

TRANSPORT REGULATION OF DONOSTIA-SAN SEBASTIÁN

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REGULATION OF THE REGULAR URBAN ROAD PASSENGER TRANSPORT SYSTEM IN THE MUNICIPAL AREA OF SAN SEBASTIÁN

EXPLANATORY STATEMENTS

Article 25 of Law 7/1985 of 2 April on the Local Government Regulatory Law vests power in municipal government to manage and organise urban passenger transport services, defining this services as essential. Article 86.2 grants these powers to local bodies.

The competencies recognised must be exercised within the framework of sectoral legislation, which currently comprises the basic provisions of Law 16/1987 on Land Transport Management amended by Royal Decree 1211/1990 which enacts the regulation.

Law 2/2004 on Passenger Road Transport applies to the autonomous region and recognises the competency of city councils to organise, inspect and sanction urban public passenger transport services, issue tickets and set fares subject to the applicable law.

To exercise its legal competencies, San Sebastian City Council has approved this Regulation, which governs the urban transport service that it provides.

To provide a more efficient service, the City Council has entered into collaboration agreement with the Gipuzkoa Regional Council, Irún City Council, Errenteria City Council, and the Gipuzkoa Territorial Transport Authority (Autoridad Territorial del Transporte de Gipuzkoa - ATTG)

The public transport fare integration system in the Historic Territory of Gipuzkoa offers the MUGI card under the agreement between the consortium of entities, the general terms of sale and use of which were approved by the General Assembly dated 27 March 2014 and were published on 4 April in the Official Gazette of Gipuzkoa.

By resolution of the Local Government Council on 25 January 2013, San Sebastian City Council adopted all versions of the MUGI card as a valid ticket for use on urban transport in San Sebastian and modified the municipal transport tickets and fares to ensure uniformity of the fare integration system and the municipal regulation.

The fare integration system allows passengers to use the Gipuzkoa public transport system as an integrated network in terms of tickets, fares, discounts, subsidised user categories, etc...

This situation should be taken into consideration by the City Council in the regulation, which is why the Regulation includes a set of passengers' rights and obligations which is coherent with those of the other parts of the network, while safeguarding municipal autonomy and its competencies.

One of the ATTG's objectives, which is shared with this City Council, is to progress and ensure universal access to urban public transport to the greatest possible extent.

Based on the premise that that a service which is accessible to everyone and which is friendly, safe and convenient for all has an impact on quality of life, this Regulation establishes the requirements for ensuring that the transport service is accessible to all and complies with conditions and specifications at all times and in all spaces of the transport chain: fixed infrastructures and installations, vehicles and their connections, information systems, signage and guidance and lastly, the provision of the service itself.

The Regulation is divided into a Preliminary Title and six Titles, an additional provision, a transitory provision, a derogating provision and two final provisions.

Preliminary Title consisting of general provisions that regulates the scope of application of the regulation and the public nature of the service.

Title I deals with access to transport.

Title II governs regular transport for general and special use. It includes the innovation of establishing bus stops to improve safety and accessibility in the city by incorporating a gender perspective.

TITLE III addresses the rights and obligations of passengers using the transport service in order to cater for different interests and needs derived from personal and work lives.

Title IV defines bus operating companies' obligations.

Title V deals with tickets and includes a list of tickets/cards accepted in the ATTG fare integration system.

Title VI establishes the penalty scheme applicable to infringements of the obligations and a classified list of infringements applicable to bus operating companies and their staff, as well as passengers.

Several stakeholder groups participated in the drafting this regulation through organisations like ONCE, Elkartu, Hirukide and Kalapie. The regulation has been approved by the ATTG and is based on the ATTG's own regulation.

PRELIMINARY TITLE

GENERAL PROVISIONS

Article 1. Purpose and scope of application of the Regulation

The purpose of this regulation is to govern the provision of the regular municipal passenger road transport service for general and for special use in the municipal area of San Sebastian.

It applies to everyone who uses the service and to the bus operating companies that provide the public transport service.

Article 2. Public nature of the service

The urban passenger transport service is a public service. Everyone has a right to use it provided that they abide by the conditions and obligations in this Regulation and in the applicable law.

San Sebastian City Council will use all resources within its means to guarantee accessibility and mobility in its service.

Article 3. Management approach

1. The regular general-permanent, temporary and tourism public transport service will be managed directly by the City Council.

The City Council Plenary may change the management approach to these services when it is objectively convenient and advisable to do so.

2. The Local Government Board is the body that determines which bodies or organisations should provide the municipal transport services based on a technical report.

3. At the time of approving this Regulation, the regular general public transport service is provided by the municipal public company Compañía del Tranvía de San Sebastián SAU, whose trade name is *dbus*.

Transport for tourism is provided by the municipal company Donostia-SS Turismo SA.

4. Since these services are provided directly, the bidding procedure for a new service or services requires the express approval of the municipal body responsible for urban transport based on a suitable technical report.

The agreement in question must specify the characteristics of the service, valid tickets for the services or lines in question and will comply with the fares approved for the urban transport service and the free service defined in Articles 11, 20 and 42 of this regulation.

Article 4. Definitions

For the purposes of this policy, the following definitions shall apply:

Passengers: People are considered passengers when they are picked up by the vehicle providing the service, during the journey and until they are set down at a stopping point.

Regular public road transport service for general use: are regular public transport services for general use, whether permanent or temporary, established by San Sebastian City Council to satisfy a general need by means of road vehicles (buses, minibuses, taxis...).

These services may be demand-response services. In this case, the service will only run when there is a demand.

Regular public road transport service for tourism: regular public road transport for general use when the reason for the journey is intrinsically connected to leisure or tourism and which is provided using a vehicle with unique characteristics that distinguish it from those used for regular transport.

Demand-response transport service: This is a general public road transport service which, before being established by the competent body, is provided on request by telephone or other remote means by the user.

This service can only be established by zones, time bands or types of use which make the provision of a conventional service infeasible.

Vehicle: means of transport adapted for urban passenger road public transport: coach or bus, mini-bus, microbus and taxi-bus (tourism car).

Stopping point: a space on the public highway allocated by San Sebastian City Council for public transport vehicles to stop, where passengers wait and are picked up and set down by those vehicles.

