confusion through Olympia and then noticed that there were a lot of training buses and asked if that was a correction.

Phillips – responded that the training buses were unrelated and part of the new operator classes on the road. The local changes weren't reinforced as a training opportunity. It only happens when you have your CAC member on-board. The overall ridership on express service is really poor. The agency decided to restructure the service to make it more direct and hopefully attract new ridership once it has been refined. Marketing staff will also do some express promotion to hopefully capture some of those riders who walked away from the service years ago, and traffic on I-5 continues to get worse. Most likely they won't see any change for a number of months or maybe the better part of a year.

Paris – inquired about the routes that serve the Safeway on Cooper Point Road. He had another issue with route 609 because it requires people to walk up to the other street at the Tacoma Dome Station and its dark and not a great area. There is an elevator. Then he has to pay another fare because they don't accept transfers anymore.

LaFontaine – responded that routes 45/48 weekdays and route 49 on Sundays.

Pierce – indicated that Walter couldn't be at the meeting so she shared concerns about moving to the 15 minute frequency and some of those buses having only 3 to 4 people on them. This is concerning because it clearly doesn't meet the minimum ridership requirements. That was also a concern for the 612 but it is safe for a while because of the grant funding. The trek at the Tacoma Dome Station from the bus stop to the link is up and over that has not been fun.

Phillips – stated the 15 minute frequency service needs to be out there long enough for people to understand there is another bus 15 minutes later if they miss it. Hopefully it will catch on and the opportunity for a market is a lot greater. Express will be promoted later this year or early next year. Hopefully that is enough time for it to have a fighting chance.

Belk – added for consideration as the bus comes into Tacoma at East 26th to make a stop there then people would have about a - 4 minutes relatively downhill walk to get to the link sooner instead of hoofing it uphill. It would be a low impact to the existing schedule.

Phillips – indicated that was a good point.

Vail – relayed information she heard at the Boardwalk concerning the lack of service along Kaiser for access to medical facilities and that not everyone qualifies for DAL. She tells everyone to apply. She was amazed at how much more ridership there was on route 45.

Phillips – indicated staff has heard more from the doctor's office on McPhee and many of those facilities are working with folks with mobility issues. He added that *Vail* should encourage people to get that checked out. There is a lot going on up in that area. One of the things about revenue neutral and focusing on on-time performance is it pulls hours out of the system and redeploys them. The new service to NE Lacey is a byproduct of that. There is a similar issue with the new service because it doesn't go both ways and people have to navigate across Martin Way. It is a nice loop and a by-product of trying to fix the schedule. This was a hard change and the plan that was laid out for the Authority is looking at more frequency after the ballot measure. Possibly adding more weekends will be another area.

CONSUMER ISSUES

- *Paris* – sometimes there seems to be an issue with drivers being distracted and missing stops. Two drivers do this frequently and if a person has a hard time getting around this is a problem.

Bergkamp – asked if he pulls the stop request and the drivers don't stop.

Paris – indicated certain drivers tend to do this.

Freeman-Manzanares – added that she appreciates him sharing the information and it is a good opportunity for some refresher training.

Cummings – asked if drivers are notified of a stop request any other way because sometimes it is really loud on the bus.

Bergkamp – indicated there is a light on the dash.

Vail – inquired if some of this may be due to the route changes.

Bergkamp – responded that training classes were provided by the planning department and there were also ride-alongs that drivers could participate in and they could also go out on their own for 4 hours. She added that as with anything new it takes time. One of the most senior drivers did route 62A today and remarked that he really had to pay attention. There was a little bit confusion on the wording as well as right now there is a shortage of drivers. There is a new class of drivers waiting in the wings who will be done on November 2. This will help alleviate some of the long hours other drivers have been working.

Freeman-Manzanares – indicated it's important to note that the agency has not had a service change like this in a long time and while our goal is to implement perfectly, sometimes that doesn't happen. Please be patient as we perfect this service change,

and look towards future service changes to continue to work towards the community's vision.

Phillips – added that generally the operators are mentioning some relief. The general comments are pretty positive system wide but there are a lot of details to work out going forward. This will be good information to use in the future as changes are inevitable. Communicating the route change information to customers is hard.

Pierce – indicated she has seen good signs from drivers despite all the changes that they are pulling through this along with riders. It's been tough on everyone and people need to take a deep breath.

