



UMPQUA PUBLIC TRANSPORTATION DISTRICT

## UPTD / Paratransit Service Refusal and Suspension

### Standard Operating Procedures

#### Scope of Applicability

Umpqua Public Transportation District (UPTD) provides multiple types of public transportation services, including ADA Paratransit, Dial-A-Ride (DAR), and Fixed Route services.

This policy applies to all UPTD services, unless otherwise specified.

- ADA Paratransit Service is governed by the requirements of Federal Transit Administration regulations under the Americans with Disabilities Act (ADA), including specific protections related to service suspension, no-shows, and appeals.
- Dial-A-Ride (DAR) and Fixed Route services are general public transportation services and are not subject to ADA complementary paratransit suspension requirements; however, UPTD applies consistent conduct, safety, and misuse standards across all services to ensure safe and equitable operations.

Where provisions in this policy are specifically required by ADA regulations, they apply only to ADA Paratransit customers. All other provisions related to safety, conduct, and misuse apply to all UPTD riders regardless of service type.

UPTD reserves the right to apply service suspensions across one or more service types when a customer's conduct demonstrates a pattern of behavior that threatens the safety, integrity, or efficient operation of the transportation system.

#### Basis for Suspension of Service

##### Applicability by Service Type

- The provisions related to patterns of no-shows, late cancellations, and trip misuse are applicable to:
  - ADA Paratransit (as required under ADA regulations), and
  - Dial-A-Ride (DAR), as a locally administered shared-ride service.
- Fixed Route services do not operate on a reservation basis; therefore, no-show provisions do not apply. However, riders may be subject to refusal or suspension for violent, seriously disruptive, or illegal conduct.
- All UPTD services (Paratransit, DAR, and Fixed Route) are subject to suspension or refusal of service for:
  - Violent behavior
  - Seriously disruptive conduct
  - Illegal activity



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- Behavior that creates a direct and immediate threat to the health or safety of others

A. The ADA regulations expressly authorize a public transit agency to suspend a paratransit customer's service, for a reasonable period of time, if an ADA eligible individual establishes a pattern or practice of missing scheduled trips.

B. The ADA regulations expressly authorize a public transit agency to refuse or suspend service to a paratransit customer if the customer engages in conduct that is violent, seriously disruptive, or illegal.

C. **Examples:** Below is a list of examples of behavior and conduct that, generally speaking, would or would not meet the ADA's "violent, seriously disruptive or illegal conduct" standard. These examples serve as a starting point for the case-by-case determination required by the Service Refusal and Suspension Policy and should not be viewed as a basis for automatic service suspension or refusal. In addition, this is not an exhaustive list of conduct and behaviors that might be encountered on the Umpqua Public Transportation District (UPTD) paratransit system. These examples serve as representative illustrations of conduct and behavior that is potentially within the scope of the Service Suspension Policy and should be evaluated according to that policy's requirements.

1. **Violent:** Physical actions toward operators or other passengers, such as striking, biting, kicking, and spitting. Causing damage to vehicles (tearing seats, breaking windows, breaking seatbelts, removing or disabling equipment, and similar conduct).
2. **Seriously Disruptive:**
  - A demonstrated pattern of "no-shows." Note that under the ADA, no-shows are expressly mentioned as a basis for refusing or suspending paratransit service.
  - A demonstrated pattern of refusal to travel safely, such as refusal to remain in a seat belt, refusal to remain in an upright position with feet on the floor, refusal to remain seated, refusal to have mobility device secured, throwing items at other passengers or operator, boarding or attempting to board with an unsafe mobility device.
  - A pattern of uncontained incontinence that creates a biohazard or disrupts service. Isolated instances or a demonstrated pattern of behavior causing service disruption, i.e., that result in the bus operator having to interrupt service for a significant time period or having to put the vehicle out of



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service, preventing pick-up or drop-off of other customers, or results that have a similarly disruptive effect on service. Such behaviors include but are not limited to continuous shouting, screaming, banging the windows, upsetting other passengers, causing other passengers to engage in seriously disruptive conduct, a demonstrated pattern of “no one to receive” incidents, and opening emergency windows.

- A demonstrated pattern of behaviors causing service disruption or inappropriate use of public resources, e.g. scheduling an excessive number of trips and taking few or none of them. Isolated instances or a demonstrated pattern of causing damage to vehicles, such as tearing seats, breaking windows, breaking seatbelts, removing or disabling equipment, and similar conduct.
3. **Illegal:** Isolated incidents or a demonstrated pattern of unlawful behavior, including but not limited to possession of illegal drugs, open containers of alcohol, tobacco use, vaping, or e-cig’s in vehicles, indecent exposure, urination in UPTD vehicles, sexual harassment of customers or employees, or any other conduct that violates applicable laws.