Stopping points are to be equipped with all necessary items so that, according to their specific characteristics they are fit for their purpose: canopies, informative items, seating, etc.

Bicycle: a cycle with two wheels, propelled solely or primarily by the rider's muscles by means of pedals.

Universal Accessibility: the condition that must be satisfied environments, processes, goods, products and services, as well as objects or instruments, tools and devices, to be understandable, usable and practicable for all persons in conditions of safety and comfort and the most autonomous and natural manner. It presupposes the “design for all” strategy and is understood notwithstanding reasonable adjustments that they be adopted.

Collective transport systems must comply with Universal Accessibility design systems in order to provide any person with an appropriate service, taking into consideration human diversity and the corresponding requirements in a set of specific technical design specifications accessible to each mode of transport and their mutual interactions.

Persons with reduced mobility: these are persons who use wheelchairs and, in general, those whose personal circumstances mean that they are unable to stand in the vehicle without risk to themselves, as set forth in Article 8.

Platform: an open area inside the bus which is accessed directly from outside, with fastening elements and/or special seats for wheelchair users and other persons with reduced mobility, children transported in prams and strollers, bicycles and certain packages.

TITLE I

UNIVERSAL ACCESSIBILITY

Article 5. Regulatory framework

Bus operating companies must comply with the regulations on universal accessibility on public transport in the applicable law, in this regulation, in sets of regulatory clauses governing transport, in transport permits and the concession licence, if any.

Article 6. Accessibility equipment

1. Vehicles are installed with accessibility systems that must always be available and operational by means of mechanisms established for the purpose.

2. According to their characteristics, vehicles must have the following access systems:

- Tilting systems (kneeling) for low floor buses, which must always be used before activating the ramp, unless the orographic conditions make this impossible, to enable passengers with reduced mobility to get onto and off the vehicle.
- Ramps for low floor buses, which can be used by passengers using wheelchairs and passengers who require orthopaedic and prosthetic equipment for mobility (such as walking frames, crutches, etc...)
- Lifting platforms for high-floor buses, which are used to pick up passengers who use wheelchairs.

3. San Sebastian City Council will promote the use of pictograms and other items that improve understanding and use of call bells and alert systems. These alert systems will have a suitable volume and tone, and will not cause a nuisance to drivers.

4. San Sebastian City Council will ensure that the information is accessible to vehicles and at stopping points, and passenger services and the website will provide additional means of communication, such as augmentative and alternative systems, systems that support oral communication and sign language, tactile communication systems and other devices to enable communication.

5. To transport people with visual difficulties, vehicles must have lights and acoustic signs, which will not be irritating and will be positioned by entrance doors for ease of location. There will also be visual and audible information about the stops requested, which will operate throughout the journey.

6. San Sebastian City Council will provide remote controls to activate accessibility devices on vehicles to those requiring them.

Article 7. Guarantee of accessibility and mobility 9

San Sebastian City Council will take the necessary measures to adapt the transport system to the accessibility and mobility needs existing at all times.

It will also encourage bus operating company staff to receive appropriate training to enable them to cater for the needs of passengers with reduced mobility.

Article 8. Persons with reduced mobility

The passengers with reduced mobility who are entitled to use the allocated spaces inside the vehicles are as follows:

- Passengers who use wheelchairs.
- Passengers with sensory impairment (vision, hearing or speech disabilities), intellectual disability or significant difficulties using conventional transport.
- Passengers whose anthropometric characteristics cause difficulties manoeuvring and which limit their ability to access different spaces or use seats.
- Those with cardiac or respiratory conditions or other diseases that hinder mobility.
- Elderly people with difficulty moving or who cannot move autonomously.
- Pregnant women.
- Children under the age of six and their escorts.
- Persons with immobilised limbs, wearing casts or using crutches.
- People without functional mobility, and those with problems moving.

- In general, passengers who, due to their personal circumstances, are unable to travel in a standing position without causing a risk to themselves or to third parties.

Article 9. Access to people with reduced mobility

Passengers with reduced mobility must be provided with the means to access vehicles in total safety and in accordance with the applicable regulations.

Passengers with reduced mobility who are unable to use the step to access the vehicle shall notify the driver, who will assist the passenger. Passengers who find it more convenient and less physically difficult may exit the vehicle through the door.

Passengers who use wheelchairs will use the door provided once the tilt system or the kneeling or ramp or lifting platform has been activated, positioning themselves to the front or the back, as appropriate, depending on the direction of the vehicle, with the brake applied. Whenever possible, they must also use the vehicle safety belt.

Generally, only two people in wheelchairs are allowed to park on the vehicle platform.

People using wheelchairs have priority over children transported in strollers, prams or bicycles, unless they are already inside the vehicle.

Auxiliary and supporting equipment used by people with reduced mobility, such as, for example, walking frames, must be correctly secured during transport.

The owners of the equipment shall be liable for damage or injury caused by this equipment to people or property, unless it can be proven that the bus operating company is responsible for the damage or injury incurred.

Article 10. Seats and reserved spaces in the vehicle

All passengers may use the seats in the vehicle, with no preferences, other than seats expressly reserved for people with reduced mobility.

On buses, at least two spaces shall be reserved for passengers who use wheelchairs, four seats will be reserved on buses up to 12 metres long and six seats on articulated buses measuring 18 metres. These seats must be close to the doors, suitably marked and have easy access to ticket validation machines, call bells and stopping point signals.

On minibuses, at least one space will be reserved for a person using a wheelchair and two seats.

The seats reserved for people with reduced mobility can be occupied by other persons whilst they are vacant and not required by the passengers for whom they are reserved.

In case of misuse, the driver will ensure that the seats are vacated for occupation by the passengers for whom they are reserved.

Article 11. Fares for passengers with reduced mobility

Passengers with reduced mobility are subject to the same fares as all other passengers, regardless of the space that they occupy during travel.

Those escorting blind passengers and wheelchair users for the purpose of ensuring their safety and comfort travel free of charge.

Those accompanying blind passengers may use the reserved seats.

If the driver considers that the escort should pay the fare, his or her decision will prevail, although the fare may be reimbursed once the need for the companion is proven.

TITLE II

REGULAR TRANSPORT

Chapter I. Regular urban transport for general use

Article 12. Establishment, organisation and exploitation of the regular urban transport system for general use.