REPORTS

- **September 5, 2018 Regular Meeting** – Pierce provided the report including noise makers were in full force to congratulate the rodeo competitors and they celebrated with cake. IT brought home the plaque for another year.
- **October 3, 2018, Regular Meeting** – Dawson provided the report including information on the OTC construction contract approval and the introduction of new people.
- **General Manager's Report** – Freeman-Manzanares provided the General Manager's report indicating:
 - Intercity Transit is on the November 6 ballot with Proposition 1. The Agency is allowed to mail one educational piece to the community and that went out today so folks should see it in their mailboxes this week. Staff has been working diligently to educate people. The Cities of Olympia and Tumwater have it on their agendas this week and they welcome public comment so please feel free to speak to the council and you can also email them something and they will read it into the record.
 - International Walk to School Day was last week and Lacey had approximately 900 students participate.
 - Currently Intercity Transit has a class of 11 operators graduating in November to join the Agency in delivering service to the community. There is also another recruitment out for another class of operators.
 - The Holiday banquet is on Friday, December 14 and is the winter staff recognition program beginning at 12:04 pm. Staff loves to introduce CAC members in attendance.

NEXT MEETING: November 19, 2018.

ADJOURNMENT

It was M/S/A by Van Gelder and VanderDoes to adjourn the meeting at 6:47 pm.

Prepared by Nancy Trail G:\CAC\Minutes\2018\CAC Minutes 20181015-1.docx

**INTERCITY TRANSIT
COMMUNITY ADVISORY COMMITTEE
AGENDA ITEM NO. V-A
MEETING DATE: November 19, 2018**

FOR: Community Advisory Committee

FROM: Sue Pierce, Chair CAC

SUBJECT: Election of Officers

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- 1) **The Issue:** The Community Advisory Committee will conduct elections for their officers.
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- 2) **Recommended Action:** Elect a Chair and Vice-Chair.
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- 3) **Policy Analysis:** Per the Operating Procedures, nominations are made in October and elections conducted in November.
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- 4) **Background:** Only one person was nominated for each position so ballot votes are not required. The Chair can simply declare that the nominee is elected." Therefore, Chair Pierce declares Sue Pierce Chair and Justin Belk the new Vice Chair, effective at the January 2019 meeting serving for one (1) year terms.
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- 5) **Alternatives:** N/A
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- 6) **Budget Notes:** N/A
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- 7) **Goal References:** N/A
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- 8) **References:** Operating Procedures.

**INTERCITY TRANSIT
COMMUNITY ADVISORY COMMITTEE
AGENDA ITEM NO. V-B
MEETING DATE: November 19, 2018**

FOR: Community Advisory Committee

FROM: Emily Bergkamp, Operations Director, 360-705-5889

SUBJECT: Updating Intercity Transit's Rules of Conduct, Transit Exclusion Policy and Regulation of Communication Activities

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- 1) **The Issue:** Intercity Transit's Rules of Conduct Policy EX-0003 will be updated to align with Washington State Transit Insurance Pool's (WSTIP) most current best practice resource document.
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- 2) **Recommended Action:** Review proposed updated policy and provide feedback.
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- 3) **Policy Analysis:** WSTIP developed and continually updates a Best Practice Resource Document for Transit Agency Rules of Conduct, Transit Exclusion and Regulation of Communication Activities. Intercity Transit maintains adherence to WSTIP's Best Practices and updates its policies accordingly to match WSTIP's most current guidance.
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- 4) **Background:** Intercity Transit Rules of Conduct, Transit Exclusion and Regulation of Communication Activities policy provides:
- a baseline for appropriate passenger conduct, focusing on individual behaviors that disturb the orderly, safe, secure, comfortable, and convenient transportation Intercity Transit provides to the public;
 - the basis for an effective Transit Exclusion policy;
 - governance on how a passenger would be excluded from service if they violate appropriate passenger conduct;
 - provisions for the basis of exclusion, a notice procedure, constructive receipt, immediate exclusion or removal, length of exclusion, and a method of appeal;
 - regulations of public communications on Intercity Transit's premises, containing provisions for purpose and scope of the policy, a statement regarding Intercity Transit's legitimate interests, what facilities and/or vehicles that are governed by the policy, and how Public Communication activities are regulated;

- Regulation of public communications in regards to permitting (application, approval, revocation, appeal, availability) and a hold harmless provision.

