

# STANISLAUS REGIONAL TRANSIT AUTHORITY

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## EQUITY AND ACCESSIBILITY ADVISORY COMMITTEE MEETING 1111 I STREET, SUITE 308 STANCOG POLICY BOARD ROOM THURSDAY, JUNE 15, 2023 1:00 P.M.

In addition to in-person attendance at the location identified above, the following options are available to members of the public to listen, observe and participate in real time in this meeting and provide comments to the Equity and Accessibility Advisory Committee during the meeting:

1. You are strongly encouraged to listen to the meeting by joining the meeting from your computer or tablet.

Join Zoom Meeting:

<https://us06web.zoom.us/j/81347188438?pwd=aVh5TStGYTFOVGRqTWtkVk4xdmtTdz09>

Meeting ID: 813 4718 8438

Passcode: 664680

2. If you wish to make a comment on a specific agenda item, please wait for the Chair or Moderator to recognize you and you will be called on during the meeting.

If you are participating via telephone only you will still need to register on Zoom using the link above. You can submit your comments via email to [info@stanrta.org](mailto:info@stanrta.org) or by calling 209-477-7011 by 3:00 pm on June 14, 2023.

Written Comments will be shared with Committee Members and placed into the record at the meeting. Every effort will be made to read comments received during the meeting into the record, but some comments may not be read due to time limitations. Comments received after an agenda item will be made part of the record if received prior to the end of the meeting.

Committee Agendas and Minutes: Board agendas, minutes and copies of items to be considered by the Stanislaus Regional Transit Authority Equity and Accessibility Advisory Committee are available at least 72 hours prior to the meeting on the StanRTA's website [www.stanrta.org](http://www.stanrta.org) and at the StanRTA office located at 912 11<sup>th</sup> Street, Modesto, CA during normal business hours.

Materials related to an item on this Agenda submitted to the Board of Directors after distribution of the agenda packet are available for public inspection at the address listed above during normal business hours. These documents are also available on the StanCOG website, subject to staff's ability to post the documents before the meeting.

Reasonable Accommodations: This Agenda shall be made available upon request in appropriate alternative formats to persons with a disability, as required by the Americans with Disabilities Act of 1990 (42 U.S.C. § 12132) and the Ralph M. Brown Act (California Government Code § 54954.2). Persons requesting a disability related modification or accommodation in order to participate in the meeting should contact Valerie Fabela at (209) 477-7011 during regular business hours at least 72 hours prior to the time of the meeting to enable the Stanislaus Regional Transit Authority to make reasonable arrangements to ensure accessibility to this meeting.

Notice Regarding Non-English Speakers: Stanislaus Regional Transit Authority SEAAC meetings are conducted in English. Anyone wishing to address the Committee is advised to have an interpreter or to contact Valerie Fabela at (209) 477-7011 during regular business hours at least 72 hours prior to the time of the meeting so that the Stanislaus Regional Transit Authority can provide an interpreter.

Aviso con Respecto a Personas que no Hablan el Idioma de Inglés: Las reuniones de la Mesa Directiva del Consejo de Gobiernos de Stanislaus son conducidas en Inglés. Cualquier persona que desea dirigirse a la Mesa Directiva se le aconseja que traiga su propio intérprete o llame a Valerie Fabela al (209) 477-7011 durante horas de oficina regulares o a lo menos 72 horas antes de la reunión, para proporcionarle con un intérprete.

## **AGENDA**

### **1. CALL TO ORDER**

### **2. ROLL CALL**

### **3. REMOTE PARTICIPATION DUE TO EMERGENCY CIRCUMSTANCES**

- A. Motion to Approve Member Requests to Participate Remotely due to Emergency Circumstances pursuant to Government Code 54953(f)(2)(A)(ii)

### **4. SELECTION OF A CHAIR FOR THIS MEETING**

### **5. PUBLIC COMMENTS**

These matters may be presented only by interested persons in the audience. Discussion is limited to five minutes or at the discretion of the Chair.

