

 Generalitat de Catalunya
**Departament de Territori
i Sostenibilitat**

In accordance with the proposal of the Directorate-General for Mobility and Transport and the principles in it,

I HEREBY:

1. Authorise the "TRAM General Conditions of Use" for the Diagonal – Baix Llobregat and Sant Martí – Besòs tram systems and any expansion or extension to them. These conditions are attached as an annex.
2. Revoke the "TRAM General Conditions of Use" authorised by the resolution of the Minister for Territory and Sustainability of 10 November 2015.

This resolution, which ends the administrative phase, may be challenged by filing a motion for reconsideration with the body that issued it within one month from the day after notification of it in accordance with article 123 Law 39/2015, of 1 October, on the legal framework of public authorities and the common administrative procedure, and article 77 Law 26/2010, of 3 August, on the legal framework and procedure of the Catalan public authorities.

This resolution may also be challenged by filing an administrative appeal with the Administrative Law Division of the High Court of Catalonia up to two months after notification of this resolution in accordance with article 123 Law 39/2015, of 1 October, on the legal framework of public authorities and the common administrative procedure; article 77 Law 26/2010, of 3 August, on the legal framework and procedure of the Catalan public authorities; and articles 10, 14 and 25 Law 29/1998, of 13 July, regulating the administrative law courts, without prejudice to the filing of any other lawful appeal.

Minister for Territory and Sustainability

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18/04/2019

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Annex 1

TRAM General Conditions of Use

1. Purpose

The purpose of this document is to establish the "General Conditions of Use" of the Diagonal-Baix Llobregat and Sant Martí-Besòs tram systems ("TRAM") and any expansion or extension made to them in the future.

2. Regulatory framework

These General Conditions of Use are drafted in accordance with Law 4/2006, of 31 March, on the railways and articles 52, 53 and 54 Laws 7/2004, of 16 July, on taxation and administrative measures.

3. Stops

All tram stops must be accessible to the general public, who must wait for trams on the platforms provided for this purpose without stepping onto the tram tracks.

4. Getting on and off trams

When getting on and off of trams, users must:

1. Only get on and off the tram when the door indicator button light is on. They must not try to get on or off when the door indicator button light is off or after the door closing warning has sounded.
2. Get on and off the trams as quickly as possible without rushing.
3. Wait for passengers to get off before getting on.
4. Press the alarm and notify staff in the event of any incident involving people getting on or off the tram.
5. Give up seats reserved for the elderly and people with special needs when necessary (otherwise they can sit in them).

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Users must use the handles for standing up when travelling standing up.

6. If getting on or off with a wheelchair, pram or bicycle, use the doors designated for these objects. Once on the tram, users must immobilise wheelchairs, bicycles and prams and use the safety belts provided to ensure a safe journey.

5. Types of tickets

Users may use ATM (*Autoritat del Transport Metropolità* — Metropolitan Transport Authority) tickets on the tram networks, in accordance with the rights and obligations that go along with using these tickets.

The tram operator may issue tickets itself or in collaboration with other entities, subject to approval by the ATM.

Single tickets issued by the tram operator may only be used on the tram network where purchased in accordance with the conditions stated herein. These tickets are valid for the time specified by the ATM for all tickets for the integrated public transport network.

6. Obligation to have a ticket

1. Before getting on and travelling on trams, users must have the right ticket for the journey. Minors of up to four years old may travel without a ticket. For safety reasons, tickets are not issued or sold on the trams.
2. When getting on trams, users must immediately validate their tickets using the ticket validators on the tram, except where validators are provided outside. Validating the ticket later is not admissible. Users must validate their tickets each time they make a connection change.
3. Users must keep their ticket until they leave the platform at their arrival stop and show it to operator employees or other authorised agents when asked to. Users must keep their tickets in good condition.
4. More than one person may travel on the one ticket where (i) the ticket is not a personal ticket, (ii) the ticket is validated once for each person and (iii) the persons make the same journey.