5) **Alternatives:** N/A.

6) **Budget Notes:** N/A.

7) **Goal Reference:** **Goal #1:** *"Assess the transportation needs of our community throughout the Public Transportation Benefit Area."* **Goal #2:** *"Provide outstanding customer service."* **Goal #3:** *"Maintain a safe and secure operating system."* **Goal #6:** *"Encourage use of services."*

8) **References:** Intercity Transit's updated Rules of Conduct, Transit Exclusion Policy and Regulation of Communication Activities document.

INTERCITY TRANSIT RULES OF CONDUCT (INCLUDING SERVICE EXCLUSIONS) AND REGULATION OF COMMUNICATION ACTIVITIES

ARTICLE I. INTRODUCTION

Intercity 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, Intercity Transit has enacted the following Rules of Conduct. The Rules of Conduct are intended to regulate conduct occurring with Transit employees, on Intercity Transit vehicles, within or upon Intercity Transit facilities and properties, and in connection with Intercity Transit'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. 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 Intercity Transit employees or the general public whether for profit or not.
- C. “General public” shall mean any person or group of persons, including Intercity Transit employees not acting in an official capacity at the time.

- D. "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.
- E. "Park-and-ride lots" shall mean locations at which persons park their individual vehicles and transfer to a transit vehicle or car/vanpool vehicles, including all physical improvements and landscaping.
- F. "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.
- G. "Permittee" shall mean any individual, firm, partnership, corporation, organization, association, or entity of any kind who obtains a Permit as described above.
- H. "Person" shall mean any individual, firm, partnership, corporation, organization, association, or entity of any kind.
- I. "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.
- J. "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 Intercity Transit or any governmental agency, private person, firm, or corporation contracting with Intercity Transit pursuant to chapter 36.57A RCW.
- K. "Intercity Transit" shall mean the Intercity Transit Authority, a Washington municipal corporation and Public Transportation Benefit Area organized and operating under and by virtue of the laws of the State of Washington.
- L. "Intercity Transit 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 Intercity Transit for services by wages, salary, or other remuneration.
- M. "Intercity Transit 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 Intercity Transit 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.

- N. "Intercity Transit vehicle" shall mean a municipal transit vehicle defined in RCW 46.04.355. It also includes any Intercity Transit 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 Intercity Transit public transportation services, the use of those services by the general public, or Intercity Transit sales, promotion, and maintenance activities in support of Intercity Transit public transportation services.

ARTICLE III. REGULATION OF CONDUCT

A. Prohibited Conduct

The following conduct is prohibited on Intercity Transit vehicles, within or upon Intercity Transit facilities or property, and in connection Intercity Transit'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. Except in a designated place, the use of chewing tobacco or smoking or carrying a lighted or smoldering pipe, cigar, or cigarette; or e-cigarettes;
3. Discarding litter other than in designated receptacles;
4. Dumping or discarding any materials on transit property, including but not limited to hazardous substances and automotive fluids;
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 Intercity Transit employees, Intercity Transit 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);
6. Spitting, urinating, or defecating, except in the appropriate plumbing fixtures

- in restroom facilities;
7. Failure to maintain a reasonable level of personal hygiene. It is not Intercity Transit's objective to enforce personal hygiene standards on the public, but in order to maintain a clean and safe environment to all who use Intercity Transit'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;
 9. Obstructing or impeding the flow of Intercity Transit's vehicles or passenger traffic or hindering or preventing access to Intercity 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;
 10. Disturbing others by engaging in loud, raucous, unruly, harmful, aggressive, violent, or harassing behavior (flashing gang signs or displaying gang colors is considered harassing behavior);
 11. Destroying, defacing, or otherwise damaging Intercity Transit property;
 12. Possessing any open beverage container holding alcohol or possessing controlled substances, unless otherwise authorized by law;
 13. 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;
 14. Throwing an object at Intercity Transit vehicles, facilities, or property, or throwing an object at any person on Intercity Transit property;
 15. Allowing any animal to occupy a seat on transit property, to run at large, to unreasonably disturb others, to leave waste matter on Intercity Transit property, to board transit vehicles unless secured in an approved pet container, or to interfere with transit-related activities. Exceptions will be made for service animals;
 16. Engages in other conduct that is inconsistent with the intended purpose of the transit facility, transit station, or transit vehicle and refuses to obey the lawful commands of an agent of the transit authority or a law enforcement officer to cease such conduct;
 17. Roller-skating, rollerblading, or skateboarding;

