RFTA Passenger Suspension Policy

Purpose:

In the interest of public safety as well as compliance with federal law, state law and/or the RFTA Passenger Code of Conduct Policy, a person may not engage in prohibited conduct on any RFTA vehicles, operational and maintenance facilities, and property, including but not limited to bus shelters, bus stops, administrative, and/or RFTA equipment.

Violation of the above may subject a person to enforcement ranging up to and including the following:

i) A verbal or written Notice of Suspension,
ii) Immediate suspension, and/or
iii) A criminal citation.

An individual suspended from the transit system will not be entitled to any refund of unused fare media that may expire during the period of suspension.

1. **RFTA Transit Suspension Procedure**

   Committing a violation of federal law, state law, and/or the RFTA Passenger Code of Conduct Policy may be cause for suspension of a person's privileges to enter upon RFTA property and use of the transit system. Notice of such suspension shall be in a written Notice of Suspension form and will notify the person suspended of the cause, the period of the suspension, appeal procedures, and that failure to comply may be grounds for criminal prosecution. Notice of Suspension may be issued by RFTA personnel or local law enforcement.

   Local law enforcement and RFTA Transit Security Officers have the authority to remove, immediately, a person from RFTA property who violates federal law, state law, and/or the Prohibited Conduct set forth within the RFTA Passenger Code of Conduct.

   In the event of immediate suspension, local law enforcement or a RFTA Transit Security Officer will order an immediate exit from RFTA property. In addition to prompt removal from RFTA property, the passenger will also receive a Notice of Suspension. In the event of an immediate suspension, the duration of the suspension becomes effective at the time of issuance of the Notice of Suspension.

2. **Length of Suspension**

   Generally, the following criteria will determine the length of suspensions for each passenger found in violation of federal law, state law, and/or RFTA Passenger Code of Conduct:

   Violations of RFTA Code of Conduct

   1. A person receiving a Notice of Suspension for violations of the RFTA Code of Conduct within a rolling 24-month period is subject to a suspension from RFTA transit services:

      a. **First Offense:** Written warning.
      b. **Second Offense:** Passenger suspension – not to exceed 30 days.

c. **Third Offense:** Passenger suspension – not to exceed 90 days.
d. **Further Offenses:** Passenger suspension – 90 days up to 365 days.

Criminal Offenses

1. A person receiving a Notice of Suspension for the criminal act of vandalism or property damage and/or trespass (not including the violation of a current suspension notice) within a rolling 24-month period is subject to suspension from RFTA transit services:

    a. **First Offense:** Passenger suspension – not to exceed 90 days.
    b. **Second Offense:** Passenger suspension – 90 days up to 365 days.
    c. **Third Offense:** Passenger suspension – 365 days up to permanent suspension.

2. A person receiving a Notice of Suspension for a criminal act against a person, and/or a crime involving a firearm or other dangerous weapon within a rolling 24-month period is subject to suspension from RFTA transit services:

    a. **First Offense:** Passenger suspension – up to 365 days, and depending on the severity of the offense, up to a permanent ban from the RFTA transit system.
    b. **Second Offense:** Passenger suspension – 365 days up to permanent suspension.
    c. **Any criminal act against an RFTA employee:** Passenger suspension – 365 days up to permanent suspension.

3. If a passenger refuses to stay and receive their copy of their citation for their violation, the passenger may be subject to the following suspension/s:

    a. **First Offense:** Passenger suspension – not to exceed 30 days, in addition to the time of suspension for the underlying violation.
    b. **Second Offense:** Passenger suspension – not to exceed 90 days, in addition to the time of suspension for the underlying violation.
    c. **Third Offense:** Passenger suspension – not to exceed 365 days, in addition to the time of suspension for the underlying violation.

4. If the suspended passenger elects to use RFTA services during the period of suspension, they may incur additional penalties, from additional suspension days up to and including charges for criminal trespass.

