



CODE OF CONDUCT POLICY

Established: November 15, 2013

Revised and Replaced: November 5, 2021

Revised: February 9, 2022

Revised: August 5, 2022

Revised: September 1, 2023



SOP No. CS-POL-133.00

Title Code of Conduct Policy

Original Date 11/15/2013

Implementation Date 10/19/2023

Revision Date 09/01/2023

Revision No. 4

Policy

1. PURPOSE

COTPA, dba EMBARK, is the public transportation and parking provider for its beneficiary, the City of Oklahoma City. As owner or lessee of the EMBARC transit vehicles and EMBARC facilities and properties which comprise the EMBARK transportation and parking systems, and as authorized by [47 O.S. 15-116](#), as amended, EMBARK is empowered to enforce its rules, policies, and regulations.

EMBARC has established this policy to promote the safety of its customers, employees, and the public, to facilitate the proper use of EMBARC facilities and properties, EMBARC transit vehicles, and EMBARC services, to protect customers, the public, EMBARC facilities and properties, EMBARC employees, and City of Oklahoma City employees, to assure the payment of fares, and to ensure that EMBARC transit vehicles and EMBARC facilities and properties are safe, welcoming, and provide equitable access to the public and customers.

This policy defines the basis for customer exclusion/suspension and appeals; for more information about the procedures involved, see also [SE-SAP-611.00 Customer Suspension](#).

2. DEFINITIONS/ACRONYMS

ADA: Americans with Disabilities Act

COTPA: Central Oklahoma Transportation and Parking Authority, dba EMBARK.

EMBARC Employee(s): Any COTPA employee or City of Oklahoma City employee assigned to COTPA.

EMBARC Facilities and Properties: all facilities, properties, and equipment owned or managed by EMBARK, including, without limitation, service waiting areas, ticketing structures, transit centers, stations, parking facilities, transit centers, transit shelters, bus stops, streetcar platforms, street furniture, public streets, and sidewalks inside and outside areas of EMBARK property, lands, interest in lands, air rights over lands, and rights-of-way of all kinds that are owned, leased, held, or used by EMBARK for the purpose of providing public transportation and parking services.

EMBARC ID: a card issued by EMBARK that identifies an individual for EMBARK programs and services. This includes senior adults aged 65 or older, persons on Medicare, persons with a qualifying disability, and youth ages 2 to 18.

EMBARC Security: anyone hired by EMBARK to perform security on, at, or in EMBARC services, EMBARC transit vehicles, and/or EMBARC facilities and properties.

EMBARC Services: all transportation and parking services provided by EMBARK or an EMBARK contractor, including fixed-route bus, bus rapid transit, streetcar, paratransit, demand response, van pool, shared ride, ferry, and bike share.



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EMBARC Transit Vehicles: any EMBARK-owned or operated bus, ferry, streetcar, trolley, paratransit, van, bicycle, taxicab, minibus, car, train, or other vehicle, whether operated by an EMBARC employee or a contractor.

Micromobility Device: any small, lightweight personal vehicle such as a kick scooter, onewheel, or skateboard, that does not qualify as a wheelchair under the ADA.

OKCPD: Oklahoma City Police Department

Service Waiting Areas: any area designed to be or regularly used by one or more persons to receive or wait to receive a service, enter a public place, or make a transaction, whether or not such service includes the exchange of money, such as queuing lines, ticketing, boarding, and waiting areas of public transit systems, bus, ferry, train, and streetcar stops and/or shelters.

Under Control: a service animal is considered *under control* if it is on a lead (leash, rope, or chain) held by someone able to control the animal; Or a service animal that is under voice control. For example, a large dog would not be under control if its lead was held by a child who would be unable to restrain the dog if it strained against the lead. If a dog is trying to get away because it is afraid to get on the bus, the dog is not under control.

Wheelchair: a mobility aid belonging to any class of three- or more-wheeled devices, usable indoors, designed or modified for and used by individuals with mobility impairments, whether operated manually or powered.