### **6. PRESENTATIONS**

- A. Brown Act Orientation (Monica Streeter)
- B. Committee Members Roles and Responsibilities (Angela Swanson)
- C. Transit Operations Presentation (Simon Herrera)
- D. "Ask the S" Mobile App and Payment Account for Paratransit Service Demonstration (Angela Swanson)

**7. CONSENT CALENDAR**

- A. Motion to Approve the StanRTA Equity and Accessibility Advisory Committee Meeting Calendar for 2023

**8. DISCUSSION AND ACTION**

- A. Election of Officers
- B. Proposed Fixed Route Service Changes for July and October 2023 resulting from the March 2023 Major Service Change (Simon Herrera)
- C. Motion to Recommend the Board of Directors Approve by Resolution the Amended Passenger Conduct Policy (Angela Swanson)

**9. OPERATOR REPORT**

**10. AGENCY REPORT**

**11. MEMBER REPORTS**

**12. ADJOURNMENT**

**Next Meeting:** 1:00 pm. September 14, 2023  
1111 I Street, Suite 308  
Modesto, CA 95354

**STANISLAUS REGIONAL TRANSIT AUTHORITY**

# PRESENTATION

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**DATE:** May 25, 2023  
**TO:** Board of Directors  
**FROM:** Angela Swanson, Senior Transit Analyst  
**RE:** Brown Act Orientation

**Agenda Item: [6A]**

**Background:**

The StanRTA Equity and Accessibility Advisory Committee (SEAAC) was formed in April 2023 to represent the interests of individuals with disabilities and seniors and disadvantaged communities whenever the StanRTA considers significant service, operations and/or fare policy proposals. Feedback garnered from the SEAAC is provided to the Board of Directors to inform the Board's decision-making process. The SEAAC is required to operate in accordance with the provisions of the Brown Act open meeting requirements.

**Discussion:**

The Ralph M Brown Act is a California law that guarantees the public's right to attend and participate in meetings of local legislative bodies. The Brown Act requires that all meetings of the legislative body of a local agency, and meetings held by that body's formal committees, shall be open and public, and the public shall be permitted to attend. The Brown Act also provides operational rules to ensure that the members of the legislative body, in this instance, the SEAAC, conduct their business before the public in a transparent manner.

StanRTA's legal counsel, Monica Streeter, will provide the SEAAC with an orientation on the Brown Act's requirements.

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**DATE:** June 15, 2023  
**TO:** StanRTA Equity and Accessibility Advisory Committee  
**FROM:** Angela Swanson, Senior Transit Analyst  
**RE:** Committee Member Roles and Responsibilities

**Agenda Item: [6B]**

**Background:**

Transit agencies have public participation requirements under the Americans with Disabilities Act (ADA) and Title VI of the Civil Rights Act of 1964 when making decisions on issues including but not limited to bus routes, services, fares, and transit amenities. More specifically, regulations require that agencies like the Stanislaus Regional Transit Authority (Authority), that provide ADA complementary paratransit services must “create an ongoing mechanism for the participation of individuals with disabilities in the continued development and assessment of services to persons with disabilities.” In March 2023, the Board of Directors approved formation of the StanRTA Equity and Accessibility Access Committee (SEAAC).

**Discussion:**

At this inaugural meeting of the SEAAC, it is appropriate to review with the appointees and the public, the roles and responsibilities expected of the group and to provide an opportunity for the group to become acquainted with their function.

**Committee Composition**

The committee has 11 members broken down into three categories of representation:

- Supervisorial District representatives (5)
- At large members (2)
- Public and Community-based Organization members (4)

Members are typically appointed to a two-year term with the terms running July 1 – June 30. The terms are staggered so that only half of the committee appointments are subject to change in any single year. These inaugural appointments included five single year appointments. This establishes the staggered pattern going forward.

