

Metro Transit Ride and Abide Policy

The Bi-State Development Agency of the Missouri-Illinois Metropolitan District ("Agency") strives to provide a safe and welcoming environment for all users of its passenger transportation system. The Metro Transit System ("Metro") is any property, real or personal, owned, leased, or controlled by the Agency and used to operate, maintain or provide public transportation services by rail, motor vehicle or any other means of conveyance. Metro includes, but is not limited to, transit centers, stations, bus shelters, park-n-rides, Metrolink, Metrobus, Metro Call-A-Ride vehicles, and their related facilities, conveyances, guideways and rights-of-way.

Patrons shall comply with all Agency policies and instructions given by Authorized Persons and observe the applicable rules and regulations governing use and conduct on the Metro, which are also referenced in the Metro Code of Conduct (addendum A, page 11). "Authorized Persons" are Agency security staff, Agency-contracted security personnel and fare inspectors, and law enforcement personnel. Moreover, it is expected that all persons on the Metro shall:

- Be respectful of fellow Metro passengers and Authorized Persons;
- Comply with all lawful orders and directives of any Authorized Person; and,
- Obey any instructions on notices or signs duly posted in or on the Metro; and
- Provide accurate, complete and true information or documents requested by Authorized Persons.

A. Prohibited Conduct

Prohibited Conduct on the Metro is set forth in Agency rules and regulations and Section 70.441 of the Missouri Statutes or Section 110/6 of Chapter 45 of the Illinois Statutes. Authorized Persons may give warnings or issue citations for any violations thereof. In addition, the following is a list of Prohibited Conduct which can result in removal from the Metro, as well as citations:

1. No person shall engage in any activity prohibited by Federal, state, or local law.
2. No person shall illegally possess, use, distribute, or sell any controlled substance.
3. No weapon or other instrument intended for use as a weapon may be carried in or on the Metro, except by Authorized Persons.
4. No explosives, flammable liquids, acids, fireworks, or other highly combustible or flammable materials or radioactive materials may be carried on or in Metro property, except as authorized by the Agency.
5. No person shall commit an assault or battery upon another person or engage in a fight.
6. No person shall unreasonably and knowingly disturb or alarm another person on or in Metro by loud noise, threatening, abuse, harassing or offensive language addressed in a face-to-face manner to a specific individual and uttered under circumstances which are likely to produce an immediate violent response from a reasonable recipient, or by creating a noxious and offensive odor. Noxious and offensive odors creation include, smoking tobacco or other substances,

vaping, use of electronic cigarettes or carrying heated, lighted, or smoldering substances in any form, except in designated areas.

7. Intentionally obstructing or impeding the flow of a Metro conveyance or passenger movement; hindering or preventing access to Metro property; or causing unreasonable delays in boarding or alighting.
8. Spitting, expectorating, urinating, or defecating on Metro property or conveyance.
9. Defacing, destroying, or otherwise vandalizing Metro property or conveyance, or any signs, notices, or advertisements on the Metro.
10. Drinking an alcoholic beverage or possessing an open container of an alcoholic beverage.
11. Entering nonpublic areas, including but not limited to tunnels, guideways, rights-of-way, and equipment rooms, except as authorized by the General Manager of Field Security (or designee) or when instructed by Agency security personnel, contracted security personnel, fare inspectors, or law enforcement.
12. Throwing an object at or on Metro property or conveyance, or at a person on Metro property or conveyance.
13. Dumping any materials whatsoever on Metro property, including chemicals or automotive fluids.
14. Failing to present a valid, unexpired pass, transfer, or ticket, or otherwise failing to pay the appropriate fare as required by Agency and/or Missouri or Illinois regulations.
15. Falsely claiming to be a Metro Transit operator or other Agency employee; or through words or actions and/or use of clothes, insignia, or equipment resembling department issued uniforms and equipment, creating a false impression that they are a Metro Transit operator or other Bi-State employee.
16. Engaging in gambling or any game of chance for the winning of money or anything of value.
17. Discharging a laser-emitting device on any Metro property, guideway, or right-of-way, or conveyance, directing such a device from a Metro conveyance toward any other moving vehicle or directing such a device toward a Metro Transit operator, Agency employee, or passenger.