3. SCOPE

- 3.1 This policy applies to EMBARK customers and any other individuals in, at, or on any EMBARC transit vehicle, facility, and/or property.
- 3.2 To facilitate the enforcement of EMBARK rules, policies, and regulations, EMBARC transit vehicles and EMBARC facilities and properties are under video and audio surveillance; footage may be used to investigate any report of rule violation or illegal activity.
- 3.3 This policy may be enforced by EMBARC security or an EMBARK representative.

4. PROCEDURES

The following **Rules for Riding** are not all-inclusive but are meant to provide a basic outline of appropriate conduct while using EMBARC services. The full list of violations that may result in an individual’s removal, suspension, or exclusion from EMBARC services, transit vehicles, facilities, and/or properties can be found in **Section 4.2** of this document.

- 1. Valid fare is required.
- 2. Appropriate clothing and shoes are required.
 - Except as allowed under the ADA.
 - Blankets and loose articles of clothing must be placed in a bag before boarding.



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3. Follow all Bus Operator instructions.
 - Follow instructions from all EMBARK representatives.
4. Be respectful. No profanity, threats, or violence.
 - Don't harass the operator or other customers. This includes the use of profanity, physical violence, and/or intimidation.
5. Be courteous.
 - Allow seniors and those with disabilities to use the priority seating area.
 - Make room for mobility devices (i.e. wheelchairs, scooters, walkers, etc.)
 - Use earphones while listening to media.
 - Keep conversations and other noises at a level that does not disturb other customers or the operator.
6. No eating; no open food or drinks.
 - Except as allowed under the ADA.
 - No alcohol.
 - Food must be in a sealed container; drinks must have lids.
7. No smoking, vaping, or use of marijuana.
 - Within 25 feet of EMBARCK vehicles, facilities, or properties.
8. No sleeping
 - Sleeping is unsafe and may result in injury.
 - Sleeping may interfere with arriving at your destination on time.
9. Stay behind the yellow line and keep your feet on the floor.
 - Minimize conversation with the operator.
 - Keep hands, arms, and legs inside the vehicle while the vehicle is in motion.
10. No illegal activity.
11. Lead acid batteries are not allowed.
12. No panhandling, loitering, canvassing, selling, or soliciting.
13. No unattended children under 7 years of age.
 - Children under 7 must be accompanied by a guardian 12 years of age or older.
14. Service animals are welcome. Pets and emotional support animals must be in an enclosed, hard-sided secure carrier designed for the transportation of animals.
 - Limit one pet per customer.
 - Animal carriers must fit on customer's lap, between their feet, or under their



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seat.

- Animal carriers must not block aisles or doorways.
 - Carrier must have waterproof bottom and adequate ventilation.
 - Customer is responsible for damages caused by their pet or service animal.
 - EMBARK may refuse transport to any animal that is posing a threat to health or safety, is creating a disruptive atmosphere, or is not under control.
15. Passengers with children in strollers, personal shopping cart/trolley, or walkers, and luggage may sit near the wheelchair securement area, if unoccupied.
- Seating must be made available for passengers that require wheelchair securement.
 - Unoccupied strollers, wheelchairs, and personal shopping cart/trolley, must be folded prior to boarding.
 - Occupied strollers must be folded after boarding.
 - Do not block aisles or exits with folded strollers, wheelchairs, walkers and/or personal shopping cart/trolley.
 - Passengers must manage their personal items while boarding, multiple trips for retrieving personal items is not permitted.
16. Bicycles must be placed on outside bicycle rack on frontside of bus.
- Bicycle rack holds three bikes.
 - If rack is full, passenger must wait for next available bus.
 - Passenger must notify operator when disembarking that they are retrieving bicycle from rack.
 - Homemade electric bikes are not allowed on the bus.
 - Electric bikes must fit correctly in the bike rack and are limited to 55 pounds per rack position.
 - Bikes left on the bus rack will be considered abandoned.
17. Micromobility devices must be folded upon boarding and not block walkways or aisles. (This does not apply to wheelchairs.)
18. EMBARK is not responsible for lost or stolen items. Call **405-235-RIDE (7433)** for lost and found.