### **Member Role and Responsibilities**

The SEAAC committee members are tasked with representing diverse community interests related to transit. Fulfilling that obligation, their responsibilities include:

1. Acting as advisors to the StanRTA Board of Directors on issues of disability, equity, and inclusion.
2. Providing a forum for discussion and review of The S service, including planning, ADA, Title VI, environmental justice and fare structure prior to those items going to the Board of Directors for action.
3. Recommending strategies and ideas for improved service to transit-dependent populations.
4. Helping to share information about transportation services to community-based organizations, social service agencies and the community at large within the service area.
5. SEAAC members will assist with effective public involvement by fostering communication and collaboration over the long term to make sure the transit services continue to meet the community's needs.

The Board of Directors will receive all policy recommendations made by the SEAAC as part of the applicable items presented for Board action. The Board is not bound by the SEAAC's recommendation, but it will be duly weighed in the decision-making process.

### **Committee's Business Is Conducted Publicly**

The SEAAC's meeting agendas are posted on the StanRTA website and posted in the lobby of the building as required by the Brown Act. The meetings are open to the public and live streamed to facilitate participation. Video recordings of the meetings are also available for the public's review. Additionally, the SEAAC's Chairperson is empowered to make a brief presentation on the group's activities at the Board of Directors' meetings.

### **Recommendation:**

Accept the report as presented.

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**DATE:** May 25, 2023  
**TO:** Board of Directors  
**FROM:** Simon Herrera, Director of Operations and Planning  
**RE:** Transit Operations Presentation

**Agenda Item: [6C]**

**Background:**

The Stanislaus Regional Transit Authority (StanRTA) was formed to provide regional public transit service throughout Stanislaus County. This service includes fixed routes, commuter routes, complementary ADA paratransit service, and demand response service for the general public in select communities. StanRTA monitors service quality by tracking several performance metrics. This information is used by StanRTA and the operations contractor to inform decision-making. These metrics are shared routinely with the Board of Directors and now the Equity and Accessibility Advisory Committee (SEAAC).

**Discussion:**

Staff will share a presentation highlighting key performance indicators and operations information designed to orient the committee members with all aspects of StanRTA's transit activities and performance measures.

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**DATE:** June 15, 2023  
**TO:** Equity and Accessibility Advisory Committee  
**FROM:** Angela Swanson, Senior Transit Analyst  
**RE:** "Ask the S" Mobile App Demonstration

**Agenda Item: [6D]**

**Background:**

As a condition of the Americans with Disabilities Act (ADA), public transit agencies are required to provide complementary paratransit service for individuals with qualifying disabilities unable to navigate the fixed route system. ADA paratransit service is a reserve trip, door-to-door service operating during the same hours as fixed route service.

**Discussion:**

The SEAAC will receive a report on the enhancements to the ADA Paratransit customer experience available starting in June 2023. These enhancements provide new options for fare payment and a new self-service option for booking trips.

**STANISLAUS REGIONAL TRANSIT AUTHORITY**

**CONSENT  
CALENDAR**

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**DATE:** June 15, 2023  
**TO:** Equity and Accessibility Advisory Committee  
**FROM:** Angela Swanson, Senior Transit Analyst  
**RE:** Committee Meeting Calendar Fiscal Year 2023-24

**Agenda Item: [7A]**

**Background:**

The StanRTA Equity and Accessibility Advisory Committee (SEAAC) was formed in April 2023 to represent the interests of individuals with disabilities and seniors and disadvantaged communities whenever the StanRTA considers significant service, operations and/or fare policy proposals. Feedback garnered from the SEAAC is provided to the Board of Directors to inform the Board's decision-making process. The SEAAC is subject to the Brown Act open meeting requirements.

**Discussion:**

For its first year of operation, it is proposed that the SEAAC meet on the 2<sup>nd</sup> Thursday of the month on a quarterly basis. This schedule should be sufficient for staff to bring significant policies, service and fare changes forward in a timely manner. Committee meetings are timed so that items discussed can then proceed to the Board of Directors in a timely manner. Dates proposed for Fiscal Year 2023-24 are:

September 14, 2023  
November 10, 2023  
March 14, 2023  
June 13, 2023

The SEAAC will meet November in lieu of a December meeting to better align with the Board of Director's meeting schedule. As necessary, additional meetings may be called if the committee's input is required on a topic that cannot wait until the regularly scheduled meeting.