18. Riding bicycles, unicycles, mopeds, or other motorcycles, except where public vehicle travel and access is permitted;
19. Eating on Intercity Transit vehicles or in prohibited areas of Intercity Transit facilities and properties;
20. Drinking, except from a spill-proof covered container, on Intercity Transit vehicles or in prohibited areas of Intercity Transit facilities and properties;
21. Using a public address system, loudspeaker, or other sound-amplifying device, except as authorized by Intercity Transit or its designee;
22. Using Intercity Transit property for residential or commercial parking purposes except as authorized by Intercity Transit or its designee;
23. Operating, stopping, standing, or parking a vehicle in any roadway or location restricted for use only by Intercity Transit vehicles or otherwise restricted;
24. Sitting or lying on floors of Intercity Transit vehicles or floors, sidewalks, asphalt, or other ground covering in or on Intercity Transit facilities and properties;
25. Sleeping, camping, or storing personal property on benches or floors on or within Intercity Transit's vehicles, facilities, properties, unless otherwise authorized by law;
26. Entering or remaining upon any nonpublic areas of Intercity Transit facilities or properties, including, but not limited to, staging areas, work areas, and equipment rooms, except when authorized by Intercity Transit or its designee;
27. Sitting or remaining in an area marked as reserved for senior citizens or paratransit customers;
28. Entering Intercity Transit vehicles, facilities, or properties without wearing a shirt or shoes unless medical accommodation is pre-authorized by the Intercity Transit to allow for coverings other than shoes;
29. Engaging in commercial activities, except when such activities are authorized by Intercity Transit or its designee in a written permit, license, concession contract, lease, or other written authorization;
30. Engaging in public communication activities, except as such activities are authorized by Articles IV;
31. 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 Intercity Transit or its designee in a written permit, license, concession contract, lease, or other written authorization;
32. 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;
- 33. Engaging in sexual activity with self or others while riding or accessing Intercity Transit vehicles, facilities, or properties;
- 34. Displaying or reading pornographic material where others may see it;
- 35. Engaging in gambling or any game of chance for the winning of money or anything of value;
- 36. Using Intercity Transit vehicles, facilities, or properties for nontransit-related activities, except as authorized by Intercity Transit or its designee;
- 37. Entering Intercity Transit vehicles, facilities, or properties when lacking the ability to care for oneself because of illness, intoxication, or medication(s);
- 38. Extending an object or a portion of one's body through the door or window of an Intercity Transit vehicle;
- 39. Hanging or swinging on bars or stanchions with feet off the floor while on transit property or hanging onto or otherwise attaching oneself to the exterior of a transit vehicle or other transit property;
- 40. Engaging in any physical sport activity on transit property;
- 41. Loitering or "hanging out" (customers are expected to board the next scheduled transit vehicle traveling in the direction of their destination);
- 42. Refusing to allow proper securement of a wheelchair on Intercity Transit vehicles;
- 43. Failure to pay the appropriate fare as required by Transit Authority; or falsely representing oneself as eligible for a special or reduced fare or obtaining any permit or pass related to the Intercity Transit transit system by making a false representation;
- 44. 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;
- 45. Interfering or tampering with mobile data computers, fare boxes, or any other equipment on Intercity Transit vehicles or properties;
- 46. Laying hands or verbally intimidating a transit operator or transit employee, including spitting on them.
- 47. 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;
- 48. Impeding paratransit service through non-compliance with the paratransit

- procedures; and
49. Violating an exclusion order issued under these Rules of Conduct.

