



**Legal Department**

Alex Clifford, CEO/General Manager

  
CEO

**ADMIN CODE: PASSENGER CODE OF CONDUCT AND SERVICE  
SUSPENSION/EXCLUSION FOR VIOLENT, SERIOUSLY DISRUPTIVE,  
AND/OR ILLEGAL CONDUCT ON PARATRANSIT VEHICLES**

Admin Code, Title IV, Chapter 1    **Origination Date:** \_9/28/18\_    **Revised Date:** \_\_\_\_\_

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**I. PURPOSE**

- 1.01 Santa Cruz METRO reserves the right to amend, modify, or delete this Policy at any time.
- 1.02 The Santa Cruz Metropolitan Transit District ("Santa Cruz METRO") is committed to providing quality and non-discriminatory public transportation within Santa Cruz METRO's service area. There are occasions, however, when customer behavior seriously disrupts or endangers the health and safety of our employees and members of the public who use our services. When this occurs, it may be necessary to deny Santa Cruz METRO services and/or access to Santa Cruz METRO facilities to those customers in accordance with the criteria and procedures specified in this Policy.
- 1.03 This Policy is enacted pursuant to the authority granted to Santa Cruz METRO by the California Penal Code Section 640 and the California Public Utilities Code Sections 99112 and 99580 et seq.

**II. APPLICABILITY**

- 2.01 This Policy applies to any member of the public utilizing Santa Cruz METRO's paratransit service, or while on Santa Cruz METRO's paratransit vehicles.
- 2.02 Santa Cruz METRO will post this Policy at each of its transit centers and on its website upon adoption.

### **III. CRITERIA FOR SUSPENSION OF PARATRANSIT SERVICE**

3.01 In accordance with Section 37.5(h) of the ADA regulations, the Santa Cruz Metropolitan Transit District (METRO) will not permit passengers to ride its paratransit services who have exhibited behavior that is violent, seriously disruptive, or illegal. Violent, seriously disruptive and/or illegal conduct (hereinafter referred to as "Suspendable Conduct"), including, but is not limited to, the following conduct:

- A. Eat, drink, play radios, cassette players, mp3 players, or CD players (without headphones), or litter on vehicles;
- B. Intentionally soil the vehicle with bodily fluids or waste;
- C. Fail to maintain acceptable standards of personal hygiene, which could expose passengers and drivers to health and safety risks;
- D. Distract the driver or interfere with or damage the vehicle or equipment;
- E. Use abusive, threatening, or obscene language;
- F. Commit violent or illegal actions or any criminal conduct prohibited by the California Penal Code;
- G. Fraudulently obtain paratransit service for themselves or others;
- H. Behave in ways that seriously disrupt the service or delay the vehicle;
- I. Harass, abuse or threaten other riders or METRO staff;
- J. Wear strong fragrances;
- K. Smoke (including electronic or "vaping" devices) on, or within forty (40) feet, of the vehicles.

### **IV. PROCEDURES FOR SUSPENSION AND/OR EXCLUSION**

4.01 Depending on the severity of the incident, service may immediately be suspended to passengers who engage in Suspendable Conduct. METRO shall conduct an investigation of the Suspendable Conduct, which shall include interviewing the passenger involved in the Suspendable Conduct, and shall make a determination of the length of the suspension within 10 working days from the date of the incident resulting in the suspension. In

determining the length of the suspension, and the conditions for the reinstatement of the suspended passengers riding privileges, METRO staff shall consider the cause of the Suspendable Conduct and METRO staff's ability to resolve the matter in conjunction with the suspended passenger, his/her caretaker and/or the appropriate community service agency to ensure the Suspendable Conduct will cease. Repeated incidents of Suspendable Conduct also will be factored into the length of the suspension.

## **V. PROCEDURES FOR APPEAL OF SUSPENSION AND/OR EXCLUSION**

- 5.01 Riders may appeal the suspension of their service by submitting a written request for an appeal to METRO's Administrative office, at 110 Vernon Street, Santa Cruz, CA 95060 within 10 calendar days of the date of the determination of the length of the suspension.
- 5.02 If an individual is unable to submit a written appeal, because of a disability, he/she may contact Santa Cruz Metro's Customer Service Supervisor at (831) 425-8600, who will tape record the conversation with the individual's knowledge and consent. The individual making the appeal must identify himself/herself (for verification purposes only) and provide all other necessary information in order for the appeal to be processed. The appeal will be mailed to the individual for verification and signature (if possible). The appeal will not be processed until the appeal is received back by Santa Cruz Metro, signed by the individual or, if unable because of a disability to sign the form, by the representative, as verification of its accuracy.
- 5.03 An appeals panel will be convened within 30 days from the time METRO receives a written request for an appeal. Depending on the severity of an incident, riders appealing a suspension based on Suspendable Conduct may not be allowed to continue to ride until the appeals panel issues a written decision on the case. The appeals panel shall issue a written decision on the appeal within 10 working days from the date the appeal is heard.

## **VI. ADMINISTRATION OF POLICY**

- 6.01 Suspendable Conduct, which is determined to be due to a disability of the rider, may not result in a suspension. However, METRO may require the rider to travel with a Personal Care Attendant (PCA) if it is established that the rider's behavior poses a significant, potential threat of harm to other

passengers or the driver. If such Suspendable Conduct continues and the required PCA is unable to prevent further instances of such behavior so that the rider continues to present a potential health, welfare, or safety problem, service for the rider may be suspended.

6.02 When service is reinstated for an individual whose service had been suspended for violation of this policy, the individual's behavior will be monitored for a period of 60 days to determine that the individual can control his/her behavior. If behavioral incidents reoccur, the individual may be required to travel with a self-provided PCA.

**VII. REVISION HISTORY**

Date	Action	Approved By
9/28/18	Policy Origination/Board Approval	AClifford/BOD

**END OF POLICY**