**Recommendation:**

It is recommended that the StanRTA Equity and Accessibility Advisory Committee:

Approve the proposed meeting calendar for Fiscal Year 2023-24.

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# **DISCUSSION & ACTION ITEMS**

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**DATE:** June 15, 2023  
**TO:** Board of Directors  
**FROM:** Angela Swanson, Senior Transit Analyst  
**RE:** Election of Officers

**Agenda Item: [8A]**

**Background:**

The StanRTA Equity and Accessibility Advisory Committee (SEAAC) Bylaws Section 3.6 (a) specifies that the SEAAC will elect a Chair and Vice Chair. These two positions are, according to the Bylaws, chosen from among the committee members.

**Discussion:**

The Bylaws provide for the election of a Chair and Vice Chair at the final meeting of the fiscal year and assume their offices at the first meeting of the new fiscal year. Their term of office is from July 1 through June 30. There is no limit on the officers serving future terms.

The Chair shall preside at all meetings of the Committee, has the ability to call special meetings, and act as spokesperson of the Committee. The spokesperson role is limited to reporting on SEAAC activities to the StanRTA Board of Directors at their regularly scheduled meetings. The Vice Chair will chair SEAAC meetings in the absence of the Chair.

**Fiscal Impact:**

The election of Officers does not have a direct fiscal impact on the Authority.

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**DATE:** June 15, 2023  
**TO:** StanRTA Equity and Accessibility Advisory Committee  
**FROM:** Simon Herrera, Director of Operations and Planning  
**RE:** Minor Fixed Route Service Changes

**Agenda Item: [8B]**

**Background:**

A stated goal of the consolidation of transit services and formation of the Stanislaus Regional Transit Authority (StanRTA) is to improve the quality of service through focusing resources where needed, growing service where needed, and eliminating redundancies. Staff, working with the consulting team led by Nelson\Nygaard, prepared Vision 2032 to address those concerns and make transit more equitable throughout Stanislaus County. The plan was approved in October 2022 and the new service plan launched March 5, 2023. Whenever a new service is launched, some follow-up adjustments are often required to correct imperfections in bus stop locations, timepoints, and schedule.

**Discussion:**

Since the new service launch in March, StanRTA staff has been actively gathering feedback from the public and operations staff and monitoring performance data to determine what adjustments may be necessary to realize performance goals on The S. The majority of changes are working exceptionally well with ridership growing monthly and general satisfaction expressed to StanRTA staff and operators. However, there are always changes needed to 'tweak' the system to work even better.

Staff is proposing several minor changes to routes to meet those performance and satisfaction goals. The proposed changes will be implemented in two phases, the first occurring in July and the second in October. The initial round of changes primarily addresses map/route corrections and maximization of existing route effectiveness. These changes will be implemented on July 31, 2023. They are as follows:

<b>Route</b>	<b>Change</b>
<b>10</b>	Realign service in Turlock to stop at CSU Stanislaus before going to the Roger K Fall (Turlock) Transit Center. Currently the bus goes down Countryside.
<b>24</b>	Reroute the bus at Riverbank's Crossings Mall to circle around the property instead of going through the parking lots. The change increases safety by getting out of parking lot and adds a beneficial stop along the Target.
<b>29</b>	Add a 5:15 am weekday trip. The current schedule is difficult for passengers to connect with other routes and make it to work or school by 8:00.
<b>45</b>	Correct Turlock routing on mapping apps and adjust the routing through Newman to provide more bus stops in neighborhoods off Sherman Parkway and improve circulation near Orestimba High School to make route bidirectional.
<b>48</b>	Add an additional loop to Gregori High School to accommodate the school's early Wednesday release schedule.
<b>60</b>	Add an early morning inbound run departing Oakdale at 5:05 am
<b>61</b>	Change weekend service to terminate at the Downtown Transit Center. Currently the route, which links Hughson to Ceres Walmart and downtown Modesto, terminates in Ceres on the weekends. It is preferable to keep the route consistent daily. The Hughson timepoint is also being moved to improve the customer experience.
<b>BART</b>	New Service on Saturday and Sunday offering three trips in the morning to the Pleasanton BART station and two return trips in the afternoon/evening on Saturday. There will be two trips in each direction on Sundays. This service was approved as part of the Vision 2032 and is ready for implementation.