1. The competent municipal body will establish the regular public passenger road transport services for general use in accordance with the regulations applicable in the San Sebastian municipal area.

2. Likewise, based on a technical report, it will organise and plan the regular public passenger road transport services for general use in terms of lines, itineraries, stopping points, schedules and related aspects, particularly systems and devices that guarantee universal accessibility to all persons, such as tilting, kneeling, ramps, lifting platforms, adapted call bells, and card validation systems.

3. The agreement for the provision of a demand-response transport service will specify at least the following aspects:

- a) Vehicles that provide the service must comply with the accessibility requirements according to their characteristics.
- b) The means for making reservations and the advance warning that passengers must give for the means of transport they wish to use. Reservations are dealt with strictly on a first-come-first-served basis. If the service is full, the applicant will immediately be notified that there are no spaces available for the service required.
- c) Pickup and set down points.
- d) The fare payable will be the same as that charged for the conventional service.
- e) Other conditions necessary for the correct organisation of the service.

4. In order to improve safety and accessibility of the city from a gender perspective, based on a technical report, in duly justified circumstances and when advisable, stopping points other than those established for the line may be authorised at the request of users, on stretches of road and under the conditions and at the times determined for each service.

Article 13. Temporary regular transport for general use

This is regular temporary general transport arranged to deal with exceptional or circumstantial traffic, limited in time, notwithstanding any periodic repetition.

This category includes direct services to and from Anoeta or the Velodrome, to the Illumbe area and similar which are not included in the usual routes and schedules of regular urban transport lines.

Article 14. Temporary regular transport for use by tourists

The Tour Bus and Simulated Articulated Bus are part of the temporary regular transport for use by tourists as defined in Article 4 of this regulation.

A simulated articulated train is a vehicle with a maximum of three wagons, with clear, retractable tops, equipped with translation systems and seating for all passengers.

The tour bus is a London-bus-type double decker, with an open top, equipped with translation systems and seating for all passengers.

Chapter II. Regular transport for special use

Article 15. Regular transport for special use

Regular transport for special use is provided for specific user groups, such as students, schoolchildren, workers and other groups.

Article 16. Authorisations

Bus operating companies wishing to provide this type of transport entirely within the municipal the San Sebastian municipal area must have a permit from the City Council. The process for obtaining this is as follows:

1. The bus operating company must come to an agreement with the passenger group representative to provide the transport service by means of a contract or precontract.
2. Passenger group representatives are persons who, based on their specific positions act as a contact person with the bus operating company, such as the competent administrative bodies of schools, owners and managers of schools or production centres, representatives of parents' or workers' associations and similar.
3. Permits are granted for the term specified in the contract with the group, and must be renewed at least annually. Generally, school transport is valid for the corresponding academic year and those for workers will coincide with the calendar year.
4. The authorisation will establish the terms of service as established in the agreement, specifying the route or routes to follow, expressing the traffic, origin and destination, stopping points and schedules to implement.

Article 17. Transport itineraries and stopping points for special use

Every year, the City Council will establish the routes and stopping points authorised for this type of service. This notwithstanding, stopping points and routes that are not included in the general list may be authorised according to the specific circumstances of the transport provided, such as physical or mental disability, creation of new residential areas, and other duly motivated grounds.

Buses may only stop at stopping points for as long as is strictly necessary to pick up or set down passengers, performing these operations with due diligence.

Penalties may be applied in case of unduly protracted stops.

TITLE III

RIGHTS AND OBLIGATIONS OF PASSENGERS USING THE TRANSPORT SERVICE

CHAPTER I. Rights

Article 18. Passengers' rights

1. Passengers using the transport service provided by bus operating companies included in the scope of this regulation have the general rights established by law and those expressly included in this Regulation.

2. Specifically, passengers' rights are as follows:

a. To travel with the sole requirement of having a valid ticket, with the right to choose between the different tickets options at any time, according to the current fares, complying at all times with the conditions established in this Regulation.

The right to travel is conditional upon the availability of space in the service in question.

b. Travel in accordance with the general service conditions offered and established and programmed in accordance with universal accessibility and mobility principles.

c. To be covered by the mandatory insurance for buses, coaches, minibuses, mini-buses and taxi-buses, in duly tested, compliant vehicles, driven by correctly qualified staff who hold the necessary administrative permits.

d. To be informed of the fares, the functioning and terms of service and their incidents, all in accordance with the principles of universal accessibility and mobility.

e. To travel with guide dogs and service dogs according to the applicable law.

f. Use and receive information in any of the official languages of the Autonomous Region of the Basque Country.

g. Be correctly treated by bus operating company staff, who must comply with requests for help and information from service users.

h. Access with hand luggage, provided that this is not a nuisance or dangerous to other passengers or to the vehicle. as established in this Regulation.

i. Travel with prams and strollers at no extra cost, as established in this Regulation.

j. Travel with bicycles, without paying a supplement, in vehicles which allow for this and on the established lines, stopping points and schedules, as determined in Article 23 of this Regulation.

k. Access vehicles with pets at no extra charge, provided this does not cause a nuisance or danger to other passengers or to the vehicle as established in Article 24 of this Regulation.

l. Request and be given, in all vehicles and in fixed installations of bus operating companies, the complaint book/sheets required at all times, for the purpose of making complaints regarding the service provided.

m. Continue the journey on the same line or, if this is not possible, on another with a similar route, in case of an incident causing the withdrawal of the vehicle from service. Passengers need not pay the fare for the remaining journey which will be provided in satisfactory accessibility conditions.

n. Recover lost property found in the vehicles, after verifying ownership or legitimate possession. Lost property will be returned in the same condition in which it is found by bus operating company staff at the company's own office or the municipal lost property office.

Lost property will be available for collection by accredited owners for two years from being found, after which time it will be returned to the passenger who found it or, if there is none, the bus operating company staff member who handed it in. Passengers who have lost something may report this to the bus operating company for recovery.

Article 19. Language policy

1. Pursuant to the provisions of this chapter, passengers have the following linguistic rights regarding use of the official languages of the Autonomous Region of the Basque Country in the transport service:

A. The right to communicate in the official language of their choice in their dealings with San Sebastian City Council and regular public passenger road transport services for general use.

b. The right to use any of the official languages in their dealings with bus operating companies of regular public passenger road transport services for general use and their premises. Staff engaged must be able to serve all passengers in any of those official languages they use.

c. The right to receive information about the transport service in the official languages.

d. Right to submit complaints in any of the official languages.