4.1 Expectations of appropriate conduct at and/or in all EMBARCK facilities, properties, and transit vehicles are not all-inclusive. Continuous or repeated violation of rules or dismissing the instructions of an EMBARK representative may result in an individual being suspended or excluded from EMBARCK services, transit vehicles, facilities, and properties. See **SE-SAP-611.00 Customer Suspension** for further details.



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4.2 Violations and Levels of Suspension: all violations can carry a higher level of suspension or exclusion depending on severity of the violation and/or if the violation is repeated.

4.2.1 Level 1 Violations may carry a suspension period of 1-30 days, and include, but are not limited to:

- Refusal to pay fare or present a valid, unexpired pass.
- Unaccompanied child under 7.
- Smoking or the use of any tobacco or marijuana product in or within 25 feet of EMBARC transit vehicles, facilities, or properties.
- Roller skating/blading, skateboarding, or using a scooter (not including those designed for mobility) at any EMBARC facility or property.
- Intentionally spitting, vomiting, urinating, or defecating in or on an EMBARC transit vehicle, facility, or property (except in public restroom facilities).
- Hanging or swinging from stanchions or placing feet or shoes on seats, walls, or furnishings in or at any EMBARC transit vehicle, facility, or property.
- Hanging hands, arms, legs outside of an EMBARC transit vehicle.
- Eating/drinking on an EMBARC transit vehicle or in designated areas where eating and drinking are not allowed.
- Carrying an open or glass beverage container onto an EMBARC transit vehicle. All beverages must be in a sealed/resealable container.
- Using an audio or media playing device without earphones, including but not limited to portable radio, laptop, phone, etc., on or at an EMBARC transit vehicle, facility, or property.
- Panhandling, loitering, canvassing, selling, soliciting, or distributing any unauthorized material at or in EMBARC transit vehicles, facilities, or properties.
- Changing a diaper or other personal hygiene product at or in an EMBARC transit vehicle, facility, or property, except in public restroom facilities.
- Trespassing on designated non-public areas, including, but not limited to, staging areas, work areas, and equipment rooms.
- Not wearing appropriate clothing or shoes (or removing such) at or in EMBARC transit vehicles, facilities, and/or properties.
- Blocking any walkway, door, or transit vehicle aisle with a bulky item such as a large package, stroller, or grocery cart.
- Failure to clean up after your pet when requested by EMBARK representative.

NOTE: Repeat offenders will be escalated to more stringent suspension periods.



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4.2.2 Level 2 Violations may carry a suspension period of 31-90 days, and include, but are not limited to:

- Purposefully distracting the operator of any EMBARC transit vehicle while he/she is performing his/her duties as an operator.
- Standing in front of the yellow standee line while an EMBARC transit vehicle is moving.
- Indecent, profane, boisterous, unreasonably loud, or otherwise disorderly conduct, which causes or provokes a disturbance.
- Boarding with or refusing to remove an animal that is out of control or posing a threat to EMBARC customers or employees.
- Refusal to allow operator to secure mobility device, or refusal to use appropriate safety restraints (seatbelts on PLUS buses).
- Profane and/or vulgar language directed toward any EMBARC employee or representative.

4.2.3 Level 3 Violations may carry a suspension period of 91-180 days, and include, but are not limited to:

- Any unsafe conduct that interferes with or disrupts the safe operation of EMBARC transit vehicles or diminishes safety or security at any EMBARC facility or property.
- Use of counterfeit or stolen money, EMBARC ID, or fare media, or the unauthorized resale of EMBARK fare media or an EMBARC ID.
- Any action that may create or provoke a reaction of fear or violence, including harassment, physical violence, intimidation, or threatening behavior toward customers or EMBARC employees.
- Violation of any municipal criminal law while in or on EMBARC transit vehicles, facilities, and/or properties.
- Refusal to leave after having been asked to do so by an EMBARC employee or OKCPD.

