

Suspension of Service Policy

Purpose

The purpose of this policy is to establish clear and consistent guidelines for suspending service to individuals who violate El Paso Transportation Authority (ETA) Code of Conduct. This policy aims to promote a safe, respectful, and accessible environment for all passengers, operators, and staff of ETA and is designed to ensure fairness and due process for all while upholding the safety and integrity of the transit system.

Definitions

Code of Conduct: ETA's rules and expectations governing an individual's behavior while using ETA transit services or on ETA property.

Days: Calendar unless noted.

Direct Threat: means a significant risk of substantial harm to the health or safety of the individual or others that cannot be reduced or eliminated by reasonable accommodation, as required by applicable federal and state nondiscrimination laws.

ETA: El Paso Transportation Authority, the administrator of public transit services outside of the City of El Paso, within El Paso County.

Suspension: the temporary or permanent removal of an individual's right to use ETA transit services due to violations of ETA's Code of Conduct that represent a direct threat to health or safety.

Transit Operations Contractor: the operator of the transit system selected to operate and maintain ETA services.

Policy

ETA reserves the right to suspend individuals from using ETA transit services, including entering onto ETA property, for Code of Conduct violations that represent a direct threat to health or safety, and that cannot be mitigated through reasonable alternatives. When a violation occurs, ETA will make every effort to work toward a resolution by identifying the issue and, if appropriate, working with the individual to find an alternative to suspension. Suspensions will be issued only after a thorough review of the incident leading to the violation and in accordance with this policy.

Suspensions may be enacted by ETA Executive Director in accordance with this policy, upon recommendation by ETA staff and/or the Transit Operations Contractor's General Manager.

The first disciplinary step is a verbal warning to the individual who violates the Conduct Policy. When an individual engages in inappropriate behavior that does not warrant immediate ejection, 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 Transit Operations Contractor or ETA staff will also document report this verbal warning 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 ETA. 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 ETA offices

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

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| 1st | 30 days |
| 2nd | 90 days |
| 3rd | 180 days |

When three (3) warnings accumulate within a 90-day period, the person can be subject to suspension for up to 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.

Before suspension may take place, ETA will attempt to notify the individual in writing of its intent to suspend. The written notification must inform the individual of the reasons for the suspension, the duration of the suspension, and their right to appeal. The suspension will take effect immediately upon sending the notice, where necessary to protect health or safety, or at a later time as determined by ETA based on the severity of the violation(s).

The duration of the suspension is determined on a case-by-case basis depending on the facts and circumstances surrounding the incident, including but not limited to the seriousness of the violation, whether it's a repeat violation, and any mitigating factors.

Violent or other severe or repeated violations that threaten health or safety may lead to longer suspensions or permanent exclusion from the system. Less severe violations may result in warnings.

Individuals may request a suspension appeal hearing within five (5) business days after receipt of the suspension letter.

No individual will be suspended from transit service based on race, color, national origin, sex, age, disability, or any other protected characteristic in violation of applicable federal or state nondiscrimination laws. Individuals with disabilities will not be suspended from service unless their behavior directly threatens health or safety, and reasonable accommodations have been considered where required by law.

Responsibilities

Transit Operations Contractor: Respond to any immediate health or safety concerns or incidents involving violations of the Code of Conduct. Maintain clear, documented procedure for rider suspensions, including records of violations, decisions, and outcomes. Investigate any reported incidents that may warrant suspension, gathering relevant evidence and conducting interviews as necessary. Work with the Attorney to ensure that suspension decisions are appropriate, justified, and compliant with all applicable laws and regulations.

Transit Planner: Ensure that the public is informed of the Code of Conduct, this policy, and their rights through clear and accessible communication, such as signage, website information, and other outreach materials.

Attorney: Provides legal advice and guidance throughout the suspension process.

Suspension Procedures

1. The Transit Operations Contractor must immediately notify the Transit Planner of potential violations of the Code of Conduct in accordance with established procedures.
2. In consultation with Attorney, the Transit Planner will gather and review documentation, video, or other relevant evidence, and conduct further investigation as needed, to determine based on a preponderance of the evidence whether the incident merits suspension or another action under this policy. A decision on suspension or other action should be made as soon as practicable, typically within five (5) working days.
3. If suspension is recommended, the Transit Planner will complete a Suspension Letter with the relevant information and provide the completed letter to Attorney for review. Upon Attorney's approval, the Transit Planner will mail the Suspension Letter to the individual using certified mail and/or any other notification method likely to reach the subject of the letter.

4. Once the mailing of the Suspension Letter has been done, the Transit Planner will notify internal stakeholders and the transit operations contractors and their employees, as applicable, of the suspension and include a picture of the individual.
5. The individual shall have five (5) working days from receipt of the letter to request an appeal hearing. See the ***Appeal Hearing Procedures***.

Appeal Hearing Procedures

If an individual requests a suspension appeal hearing concerning the suspension of the individual's service, an appeal committee consisting of a three (3) person panel of ETA employees not involved in the original decision will be formed by the Transit Planner.

The appeal committee will:

- Conduct a hearing within 15 working days of receipt of the individual's request to appeal the suspension decision. The individual may have a representative at the hearing and shall have an opportunity to present evidence. The panel will consider whether the evidence supports the decision to suspend and whether the suspension period is appropriate.
- Affirm, revise or rescind the decision, in whole or in part, within five (5) working days after the hearing. The Transit Planner will notify the individual in writing of the results of the appeal.

ETA transit service will not be provided to the individual during this appeal process. ***The decision of the appeals committee is final.***

End of Suspension Procedures

1. Thirty (30) business days prior to the end of the suspension period, the Transit Planner will mail the individual the Reinstatement of Privileges and Use of Service Letter. Before sending, the Transit Planner will provide the letter to Attorney for review.
2. If the individual is required to show cause that they are no longer a threat to health or safety, they may do so by providing evidence of treatment for anger management or other evidence that tends to demonstrate that the individual is no longer a threat to health and safety. All such evidence provided to ETA shall be considered confidential and will only be released as required by applicable law.
3. The decision to reinstate services shall be made by the Executive Director in consultation with the Transit Planner and Attorney.
4. A copy of the signed Reinstatement of Privileges and Use of Service Letter shall be retained by the Transit Planner in accordance with the applicable record keeping schedule.