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 Intercity Transit vehicles, facilities, or properties by a commissioned law enforcement official, Intercity Transit personnel, or authorized personnel of a Intercity Transit 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.** An Intercity Transit employee may immediately reseal, refuse transportation, or remove from Intercity Transit vehicles, facilities, or properties without prior written notice a person who has engaged in prohibited conduct under Article III, Section A, which, in the Intercity Transit 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 Intercity Transit vehicles, facilities, or properties. If an individual who is immediately excluded or removed is also excluded from future access to Intercity Transit vehicles, facilities, or properties, Intercity Transit should, to the extent possible, give notice to that individual of the future exclusion pursuant to section (B) (c).
- (c) **Notice Procedure.** Intercity Transit may give a person to be excluded from Intercity Transit vehicles, facilities, or 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 Intercity Transit 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 Intercity Transit 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 that Intercity Transit may consider in determining the length of exclusion include, but are not limited to, the circumstances of the incident and the individual's history of documented prior conduct/incidents while using or accessing Intercity Transit vehicles, facilities, or properties.
Permanent exclusion may be appropriate under certain circumstances.
- (1) If the person being excluded has had no policy violations, including exclusions or removals, in the prior 12 months, and
 - a. The prohibited conduct would constitute a misdemeanor in Washington State or prohibited by RCW 9.91.025, the duration of the exclusion should not exceed 30 days.
 - b. The prohibited conduct would constitute a felony in Washington State, the exclusion should not exceed 90 days.
 - (2) If the person being excluded has had one prior policy violation, including exclusions or removals, in the prior 12 months, and
 - a. The prohibited conduct would constitute a misdemeanor in Washington State or prohibited by RCW 9.91.025, the duration of the exclusion should not exceed 60 days.
 - b. The prohibited conduct would constitute a felony in Washington State; the exclusion should not exceed 90 days.
 - (3) If the person being excluded has had two or more prior policy violations, including exclusions or removals, in the prior 12 months, and
 - a. The prohibited conduct would constitute a misdemeanor in Washington State or prohibited by RCW 9.91.025, the duration of the exclusion should not exceed 90 days.
 - b. The prohibited conduct would constitute a felony in Washington State; the exclusion should not exceed 120 days.
 - (4) If the prohibited conduct is identified as a crime against a person or involves a firearm or other dangerous weapon, the duration of the exclusion could range from 365 days to permanent.
 - (f) Appeal Procedure. Not later than 15 calendar days after an exclusion

notice becomes effective, an excluded person may appeal in writing to the Intercity Transit Director of Operations 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, Intercity Transit will make reasonable accommodations. If no hearing is requested, the Intercity Transit Director of Operations, or his or her designee, shall render a written decision within 20 calendar days after Intercity Transit's receipt of the appeal.

- (g) Hearing. If the appellant does request a hearing, the hearing shall be held within 30 calendar days after Intercity Transit's receipt of the appeal, and the hearing may be recorded (see consent form). The Intercity Transit Director of Operations, or his or her designee, shall render a written decision within 20 calendar days after the hearing. The appellant may be represented by counsel and may present witnesses to testify upon oath or affirmation in support of the appeal. The Director of Operations may also hear from witnesses who testify upon oath or affirmation, and he or she may examine evidence during the appeal hearing. The exclusion shall remain in effect during the appeal process.

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 that Intercity Transit employees and volunteers are not authorized to assist in enforcing a court order prohibiting or restricting contact with any other person other than to notify appropriate law enforcement personnel via Intercity Transit's dispatcher or Intercity Transit Security.

C. Liability

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

Most public communication activities are prohibited on Intercity Transit vehicles and within or upon Intercity Transit facilities and properties regardless of the viewpoint expressed, because they are incompatible with Intercity Transit's legitimate interests. These legitimate interests include, but are not limited, to the following:

- (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, 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 from Intercity Transit vehicles.

3. Purpose of Article IV and Intercity Transit Vehicles, Facilities, and Properties

Transit Agency vehicles, facilities, and properties are first and foremost intended for Intercity Transit public transportation services and the use of those services by the general public. Safe and efficient movement of Intercity Transit vehicles and customers within and upon facilities and properties is paramount to achieving safety, security, maintenance, and operation objectives and meeting general public expectations concerning the Intercity Transit's provision of public transportation services. Intercity Transit's intent and desire is to allow members of the general public to engage in

public communication activities on Intercity Transit vehicles or within or upon Intercity Transit's facilities and properties to the extent that such activities are compatible with Intercity Transit's legitimate proprietary functions and interests.

