

Waukesha Metro Transit Passenger Conduct Policy

I. PURPOSE

It is the mission of Waukesha Metro Transit, a division of the Public Works Department of the City of Waukesha, through the efforts of dedicated, well-trained employees, to provide safe, reliable, convenient, and efficient public transportation to the citizens and visitors of the Waukesha Metro service area. Waukesha Metro has established this Passenger Conduct 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 Waukesha Metro vehicles and facilities are safe, welcoming and provide equitable access for Waukesha Metro passengers. Responses to inappropriate and/or illegal conduct are outlined here.

II. OVERVIEW AND DEFINITION

The intent of this Policy is to prohibit persons from engaging in inappropriate conduct on, at or in the facilities of Waukesha Metro, including at the Transit Center, in bus shelters, at bus stops, and at administrative, operational, and maintenance facilities, or on buses used to provide Waukesha Metro fixed route or paratransit services. Inappropriate conduct includes any individual or group activity which is disruptive or injurious to other individuals lawfully using Waukesha 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 a violation of the law does not bar investigation and/or exclusion under this Policy.

The term “fare” means the monetary charges established by Waukesha Metro Transit for the use of its facilities and vehicles.

The term “fare media” means the methods by which fares are paid, issued by or on behalf of Waukesha Metro Transit for the payment of fare, including passes, cards, transfers, tickets and vouchers.

The term “minor offenses” means smoking, lighting an incendiary device, eating or drinking except drinking from a sealed container, using an audio device without earphones, and causing noise of any kind tending to unreasonably disturb the peace and quiet of other individuals using Waukesha Metro facilities or services (see subsection III., below).

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

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

The term “serious offenses” means all offenses described in this Conduct Policy that are not minor offenses.

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

The term “weapon” means firearms, switchblade knives, axes, gravity knives, box cutters, straight razors, unpackaged razor blades, swords, nunchucks, explosives, dangerous chemicals or devices, radioactive materials, and highly combustible materials.

III. PROHIBITED CONDUCT

This policy applies to conduct occurring on Waukesha Metro Transit property, vehicles, or while boarding Waukesha Metro Transit vehicles. Customers may be banned, excluded from service, or conditions attached on their future use of Metro Transit services due to the following circumstances and/or behaviors on Waukesha Metro property or vehicles:

- Disruptive Behavior or Threats
- Public Health Threats
- Refusal to Comply with Safety Rules or Waukesha Metro Staff Instructions

Disruptive Behavior or Threats

Service may be refused to customers who engage in violent, illegal, or disruptive behavior. Disruptive behavior includes, but is not limited to, the following:

- Interfering with a vehicle operator verbally or physically while the operator is driving.
- Disturbing Physically interfering with or hindering other customers or Transit employees.
- Physically or verbally threatening vehicle operators’, other customers’, or other Transit employees’ health, welfare or safety.
- Smoking while onboard a vehicle or within a Transit facility.
- Lighting an incendiary device (e.g. match, lighter, torch).

- Stealing or willfully damaging, defacing or destroying Waukesha Metro property. The City will prosecute anyone who steals or willfully damages, defaces or destroys Waukesha Metro property.
- Engaging in conduct or activity that is a danger to the customer, other customers, the driver or other Transit employees.
- Causing noise of any kind tending to unreasonably disturb the peace and quiet of other individuals using Waukesha Metro facilities or services, including but not limited to: prolonged loud, abusive, indecent, or profane conduct.
- 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 the person's own listening only.
- Illegal possession of a weapon or use of weapon on Waukesha Metro Transit Property or Buses.
- Possession of flammable liquids; dangerous, toxic or poisonous substances; vessels containing caustic materials, chemicals, acids or alkalis or sharp objects.
- Refusing to exit the vehicle when instructed to do so by Transit staff pursuant to this Conduct Policy or other applicable Metro Transit policies and procedures.
- Eating or drinking on the bus (drinking from a container with a sealed lid is permitted).
- Drinking alcoholic beverages or possessing open containers of alcoholic beverages or possession/use of illegal drugs.
- Refusing to pay all applicable fares, using counterfeit or stolen fare media, selling fare media on Waukesha Metro property or fare tampering of any kind.
- Indecent exposure and/or committing an indecent act of sexual gratification with another.
- Loitering or prowling in a place, at a time or in a manner not usual for law abiding individuals under circumstances that warrant alarm for the safety of persons or property in the vicinity. Among the circumstances which may be considered in determining whether such alarm is warranted is the fact that the person takes flight when approached by Metro Transit employees, refuses to identify themselves or manifestly endeavors to conceal themselves or any object. Unless flight by the person or other circumstances make it impracticable, a Metro Transit employee shall, prior to taking any action permitted under this Conduct Policy, afford the person an opportunity to dispel any alarm which would otherwise be warranted by requesting the person identify themselves and explain their presence and conduct.