The proposed route improvements add approximately 1,130 service hours to the 230,129 annual hours. The FY24 budget anticipated an increase in service hours as proposed through Vision 2032 and built in adequate budget to cover these changes.

Under the provisions of Title VI, the StanRTA is required to conduct a service equity analysis when proposed service change(s) result in a 25% increase or decrease in service hours on a route calculated either as weekly revenue hours or a single day's revenue hours. The service changes proposed here are only 0.4% of the annual service hours and do not meet the threshold. These service changes will be included in the service equity calculations for any route changes implemented through July 30, 2024.

**Recommendation:**

Accept the report as presented.

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**DATE:** June 15, 2023  
**TO:** StanRTA Equity and Accessibility Advisory Committee  
**FROM:** Angela Swanson, Senior Transit Analyst  
**RE:** Motion to Recommend the Board of Directors Approve by Resolution the Amended Passenger Conduct Policy

**Agenda Item: [8C]**

**Background:**

It is the goal of the Stanislaus Regional Transit Authority to provide safe, reliable, and efficient public transportation to the citizens and visitors of Stanislaus County. Realizing that goal requires the cooperation of the public utilizing the system. A code of conduct establishes customer rights and responsibilities when using the transit agency service along with an explanation of the consequences when conduct expectations are not met.

**Discussion:**

The Federal Transit Administration (FTA) encourages transit agencies to adopt written policies to ensure the consistent application of disciplinary actions and to provide passengers with a specific process by which they can appeal disciplinary actions. This is typically done through the adoption of a Customer Conduct Code. Authority for such policy is established by California's Public Utilities Code Sections 99170 and 99171. California Penal Code Section 640 establishes the framework for disciplinary actions available to transit agencies.

The current Passenger Conduct Policy was adopted in July 2021. The policy is largely very effective in creating a framework for enforcing transit conduct policies and providing effective consequences when infractions occur. Recent trends in disciplinary activity have prompted staff to recommend some modifications to the policy. The nature of infractions is trending toward more criminal, violent, and predatory activity. There are also offenses occurring with administrative and support functions not addressed in the current Passenger Conduct Policy. More specifically, the offenses have included:

- Excessive and hostile calls to customer service that totaled 500 calls within 30 day period
- Physical assault on bus operators
- Sexual advances and inappropriate touching
- Arson
- Brandishing weapons

These activities, while greatly concerning, are highly unusual and a new pattern. In the current fiscal year, 15 suspensions have been issued. Of those suspensions, 11 involved referrals to local law enforcement for criminal prosecution. Before this, the StanRTA, and before that the MAX and StaRT transit service's typical warning or suspension action was for recurring disruptive behavior such as loud conversations, fighting at the transit center, angry outbursts, or refusing to dispose of food or drinks. Most violations were resolved with a warning and only one or two suspensions were imposed annually. The offenders were also regular transit users well-known to operators which fostered easier resolution. That is no longer the case.

### **Review of the Existing Code**

StanRTA staff met with the transit operator's Safety Committee to review the existing policy for opportunities to make it more effective and safer for transit personnel. The proposed amendments reflect the recommendations coming from that meeting. Highlights of these recommendations are:

- Simplifying the appeals process to a single appeal hearing instead of conducting an administrative paperwork review in addition to the appeal hearing.
- Restructuring the suspension so that the individual cited is not removed from ridership privileges only to have them restored during the various appeal processes. The existing policy leads to confusion among transit staff about proper enforcement periods. The proposal is to allow the cited individual to have access to transit assets during the five days they can file an appeal. If an appeal is filed, the suspension begins but is applied toward any final disposition.
- Aligning the suspension timelines to coordinate with actions that may be taken by local law enforcement agencies for criminal activities.