Accordingly, Intercity Transit is, within reasonable limits, authorized to regulate the time, place, and manner in which persons engage in public communication activities. Without regard to content, individuals, or groups involved, some activities might be denied altogether, made subject to the Rules of Conduct, or limited by scope, location, or duration. Such activities would include, but are not necessarily limited to, those that are inconsistent with the intended purpose of a given area; 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 transit vehicles, facilities, or properties; or otherwise interfere with Intercity Transit's public transportation services, operations, or maintenance activities.

Intercity Transit expressly does not hereby designate its transit vehicles, facilities, or 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 Intercity Transit vehicles and within or upon Intercity Transit facilities and properties.

Article IV does not apply to Intercity Transit employees engaged in authorized activities in the course of their employment or to events or commercial activities previously authorized by Intercity Transit.

4. Facilities Governed by Article IV.

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

B. Regulation of Public Communication Activities

1. Limitations

Public communication activities, which are otherwise lawful, are permitted on Intercity Transit vehicles and within or upon Intercity Transit facilities and properties, subject to the following exceptions and limitations:


- (a) Posting, projecting or affixing flyers, pamphlets, brochures, leaflets, displays, 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, displays, or other paraphernalia may not be affixed to, projected on, or erected on Intercity Transit vehicles or within or upon Intercity Transit facilities or properties, except as authorized by Intercity Transit 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 Intercity 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 Intercity Transit vehicles or into, within, or from Intercity Transit facilities or properties; or interferes with the operation of such transit vehicles, facilities, or properties, or Intercity Transit's

provision of public transportation services.

- (h) Persons engaged in public communication activities within or upon Intercity Transit facilities and properties shall not use any parking spaces provided at such facilities or properties unless they are also using Intercity Transit'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 Intercity Transit's Director of Operations 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 from Intercity Transit's Business Office (address and hours of operation here). Applications may also be requested by mail or by calling (telephone number) during the Business Officer hours of operation.
3. Issuance of Permit.
 - (a) Within a period of no longer than five calendar days of receipt of a completed Application, a Permit shall be issued by Intercity Transit's Director of Operations 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 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 calendar days and will be limited to the normal hours and days that the designated areas identified in the Permit are 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 additional calendar days by filing with Intercity Transit's Director of Operations 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.

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- (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 Intercity Transit and security personnel upon request. A copy of the form of the Permit is attached hereto as Appendix 3.
4. Denial of Permit. If a Permit is denied, Intercity Transit's Director of Operations 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 Intercity Transit'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 Intercity Transit described in Article III herein;
 - (d) There has been within the previous 12 months: (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; Intercity Transit 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 Intercity Transit's Director of Operations 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
 - (b) 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 vehicle, facility, or property. Before revoking a Permit, the Director of Operations 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 Intercity Transit's public transportation services, operations, or maintenance activities. If written notice of revocation is not given because of such immediate conditions, the Intercity Transit Director of Operations or his or her designee shall, within three 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 Intercity Transit's General Manager a notice of appeal.
- (b) Upon Intercity Transit's receipt of the notice of appeal, the matter shall be set for a hearing before Intercity Transit's General Manager within fifteen calendar days. The General Manager 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 Intercity Transit for at least three years.

- (d) The General Manager's findings and order shall, within seven 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 Intercity Transit may give preference to an applicant or applicants who have had the least opportunity during the preceding 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 the transit vehicles, 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 Intercity Transit's Director of Operations, 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 Intercity Transit vehicles, facilities, or 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, Intercity Transit shall cause the clean-up of the Permittee's litter and the Permittee shall reimburse Intercity Transit 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 Intercity Transit 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 Intercity Transit 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 Intercity Transit 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. Intercity Transit 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 Intercity Transit 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 Intercity Transit
Nothing in Article IV or in the permission of public communications activities on Intercity Transit vehicles or within or upon Intercity Transit facilities or properties shall create a duty to any person on the part of Intercity Transit or form any basis for liability on the part of Intercity Transit 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 Intercity Transit's enforcement of Article IV is discretionary, not mandatory.
3. Non-Intercity Transit Uses
Notwithstanding the limitations and prohibitions contained in Article IV, Intercity Transit reserves the right to enter into leases or other use agreements permitting non-Intercity Transit uses of Intercity Transit vehicles, facilities, or properties that are found to be compatible with Intercity Transit's proprietary functions and interests.

