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METRO POLICY DOCUMENT:

Rules of Conduct and Inappropriate Conduct Transit Exclusion Procedure



Metro Transit

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I. PURPOSE

It is the mission of Metro Transit (Metro), a division of the City of Madison, through the efforts of dedicated, well-trained employees, to provide safe, reliable, convenient, and efficient public transportation to the citizens and visitors of the Metro service area. Metro has established this Behavior Policy to promote the safety and comfort of its riders, to facilitate the proper use of transit facilities and services, to protect transit facilities and employees, to assure the payment of fares and to ensure that Metro vehicles and facilities are safe, welcoming and provide equitable access for Metro passengers. Responses to inappropriate and/or illegal conduct are outlined here.

II. OVERVIEW AND DEFINITIONS

No individual may engage in inappropriate conduct on, at or in the facilities of Metro Transit, including at Transfer Points, in shelters, at bus stops, and at administrative, operational, and maintenance facilities, or on buses used to provide Metro fixed route or paratransit services. Inappropriate conduct includes any individual or group activity which is disruptive or injurious to other individuals lawfully using Metro facilities or services; damaging or destructive to transit facilities or services; or disruptive, harassing, threatening or injurious to transit employees.

Inappropriate conduct may also constitute a violation of an ordinance or criminal law. The fact that an individual is or is not charged or convicted of an incident of inappropriate conduct does not bar investigation and/or exclusion under this Policy.

The term Metro Transit or Metro means the City of Madison, Metro Transit Division. The term “facilities” means all property and equipment of Metro Transit, including, without limitation, inside and outside areas of Metro Transit (City) property, bus shelters, bus stops, transfer points, signage and buses used to provide Metro Transit service.

The term “Metro Transit facilities” includes both the public and non-public areas of Metro facilities.

The term “public area” of Metro Transit facilities includes those portions of facilities that are open for public use for transit or transit related purposes.

The term “transit services” means fixed route bus service and complementary paratransit service.

III. LEVEL I INAPPROPRIATE CONDUCT ON BUSES

For any of the following inappropriate conduct on buses, persons will be given a first warning by the Bus Operator not to engage in the conduct. If further warning by the Bus Operator is necessary for failure of the passenger to comply, a Metro Supervisor may be contacted and may be called to the scene by the Bus Operator. The Supervisor is authorized to and may ask the passenger(s) to leave the bus. An individual who declines to leave a bus after being ordered to do so by the Metro Supervisor is subject to arrest and prosecution for trespassing and/or disorderly conduct. Continuous repeat infractions may result in exclusion from Metro buses for not less than 7 days or more than 6 months. See Section VI, Exclusion Procedure.

- Refusing to vacate designated front seats and designated wheelchair areas in buses for senior citizens and people with disabilities when requested by those persons or by the driver on their behalf.
- Eating or drinking with the exception of bus operators who have permission to do so when vehicles are not in motion.
- Using an audio device (e.g. portable radio, tape, CD player, TV, etc.), unless such equipment is used with earphones so that sound is limited to person's own listening only.
- Standing in front of the standee line at the front of the bus near the driver's seat.
- Bringing any animal on buses un-caged, except working animals that assist those with disabilities. Caged animals must fit on customer's lap.
- Bringing on-board any large articles, packages, baggage, non-collapsible strollers or baby buggies which block the aisle and restrict the free movement of passengers.
- Engaging in indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct under circumstances in which such conduct tends to cause or provoke a disturbance. This is not intended to prohibit ordinary conversation between passengers in normal conversational tones.
- Having distracting conversations with Metro Bus Operators.
- Engaging in unauthorized canvassing, selling, soliciting or distributing any material onboard buses.
- Changing a child's diaper.
- Exhibiting inappropriate personal hygiene, i.e., an individual whose bodily hygiene is so offensive as to constitute a nuisance to other passengers.
- Boarding unattended minors: children five years of age and under must be closely accompanied at all times by an older responsible individual.
- Roller-skating, roller-blading, or skateboarding on buses.
- Hanging or swinging from stanchions or other bus equipment with feet off the floor.
- Hanging out, reaching out, or putting anything out of bus windows.
- Willfully refusing to pay a fare, or show specific fare media to the bus operator.
- Otherwise disorderly or inappropriate conduct which is inconsistent with the orderly and comfortable use of buses for their intended purpose.

IV. LEVEL II INAPPROPRIATE CONDUCT ON BUSES OR IN OTHER FACILITIES

The following conduct is prohibited in all Metro facilities, including but not limited to, buses, Transfer Points, park & ride lots, and bus shelters except as specifically limited below. Any individual observed engaging in the conduct may be told by a Bus Operator or Supervisor or other authorized individual to leave the facilities immediately and may be subject to arrest by proper authorities. The Bus Operator is authorized to request police assistance if necessary. These offenses may also subject passenger(s) to the Exclusion Procedure, described in Section VI; further legal action may be taken as applicable and appropriate.

- Smoking on buses. (See Section V below concerning lighting an incendiary device (e.g. match, lighter, or torch).
- Fighting.
- Bringing any items of a dangerous nature on-board buses (unless allowed by State Statute) including: weapons (pistols, rifles, knives or swords); flammable liquids; dangerous, toxic or poisonous substances; vessels containing caustic materials, chemicals, acids or alkalis; fishing rods which are not broken down or have unsecured or exposed hooks or lures, ski poles unless secured to skis or have tip covers; sheet glass and sharp objects. Fencing foils must be sheathed and left at the front of the bus with the bus operator.
- Behavior that is disruptive, harassing, or threatening in nature to Metro passengers or employees. This includes following or stalking passengers or employees.
- Causing sounds that are unreasonable and highly disruptive of other individuals using Metro facilities or services, including but not limited to: prolonged loud, , abusive, indecent, profane or drunken conduct.
- Misuse of fare media.
- Drinking alcoholic beverages or possessing open containers of alcoholic beverages.
- Using of or bringing a Segway (or like device) on the bus - unless it's being used as a mobile device.
- Otherwise disorderly or inappropriate conduct which is inconsistent with the safe and orderly use of transit facilities for their intended purpose.