### **Recommendation:**

Staff recommends that the Committee:

Recommend the Board of Directors Approve by Resolution the Amended Conduct Policy.

Attachment:

A. Revised Conduct Policy June 2023



# CONDUCT POLICY

June 2023

Stanislaus Regional Transit Authority

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## **Conduct Policy**

The Stanislaus Regional Transit Authority (StanRTA) operates a fixed route, paratransit and demand response bus service in the County of Stanislaus. The safety and security of the public and bus operators is of the utmost importance to the StanRTA. Every member of the riding public has an obligation to contribute to the safety of others riding the bus by refraining from inappropriate and seriously disruptive behavior.

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Any person who exhibits inappropriate or seriously disruptive behavior while at a transit facility, boarding a bus, disembarking from a bus, or riding on a StanRTA bus may lose ridership privileges.

### **Inappropriate Behavior**

Inappropriate behavior is defined as, “*conduct toward transit staff and the riding public that does not demonstrate respect for the rights and dignity of others, interferes with the orderly operation of transit services, damages public property, is disruptive, or violates the rules of riding the bus.*” Such behavior can jeopardize a person’s ability to make use of the transit system.

When a person’s behavior warrants immediate ejection, an operations supervisor, or a bus operator with supervisor approval, may require the immediate removal of the person from ~~the bus~~ a transit vehicle or transit property including customer service and administration areas for continued inappropriate behavior after a warning has been issued. Transit staff will communicate the request to remove an unruly individual to a supervisor and wait for approval prior to making the decision for ejection.

Any time a passenger is denied service or is removed from the bus, the passenger may be prohibited from riding for the remainder of that day.

### **Seriously Disruptive Behavior**

Seriously disruptive behavior is defined as conduct that is violent, illegal, or endangers the health or safety of others. The complete set of rules for acceptable behavior are posted on the StanRTA website and in the various publications including the Bus Rules and ADA Passenger Guide brochures. Unacceptable behavior includes, but is not limited to:

- Threats,
- Wielding a weapon;
- Physical or verbal abuse;
- Unlawful harassment including unwelcome verbal, nonverbal or physical behavior having sexual or racial connotations;

- Public intoxication;
- Trespassing;
- Voluntarily and repeatedly engaging in inappropriate behavior;
- Bringing hazardous materials on the vehicle;
- Bodily fluids or feces released from the customer, clothing, or mobility device;
- Extreme poor personal hygiene;
- Customers with a known airborne communicable disease such as tuberculosis; and
- A service animal not under the control of its handler.

A person who engages in seriously disruptive behavior may be removed from the bus or transit property immediately, have service denied without prior warning and can be subject to additional disciplinary action including law enforcement investigation.

### **Disciplinary Consequences**

#### **Warnings**

The first disciplinary step is a verbal warning to the individual who violates the Conduct Policy. When an individual engages in inappropriate behavior they will be given a warranting immediate ejection from the bus, the bus operator or other transit operations personnel will issue verbal warning. The warning will state the reason his or her that their behavior is inappropriate and the steps that they must take to correct the behavior. The bus operator or other transit agent will also document report this verbal warning to the StanRTA indicating the date and time the warning was given.

Depending upon the severity of the person's behavior, a written warning may be issued by the StanRTA. The warning will cite the date of the incident, the route and bus number or property location, and a summary of the event including notification of any video documentation. The cited individual may request to review the video at the StanRTA offices.

#### **Suspension**

Repetitive inappropriate behavior or any seriously disruptive behavior may result will lead to in formal-suspension of the individual(s) from StanRTA transit buses, bus stops or transit facilities and services. An order prohibiting a person from accessing the transit system can be issued by the transit system StanRTA when:

- Within a period of 90 consecutive days, the person is given three (3) written warnings for a violation of the Conduct Code on a vehicle, at bus stop, transit station or center
- The person is referred to law enforcement, arrested, charged or convicted for a misdemeanor or felony committed on a vehicle, at a bus stop, transit station or operations center.