Appendices

- Appendix 1 Intercity Transit Exclusion Order
- Appendix 2 Application to Engage in Public Communication Activities
- Appendix 3 Permit to Engage in Public Communication Activities
- Appendix 4 Consent to Record Appeal Hearing
- Appendix 5 RCW 9.91.025

DRAFT

**INTERCITY TRANSIT
COMMUNITY ADVISORY COMMITTEE
AGENDA ITEM NO. V-C
MEETING DATE: November 19, 2018**

FOR: Community Advisory Committee

FROM: Eric Phillips, Development Director, 705-5885

SUBJECT: Adoption of the Intercity Transit Short and Long Range Plan

- 1) **The Issue:** The Authority officially adopted the Intercity Transit Short and Long Range Plan (S&LRP), incorporating by reference the "IT Road Trip" public participation process, surveys and public comments at their November 7 ITA meeting.
- 2) **Recommended Action:** This is an opportunity to review the adopted plan and discuss the process from the Community Advisory Committee's perspective.
- 3) **Policy Analysis:** The Intercity Transit Short and Long Range Plan provides the framework for both the technical review of current fixed route services and also provides a roadmap for future service enhancements based on the public involvement process (IT Road Trip) that identified community priorities for future transit services. The plan also identifies future capital needs and considers constraints to reliance on future federal funding levels. The adoption of the S&LRP will support annual consideration of service levels, capital planning and updates to the Intercity Transit Strategic Plan which supports the annual budget development.
- 4) **Background:** In late 2016 the Intercity Transit Authority authorized the Short and Long Range planning and public outreach process to help understand the communities desires, and Intercity Transit's capacity to support the growing and changing mobility needs of our community. The process included the development of the technical analysis and review of routes and service, the development of short term recommendations and a long range plan. The technical portion of the work was led by Thomas Wittmann (Nelson Nygaard) and the Public Involvement process (which was later branded as the "IT Road Trip") was led by Jason Robertson. The Road Trip process included two survey periods as well as research and analysis completed by Stuart Elway to confirm the pulse of the community as of July 2018. During the second half of the planning process short term recommendations were made and resulted in service changes that were implemented in September 2018. The community was also asked to weigh in on service scenario packages with future cost estimates to identify the preferred long range plan option.

The Plan as presented includes the following elements:

- Part 1 – Existing Conditions Report
- Part 2 – Short Range Plan
- Part – 3 Long Range Plan

The technical documents are supported with three appendices to the full plan including:

- Appendix A - Route Scorecards (profiles)
- Appendix B - Route Maps (ridership profiles)
- Appendix C - Info Sheets (Long Range plan recommendations)

The overall planning process includes the IT Road Trip which is included by reference in this review as part of the Short and Long Range Plan including community surveys, comments and related reports for the public engagement process. The Long Range Plan identifies both the community preferred options for future services and also guidance on the process for potential service reductions if funding isn't secured. For the preferred "Transformational System", the financial plan considers future Federal funding at 50% participation rather than at historic levels for capital support which had been at approximately 80%. In this regard the funding forecasts are constrained by the assumption of continuation of a 50% participation in future capital needs to support the plan projects and services that were identified and prioritized during the second half of the community involvement process in early summer 2018. The Intercity Transit Short and Long Range Plan looks beyond current funding and uses direct community input to develop future service priorities.

5) **Alternatives:** N/A

6) **Budget Notes:** The Short and Long Range Plan is intended to provide guidance in the annual prioritization of Intercity Transit services and capital needs and support the Strategic Plan and annual budget process.

7) **Goal Reference:** **Goal #1:** "Assess the transportation needs of our community." **Goal 4:** "Provide responsive transportation options within financial limitations."
Goal 6: "Encourage use of our services." **Goal 7:** "Build partnerships to address and jointly find solutions to the mobility needs and demands in our community."

8) **References:** Intercity Transit - Short and Long Range Plan - October 2018, (Nelson Nygaard Consulting). IT Road Trip process including surveys and public comments.