2. In accordance with the Statute of Consumers and Users of the Autonomous Region of the Basque Country, it is guaranteed that both official languages will be available to passengers in the following circumstances:

a. Premises in the Autonomous Region of the Basque Country, on signs, notices and, in general, communications addressed to the public.

b. Forms and other official documents intended for completion by passengers.

c. Other than in cases when the passenger expressly chooses to use one of the two official languages, membership contracts and clause type contracts, standard contracts, general conditions and documentation referred to therein or which stem from the aforementioned contracts.

d. Communication addressed to passengers, as well as invoices, estimates and similar documents must be drafted in bilingual format, unless the person expressly chooses to use one of the two official languages.

e. Offers, promotions and advertising of transport services addressed at passengers, regardless of the media used.

3. Bus operating companies providing public passenger road transport services for general use must fulfil the obligations established in sections 1 and 2 of this Article.

Article 20. Transport of minor passengers

1. Children under the age of six may travel free of charge, although they must be issued a so-called 'free ticket' for the purpose of calculating spaces and for the mandatory insurance coverage established by traffic legislation.

In case of disputes regarding the age of the child, the driver's opinion will prevail, although the fare may be returned if it is proven that the child is in fact under the age of six years.

Children under the age of six must be accompanied by a person who will be responsible for their safety at all times.

One adult may accompany up to four children under the age of six.

2. Minors aged between six and 18 years entering the vehicle who are not accompanied by an adult responsible for their safety travelling with a fare integration system card (MUGI card) are assumed to have been authorised to travel by their parents or guardians for all purposes, and they therefore travel under these adults' responsibility.

Article 21. Hand luggage

1. Passengers have the right to carry small packages, objects, skates, scooters or similar and other hand luggage provided this does not cause a nuisance or danger for other users or occupy spaces intended for passengers in the vehicle.

As a general rule, items measuring more than 100 x 60 x 25 cm will not be accepted.

In any case, packages must be controlled by the moment when the passenger is picked up until being set down from the vehicle.

Objects and packages must be not block or hinder access to the vehicle doors, transit areas, reserved spaces or the stopping point.

Passengers are responsible for supervising their hand luggage and will be liable for damage or injury caused while on board the vehicle, unless the bus operating company is shown to be liable, in which case the legal limitations will apply.

2. On vehicles that permit standing passengers, objects that are commonly used and accepted such as shopping trolleys, folding bicycles, strollers and folding chairs and similar with measurements other than those indicated in the preceding paragraph, may be carried.

Additionally, and provided that there is sufficient space and they do not restrict access or spaces reserved for wheelchairs and children in prams or strollers, do not hinder transit areas and/or access, passengers may travel with larger sport, leisure and similar equipment to that specified in subparagraph two of paragraph 1 of this Article (surfboards, skis, musical instruments, and/or similar) provided they can be carried by one person, they are no more than two metres in height and are carried in protective cases. In the event of a dispute about the availability of space, the driver's decision shall prevail.

The passenger must carry the item in a vertical position, so as not to cause a nuisance to other passengers or hinder embarkation and disembarkation from the vehicle, or movement inside.

The passenger transporting the object is liable for damage caused by the object to persons or property, unless it can be proved that the operating company of the service is responsible.

Article 22. Travelling with children in prams and strollers.

1. Minors transported in prams and strollers will be allowed on all vehicles where possible.

Passengers wishing to use the reserved space on the vehicle platform who are travelling with children in prams or strollers must give priority to people travelling in wheelchairs who require the service.

Prams and strollers must be folded when not carrying minors. If not, they will not be allowed. Passengers with prams or strollers should preferably use the front door.

2. Passengers transporting children in prams or strollers must preferably use the door provided, without operating the wheelchair ramp, but they may use the vehicle tilt (kneeling) system.

They are to be located on the platform, without hindering the transit of other passengers. Children's prams and strollers shall be fixed securely at all times, using the vehicle mechanisms available, with the brake applied and the occupant facing in the opposite direction in which the vehicle is travelling.

The passenger with the pram or stroller shall be responsible for complying with the conditions so as to ensure the safety of the occupant and the other passengers.

3. A maximum of two children in prams and/or strollers may travel on vehicles of up to 18 metres and one stroller or pram in minibuses, although priority will always be given to persons with reduced mobility travelling in a wheelchair.

In case of children transported in a two-seater or larger stroller (twins or triplets) these may be counted as one person depending on the availability of space on the vehicle.

4. There is no extra charge for travelling with children in prams or strollers, as stated in Article 18.2.1. of this Regulation.

Article 23. Travelling with bicycles

1. Bicycles may be allowed on suitable vehicles on the lines, at the stopping points and at times determined by the competent body in transport matters.

Stopping points and lines where bicycles are allowed on vehicles and the time bands when this is permitted will be equipped with signs.

Passengers with bicycles must use the central door and will keep the vehicle on the platform, holding them securely at all times.

Only one bicycle per person is permitted, with a maximum of two bicycles in any vehicle simultaneously.

In any case, passengers travelling in wheelchairs or transporting children in prams or strollers have priority over bicycles for accessing and occupying the vehicle platform.

When the platform is already occupied by a person in a wheelchair or a passenger with a child in pram or stroller, bicycles may not be brought onto the bus.

2. Folded bicycles will be given access in accordance with Article 21 of this Regulation.

3. There is no extra charge for travelling with folded bicycles, as per Article 18.2.j. of this Regulation.

4. Persons travelling with a bicycle will be liable for damage or injury caused to persons or property, unless it can be proved that the bus operating company is responsible for the damage or injury.

Article 24. Travelling with pets

Passengers may travel in the vehicle with small pets, either held in the passengers arms or specific carriers. The passenger carrying the animal must sit in a seat that is not reserved, and the animal must be no wider than the seat occupied.

Guide and service dogs are excluded from the provisions of the above provisions provided that they are certified by approved centres. These animals may travel with the passenger assisted under the conditions established in the applicable rules.