This category also includes unlawful acts resulting in damage to UPTD property, such as tearing seats, breaking windows, damaging seatbelts, removing or disabling equipment, or similar destructive behavior.

4. **“No Shows”:** There must be a documented pattern or practice of not canceling in advance, and/or not being present to take trips scheduled by the customer or the customer’s representative, as opposed to isolated incidents. It is considered excessive if you cancel or no show 10% or more of your scheduled trips, with a minimum of six (6) cancellations, within any calendar month. Upon first violation within a calendar year a person will receive a warning letter. The second violation will result in a seven (7) day suspension of service. Additional violations will result in service suspensions that are progressive in nature.
- Trips missed by the individual for reasons beyond his or her control (including, but not limited to, trips which are missed due to operator error) shall not be a basis for determining that such a pattern or practice exists.
  - Before suspending service, the entity shall take the following steps:
    - a) Notify the individual in writing that the entity proposes to suspend service, citing with specificity the basis of the proposed suspension and setting forth the proposed sanction.



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b) Provide the individual an opportunity to be heard and to present information and arguments;

c) Provide the individual with written notification of the decision and the reasons for it.

- An appeals process is available to an individual on whom sanctions have been imposed. The sanction is stayed pending the outcome of the appeal.

5. **Not** sufficient to support service suspension or refusal:

- Abusive or profane outbursts.
- Language or comments that are offensive, annoying or embarrassing to UPTD operators or staff.
- Constant talking.
- Refusal to follow UPTD guidelines pertaining to grocery bags or luggage.

### Refusal Procedures

A. Service refusal is intended to address conduct or behavior occurring at the time of service delivery but for which a suspension would not be appropriate. For example, a UPTD customer who on a particular occasion insists on boarding with an unsafe device or object, or who is engaging in violent conduct, may be refused service on that occasion. For Fixed Route services, this may include requiring a passenger to exit the vehicle when conduct meets the standards outlined in this policy.

B. The operator must immediately notify dispatch of the service refusal and the reason(s) for the service refusal. This should include a detailed factual description of the conduct or behavior upon which the operator based the decision to refuse service. UPTD operations shall document the incident.

C. Where appropriate, alternative transportation arrangements must be made for a UPTD customer to ensure the customer's safety. For example, service refusal at a customer's place of residence would not require alternative transportation. However, a service refusal at a non-home location could require that such arrangements be made.

D. Service refusals may not be used as a substitute for a service suspension. Behavior occurring repeatedly should be reviewed and addressed in accordance with the guidelines for service suspensions.



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### Suspension Procedures

#### A. Investigation

1. Reports of inappropriate conduct must be investigated to the extent practicable to determine the facts of the events giving rise to the report.
2. If the investigation confirms that the conduct did occur, the investigator must then determine whether the conduct rises to the level of violent, seriously disruptive, or illegal.
  - a. In making this determination, the cause of the conduct should be considered; for example if information is brought forward indicating the customer's conduct is asserted to be involuntary due to their disability. In such circumstances, the relationship of the disability condition to the conduct at issue must be considered.
  - b. If the available information shows the conduct is involuntary and caused by the customer's disability, we must consider whether the conduct is such that some reasonable modification would enable the individual to use the service. If reasonable modification is not possible, or if the conduct is not involuntary or caused by the customer's disability, reasonable modification would not be required.
  - c. If appropriate, continued use of paratransit service may be conditioned upon the customer's compliance with measures reasonably calculated to ensure the safety of the customer, other passengers, or employees.

#### B. Warning:

Generally, a service suspension should be implemented only after the customer has been given at least one (1) written warning regarding the conduct or behavior for which a service suspension is contemplated.

1. A warning should describe the behavior or conduct for which the warning is given. This description should include the specifics of the behavior or conduct involved; the time, date and location of the conduct; and any other relevant facts.
2. A warning should advise the customer that the behavior or conduct must cease or be corrected, and of the consequences of failure to cease or correct the



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behavior or conduct.

3. If appropriate, the warning should include a description of the conduct expected of the customer in the future or of the modification offered or required as a condition of continuing to provide UPTD paratransit service.
4. UPTD staff shall consider whether a warning itself or the corrective action suggested or the modification offered should be discussed with the UPTD customer or his or her representative.