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5. Users must not:
 - a) Travel without a validated ticket.
 - b) Travel on a ticket invalid for the journey or the user. Personal tickets are invalid if the user does not have their ID card (Spanish or foreign), passport or, for minors under 16, their health care card, with them.
 - c) Travel on an integrated ticket only validated at the start of a journey and not after a connection change.
 - d) Use a tampered or forged ticket.
 - e) Use an expired, used-up or defective ticket.
 - f) Use a ticket outside the valid zone.
 - g) Not validate the ticket as established in point 2 above.
6. As a preliminary step to the applicable legislation with regard to infringements and penalties, the following is applicable in the case of persons travelling without a ticket, with an un-validated ticket or with a ticket not valid for the journey or the user:
 - a) Tram operator staff must require the user to pay a minimum fine, which must be properly displayed, and issue a fine document. The fine must be paid within 30 days of issue. If the minimum fine is paid on the spot or within two working days of issue, the fine is reduced by 50%.

If a person is given the minimum fine for travelling with a discounted ticket, a ticket for large or single-parent families without having the card demonstrating their entitlement to this ticket, this minimum fine becomes null and void if the person provides the corresponding documentation within 48 hours.

Where a minor is given the minimum fine, the tram operator must formally notify the minor's legal guardians and give them the option to pay the fine with a 50% discount within 30 days.

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- b) If the user does not pay the minimum fine on the spot, the tram operator employee must request, if they have not already done so, that the user identify themselves so that fine collection can be processed. In case of non-payment during the 30 days following issue of the fine, the tram operator will pass the case on to the authority responsible for the service to handle the corresponding penalty procedure as appropriate.
- c) If the user refuses to pay the minimum fine or identify themselves, the tram operator employee may request assistance from security staff or law enforcement officers so the user can be identified, without prejudice to the employee having the authority to require that the person leave the tram or facilities.
- d) Where, after having identified the user, it is found that a personal ticket is invalid, or when the user refuses to identify themselves, in which case it is impossible to determine if the ticket is invalid on this basis, the employee must keep the ticket and leave it at the tram operator's offices. The retained ticket may be reclaimed by the duly identified owner or person delegated by the owner. A ticket issued by another entity must be reclaimed from that entity.

7. If a user travels on an integrated ticket validated at the start of the journey on another means of transport or another tram but does not validate the ticket when they change tram, the tram operator employee must require that the person pay an amount equal to the price of a single ticket for one tariff zone.
8. Where a ticket is used that appears to have been tampered with or forged, the tram operator employee must retain the ticket and require the user to identify themselves so a report can be made, after which the employee must require the user to leave the tram or the facilities. If the user refuses to identify themselves, the tram operator employee may request assistance from security staff or law enforcement officers so the user can be identified, without prejudice to the employee having the authority to require that the person leave the tram or facilities.
9. In accordance with article 38 Law 4/2006 on the railways, of 31 March, tram operator staff are considered, when on duty and doing their job, agents of authority for carrying out their duties, especially for ensuring that users and others comply with the rules established by law and the regulations.

7. Regulations regarding keeping the ticket

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1. When the user purchases the ticket, before getting on the tram, they must check that the ticket and the price correspond to what they requested. For tickets issued by automatic machines, if the user believes the wrong price was charged or the wrong change was returned, or they are not satisfied in some way with the operation, they must notify tram operator staff using any of the customer service channels. With the details provided, the operator will make the necessary checks and act in accordance with what it discovers.
2. Users must keep their tickets in good condition while they are valid. A damaged ticket that has not been looked after does not entitle the user to any refund or claim. This must be stated on the ticket.

Tickets that have been altered or tampered with in any way are invalid.