Article 25. Cancellation and changes to routes

1. In general, changes to routes or temporary cancellation of the service due to road works, celebrations, special events, etc., must be announced to the public as far in advance as possible, using the information posts, marquees, bus operating companies' web pages and on the vehicles themselves. This information will be classified according to the impact of each change, and efforts will be made to inform the public at bus stops and on the affected lines.

2. Fares will only be returned when the service is suspended before it starts. To be reimbursed, passengers must submit the valid ticket, duly validated, when appropriate.

3. Deviations from the regular route used by the service or interruption of the journey once it has commenced due to causes not attributable to the bus operating company shall not be deemed a suspension of the service. If the service is suspended due to a breakdown, the bus operating company must send a vehicle from the nearest base as quickly as possible to complete the journey unless the next scheduled service will arrive sooner and there are sufficient available spaces.

Passengers travelling in the faulty vehicle may use the same ticket and, following the driver's instructions, they will be picked up by an alternative vehicle provided by the bus operating company to complete the journey, with suitable accessibility.

CHAPTER II Obligations

Article 26. Duties of passengers

1. Passengers using the services provided by bus operating companies included in the scope of this regulation have the obligations established in regulations of a general nature and those expressly included in this Regulation.

2. Passengers have the following specific obligations:

- a. To carry a valid ticket or pass in accordance with the terms established by this Regulation and to present this to bus operating company or San Sebastian City Council staff for inspection throughout the journey.
- b. Obey the instructions of bus operating company's staff regarding issues related to the service and any incidents.
- c. Obey the instructions on posters and recommendations displayed in facilities and on vehicles and refrain from behaviour that causes a nuisance to other passengers or the bus operating company's staff.
- d. They must respect reserved seats and spaces for persons with reduced mobility, and give up reserved seats to passengers with reduced mobility when travelling if required.
- e. They must access vehicles by the correct door and, having purchased or validated a ticket, they must sit or stand so as not to block vehicle doors and to ensure easy access and movement inside.
- f. Form an orderly queue at the bus stop.
- g. Get off the vehicle, in an orderly manner, at established stopping points.
- h. Request that the vehicle stop in sufficient time to be picked up or set down.
- i. Use safety belts, when available, except when road safety regulations exempt passengers from the obligation.
- j. In situations where this is advisable, such as crowded conditions, fold up additional seats that hinder the transit and mobility of people or interfere with comfort.
- k. Passengers must be clean and hygienic to avoid causing infection or discomfort, including with smells, to other passengers and the driver.
- l. Passengers shall be liable for damage caused by misuse of services, vehicles and stops or improper stowage of their property caused to the service and other passengers.
- m. Obey the driver's instructions in case of disputes on board vehicles regarding the service (opening and closing windows, operation of air conditioning, access to pets, etc.).
- n. Comply with the conditions of Article 21 when carrying packages and other objects.
- ñ. Comply with the conditions of Article 24 of this Regulation for access and transport of pets.

Article 27. Prohibitions

1. Passengers may not:

a. Access the vehicle when drivers warn that it is full.

b. Travel in parts of the vehicle not intended for use by passengers.

c. Carry objects which directly or indirectly, either intrinsically or in combination with external factors, may cause a nuisance to passengers, endanger the physical integrity or health of persons, and/or cause damage to the vehicle or transport service. Specifically, passengers may not access the vehicle with explosive, flammable, corrosive, radioactive, poisonous, toxic or contaminating substances, or similar.

d. Access the vehicle with potentially dangerous animals.

e. Access the vehicle wearing skates.

f. Write, paint, dirty, or damage the interior or exterior of vehicles or bus stops.

g. Distribute flyers, brochures and any kind of propaganda or advertising, inside the vehicles.

h. Beg inside the vehicles.

i. Use radios, audio players or communication or other electronic devices whose audible volume is annoying to passengers or the driver.

j. Access in a state of drunkenness or under the effects of narcotic drugs that may interfere with the normal operation of the service.

k. Smoke in vehicles, other than in outdoor spaces.

l. Access the bus with ice cream, glasses containing liquids, open bottles or sunflower seeds or any other type of food in the vehicles that may dirty them or cause a nuisance to other passengers.

m. Passengers must not extend any parts of the body out the windows. Passengers must not throw objects in the bus nor out the window.

n. Passengers must not speak to the driver other than when necessary and regarding the service, nor must they behave in a manner that distracts the driver or that jeopardises safety while the vehicle is moving.

- ñ. Get onto or off the vehicle other than at the established stopping points or while it is moving, without good reason.
 - o. If standing, travelling without holding on to the safety devices provided for the purpose.
 - p. Move about inside the vehicle without holding onto the handrails or handholds, endangering themselves or others in case of braking or a traffic incident.
 - q. Activate the vehicle's safety or emergency devices without good reason.
 - r. Tamper with or force the mechanisms for opening and closing doors.
 - s. Travel on the bus in a state of undress, without a shirt or with a bare chest.
2. Drivers will refuse access to the vehicle or will eject passengers who do not obey these instructions, without right to a fare refund.

Pursuant to the Regulation, if the offending passenger is already inside the vehicle, the driver will instruct the passenger in question to leave at the next stopping point.

If a passenger disobeys the driver's instructions, the driver shall immediately notify the inspection services or the authorities and report the passenger's refusal to follow instructions from the bus operating company's staff and/or any offence committed.

TITLE IV

OBLIGATIONS OF BUS OPERATING COMPANIES

Chapter I. Duties of bus operating companies

Article 28. Information

1. Bus operating companies must report on the characteristics of the transport service provided, incidents affecting its operation, and the availability of the complaint book/forms.

Service users must be duly notified of changes to fares or ticket conditions, or when valid tickets that have not been used will expire. Notices regarding exchanges of valid tickets must be posted in all vehicles.

2. The following must be displayed in all vehicles.

- a. An excerpt from the provisions of this Regulation.
 - b. A list of municipal transport tickets that can be used on urban public transport services with a brief reference to the terms of use.
 - c. The current fares.
3. San Sebastian City Council will gradually introduce measures to enable users to receive or to look up information on the characteristics, conditions, operation and rates of the above-mentioned service, as well as on any other incident, complaint, suggestion or claim, in any accessible format, whatever the source or media.

The alternative accessible formats referred to above may include, for example, large characters, simple language, braille, electronic communications accessible through adaptive technology, audio tapes or similar.