Authority Meeting Highlights
A brief recap of the Authority Meeting of October 17, 2018

Action Items

Wednesday night, the Authority:

- Conducted a public hearing on the 2019 draft budget.
- Declared property (Vanpool and Dial-A-Lift vehicles; Facilities/Maintenance items) as surplus with a total value estimated at \$188,765. *(Cunningham)*
- Authorized the General Manager to execute a one-year contract extension with Galls to provide Operations staff uniform items in an amount not-to-exceed \$60,000, including taxes. *(Cunningham)*

Other Items of Interest:

- Development Director, Eric Phillips provided an External Funding Overview.
- Freeman-Manzanares continues to educate the community regarding Intercity Transit's Proposition 1 ballot initiative. She met with the Lacey Chamber Government Affairs, the Jubilee community, and the Board of the Thurston County Food Bank. Upcoming presentations include the Unitarian Universalist/League of Women Voters, Multiple Listing Group, various Rotary clubs and Kiwanis club.
- Proposition 1 is included in the November 6 election, and Intercity Transit's information should be in mailboxes this week, as well as ballots.
- Wednesday, October 10, 2018, was declared International Walk to School Day by the Cities of Olympia, Lacey and Tumwater. Over 900 students participated.
- The current class of 11 Operators will graduate and be on the road beginning in November. A new class of 5 Operators begins October 22 and will be on the road in December.
- Freeman-Manzanares is meeting with state legislators in hopes of creating a transportation budget.
- Vanpool vehicles have new graphics. Because the vehicles are a great advertising tool, IT beefed up the graphics.

Pat Messmer/Executive Assistant/Clerk to the Board
Prepared: October 18, 2018

Authority Meeting Highlights
A brief recap of the Authority Meeting of November 7, 2018

Action Items

Wednesday night, the Authority:

- Conducted a public hearing on the 2019-2024 Strategic Plan.
- Adopted the Intercity Transit Short and Long Range Plan.
- Adopted Resolution 03-2018 establishing the 2019 Budget.
- Authorized the General Manager to have Department of Enterprise Services enter into an agreement with Stantec to provide design services for a traffic signal at the intersection of Pattison and Martin Way and the frontage improvements associated with our north parcel for a total amount not-to-exceed \$145,500.
- Authorized the General Manager to enter into an Interlocal Agreement with Thurston County, the City of Lacey, the City of Olympia, and Thurston Regional Planning Council for the Martin Way Corridor Study.

Other Items of Interest:

- Welcomed Operators from Class 18-03: *Randi Jones; Peter Doane; and Stacey Johnson.*
- A class of 11 new Operators graduated on November 2, 2018.
- HR performed a new recruitment for Operators and there were 113 applications received. Of those, 24% were from employee referrals.
- Last week, the Youth Education staff took occupancy of their new site located downtown Olympia. An Open House is scheduled for sometime in January 2019.
- Graham Construction, the contractor for the Olympia Transit Center Expansion Project, began work along State Street.

Pat Messmer/Executive Assistant/Clerk to the Board
Prepared: November 8, 2018

COMMUNITY ADVISORY COMMITTEE ATTENDANCE RECORD

		10	11	12	1	2	3	4	5	6	7	8	9	10
CAC	Members	Oct-17	Nov-17	Dec-17	Jan-18	Feb-18	Mar-18	Apr-18	18-May	18-Jun	18-Jul	18-Aug	18-Sep	18-Oct
Justin	Belk			MEETING CANCELLED				Absent				Absent		
Jan	Burt						Absent							
Billie	Clark					Absent	Absent							Absent
Denise	Clark								Absent	Absent			Absent	Absent
Jonah	Cummings								Absent	Absent		Absent	Absent	
Carla	Dawson										Absent			
Peter	Diedrick						Absent					Absent		Absent
Ursula	Euler						Absent						Absent	
Tim	Horton	Absent				Absent								
Marie	Lewis													
Joan	O'Connell						Absent	Absent			Absent			Absent
Scott	Paris											Absent		
Sue	Pierce													
Marilyn	Scott		Absent											
Walter	Smit													Absent
Linda	Vail													
Victor	VanderDoes									Absent	Absent			
Michael	Van Gelder	Absent			Absent						Absent	Absent		
Austin	Wright		Absent			Absent	Absent	Absent		Absent	Absent	Absent	Absent	Absent
Lin	Zenki	Absent	Absent		Absent	Absent	Absent	Absent	Absent	Absent	Absent	Absent	Absent	Absent

= Joint meeting does not count against required meeting attendance