- ~~The person's behavior is deemed so detrimental to the safety of others that they should immediately be denied access to transit assets.~~

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The length of the suspension will be determined by the severity of the immediate incident, the documented history of previous incidents, and any previous suspensions. Additional occurrences of inappropriate or seriously disruptive behavior after a suspension action may result in ~~further suspension discipline~~ from the StanRTA's transit system until such time as the person can demonstrate the ability to comply with StanRTA policies and rules.

~~The StanRTA reserves the right to initiate a suspension without prior-first issuing formal warning letters should it be necessary for the health and safety of the operator any transit personnel, transit assets and/or passengers the public .~~

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### **Notice of Suspension**

Written notice of suspension will be served to the suspended individual. The notice shall include a description of the conduct underlying the violation(s) giving rise to the prohibition order and a copy of the Conduct Policy. The suspension notice will specify the reason for the suspension, the duration, and the appeal process ~~for appealing the suspension. The notice will also provide the opportunity to respond in person, by telephone, or in writing.~~

Service may be accomplished in-person, or by any form of electronic or written mail ~~to at least one known address, or any alternate method approved in writing by the StanRTA, and the passenger being served. If the individual has no known mailing address or refused to provide a mailing address, all N-~~ notices, letters, and appeal decisions will also be made available for pickup during regular business hours at the at the Downtown Transit Center's customer service window.

### **Suspension Term**

The length an individual is prohibited from transit service typically will follow a progressive process beginning with verbal and/or written warnings.

<b>Suspension</b>	<b>Maximum Minimum Duration</b>
1 <sup>st</sup>	30 days
2 <sup>nd</sup>	90 days
3 <sup>rd</sup>	180 days

When three warnings accumulate within a 90-day period, the person can be subject to suspension ~~for up to of~~ 30 days. If the person engages in inappropriate or seriously disruptive behavior within one year of the suspension, the second suspension may be up to 90 days in length. A third or subsequent suspension within one year may be up to 180 days duration.

Individuals whose violations, including but not limited to arson, sexual assault and violent actions can and will be suspended for period commensurate to the findings made by law enforcement agencies. This period may extend to a year or more.

### **Rights to Appeal**

#### **Suspension Appeals Process**

Once served with a suspension A-the individual has five (5) businesscalendar days to request an initial review of the suspension order. During that period the individual may still use transit services. If the suspension notice is not contested within the five (5) business days after delivery of the notice, the prohibition order will be deemed final. The individual may file their request by phone, in electronic or written form, or in person. The StanRTA's appointed administrative review officer will have five (5) business days from the receipt of the contest to complete the review and issue a determination using the delivery methods described previously. Requests for suspension review should be directed to:

~~Administrative Review Officer  
Stanislaus Regional Transit Authority  
912 11<sup>th</sup> Street, Suite 100  
Modesto, CA 95354  
(209) 477-7011  
info@stanrta.org~~

~~The administrative review determines whether the suspension order meets the standards for inappropriate or seriously disruptive behavior as defined by the StanRTA and described herein. If, following the initial review, the StanRTA determines that the suspension should be upheld in whole or in part, the StanRTA shall issue a written statement to that effect, including any modifications. The passenger contesting the notice shall be notified in writing. Telephonic or electronic notification may also be made upon the agreement and/or request of the contestor.~~

~~During the initial review, the suspension is automatically stayed. The period of the stay is from the time the passenger files the protest to the day after the delivery of the administrative officer's decision. If the StanRTA upholds or modifies the suspension, the prohibition from all transit assets will resume and continue until the specified termination date.~~

The administrative review considers whether:

- The suspension action adheres to the requirements set forth in the policy
- The offense or offenses fall within the definitions of inappropriate or seriously disruptive behavior
- The offense or offenses cited in the suspension are proven by a preponderance of the evidence

The administrative review does not accept new testimony from either the passenger or the transit operations team, nor does it conduct additional investigation or reconsideration of the evidence previously collected.

