

Rider Suspension Policy

The East Alabama Regional Planning and Development Commission has a commitment to provide quality public transportation within the Areawide Community Transportation System (ACTS) Service Area. There are occasions, however, when passenger/customer behavior seriously disrupts or endangers the health and safety of our employees and other members of the public who use our services. When this occurs, it may be necessary to deny transportation service and/or access to facilities and/or vehicles to those customers.

Section A

Criteria For Denial Of Service And/Or Removal From Vehicle Or Transit Centers

For reference, "Transit" means East Alabama Regional Planning and Development Commission, the contractor directly operating vehicles, scheduling trips, and answering phones for informational purposes, and any other identified persons involved in transit related activities.

"Customer" means passenger, potential passenger, or any individual seeking information concerning transit from a transit employee, at a transit facility, or anyone on transit property.

The following conduct (although the following list is not all inclusive) will subject an ACTS Transit customer to immediate removal from a vehicle and/or transit center, as it applies to the authority of the East Alabama Regional Planning and Development Commission, its transit contractor, any the ACTS Transit program:

1. Verbal or physical abuse of transit employees, customers, or damage to equipment.
2. Behavior which presents a danger to the health or safety of the offending customer, other customers, or and Transit employee. Such behavior includes conduct which is violent, seriously disruptive, or illegal.
3. Urinating, defecating, vomiting, or inappropriately discharging of bodily fluids on transit property.
4. Eating, drinking, and carrying open food or beverage containers.
5. Soliciting, advertising, selling or distributing goods or services, except as authorized by the East Alabama Regional Planning and Development Commission or its agents.
6. Sexually harassing any transit employee or passenger/customer.
7. Demonstrated pattern of no-shows on the transit system (as it applies to ADA Paratransit and Public Demand Response Services). The "No Show Policy under the Americans with Disabilities Act of 1990" outlines separate procedures undertaken in that instance. *See Transportation Manual for full Policy*

8. Passengers temporarily unable to care for themselves due to illness or intoxication (alcohol, drugs, or other intoxicating substances), resulting in single instances of disruptive behavior which interfere with the safe and smooth operation of the system. Such passengers may be reseated, refused service, or removed from Transit vehicles or facilities at the discretion of Transit Employees
9. Smoking or carrying a lighted or smoldering pipe, cigar, cigarette, or using any tobacco products on Transit properties not designated as tobacco use areas.
10. Discarding litter other than in designated receptacles.
11. Playing any radio, recorder, or other sound-producing equipment that does not limit sound to individual listeners, or interferes with communication devices by Transit employees or public safety officers in the line of duty, or the use of private communication devices, such as pagers or portable telephones.
12. Spitting or expectorating.
13. Carrying any flammable liquid, explosive, acid or other article or material likely to cause harm to others.
14. Intentionally obstructing or impeding the flow of transit vehicles, passenger traffic, hindering or preventing access to transit vehicles or stations, or unlawfully interfering with the provision or use of public transportation services.
15. Intentionally disturbing others by engaging in loud, raucous, unruly, or harassing behavior that is harmful and intimidating to others.
16. Destroying, defacing, or otherwise damaging property of the ACTS Transit Agency or its Contractor.
17. Carrying any alcohol, controlled substances, guns, knives, or other devices that are weapons or apparently capable of use as weapons unless authorized by law.
18. Violation of any federal, state, county or local criminal law.

Section B

General Incident Protocol

The following is the general procedures and protocol that the East Alabama Regional Planning and Development Commission, its Contractor(s), and any associated personnel will follow in enforcing these rules:

1. Transit representatives or its agents will encourage respect and good behavior from customers on all Transit vehicles and facilities. Customers who undertake or participate in any conduct set out in Section A will be requested to cease the misbehavior, and warned that if the behavior continues, he/she will be asked to leave the bus, transit center or other transit facility. This will be done politely, discretely, and quickly.
2. If the customer refuses, a Supervisor and/or law enforcement officer may be contacted immediately to evict him/her from the bus, van, transit center or other transit facility. No customer shall be removed forcibly from transit vehicles or facilities without the assistance of law enforcement or a Supervisor, except in self-defense.
3. When a customer is removed, he/she will be discharged at a bus stop, or at a location where the customer is unlikely to be injured or endangered, unless the operator or other passengers are in imminent danger, in which case immediate discharge is appropriate. Operators are expected to exercise best judgment in these circumstances.
4. Transit personnel will carefully and completely document all suspensions, and provide such written reports to his/her immediate Supervisor.
5. If the customer has a cognitive or physical disability, as defined by the Americans with Disabilities Act of 1990 (ADA), every effort will be made to evaluate if the incident was caused by his/her disability, and if accommodations can be made to allow that customer continued access to transit services. They will consider the customer's disability when determining the actions to be taken. Ongoing service may be provided conditionally if an attendant accompanies the customer and such will prevent further conduct that violates these rules.
6. The ACTS Transit program reserves the right to immediately refuse all transit services to a customer when necessary to protect the health and safety of other customers or employees, regardless of the progressive steps of suspension reflected in policies when the actions involve violent, illegal, or seriously disruptive behavior. In such cases, a suspension notice may be issued immediately by a law enforcement officer, the affected transit personnel, or the Project Administrator.
7. Only Supervisors and/or law enforcement are empowered to immediately suspend a customer from Transit service. Incidents involving suspension may be taken to the Transit Advisory Board for review. The Transit Advisory Board may temporarily or permanently ban a passenger from using any transit services. Banning a passenger or customer will come after discussion and consideration of all applicable facts. The offender will have an opportunity to give his/her

account of the incident. When such an incident involves violence, the threat of violence, or similar act, the offender may not be allowed to attend the Transit Advisory Board meeting if there is the possibility of further violence. The offender can send a written statement in place of a personal appearance.