The alternative format information referred to above should be displayed in vehicles, fixed installations, bus stops, websites and any other location to be determined by San Sebastian City Council.

4. In addition to Basque and Spanish, San Sebastian City Council will work toward providing information to users in other languages, for use by foreigners using the transport service.

Article 29. Stops/Stopping Points

1. Stops may be terminals or on demand.

Terminal stops at the end of the line or journey are obligatory and are used to comply with schedules.

On-demand stopping points are those where vehicles stop for the time necessary to pick up and set down passengers, when passengers on the vehicle request the stop by pressing the call button or when as driver approaches a stopping point and slows down, there are people waiting to be picked up.

2. Generally, vehicles will stop parallel to the kerb so as not to hinder other vehicles or pedestrians, notwithstanding the existence of spaces and traffic lanes reserved for public transport vehicles.

At stopping points shared by several lines, when there are two or more vehicles present, only the first two in line are in regulatory position and may pick up and set down passengers.

The vehicles behind these may not open their doors until they are in first or second position. When a vehicle stops in second in line, the driver ensure that there are no people left behind at the bus stop.

3. At terminal stops, between the scheduled arrival and departure times, vehicle doors will be left open to allow passengers onto the bus, except during regulated driver rest breaks.

4. The vehicle engine should be turned off during extended stops and started up one minute before departure or in time for the heating/air conditioning to heat/cool the passenger compartment before the journey.

An 'extended stop' is a stop longer than four minutes.

5. For safety reasons, passengers may only enter/exit the vehicle at designated stopping points other than in cases of force majeure, where circumstances make it necessary to pick up and set down passengers in other places, provided this does not involve risk to the passengers either inside or outside the vehicle.

The above paragraph does not apply to services to special events, or to the stops for setting down passengers described to in the final paragraph of Article 12.

Article 30. Schedules and service frequencies

1. Bus operating companies must comply with the established departure times and frequencies. Frequencies and schedules for on-demand stops are for guidance purposes only and are subject to change due to traffic or adverse weather conditions, among other causes.

Among the quality requirements, bus operating companies must establish means for complying with service frequencies or, as the case may be, to ensure that vehicles do not pass on-demand stopping points before the scheduled time.

To determine times and frequency of services, all the equipment on board vehicles and information panels will be synchronised by means of a real-time high precision clock that synchronises with the rest of the system via the GPS NMEA protocol. The clock will mark the official time.

2. Information about lines, schedules and frequencies, duly updated, will be made available to people at stopping points wherever possible and at the bus operating companies' premises and on their websites. The information shall always include the departure time of the first and last service and the service frequency. If the service runs at intervals equal to or greater than 20 minutes, the specific times can be rectified when the bus reaches the terminal stop.

3. According to the characteristics of each line, bus operating companies will gradually increase the available information with plans of the bus network and with any other type of additional information collected in collaboration with San Sebastian City Council or the Gipuzkoa Territorial Transport Authority, within its competencies.

Article 31. Vehicle identification

1. In the absence of duly justified causes, vehicles allocated to the regular road public passenger transport service for general non-tourism uses must be marked with elements of the corporate image of the Compañía del Tranvía de San Sebastián, and any others determined by resolution of the municipal body responsible for transport.

2. In the absence of duly justified reasons, vehicles assigned to regular road public passenger transport service for general tourism uses must show, both inside and out, the identifying elements specified by resolution of the municipal body responsible for transport or the corresponding licence holder.

Article 32. Advertising on vehicles

San Sebastian City Council may authorise advertising inside and outside vehicles, provided that the advertising content is legal, particularly with regard to equality between women and men and the prevention of drug addiction.

The advertising must comply with the applicable corporate image so as not to interfere with the identification of public transport vehicles.

It must not affect the field of vision of the driver. No advertising is permitted on the front of vehicles.

Article 33. Cleanliness and comfort

Vehicles and fixed installations for use by passengers operated by bus operating companies providing the service must be kept in correct conditions of cleanliness and hygiene.

When using communication and audio devices, drivers must use them at a volume that is not annoying to others. A nuisance noise level measured inside vehicle cab with doors and windows closed is above a threshold of 55 LAeq (dB).

The obligations laid out in this article are conditions precedent for providing the service.

Article 34. Vehicle capacity

The number of people who access the vehicle may not exceed that permitted in the registration certificate. When the vehicle is full, the entrance door must not be opened, and the driver will notify the control centre of this fact.

The number of seats, the maximum number of people who can travel and, where appropriate, the number of seats and spaces reserved for people in wheelchairs and remaining passengers with facilities for disabled guests will be displayed in a prominent position inside the vehicle.

Standing passengers are only permitted on duly equipped and authorised vehicles and services.

Article 35. Vehicle cleaning and maintenance

1. Vehicles must be duly cleaned before starting the service. They must be disinfected and fumigated for insects in compliance with the regulations.

2. Every day, before starting the service, bus operating companies must check:

a. The proper functioning of the tilt systems, ramps and platforms, the ringing and call buttons and visual and acoustic alert systems.

b. The proper functioning of door opening and closing mechanisms, ticket machines and validation machines, and localisation and communication systems.

c. The availability and proper conditions of use of all safety components (hammers, window breakers, fire extinguishers, mandatory seat belts, etc.).

d. Fuel and oil levels, as well as the correct condition of vehicle tyres, etc...

3. Any faults in the operation of access ramps and platforms, ticket machines and validation machines, communication systems, air conditioning or any other element of the vehicle that does not impact safety, should be repaired as a matter of urgency.

4. The use of the vehicle under these conditions is conditional upon notification of the defect immediately to San Sebastian City Council and the reasons why it has not been possible to replace the vehicle, specifying the term within which it is anticipated that the fault will be rectified.

Article 36. Vehicle safety

Vehicles assigned to the public transport service, which will be duly approved models, must be correctly maintained and kept in working order. Their technical conditions must comply with the Vehicles Regulation in force and they must have passed the Technical Vehicle Inspection (ITV) and, where appropriate, the terms of the licence.

Under no circumstances may vehicles that do not comply with safety requirements perform the service.

Article 37. Accidents

1. In case of accident, the driver will complete the accident report, gathering as much information as possible about the event, informing passengers of the correct channels for processing the incident.