B. Suspension of Transit Privileges Based on Prohibited Conduct

In addition to the applicable penalties for violations of the law and violations of Agency rules and regulations on the Metro, failure to observe this Policy may result in the suspension of privileges for use of the Metro, up to and including permanent suspension of privileges and/or ban from the Metro. Notwithstanding the foregoing, the Agency General Manager of Field Security, or a designee, may take any appropriate action in response to Prohibited Conduct including the issuance of a suspension of transit privileges up to permanent suspension of such privileges to any person that the Agency General Manager of Field Security or designee finds, based on the totality of the circumstances, that such person's conduct is unacceptably offensive, serious, threatening, or malicious, including but not limited to when an individual commits acts of violence on the Metro.

The suspension period shall be determined on a case-by-case basis, but will be based upon the following criteria:

- First Offense – Suspension period of one day to six months.
- Second Offense – Suspension period of more than 12 months, up to and including a permanent suspension of transit privileges.

The General Manager of Field Security may issue a suspension of transit privileges in excess of one year for the first offense where a particular individual poses an immediate and serious threat to the safety of Metro Transit riders or employees. An individual poses an immediate and serious threat when he or she has committed a sexual assault, committed an assault that resulted in serious injury or death, or used a weapon to injure another person while offender was on the Metro.

If a suspended person returns to the Metro or to any portion of the Metro that they have been suspended from during the suspension period, the individual may be subject to arrest and criminal prosecution for trespass.

The Agency General Manager of Field Security is authorized to review, investigate, invalidate or rescind any suspension, at any stage during, or after, the processing of a suspension of transit privileges.

C. Immediate Dismissal Command

If after an Authorized Person requests an individual to comply with the Policy provisions and they fail to comply with the request for compliance, they may be ordered to leave the Metro by the Authorized Person. The order may be oral or a written directive to address a safety threat to persons or in response to Prohibited Conduct that disrupts the order and security of the Metro. Failure to immediately comply shall be grounds for prosecution for criminal trespass and/or suspension of transit privileges.

D. Suspension of Transit Privileges Procedures

An individual may be suspended from the Metro or any part of the Metro by any Authorized Person based upon an observation by the Authorized Person, or on evidence collected by the Authorized Person that there is preponderance of evidence that the individual engaged in Prohibited Conduct under this Policy.

1. **Notice of Suspension.** Any individual whose transit privileges are being suspended from Metro, or any part thereof, must be issued a written Notice of Suspension (“Notice”), attached hereto as Exhibit A. If the individual refuses the written Notice, the Authorized Person seeking to issue the Notice shall make note of the refusal and advise the individual of the suspension orally.

The Notice shall set forth a description of the Prohibited Conduct giving rise to the suspension; the duration and area of the Metro, included in the suspension; and instructions for requesting a review for modification or appeal of the suspension.

2. **Minors.** Every effort shall be made to immediately notify the parent or guardian of a minor of the suspension of transit privileges and the Prohibited Conduct that led to the suspension.
3. **Incident Reports.** An Authorized Person who determines that an individual's Prohibited Conduct warrants suspension of transit privileges shall complete an incident report immediately afterwards. The incident report shall include a description of the Prohibited Conduct, action taken in response to the Prohibited Conduct, including reasons for the individual's suspension of transit privileges; and other relevant information, including whether or not the individual was arrested. A copy of the incident report shall be provided to the Agency General Manager of Field Security within 24 hours of the incident.
4. **Compliance with Procedures.** The Agency General Manager of Field Security shall ensure compliance with the procedures and the suspension periods set forth in this policy and, if circumstances warrant, shall have the authority to modify or repeal the suspension. The Agency General Manager of Field Security shall promptly notify the suspended individual of any modification or repeal of their suspension.

E. Requests for Review

Every person whose transit privileges are suspended pursuant to this Policy shall be entitled to a review of the suspension of transit privileges. The review may be requested with or without an in-person hearing. The request may be to modify the suspension duration, times of day the suspension is in effect, and/or the portion of the Metro from which the individual is suspended, or to repeal the suspension in its entirety. The purpose of the review/hearing is to:

1. Review and determine whether the basis for issuance of the Notice of Suspension was sufficient; and
2. Determine whether the length and scope of a suspension is commensurate with the nature of the Prohibited Conduct; and
3. Render a finding on whether it is more probable than not that the individual engaged in the Prohibited Conduct justifying a suspension; and
4. Consider any undue hardship and mitigating and aggravating factors that may be relevant to the scope and length of a suspension; and
5. Issue a final suspension order to sustain, modify, or repeal a Notice of Suspension ("Notice of Determination," described below and attached hereto as Exhibit B).