3. Appeal of Suspension

Right to a Hearing

1. Every person issued a Notice of Suspension shall be entitled to a hearing as a matter of right. The purpose of the hearing is (a) to review and determine whether the evidentiary basis for issuance of the suspension is sufficient pursuant to RFTA's Code of Conduct; (b) to determine whether the length and scope of the suspension is commensurate with the nature of the violation; (c) to render a finding on whether it is more probable than not that the individual engaged in conduct justifying the suspension; (d) consider any mitigating and aggravating factors relevant to the scope and length of the suspension; (e) and issue a final suspension order to sustain, modify, or set aside the passenger suspension. Such an instance that may warrant reconsideration or modification of a suspension includes, but is not limited to, resolution of the criminal matter in that is the

basis of the suspension. All persons receiving a notice of suspension receive notice of their right to a hearing on the Notice of Suspension.

Proceedings

1. Any persons issued a Notice of Suspension may appeal their suspension to the RFTA COO, within ten (10) business days of issuance.

2. A request for appeal must include the following:

    a) Appeals Form
    b) The Notice of Suspension
    c) The grounds for appeal, and
    d) The date of request and contact information of requestor

3. If a person issued the Notice of Suspension is unable to submit an appeal, their representative, upon written verification regarding the representative's right to act on behalf of the person issued the suspension notice may submit the request. A representative may include, but is not limited to, an attorney, parents of minor suspended, guardian ad litem and/or representative with the power of attorney.

4. In the event the person does not appeal their suspension to the RFTA COO, or the RFTA COO's designee, within ten (10) business days, the original Notice of Suspension becomes final.

Scheduling of Appeal Hearings

1. **Hearing Date:** The person seeking an appeal of a suspension shall submit their request to the RFTA COO, either by email to suspension appeals@RFTA.com, or written letter to the Chief Operations Officer, Roaring Fork Transportation Authority, 2307 Wulfsohn Road, the RFTA COO or the RFTA COO's designee, will contact the individual by phone or mail to schedule a hearing within three (3) business days of receipt of the Notice of Appeal.
2. **Continuance:** The RFTA COO, or the RFTA COO's designee, may grant a continuance, on its own motion or by motion of suspended passenger, if a continuance is warranted or necessary. The RFTA COO, or the RFTA COO's designee has the sole discretion to grant or deny a continuance.

Evidence at Hearing

1. The RFTA COO, or the RFTA COO's designee will review all relevant information and shall consider any mitigating or aggravating factors in determining the appropriate scope and length of the suspension, in his/her sole discretion. After consideration of the evidence presented, the RFTA COO, or the RFTA COO's designee may sustain the suspension, modify the suspension, or set aside the suspension.

The Final Order

1. Within ten (10) business days following the conclusion of the hearing, the RFTA COO, or the RFTA COO's designee shall issue a Final Order setting forth all findings and decisions on the suspension, unless issuance of a final order within ten (10) days is not

practicable. If a final order cannot be issued within ten (10) business days of the conclusion of the hearing, the RFTA COO, or the RFTA COO's designee shall extend the stay on the suspension until the final order is effect. The Final Order shall be deemed issued on the date of mailing to all parties at the address provided by the parties, through regular U.S. Mail, or Email, and becomes effective three (3) business days from the date of issuance.

2. The Final Order shall set forth the findings of the RFTA COO, or the RFTA COO's designee, and the basis for such findings. If the Final Order Sustains or modifies the Notice of Suspension, the Final Order shall clearly set forth the period of the suspension, including the exact starting and ending date.

APPEAL FORM

The purpose of this form is to allow you to appeal a Notice of Suspension of service due to violations of RFTA Policies. You have the right to appeal this suspension as outlined in the appeal policy provided with this form.

You must fill out all information on this form. In addition, you must include a copy of the Notice of Suspension that you received. Forms with incomplete information or the required copy of the Notice of Suspension will not be accepted.