2. Passengers injured during a service must notify the driver of what has happened if the driver has not witnessed the occurrence.

Neither San Sebastian City Council nor the bus operating companies providing the service accept any liability for injury or damaged incurred by parties that do not report the occurrence, unless they are not able to report them as required due to force majeure.

3. The bus operating companies providing the service must be covered by insurance policies as required by law in order to compensate passengers or third parties suffering personal injury or damage to property as a result of an accident.

Article 38. Obligation to issue a ticket

Bus operating companies are obliged to issue single tickets to occasional users who pay for the service in cash, and to passengers travelling free of charge, for the purposes of calculating passenger numbers and for mandatory insurance purposes.

Passengers may pay in coins or notes with a value of up to 20 euros. This is a condition precedent of the service.

Article 39. Complaint book/forms

Bus operating companies must make complaint books/forms available to passengers so that they may make complaints and claims, which will be notified to the City Council, the owner of the service.

A copy of the book or a sufficient number of complaint forms must be made available to users at the following locations:

- At fixed installations authorised to issue tickets.
- In all vehicles operating services that have stopping points where there are no fixed installations authorised to issue tickets.

Claims/complaints must be made so as not to affect the normal provision of the service claimed or inconveniencing the other passengers. If the complaint requires the driver's attention and this may cause an

interruption or affect the conditions of service, the complaint or claim must be submitted at the bus operating company's fixed installations or by electronic means.

Passenger complaints received by the bus operating company must be forwarded to San Sebastian City Council within 30 working days, together with the allegations made and indicating whether or not the bus operating company agrees with the claimant's assertions.

San Sebastian City Council will gradually take steps to enable users to make online complaints about the bus operating companies' services.

Chapter II. Obligations of the bus operating company staff

Article 40. Obligations of the bus operating company's staff

1. Bus operating company staff shall comply strictly with the provisions of this Regulation and with all other mandatory regulations.

2. Bus operating companies' staff have the following obligations, notwithstanding any others established by the owner of the service:

a. In the case of drivers, they will drive the vehicles in accordance with the Traffic Law for Motor Vehicles and Road Safety and their enacting regulations, driving and stopping the vehicle gently without jerking or sudden movements and taking great care with the safety of passengers and pedestrians and other traffic.

b. Treat passengers correctly at all times, responding to their requests for assistance and information related to the service performed.

c. Help to maintain the elements that form part of the company's corporate image and meet the minimum conditions of hygiene, particularly in the case of the staff who deal directly with passengers.

d. In the case of the bus operating companies' drivers and inspectors, they will not pick up passengers who:

- Are wearing skates.
- Do not comply with the health and hygiene standards.
- Infringe any of the conditions of Article 21 of this Regulation on access with luggage.
- Infringe any of the conditions in this Regulation governing access to pets.
- If the vehicle has reached maximum occupancy.
- Persons who are drunk or under the influence of narcotics that may interfere with the normal operation of the service.

- e. Use vehicle access systems when a passenger with reduced mobility wishes to use these facilities to embark or disembark.
 - f. All accessibility systems provided for in this Regulation must be operational throughout the service
 - g. Order a passenger to vacate a reserved seat when the passenger does not comply with a request from a passenger with reduced mobility.
 - h. Order passengers to stop activities or behaviours which are prohibited under Articles 27.1, f, k and ñ.
 - i. Order passengers to stop activities or behaviours which are prohibited under articles 27.1, letters g, h, i and l.
 - j. Not transport persons to locations other than those designated and equipped for the purpose.
3. The duties of bus operating company staff mentioned in this article as set out in the last two subparagraphs of paragraph 2.d, and in paragraphs 2.e, 2.f, 2.g and 2.h are a condition precedent of the service.

The obligations of bus operating company staff are included as a condition in the service agreement regulatory clause specifications issued for the transport service, transport permits and, where applicable, the licence to operate the service.

4. Transport operators must ensure that their staff comply with the aforementioned requirements and other obligations with respect to passengers set out in the general rules.

TITLE V. PASSENGER TICKETS

Article 41. Valid tickets.

- 1. Passenger tickets, duly validated, are the documents that authorise travel on a specific route.
- 2. The City Council is responsible for creating new passenger tickets and their conditions and cancellation of existing tickets and introduction of new ones which will be valid on municipal urban transport service that have been created by other entities, such as the Territorial Authority of the transport of Gipuzkoa.
- 3. These tickets are valid for regular road public passenger transport service for general non-tourism uses: the single ticket, the special single ticket and the Dbus bonobús.

MUGI cards issued by the Territorial Transportation Authority, duly validated, are among the tickets accepted on these services.

In the case of improper and fraudulent of personalised cards, in accordance with the conditions imposed by the card issuer, the ticket will be invalid.

When using the anonymous MUGI fare integration systems, users must check that the card has been validated or that the control operation has been performed correctly for the number of people travelling with the card. The ticket must be kept by last person to get off the vehicle.

4. The following tickets are valid for regular road public passenger transport service for general tourism uses: adult tourism bus ticket, child tourism bus ticket (5 to 12 years), simulated adult train ticket and simulated child train ticket (5 to 12 years).

5. All tickets are covered by the relevant compulsory accident insurance.

Article 42. The single ticket

1. The single ticket is issued on board the vehicle when picking up the passenger and is paid for in cash.

The ticket is free for children under six years of age, authorised persons with accreditation, persons escorting blind and partially sighted passengers and passengers travelling in wheelchairs.

2. Passengers must try to pay for single tickets with the exact amount. However, passengers may pay in coins or notes with a value of up to 20 euros.

Passengers should check their change immediately.

Vehicles may carry a book of credit notes for returning change when they do not have enough cash. Credit notes will be effective from the following day at the offices of bus transport company or other specified places.

Users who do not coins or notes of €20 or less may not access the vehicle. If the vehicle has already starting moving, the passenger must leave at the next stop.

Article 43. Obligation to have a valid ticket

1. All passengers, including passengers who travel free of charge, must have a valid ticket from the moment they are picked up. This must be shown to the driver and validated, as required. Passengers may also purchase a single ticket when entering the vehicle and must keep it in good condition until being set down at the destination stopping point.

Those travelling without valid title must leave the vehicle, and may be subject to sanctioning proceedings.