All requests for review must be made in writing and submitted within ten (10) business days of the issuance of a Notice of Suspension to:

Mailing Address:
 Suspension Review Board
 Metro Transit Public Safety
 3330 Spruce Street
 St. Louis, Missouri, 63103

OR

Email Address:
 PublicSafety@metrostlouis.org

Requests for review shall include:

- Full name, address, phone number, and email;
- Date suspension occurred;
- Suspension Notice number (located in the top right corner of Notice) ;
- All reasons the suspension should be modified or repealed; and
- Indicate if a review hearing is requested or waived.

If suspended individuals request a review, the individuals may submit any documentation that they believe supports the request for modification or repeal of the suspension.

Failure to request a review of the Notice of Suspension, with or without a hearing within 10 days of issuance of the Notice of Suspension, shall be deemed a waiver of a review.

Request for Review – Without Hearing

All requests for review of suspension without a hearing will be reviewed by the Agency General Manager of Field Security, or designee, within seven (7) business day of receipt of the request for review. The review shall be based on the documentation submitted at the time of review. The Agency General Manager of Field Security, or designee may, at their discretion, request additional information from the individual prior to rendering a decision. A Notice of Determination, setting forth all findings and a decision on the suspension, shall be made within ten (10) business days following the conclusion of the review.

Request for Review with Hearing - Suspensions of Less than 30 Days

If a hearing is requested for a suspension of transit privileges of less than thirty (30) days, the hearing will be conducted by the Agency General Manager of Field Security or designee, by telephone. Hearing notes, including the name of the individual and number called, and date and time of the hearing, shall be made during the hearing. The Agency General Manager of Field Security, or designee may, at their discretion, request additional information from the individual prior to rendering a decision. The Agency General Manager of Field Security or designee shall issue a Notice of Determination, setting forth all findings and a decision on the suspension, within ten (10) business days following the conclusion of the hearing.

Request for Review with Hearing – Suspensions of 30 Days or Greater

If the suspension of transit privileges is thirty (30) days or more and the suspended individual requests review with hearing, a representative of Agency Public Safety will contact the individual within five (5) business days of receipt of the review request to schedule a hearing date. All hearings for suspensions of thirty (30) days or more will be conducted in-person.

The Suspension Review Board (“Board”) will conduct all in-person hearings. The Board will consist of the following members:

1. Agency General Manager of Field Security (Chair)
2. Agency General Manager of MetroLink
3. Agency General Manager of MetroBus
4. Citizen from the Metro Transit Missouri Service Area, or alternate*
5. Citizen from the Metro Transit Illinois Service Area, or alternate*

* Citizens are appointed by the Agency President/CEO for one-year terms. Terms may be renewed.

If any Agency member of the Suspension Review Board is unable to attend the review for any reason, that member shall appoint a designee to serve on the Board in their place. Alternates shall be appointed for each Citizen position and shall participate when the primary appointee is unable to attend.

The in-person review hearing shall be an informal proceeding to facilitate a review of the suspension and provide an opportunity for the suspended individual to be heard. The hearing shall be recorded. The suspended individual may present evidence on his or her behalf, including witness statements, oral presentations, and other supporting documentation. The Board Chair shall maintain order and rule upon all questions regarding the order and conduct of the hearing and ensure that the suspended individual receives a meaningful opportunity to be heard, make arguments on their behalf, and present evidence in support of their position.

The Board shall make a final determination on whether the suspension is supported by a preponderance of the evidence, and these decisions shall be determined by a majority vote of the members of the Board. The Board shall modify the original suspension, if warranted, after it balances the safety and security needs of the Metro with justice, fairness, and the constitutional rights of the suspended individual.

The Board shall issue a Notice of Determination, setting forth all findings and a decision on the suspension, within ten (10) business days following the conclusion of the in-person review hearing.