4.2.4 Level 4 Violations may carry a suspension period of 181-364 days, and include, but are not limited to:

- Possession, while in or on any EMBARC transit vehicle, facility, or property, of any flammable liquid, explosive material, acid, toxic or poisonous substance, biohazardous material, or any vessel containing these or any other materials likely to cause harm to customers, the public, EMBARC employees, transit vehicles, facilities, and/or properties.
- Possession, while in or on any EMBARK transit vehicle, facility, or property, of any lawn or yard equipment, sheet glass or other sharp object, fishing rod with exposed hook or lure, or any other item likely to cause harm to customers, the



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public, EMBARC employees, transit vehicles, facilities, and/or properties.

- Drinking or possessing open containers of alcoholic beverages while in or on any EMBARC transit vehicle, facility, or property.
- Falsely claiming to be eligible for free or reduced fare or obtaining any EMBARC ID or pass by making false statements.
- Violation of any state criminal law while in or on EMBARC transit vehicles, facilities, and/or properties.

4.2.5 Level 5 Violations may carry a suspension period of 365 or more days, and include, but are not limited to:

- Defacing, destroying, or otherwise vandalizing any EMBARC transit vehicle, facility, and/or property.
- Assault, battery, or threat toward any customer or employee of EMBARC while in or on any EMBARC transit vehicle, facility, and/or property.
- Being obviously inebriated or under the influence of narcotics while in or on any EMBARC transit vehicle, facility, and/or property.
- Manufacturing, selling, distributing, or possessing with the intent to sell, distribute, or manufacture any controlled substance or counterfeit substance while on or in any EMBARC transit vehicle, facility, and/or property.
- Violation of any federal criminal law while in or on EMBARC transit vehicles, facilities, and/or properties.
- Engaging in or soliciting sexual activity on or in any EMBARC transit vehicle, facility, and/or property.
- Indecent exposure while on or in any EMBARC transit vehicle, facility, and/or property.
- Lighting a lighter, match, torch, or carrying a lit cigarette, cigar, or other smoke-producing material while in or on any EMBARC transit vehicle, facility, and/or property.
- Unholstering a firearm in or on any EMBARC transit vehicle, facility, and/or property.
- Opening any emergency exit on an EMBARC transit vehicle or at any EMBARC facility or property when there is no emergency.

4.3 Appeal Procedures

4.3.1 Any appeal by or on behalf of the individual subject to the exclusion/suspension order shall be submitted to the Transit Exclusion Appeals Board within fifteen (15) calendar days after receipt of the Notice of Exclusion or Notice of Suspension, or the commencement of the individual's ejection, whichever is earlier. The Transit Exclusion Appeals Board consists of individuals appointed by the EMBARK Administrator.