Section C

Procedures For Service Denial And/Or Suspension

There are two "tracks" of procedures for denying or suspending service:

1. Minor Infraction: defined as behavior which is prohibited by Section A, but minor in nature, and for which there is every reason to believe that it can or will be corrected. A single day service denial should be the general suspension.

a. Operators needing to remove a customer for unlawful conduct as defined in Section A shall notify dispatch immediately of a minor infraction. No Operator will, without prior approval from a Supervisor, refuse service to a customer past the day of the problem for which he/she was removed from the bus or facility.

b. A customer will not be denied access to other parts of the system on the day of the incident unless there are extenuating circumstances. A decision to limit service on that day to other parts of the system will be made only by a Supervisor.

c. Operators shall report single incidents when service has been denied in a first person report to be kept on file for any future reference. As documented, patterns of minor infractions may be evaluated for further action, including warning of suspension or outright suspension from the ACTS Transit service, under the procedures of Section 2 herein.

2. Serious Infraction: defined as violent, illegal, or seriously disruptive behavior, or pattern of minor infractions leading up to or requiring ongoing suspension of service.

a. Upon the occurrence of a Serious Infraction, whenever possible, Supervisors shall explain to the customer why he/she is removed from the bus or facility. Drivers are not mediators and are not expected to counsel. It is understood that immediacy of the situation may cause a driver to make a decision to remove a passenger or call Law Enforcement and later report the incident. If an incident occurs that a driver feels warrants immediate action, the driver should report to his/her superior as soon as possible. The safety of the offending customer, the driver, and other passengers is first and foremost important. The ACTS Project Administrator will indicate in a written notice, if the address of the offending customer can be determined, if the customer is:

- Warned of future suspension, or
- Suspended from service, and the end date

The suspension may, but not always, follow a decision by the Transit Advisory Board and/or a legal opinion of the action taken by the Project Administrator.

b. Depending on the severity of the incident, suspensions will be, at a minimum, for a period of one day, and may be permanent. Severe incidents, such as assaulting an operator or customer, may warrant a suspension for an indefinite period of time. The length of the suspension is solely at the discretion of ACTS Transit Supervisors.

c. If law enforcement has removed the customer from the system, ACTS Transit Supervisors will make a reasonable effort to formally notify the customer of the terms of the suspension and right to appeal. This policy recognizes it is not always possible to determine the address of every passenger for written notification.

d. If the customer has been issued a written warning of future suspension and the behavior reoccurs, Supervisors will officially notify the customer that the Transit Program will not provide transportation for a specified period of time.

e. Staff will inform operators and dispatch regarding service suspension.

3. Appeal:

a. The Service Suspension Letter submitted to a customer shall notify the customer of his/her right to appeal the decision to the Project Administrator or his/her designee. The customer may file a Notice of Appeal within six (6) working days after receiving the Service Suspension Notice at the offices of the East Alabama Regional Planning and Development Commission, P. O. Box 2186, Anniston, AL 36202. Verbal appeals at the physical office of the East Alabama Regional Planning and Development Commission will not be accepted. The customer may verbally request to be allowed to speak at the next Transit Advisory Board meeting.

b. The customer may request a hearing or may request a review without a hearing based on a written statement or interview outlining the reasons why the suspension should be revoked. If requested, the hearing shall be held by the Project Administrator, his/her designee, and/or the Transit Advisory Board within thirty (30) days.

c. Following the hearing, or if a hearing is not requested, the Project Administrator, his/her designee, and/or the Transit Advisory Board shall render a decision within ten (10) days after receipt of the Notice of Appeal or the completion of the hearing. The decision may be conveyed to the customer in writing.

d. The ACTS Transit program will not provide service to the customer pending resolution of the Appeal.

4. Resumption of Service:

a. Upon expiration of the suspension period, or revocation of the suspension, the customer may be required to enter into a contract with ACTS Transit program outlining appropriate behaviors prior to resumption of service. It is the customer's responsibility, or someone acting on his/her behalf, to contact the Program Administrator to request a meeting at least three (3) weeks prior to resumption of service. The Agreement will be completed at that time.

b. Customers who receive an-until-further notice suspension shall be entitled to request a review prior to reinstatement. The customer and ACTS Transit program must agree to terms and conditions regarding resumption of service, then service shall begin within three (3) weeks following the date of the agreement.

c. A decision to grant resumption of service may be contingent on:

- Completion of the Transit Use Agreement if so entered into, and
- Demonstrated corrective behavior or an ability to act in conformity with these rules.

d. After resumption of service, a probationary period not to exceed thirty (30) days will be imposed. If the customer exhibits behavior that is prohibited by Section A, the original suspension shall be immediately reinstated and a new suspension period imposed.

e. The Project Administrator will notify the Contractor who will notify all pertinent operators and dispatch regarding the resumption of service.

f. A reinstated suspension may be appealed under the provisions of Section C.

Section D

Liability

Nothing in this Policy herein shall create a duty to any person on the part of the East Alabama Regional Planning and Development Commission or its Contractors from any basis for liability on the part of the ACTS Transit Program, its officers, agents or employees. The obligation to comply with this Policy is solely that of any person entering and using Transit vehicles, facilities, and properties. East Alabama Regional Planning and Development Commission and Contractor enforcement of this Policy is discretionary, not mandatory, as based on each incident and occurrence as it is in the best interest of all parties involved.

Passed and adopted by the Transit Advisory Board on May 13, 2010.