### **C. Notice of Service Suspension:**

A service suspension should be implemented only after the customer has been given the opportunity to be heard on the issue for which UPTD is contemplating a service suspension (a “pre-suspension meeting”).

1. Notice of the proposed service suspension must be in writing.
2. The notice must include identification of the prior warning(s) given regarding the conduct at issue. For each warning listed in the notice, the date of the warning, the behavior or conduct for which the warning was issued, and the customer’s attempts to cease or correct the behavior or conduct shall be summarized.
3. The notice must include a description of the immediate behavior or conduct which prompted the Notice of Service Suspension. This description should include the specifics of the behavior or conduct involved; the time, date and location of the conduct; and any other relevant facts.
4. The notice must advise the customer of his or her opportunity to be heard in-person or to submit written or alternative format information for UPTD consideration regarding the proposed suspension. The notice shall advise the customer that the customer or the customer’s representative must contact UPTD designated representative by a date certain to request an in-person meeting. The name of and phone number for the designated representative shall be stated in the notice. If the customer prefers instead of an in-person meeting to submit a written response to the proposed suspension, the notice shall advise the customer of the date by which the written response must be received by UPTD. Extensions of this date may be allowed for good cause.



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### **D. Pre-Suspension Meeting**

1. If the customer has timely requested an in-person meeting regarding the proposed suspension, the UPTD designated representative shall notify the customer of the date and time for the meeting. The meeting shall occur at the UPTD offices unless a different location is agreed upon by the UPTD designated representative and the customer. If necessary, paratransit service shall be provided to the customer, to and from the place of the pre-suspension meeting.
2. The pre-suspension meeting shall be informal. The customer shall be given the opportunity to provide the UPTD designated representative with the customer's account, orally and by documents and other information, of the incident(s) upon which the proposed suspension is based. The customer may also present any other information relevant to the incident(s) upon which the proposed suspension is based. The customer may present his or her account and related information through a representative.
3. Once the pre-suspension meeting is complete or the customer's written submission has been received and reviewed, or alternatively, the customer has neither requested a pre-suspension meeting nor provided a written submission by the specified date, the UPTD designated representative shall review the available information and decide whether or not to suspend service and, if service is to be suspended, determine the length of the suspension. The customer shall be notified in writing of the decision, and the basis for the decision shall be explained. If the decision is to suspend the customer's UPTD paratransit service, the customer shall also be advised of his or her right to appeal the service suspension to the Appeals Panel. A description of the procedure for requesting an appeal of a service suspension shall also be included.

### **E. Duration of Service Suspension:**

A service suspension should be "for a reasonable period of time."

1. "Reasonable period of time" depends on the facts of the specific incident. In determining the length of the service suspension, the following factors should be considered:
  - The need to protect other customers, employees or system safety;



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- The seriousness of the risk created or harm caused by the customer's behavior or conduct;
  - The number of prior warnings given and the period of time over which those warnings were given; and
  - The likely corrective effect of the suspension on the customer's future behavior or conduct, in light of the customer's particular condition.
2. Generally, similar situations should be addressed by similar suspensions.

### **F. Exceptional conduct:**

Conduct that inflicts serious harm on another customer or a UPTD operator or employee, results in serious damage to UPTD property, or creates a direct and immediate threat to the health or safety of others, may warrant immediate suspension of service without prior warning or a pre-suspension hearing.

1. As soon as practicable following imposition of a suspension for exceptional conduct, the customer should be advised in writing of the basis for the suspension, including a description of the behavior or conduct involved; the time, date and location of the conduct; and any other relevant facts. The customer should also be advised of the opportunity for a pre-suspension meeting, as described above for Notice of Service Suspension. The procedures for convening a pre-suspension meeting outlined above should then be followed.
2. A suspension for exceptional conduct should be based on behavior or conduct that is extreme or egregious. A suspension under this provision should be the exception, not the rule, and should be used sparingly to address only the most severe and immediately dangerous or threatening actions.

### **Requests for Appeals**

A. UPTD staff is responsible for receiving requests for appeals of service suspensions and timely advising the Appeals Panel of such requests.

B. UPTD staff shall coordinate an appeal date and time with the UPTD customer and the appeals panel. If the UPTD customer declines an in-person hearing, UPTD staff shall inform the customer of the date by which the customer must submit any written or alternative format materials the customer wishes the Appeals Panel to consider.