V. LEVEL III INAPPROPRIATE CONDUCT/EMERGENCY SITUATIONS

The following conduct in all Metro vehicles and facilities, including buses, Transfer Points, Park and Ride Lots and bus shelters will be cause for police intervention, arrest and/or prosecution. An emergency situation can be defined as any situation in which an individual's actions present an imminent danger to the life or safety of him/herself or others, or to Metro property. The Bus Operator is authorized to request police assistance. An individual found to have engaged in any of the following activities will be excluded from transit facilities and/or services pursuant to the process in Section VI, Exclusion Procedure.

- Use of counterfeit or stolen fare media
- Assault or threat of assault.
- Stealing or willfully damaging, defacing or destroying Metro property. The City will prosecute anyone who steals or willfully damages, defaces or destroys Metro property.
- Lighting an incendiary device (e.g. match, lighter, torch).
- Obstructing or interfering with the Bus Operator's safe operation of the bus
- Indecent exposure

- Entering or remaining on Metro buses after having been notified by an authorized individual not to do so, or boarding or remaining on Metro buses during the period when an individual has been banned from the premises. See NON-COMPLIANCE WITH EXCLUSION ORDER (XIII).

VI. TRANSIT EXCLUSION PROCEDURE

After staff determine that there have been repeated or serious incidents of inappropriate conduct by an individual, and it is determined that the individual involved should be excluded from transit facilities and/or services or that conditions should be placed on the individual's continued use thereof:

- The Transit Service Manager will issue, or cause to be issued, to the individual involved a written exclusion letter from Metro facilities, including services as may be warranted. The letter shall indicate the reasons for the exclusion, the time period of the exclusion, and the facilities and/or services to which the exclusion order applies. If continued use of transit facilities and/or services is made subject to safety conditions or restrictions (eg., presence of a parent or guardian in the case of a juvenile; accompaniment by a personal care attendant or aide), a conditional exclusion letter may be issued specifying that the individual will be subject to exclusion unless the imposed restrictions are complied with. The letter shall also advise the individual of his/her right to appeal the decision and include a copy of the appeal procedure. The Transit Service Manager shall provide a copy of the letter to the Transit General Manager and will inform all staff involved, who have a need to know, about the reasons for and length of the exclusion.
- At the discretion of the Transit Service Manager, a juvenile may be restricted to use of Metro services only when the juvenile is accompanied by a responsible designated adult for a designated period of time. The juvenile's parent or guardian must be notified of the restriction via certified mail. Failure to abide by the restriction may lead to exclusion under this policy.

VII. APPEAL PROCEDURE

Any appeal by or on behalf of the party subject to an exclusion order shall be submitted in writing to the Transit General Manager within ten days after service by mail of the Transit Service Manager's determination. The communication shall state with specificity the grounds for the appeal. The determination of the Transit Service Manager to exclude an individual shall be stayed pending appeal to the Transit General Manager. The Transit General Manager shall review and may reconsider or modify the decision to exclude an individual, following investigation of the matter and shall specify in writing within fourteen business days of receipt of the appeal the reasons for rescission or modification, if applicable, to the appellant. The Transit General Manager will seek review of a draft written response by the City Attorney's Office before issuing the response to an individual subject to an exclusion order

APPEAL: The aggrieved party may appeal the Transit General Manager's determination within ten days after service by mail of the Transit General Manager's determination, by written notice of appeal filed with both the Transit General Manager and the Chairman of the Transit and Parking Commission (TPC), c/o Metro Transit, 1101 East Washington Avenue, Madison, WI 53704. The Transit and Parking Commission Chair shall appoint a special Transit Exclusion Appeals Board consisting of three members of the TPC to hear the appeal. This special Board shall hold a hearing within 30 days after the notice has been filed. Notice of the hearing including a statement of the time, place and nature of the hearing shall be mailed to the aggrieved party and the Transit General Manager at least ten (10) days prior to the hearing. Exclusion orders for Level I violations shall be stayed pending appeal to the Appeals Board. Exclusion orders for Level II and Level III violations shall

not be stayed pending an appeal, unless the Appeals Board finds that a stay is warranted and necessary under the particular circumstances. A request for stay shall be made in writing by the aggrieved party stating the specific reasons for the request.

HEARING: At the hearing, the appellant may be represented by counsel, may present evidence, and may call and examine witnesses and cross-examine witnesses of the other party. The Chairman of the Commission shall conduct the hearing and shall follow the Rules of Evidence provided in Wisconsin Statute Section 227.45, for administrative proceedings. The staff shall record all of the proceedings on tape.

DECISION: Within 30 days of the completion of the hearing, the Appeals Board shall issue a written decision stating the reasons therefore. The Board shall make a finding on whether it is more probable than not that the excluded individual engaged in the conduct which was the basis for the exclusion. Based on testimony and the evidence in the record, the Board shall have the power to affirm or reverse the written determination or to remand it to the Transit General Manager with instructions for reconsideration consistent with its decision. The decision, except for remand, shall be a final determination for the purposes of judicial review.

VIII NON-COMPLIANCE WITH EXCLUSION ORDER: TRESPASSING

If an individual subject to an exclusion order enters the specified facilities or services before the return date listed in the exclusion letter, police will be called and individual will be subject to arrest for trespassing under Madison City Ordinance 23.07 (2).