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- 4.3.2** Appeals can be made by mail to EMBARK Transit Exclusion Appeals Board, 2000 S May Ave., Oklahoma City, OK 73108; by phone at **405-235-RIDE** (7433); or by email to **EMBARCappeals@okc.gov**. The appeal must be specific regarding the alleged facts surrounding the incident, the grounds for the appeal, and the address and telephone number, if any, where the individual may be reached. Requests to modify or alter the exclusion/suspension, or any request for temporary EMBARK service pending an appeal, must include a stated request for temporary service, indication of any special needs the customer may have, a copy of the appeal, and a copy of the Notice of Exclusion or Notice of Suspension.
- 4.3.3** The Transit Exclusion Appeals Board will review the appeal. Requests for temporary EMBARK service will be reviewed by EMBARK management. EMBARC employees will gather applicable information for the Transit Exclusion Appeals Board hearing. The Transit Exclusion Appeals Board shall hold a hearing within thirty (30) calendar days of receipt of the appeal request.
- 4.3.4** Notice of the Transit Exclusion Appeals Board hearing, including a statement of the time, place, and nature of the hearing, shall be mailed to the aggrieved party at least ten (10) calendar days prior to the hearing. After receipt of the appeal, individuals with disabilities may use EMBARC services during the appeal period, provided that an appeal was submitted in a timely manner in accordance with the appeal submission period.
- 4.3.5** Exclusion/suspension orders shall continue as specified pending an appeal, unless EMBARK management finds that temporary EMBARK service is warranted and necessary under the circumstances.
- 4.3.6 Hearing:** At the hearing, the appellant may be represented by counsel, present evidence, call and examine witnesses, and cross-examine witnesses. EMBARK may be represented by counsel, present evidence, call and examine witnesses, and cross-examine witnesses. The Transit Exclusion Appeals Board may also question witnesses. The Transit Exclusion Appeals Board shall review any evidence deemed necessary or relevant to the conduct violation at the hearing. The Transit Exclusion Appeals Board hearing may be recorded. If the appellant has a special need that prevents that appellant from attending the hearing in person, a virtual hearing may be held. Individuals who are qualified for EMBARK Plus paratransit services will receive round trip transportation provided by EMBARK to attend the hearing; the individual is required to call EMBARK to request such transportation in advance of the hearing
- 4.3.7 Decision:** Within fifteen (15) calendar days of completion of the hearing, based on testimony and the evidence on record, the Transit Exclusion Appeals Board shall issue a final, written decision stating the reasons for any determination to affirm, reinstate, reverse, reconsider, or modify the exclusion/suspension order. The Transit Exclusion Appeals Board shall provide copies of the final decision to the EMBARK Administrator and the customer. The determination of the Transit Exclusion Appeals Board is final.



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4.4 This policy does not waive any defenses or immunity EMBARK or the City of Oklahoma City may have from suit or liability. If any portion of this policy is deemed invalid, such determination shall not affect any other provision of this policy. In addition, this policy’s provisions are deemed severable. This policy does not limit, waive, impede, or impact the application of any federal, state, or local law, rule, or regulation, or prevent any law enforcement agency or entity from taking any lawful action against any customer or other person during, at, in, or on EMBARC services, EMBARC transit vehicles, and/or EMBARC facilities and properties.

5. RESPONSIBILITIES

5.1 All EMBARK representatives, including operators, supervisors, security, customer service, and any other EMBARC employee or contractor who may come into contact with customers must know and abide by this policy.

6. REFERENCES

47 O.S. 15-116
SE-SAP-611.00 Customer Suspension

7. SUMMARY OF CHANGES

November 5, 2021 – Amendment No 1:

Updated document to include levels of suspension
Added a process for appealing a suspension decision.

February 9, 2022 – Amendment No 2:

Added policy in Section II/E that requires all customers that board a bus to store their blanket in a bag during transportation and the procedure for EMBARK to provide a bag if the customer does not have one.

August 5, 2022 – Amendment No 3:

Added “Rules for Riding” section
Updated definitions
Updated Appeals section to include ADA compliant language and Appeals email

September 1, 2023 – Amendment No 4:

Further clarifications for allowing pets to board EMBARK vehicles.
Rules regarding bicycles and sleeping on EMBARK vehicles.
Further clarification of rules surrounding wheelchairs, strollers, walkers, personal shopping carts/trolleys, etc.



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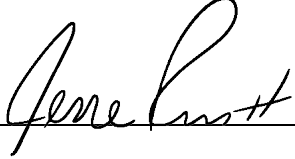

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8. APPENDICES

None.

9. APPROVALS

Approved By	Signature	Date
Jason Ferbrache Accountable Executive		09/01/2023
Eugene Fritz Chief Safety Officer		09/01/2023
Jesse Rush Assistant Director, Operations		09/01/2023
Suzanne Wickenkamp Assistant Director, Administration		09/01/2023