Public Health Threats

Service will be refused to any person who poses a potential public health threat. Examples of public health threats include, but are not limited to the following:

- The existence of excrement on clothes or on hands
- The existence of other body fluids, such as blood or vomit, fluid from open sores

Refusal to Comply with Safety Rules or Waukesha Metro Transit Staff Instructions

A person that refuses to comply with posted safety rules or driver or other Waukesha Metro staff instructions may be refused service.

Riders must be able to physically board and alight from the bus. If an individual can not physically board or alight from a bus, the individual will need to acquire the resources needed to overcome their disabling condition, such as, a mobility device and/or personal care attendant.

IV. EXCLUSION PROCEDURE

On Board Procedure

For minor offenses, 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, an Operations Supervisor will be contacted. The Operations Supervisor will either via radio or in person repeat the instructions for the passenger(s) to comply with the order or the passenger(s) will be asked to leave the bus. If the individual(s) declines to leave a bus after being ordered to do so by the Operations Supervisor; the Police will be called to the scene and the individual(s) will be subject to arrest and prosecution for trespassing and/or disorderly conduct. Repeat infractions may result in banning the customer from using Waukesha Metro buses for up to one year.

Serious offenses can result in no warnings and immediate request for Police assistance with the individual(s) being subject to arrest and prosecution. Individuals engaging in serious offenses on the bus may result to immediate exclusion from the bus without any warning and regardless of arrest and/or prosecution by the authorities. Customers who commit serious offenses may be banned from using Waukesha Metro buses for up to one year.

Transit Center Procedure

Minor offenses at the Transit Center or other Waukesha Metro facilities will following the same protocol as the bus, however, failure to comply with staff directives that result in the Police responding will result in arrest and prosecution and banning of the use of the Transit Center for up to one year.

Serious offenses can result in no warnings and immediate request for Police assistance with the individual being subject to removal from the Transit Center, arrest and prosecution. Individuals engaging in serious offenses at the Transit Center (or other Waukesha Metro facilities) may be banned from using Waukesha Metro facilities and buses without any warning for a period of up to one year regardless of arrest and/or prosecution by the authorities.

In addition to the authority to exclude and ban customers set forth in other paragraphs of this section, the Transit Manager, or his/her designee, is authorized to ban or exclude from service or make conditions on the use of service to individuals who violate this Conduct Policy. The term of the ban, exclusion or attachment of conditions shall depend on the nature and seriousness of the violation, may continue for more than one year and may be permanent.

The individual shall be notified in writing of any ban, exclusion, or attachment of conditions which applies to the individual's use of Metro Transit buses or facilities extending beyond the date of the violation. To the extent feasible, the individual shall be notified in writing of any exclusion limited to the date the violation was committed. The written notification will state the specific basis for the proposed action, the proposed sanction, and the appeal process.

V. APPEALS PROCESS

Any appeal by or on behalf of the party subject to a ban, exclusion order or attachment of conditions on the use of Metro Transit buses or facilities shall be submitted in writing to the Transit Manager within ten (10) days after service by mail of the Transit Manager's determination. The appeal should be sent to: Mr. Brian Engelking, Transit Manager, 2311 Badger Drive, Waukesha, WI 53188.

The communication shall state with specificity the grounds for the appeal. Waukesha Metro Transit reserves the right to have the exclusion remain in place throughout the Appeals Process. The Transit Manager shall review and may uphold, reconsider or modify the decision to exclude, ban or attach conditions to an individual's use of Metro Transit buses or facilities, following investigation of the matter and evidence presented. The Transit Manager shall specify in writing within thirty (30) days of receipt of the appeal the reasons for rescission or modification, if applicable, or the decision to uphold the original action, to the appellant. The Transit Manager may involve consultation with the City Attorney's office.

The individual will be notified in writing about the final determination, the reasons for it, and the sanctions imposed, if any. The individual can request an appeal of Waukesha Metro Transit's final determination. The individual will have ten (10) days to appeal this decision. This appeal should be in writing and addressed to the Transit Manager at the address listed above. The City of Waukesha Transit Commission will review and make a final determination of the appeal at the next

regularly scheduled Transit Commission meeting. The appellant may appear at the Transit Commission meeting in person or by an attorney.

The appellant will then be informed in writing of the Transit Commission's decision. If a decision by the Transit Commission is not made within thirty (30) days of the Transit Commission meeting where the appeal is considered, the exclusion of services will be lifted until and unless a decision to deny the appeal is issued.