2. Tickets must be shown to inspection staff and/or bus operating company staff when requested. Personalised ticket holders must identify themselves with an identity document if asked to do so.

If passengers refuse to cooperate with inspectors and service provider staff, the Municipal Police may be called for assistance.

TITLE VI. PENALTY SCHEME

Article 44. Competence and procedure

San Sebastian City Council is responsible for inspections and for sanctioning public road transport infringements committed by passengers.

The procedure for the imposing the sanctions in this Regulation and for their enforcement, complies with Law 2/1998, of 20 February, on the sanctioning powers of Public Administrations of the Autonomous Region of the Basque Country.

Article 45. Inspection

1. Bus operating companies may make inspections to ensure that passengers comply with the provisions of this Regulation, notwithstanding supervision by City Council inspectors.
2. Staff of the above-mentioned operating companies and City Council inspectors are authorised to monitor and inspect compliance with the obligations. They must give a report of infringements and submit a claim which will, if applicable, lead to sanctioning proceedings.

Article 46. Responsibility for infringing this Regulation

1. Regarding infringements by individuals or bus operating companies and/or by their staff, responsibility will be the operator lies with the service provider, or licence holder, without prejudice to the fact that, in his case, notwithstanding actions that may be brought against staff assigned to the service who are considered materially responsible for those infringements.
2. In any case, infringements include issues regarding ticket machines, even when the facts infringe these or similar precepts.

However, when the facts of the offence are directly related to administration work carried out in the bus operating company offices or with the vehicle used and it is proven that the anomaly could not be rectified before returning to the corporate headquarters from which the service departed, such facts shall be deemed to be a single infringement, even if has persisted during the partial issuances carried out.

3. Passengers are responsible for their own infringements.

Article 47. Definition and classification of infringements

1. In addition to infringements defined under the applicable passenger road transport law, the acts and omissions described and punishable under this Title are considered infringements.
2. The infringements described in this Regulation are ranked as serious or minor.

Article 48. Infringements committed by bus operating companies or their staff

1. Serious infringements are breaches of the terms of service that are considered conditions precedent, when said breach is not expressly otherwise defined in Law 4/2004 on Passenger Road Transport in the Basque Country.
2. Minor infringements are failures to comply with the obligations or terms of service provided for in Articles 40.2.d, subparagraphs (one to four, and 40.2.i of this Regulation, as well as those other non-essential obligations in this Regulation, when the infringement is not expressly defined otherwise in Law 4/2004 on Passenger Road Transport in the Basque Country.

Article 49. Penalties for infringing the above Article

1. Serious offences are punishable by a penalty of €1,501 to €2,000 euros.

Serious infringements of the above article will be punishable by a penalty of between €2,001 to €3,300 when the perpetrator of the infringement has already been fined in the previous twelve (12) months, by means of a resolution that ends the administrative process, for committing another very serious infringement in Law 4/2004 on Passenger Road Transport in the Basque Country or those classified as serious in this regulation.

2. Minor offences are punishable by a penalty of between €201 euros and €300 euros.

Minor breaches of the previous article are punishable by a penalty of between €301 and €400 when the perpetrator has already been fined in the previous twelve (12) months, by means of a resolution that ends the administrative process, for committing another very serious infringement in Law 4/2004 on Passenger Road Transport in the Basque Country or those classified as serious in this regulation.

Article 50. Infringements committed by passengers using the regular urban transport service

1. Serious breaches are failure to fulfil the obligations defined in Articles 26.2 d and n, and the prohibitions in Article 27.1.d, f, j, k and ñ.
2. The following are minor infringements:

a. Failure to comply with the obligations and prohibitions in Article 27.1.e, g, h, i and l.

B. Travelling without the correct ticket or pass for the journey and terms of use, and misuse of the ticket or pass.

Article 51. Penalties for infringing the above Article

1. Serious offences are punishable by a penalty of €101 to €200 euros.
2. Minor offences committed by service users are punishable with a warning or a penalty of up to €100. Repeat offenders will not be given a prior warning.

However, minor breaches of articles 1 and 2 above are punishable by a sanction of between €201 to €300 when the perpetrator has already been fined in the previous twelve (12) months, by means of a resolution that ends the administrative process, for committing another very serious infringement in Law 4/2004 on Passenger Road Transport in the Basque Country or those classified as serious in this regulation.

3. A minor offence under Article 50.2.b is punishable with a penalty of €50.

If the penalty is paid within 20 days of notifying the complaint or reporting the infringement, the sanction will be reduced to €20, which will end the procedure, since the perpetrator will be deemed to have discharged the liability.

The report or complaint will be deemed duly notified even if the person refuses to accept the report or complaint, which will be noted in this document.

Payment of the penalty does not relieve the recipient from the obligation to obtain a valid ticket to continue with the journey.

Article 52. Expiry of the procedure, limitation period on infringements and penalties in this Regulation

1. If notice is not served within six months of starting the procedure it will expire under the terms and with the consequences established in the law on the Public Administration and the Common Administrative Procedure.

The six-month period shall be interrupted, in the cases defined in the applicable regulations, while the procedure is postponed for reasons attributable to the interested parties.

Serious infringements shall expire after two years and the minor procedures after one year.

Penalties imposed for serious infringements shall expire after two years and penalties for minor infringements shall expire after one year.

Single Additional Provision Collaboration with the Local Police

The Local Police will collaborate to achieve correct functioning of the service, ensuring the free movement of the vehicles intended for these services and due maintenance of bus stops, of public transport lanes, if any, and other lanes used by public transport vehicles.

The Local Police will assist bus operating companies when passengers infringe their obligations and prohibitions and do not voluntarily correct their behaviour.

Single Transitional Provision. Whilst vehicles do not have an acoustic warning system, drivers shall assist persons with visual impairments that have been picked up at the bus stop, dropping them where they have said they want to be set down.

Single Derogatory Provision. In a plenary meeting on 13 July 2011 the Regulation of the Urban Public Transport Service of Donostia-San Sebastian was permanently abolished, with the exception of Article 5.

Final Provision

One. This Regulation will enter into force 20 business days after its publication in the Official State Gazette of Gipuzkoa.

Two. Bus operating companies of regular public passenger road transport services for general use must ensure that their staff are duly informed of this Regulation.