

Regular Council Meeting

August 24, 2023

FRESNO CITY COUNCIL



Supplement Packet

ITEM(S)

1-V (ID 23-1282)

***Resolution - To Implement a Public Transportation Agency Safety Plan (Subject to Mayor's Veto)

Contents of Supplement: Resolution

Supplemental Information:

Any agenda related public documents received and distributed to a majority of the City Council after the Agenda Packet is printed are included in Supplemental Packets. Supplemental Packets are produced as needed. The Supplemental Packet is available for public inspection in the City Clerk's Office, 2600 Fresno Street, during normal business hours (main location pursuant to the Brown Act, G.C. 54957.5(2)). In addition, Supplemental Packets are available for public review at the City Council meeting in the City Council Chambers, 2600 Fresno Street. Supplemental Packets are also available on-line on the City Clerk's website.

Americans with Disabilities Act (ADA):

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, sign language interpreters, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650. Please keep the doorways, aisles and wheelchair seating areas open and accessible. If you need assistance with seating because of a disability, please see Security.

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF
FRESNO, CALIFORNIA, TO IMPLEMENT A PUBLIC
TRANSPORTATION AGENCY SAFETY PLAN

WHEREAS, the City of Fresno, thanks to its devoted and highly skilled workforce, is committed to delivering safe, reliable, accessible, and efficient public transportation services to its residents and visitors; and

WHEREAS, while most bus operators perform their duties without encountering any problems on the job, some bus operators have been victims of violence while working; and

WHEREAS, the Federal Transit Administration has reported that assaults on bus operators have increased by four times during the past decade; and

WHEREAS, assaults on bus operators constitute an unacceptable threat to the City's orderly transit system.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Fresno as follows:

1. The City Council hereby directs the City Manager to adopt and implement a Riders Code of Conduct Rules and Policies Governing the Conduct and Safety of the Public in the use of City's buses and facilities; similar to the draft policy attached hereto, as Exhibit A. The policy shall include language that allows bus operators to ban passengers for violation of the policy.

2. The City Council hereby directs the Administration to develop and execute a mandatory training program for bus drivers on active shooter scenarios and hostile

passenger situations. It is the desire of the City Council that such a program should include the input of the Police Department and the Amalgamated Transit Union, Local No. 1027 (ATU). The program should teach de-escalation techniques and appropriate responses to hostile passengers. The Administration shall report to the Council on the program's contents within 90 days of passage of this Resolution.

3. The Administration shall create a tracking system for incidents that occur on the buses.

4. This resolution shall be effective upon final approval.

* * * * *

STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, TODD STERMER, City Clerk of the City of Fresno, certify that the foregoing resolution was adopted by the Council of the City of Fresno, at a regular meeting held on the _____ day of _____ 2023.

AYES :
NOES :
ABSENT :
ABSTAIN :

Mayor Approval: _____, 2023
Mayor Approval/No Return: _____, 2023
Mayor Veto: _____, 2023
Council Override Vote: _____, 2023

TODD STERMER
City Clerk

By: _____
Deputy Date

APPROVED AS TO FORM:
ANDREW JANZ
City Attorney

By: _____
Angela M. Karst Date
Deputy City Attorney

Exhibit A

Enforcement of Policies

Passengers must comply with City of Fresno Department of Transportation bus drivers at all times. Bus drivers are authorized to enforce these policies and may refuse service to anyone who engages in prohibited behavior. Additionally, the privilege to ride City of Fresno Department of Transportation buses may be suspended.

Upon witnessing a violation, City of Fresno Department of Transportation bus drivers may:

- Warn the offending passenger that further like conduct will be grounds for removal from the bus and/or future denial of services.
- Stop the vehicle until the offending conduct stops, the offending passenger has been removed from the bus, or law enforcement can assist in removing the offending passenger. At any time a passenger is put off the bus their bus fare shall be forfeited.
- Refuse to admit the passenger onto the bus if the offending conduct occurs before the passenger boards (i.e. at the bus stop or the passenger is subject to a current suspension).
- Report the passenger's conduct to the police.

Bus drivers are required to report any violation of this Policy to their supervisor.

Dangerous Conduct Presenting a Serious Threat to Public Safety

In the case of conduct which is determined by Fresno Area Express Management or the City of Fresno Department of Transportation Director to present a clear and immediate threat to the safety of City of Fresno Department of Transportation passengers and/or operators, employees, officers, agents, and/or volunteers of City of Fresno Department of Transportation -Transit Division, and/or which has resulted in injury to the violator or to City of Fresno Department of Transportation passengers and/or operators, employees, officers, agents, and/or volunteers of the City of Fresno Department of Transportation - Transit Division, may immediately and/or permanently result in suspended transit services subject to the individual's right to appeal as described below.

Suspension of Services

City of Fresno Department of Transportation -Transit Division reserves the right to suspend service to individuals who violate any of the policies and/or rules contained herein. Offenses which have occurred prior to the adoption of this Code shall not be considered for purposes of the progressive penalties described herein. Penalties may be increased if the infraction is deemed to be of a criminal nature and under investigation by the police and/or court of jurisdiction. The City of Fresno Department of Transportation-Director shall be authorized to make all final decisions which may immediately and/or permanently result in suspended transit services subject to the individual's right to appeal as described below:

Violations of Prohibited Behavior are handled as follows:

First Offense - The first violation of this Code may result in suspension of transit services for a period no longer than one week.

Second Offense - The second violation of this Code within 12-months of the first offense may result in a suspension of transit services for a period no longer than one month.

Third Offense - The third violation of this Code within 18-months of the second offense may result in a suspension of transit services for a period no longer than one year.

Due Process - Appeal of Suspension Action

The appeal hearing shall be scheduled within 14 calendar days from the date the notice of the appeal is received by the City of Fresno Department of Transportation -Transit Division. If the request is made in person, City of Fresno Department of Transportation - Transit Division may require the appellant to sign a written form requesting an appeal hearing.