### Appeal Hearing

If the passenger is dissatisfied with the results of the initial review, the passenger may request an administrative hearing of the prohibition order no later than five (5) business days after receipt of the initial administrative review. Passengers may file their requests by phone, in writing, or in person. The StanRTA appeals officer or his/her/their designee will have ten (10) business days from the receipt of the contest to complete the review and issue a determination using the delivery methods described previously.

A passenger may request to appeal a suspension only after receiving the decision of an administrative review. Passenger appeals can be submitted in electronic or written format, by telephone or in person, directed to:

Transit Appeals  
Attn: Appeals Review Officer  
Stanislaus Regional Transit Authority  
912 11<sup>th</sup> Street, Suite 100  
Modesto, CA 95354  
(209) 477-7011  
info@stanrta.org

The appeals hearing request should state which type of hearing is requested (in person or by mail), whether the appellant wishes to attend and present evidence,

Once a request for an appeal hearing is received by the StanRTA, the passenger's suspension is again automatically stayed. The period of the stay is from the time the passenger files the protest to the day after the delivery of the appeal officer's decision. If the StanRTA rescinds the suspension the contester may resume ridership immediately upon

~~notification. If the StanRTA upholds or modifies the suspension, the prohibition from all transit assets will resume and continue until the specified termination date.~~

The appeal hearing shall be conducted by the appeals officer by ~~mail~~ by internet link, telephone or in person. The contestor is not required to participate in the hearing but may participate by submitting a written or oral rebuttal to the evidence in the prohibition order. Contestors wishing to participate in person at the hearing must submit their request to do so as part of the appeal request. If the person requesting the hearing cannot attend, they may have another person represent them at the hearing. If the individual or a designated representative is not present and no information is provided for ~~at~~ the hearing, the appeals officer's decision will be based on the documentation available at the time.

Appeal proceedings will take place during normal business hours at the StanRTA offices, 912 11<sup>th</sup> Street, Suite 100, Modesto, CA 95354 or an accessible public facility designated by the governing board. The appeals officer will review the documentation supporting the suspension action. Documentation submitted by the contestor in rebuttal to the charges, if any, will then be examined. Once all documentation has been presented, the appeals officer will have five (5) business days after the appeal hearing to issue a written decision delivered to the contestor in an agreed upon manner as described previously within this policy.

The appeal officer determines whether the suspension order meets the standards for inappropriate or seriously disruptive behavior as defined by the StanRTA and described herein. If the appeal officer determines that the suspension should be upheld in whole or in part, the StanRTA shall issue a written statement to that effect, including any modifications. The prohibition from all transit assets recommences at the time the contestor receives the formal notification and continues until the specified termination date.

The appeal officer may choose to rescind, uphold, or modify the suspension of service. The appeal officer's decision is final.

### **Appeal Considerations**

The hearing officer, in issuing a final decision, will consider foremost the health and safety of others. The determination of whether an individual poses a direct threat to the health and safety of others will be made on an individualized assessment, based on reasonable judgment that relies on the best available objective evidence to ascertain the nature, duration, and severity of the risk; the probability that potential injury will actually occur; and whether reasonable modifications of policies, practices, or procedures will mitigate the risk. If the investigation reveals that the individual's disruptive behavior is caused by a disability beyond the person's control, the appeal officer will evaluate whether accommodations can be made to allow the individual continued access to transit services.

Transit access may be conditionally reestablished if an attendant accompanies the passenger to help control his or her behavior. If the required attendant is unable to prevent further instances of seriously disruptive behavior, they may be suspended from transit service indefinitely.

### **Resuming Transit Service**

When the suspension period is completed, the StanRTA staff or their designates will notify the affected individual that they are eligible for bus service. Notification will be made according to the procedures set forth under "Notice of Suspension."

If there is another documented incident of inappropriate or seriously disruptive behavior, the suspended individual may have their suspension extended for a longer period.

If another infraction occurs during the five-day period during which they can file an appeal, the suspension will be automatically approved.

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