Date of Receipt of Notice of Suspension:_____

Last Name_____ First Name_____ M.I__

Street Address _____

City _____, State__ Zip Code _____ Daytime Phone# _____

Grounds for Appeal (Attach additional sheets if space provided is insufficient):

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_____ _____

Signature Date

NOTICE OF SUSPENSION

ROARING FORK TRANSPORTATION AUTHORITY SECURITY PROCEDURE

Date ___/___/_____ Time_____ Incident Location_____

Name _____

Last First Middle

AKA_____

Address _____

City _____ State ____Zip _____ PH ( ) _____-_____

DOB ____/____/_____ Sex M F Race_____ Ht ____ Wt_____ Eyes _____Hair ____

ID# _____St _____

FAILURE TO PROVIDE IDENTIFYING INFORMATION WILL RESULT IN INDEFINITE SUSPENSION

SUSPENSION ORDER

On the ____ day of _____, 20__ at or about ___M, at _____ which is property owned, leased or under direct control of RFTA you violated the following municipal ordinance _____, or failed to comply with the passenger Code of Conduct listed in RFTA Safety Policy Procedure by committing the following act(s): _____

Because of this violation, you are hereby excluded from, and prohibited from entering or remaining upon, the RFTA Bus system, including but not limited to any bus, bus stops, transit center or park and ride facility and all property owned or leased by RFTA.

You are excluded for a period of: _____

This suspension order is in effect immediately and continues until 12:00 AM on _____, 20___. If, during the period of suspension, you enter or remain upon any part of the RFTA Bus system you will be subject to arrest for the crime of Criminal Trespass and may receive an extended period of suspension up to and including a permanent suspension order.

ISSUING PERSON'S INFORMATION

Issuing person: _____ _____ _____

Signature Print name

Date

Signature of respondent: _____

Issuing Person's Affidavit:

I hereby state the following:

I certify, under the penalty of perjury, the foregoing is true to the best of my information, knowledge and belief.

Date: _____

Signature: _____

RFTA Employee No.: _____

Suspension Appeal Decision

TO: _____

Dear _____,

On today's date, ___/___/_____, a hearing was scheduled at your request. The purpose of this hearing was to allow you the opportunity to appeal the decision to suspend your riding privileges. **Please Note: this hearing is not an adjudicative process and not under the jurisdiction of the Colorado Administrative Procedures Act.**

The Hearing Officer has heard your appeal and based on the totality of the circumstances that led to your suspension, has made a decision. The conclusion of this hearing is that the suspension shall be: _____.

a) **Sustained –** suspension order stands as is, no modifications
b) **Reinstated –** suspension order revoked and riding privileges reinstated.
c) **Modified –** suspension order stands, but reduced to _____ Months, Weeks, Days or deferred for a period of: one year, six months, three months from the date of this notice. (*A deferred decision means that you may use the service providing that there are no future incidents that are illegal or cause a disruption with RFTA services to any degree for the above period specified.)*

Signature of Respondent: _____ Date:_____
Printed name of Respondent: _____

The decision of this board is final and not subject to further appeal.

Sincerely,

RFTA Passenger Code of Conduct

The intent of this code is to ensure the safe operation of RFTA services and facilities. Violations of this code along with the violation of any RFTA policy, procedure or direction by RFTA employees are subject to suspension of service as outlined by the RFTA Suspension Policy.

Advisory

- All RFTA buses and facilities are under video and audio surveillance.
- Drivers have the right to refuse service to intoxicated or problematic persons.
- Stay clear of the doors until they are opened
- Do no cross the street in front of a bus after exiting the vehicle
- Report suspicious packages or behavior to the bus driver
- Have your correct fare ready

Code of Conduct

- No illegal activity on RFTA buses or property,
- Passengers must follow bus operator directions and all RFTA policies and applicable, RFTA rules and regulations,
- No consumption of alcohol or open alcohol containers,
- No fare evasion,
- No littering on the bus,
- No disrupting the safe operation of bus or bus operator duties,
- No disruptive or abusive behavior or language on RFTA buses or on RFTA property,
- No loitering on RFTA property,
- No vandalism of any kind on RFTA buses or property,
- No shouting or talking loudly; including on cell phones,
- Strollers must be collapsible and must be stowed while riding,
- Riders must maintain safe personal hygiene,
- Shoes, shirts and bottoms are required; no roller skates.