8. Passenger rights

Passengers have a right to:

1. Be informed of the characteristics of the service, the operation of the transport services, incidents affecting the service and the different tickets available to them in accordance with the current tariffs and conditions of use. The tram operator must install throughout the network the elements required by the authorities to best inform passengers.
2. Be transported with a valid ticket with any objects and packages they may be carrying where such belongings do not inconvenience other users or put them in danger and where the user observes these General Conditions of Use.
3. If after a journey has begun the service is suspended for over 15 minutes, passengers may choose not to continue with the journey and obtain as compensation a ticket for two journeys for use at any time provided they make a claim within 30 days of the incident.
4. The tram operator exchanging integrated or single tickets that cannot be used owing to reasons not attributable to the user.
5. Receive polite customer service from tram operator employees and inspectors and be attended to when requesting help or information.

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6. Make the claims they see fit with regard to the provision of the service via any of the customer service channels provided by the tram operator.
7. Be notified of procedures established to resolve disputes that may arise related to the performance of the transport agreement before the transport arbitration boards or the courts.
8. Receive from the tram operator an answer to any claim or complaint made within 20 calendar days.
9. Have preferential usage duly indicated for persons with reduced mobility, pregnant women and other persons specified in the legislation.
10. Have appropriately signposted accesses to the tram and areas on the tram with safety elements for persons with reduced mobility.
11. Transport objects such as bicycles and prams. In the case of bicycles, this right is subject to not inconveniencing other users owing to a lack of space on the tram. On the tram, these objects must be appropriately stowed and secured in the areas reserved for them. Any damage caused to other passengers by any such object is the sole responsibility of the owner.

9. Travelling with dogs

1. Dogs travelling on trams must be electronically identified with a chip and registered with a local council.
2. No restriction is applied to users accessing trams with guide (for blind persons) or assistance dogs. These dogs must have the corresponding distinctive identification and certification. Dogs may also be taken on the tram in rigid carriers that enclose the whole animal.
3. Dogs other than those mentioned in the preceding point may be taken on trams in accordance with the following rules:
 - a) They must only be taken on during authorised hours:
 - Working days from 11 September to 24 June throughout service hours except between 7:00 and 9:30 and between 17:00 and 19:00.
 - Working days from 24 June to 11 September during all service hours.
 - On weekends and public holidays during all service hours.
 - b) Only one dog per person is admitted.

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- c) From when accessing the tram facilities (the platforms) until leaving the facilities, dogs must be muzzled and on a non-extendable leash at all times at a distance of less than 50 cm from the person travelling with them.
- d) Minors under 18 must not travel with dogs considered potentially dangerous in accordance with the current legislation. In all cases, persons travelling with such dogs must have the corresponding licence and proof of registration with a local council.
- e) Dogs must not occupy seats.
- f) The person travelling with the dog is responsible for its behaviour. This person must ensure that the dog does not put in danger or inconvenience any other user. They must also ensure that the dog does not obstruct other users or the doors, both of the facilities and the tram.
- g) The person travelling with the dog is responsible for any damage or loss caused by the dog, either to users or the tram operator. The dog's owner is secondarily liable.
- h) When the tram is very full and the safety of users and the dogs themselves require it, the tram operator may restrict the access of dogs.

4. Any person not observing the conditions regarding travelling with dogs on trams may be committing, depending on the situation, a serious or minor offence in accordance with articles 64 s) or 65 p) Law 4/2006, of 31 March, on the railways.

10. Passenger obligations

1. Passengers must:
 - a) Travel with the right ticket, validated when they get on the tram; keep the ticket while on the tram and in the facilities; and display and show it to any tram operator employee who requests to see it.
 - b) Follow the indications given by tram operator employees to ensure the correct provision of the service, all visible information posters and accessories, and public address messages. Passengers must notify the tram operator of any abnormality.

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- c) Behave properly and respectfully towards other passengers and tram operator staff and not do anything that could result in the damage or mistreatment of the trams or the facilities. Passengers may only use audio reproduction devices with headphones.
- d) Give up the areas and seats for the passengers specified in point 9 of condition 8 of these General Conditions of Use when necessary.
- e) Look after their personal belongings.

2. Passengers must not:

- a) Distract the driver while driving.
- b) Smoke on the trams.
- c) Consume alcoholic drinks on the trams or platforms.
- d) Dirty or leave waste or other materials on the trams.
- e) Impede the opening or closing of the tram doors or force their mechanisms. This includes tram doors and doors for the exclusive use of tram staff.
- f) Try to get on or off a tram after the warning sound has indicated that the doors are closing or after the tram has started moving.
- g) Use without good reason or improperly the escalators, lifts or any of the tram's emergency stopping systems.
- h) Access or be in areas other than those destined for users or act in ways that put their and others' safety at risk during the journey. This includes:
 - Accessing the tram when in motion or forcing shut doors open.
 - Standing on any external part of the tram and trying to hold onto the tram while stopped or in motion.
 - Entering into the driver's cabin.
 - Crossing the tracks outside of authorised zones.
- i) Be in tram facilities outside of opening hours for users.

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- j) Access offices and facilities reserved for authorised persons without being authorised.
- k) Damage or mistreat material on the trams or in the facilities.
- l) Tamper with, damage or destroy any element of the service directly related with the normal and safe operation of the trams.
- m) Tamper with, damage or destroy, directly or indirectly, any fixed or mobile construction or facility or any other functional element of the service.
- n) Throw or leave objects of any nature on or near the track or the facilities.
- o) Get on the tram with objects or materials that could be dangerous or unpleasant for other users, especially if exceeding a volume of 100 x 60 x 25 cm.
- p) Travel standing up while wearing skates. If no seats are available, skates must be taken off and carried, and care must be taken to not cause any damage throughout the journey. Any damage to the user or others caused by taking skates on the tram are the sole responsibility of the person with the skates.
- q) Inconvenience other users or disrupt the public order or the tram service.
- r) Behave in any way that puts the safety of the user, other users or tram operator employees at risk.
- s) Distribute flyers, put up posters, beg, organise raffles or other gambling activities, or sell goods or services on the trams, at the stops or on track areas without express authorisation from the tram operator.
- t) Carry out works or installations without authorisation in public or protected areas.
- u) Obstruct tram operator staff from carrying out their duties.

11. Ticket inspection

1. In accordance with articles 38 and 60 Law 4/2006, of 31 March, on the railways, inspectors, drivers and other authorised workers of tram operating companies are expressly authorised to inspect tickets with regard to:

a) Tram traffic.

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b) Users having a valid ticket.

c) The use of all tram infrastructure and facilities to ensure the safety of tram traffic and persons and to keep these elements in good condition.

d) Restrictions on the use and occupation of zones near the tram.

e) Observance of these General Conditions of Use by users and other third parties.

2. In performing their ticket inspection duties, inspectors and drivers of the tram operator can request users or offending third parties to identify themselves to confirm observance of these General Conditions of Use. If a person refuses to identify themselves, inspectors and drivers may request the assistance of the security staff hired by the company or law enforcement officers. If when the inspection is done there are no enforcement officers available, inspectors and drivers may retain offenders with the collaboration of security staff until law enforcement officers arrive to identify the offender. In all cases, if a person must be retained, this must be done at a stop; not on the tram.

Inspectors and drivers are also authorised to ask alleged offenders to leave the tram or facilities.

12. Offences and penalties

By infringing the prohibitions and obligations established in these General Conditions of Use, users and other third parties commit a punishable offence in accordance with Law 4/2006, of 31 March, on the railways, without prejudice to any civil or criminal liability that could arise from such offences.

Penalty procedures arising from reported offences must be processed in accordance with article 70 Law 4/2006, of 31 March, on the railways. Offences and penalties are subject to the time-limits specified in article 71 of the aforementioned law.

13. Conflict resolution

TRAM is bound by consumer arbitration in accordance with the European regulations on alternative dispute resolution. Thus, for the resolution of any dispute that might arise from the interpretation of these General Conditions of Use, TRAM is subject to article 133-4 Consumer Code of Catalonia.

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14. Publicity of the General Conditions of Use

The operator must publish all or an extract of these General Conditions of Use at tram stops in a place visible to passengers and on its website. The authority competent for transport is responsible for their publication in the Official Gazette of Catalonia (DOGC).

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