Review of Suspensions of Greater than 12 Months

Twelve months after the effective date of the suspension, and once every twelve months thereafter as applicable, an individual whose suspension is greater than twelve months may request a hearing before the Board to request a modification of the suspension. Such hearings shall be conducted in the manner provided above for review of suspensions of greater than thirty (30) days. The individual may submit evidence which shows any or all the following:

1. Participation in a rehabilitation or other program that tends to reduce recidivism.
2. A lack of criminal activity or conduct since the date of suspension.
3. Relevant information or evidence regarding the criminal proceedings related to the offense.
4. Other evidence that tends to show that the individual no longer poses a threat to Metro Transit passengers and employees.

Other relevant information is to include, but may not be limited to:

1. The criminal record of the suspended individual.
2. The seriousness of the prohibited conduct/behavior for which the individual was suspended.

3. Agency's own evidence, such as video surveillance footage or statements made by Agency employees concerning the suspended individual's behavior on the Metro from the incident giving rise to the exclusion.

Individuals who were suspended for violent offenses shall not be entitled to a modification of the suspension.

Undue Hardship

As part of any suspension review, an individual whose transit privileges have been suspended may request a modification of the suspension of transit privileges on grounds that the suspension would create an undue hardship. Upon a determination by the Agency General Manager of Field Safety, or a designee, or the Board, following the review of the Notice of Suspension and any other evidence presented at the time of the review or hearing, that an undue hardship exists, the Agency General Manager of Field Safety, or a designee, or the Board may order a modification or a repeal of the suspension of transit privileges under the circumstances provided for below:

1. An individual with a disability shall not be issued a complete suspension of transit privileges from the Metro unless the person engaged in violent, seriously disruptive or criminal conduct, or in conduct posing a serious threat to the safety of others or to the operation of the Metro. Absent such a finding, a modification of the suspension shall be made to allow an individual with a disability to use the Metro for trips of necessity, including travel to and from medical and legal appointments, school or training classes, places of employment, obtaining food, clothing and necessary household items, or for accessing any critical services.
2. An individual who is Transit-Dependent shall not be issued a complete suspension of transit privileges from the Metro unless the person engaged in violent, seriously disruptive, or criminal conduct, or in conduct posing a serious threat to the safety of others or to the operation of the transit system. Absent such a finding, a modification of the suspension shall be made to allow a transit dependent individual to use the Metro for trips of necessity, including travel to and from medical and legal appointments, school or training classes, places of employment, obtaining food, clothing and necessary household items, or for accessing any critical services.
3. An individual who is Transit-Dependent is an individual who has no independent source of transportation and relies solely on public transit for local movement and access. Any individual asserting the right to a modified suspension on the basis of transit dependence shall have the burden of establishing transit dependence by a preponderance of the evidence.

F. Notice of Determination

All reviews will result in one of the following dispositions:

1. **Sustained** - the suspension stands without modification;

2. **Modified** - the suspension stands, but with a reduction of the suspension period, adjustment of times of day the suspension is in effect, and/or the portion of the Metro from which the individual is suspended, including routes/lines, for specified reasons; or
3. **Repealed** - the suspension is overturned, and all transit privileges are restored.

If the suspended individual fails to provide a mailing address, the Notice of Determination will be held for pick-up at the Bi-State Department of Public Safety, 3330 Spruce Street, St. Louis, Missouri, 63103.

Exhibit A

NOTICE OF SUSPENSION

Metro

Suspension NO. XXX

Date: _____ Time: _____ Location: _____

Name: _____ DOB: _____

Address: _____

ID/License #: _____ Phone: _____

Email: _____

This is notification that, on the **SUSPENSION START DATE** listed below, your **TRANSIT PRIVILEGES ARE SUSPENDED** from all property owned, operated, or maintained by Metro.

YOUR PRIVILEGES HAVE BEEN SUSPENDED FOR A PERIOD OF NOT LESS THAN:

Day(s): _____ Week(s): _____ Month(s): _____ Other: _____

Suspension Start Date: _____ Suspension End Date: _____

Reason for suspension:

- | | | |
|---|---|--|
| <input type="checkbox"/> Assault | <input type="checkbox"/> Disorderly Conduct | <input type="checkbox"/> Drug Violation |
| <input type="checkbox"/> Weapon Violation | <input type="checkbox"/> Fighting | <input type="checkbox"/> Property Damage |
| <input type="checkbox"/> Smoking | <input type="checkbox"/> Trespassing | <input type="checkbox"/> Fare Violation |
| <input type="checkbox"/> Other: _____ | | |

Narrative: _____

Name of Authorized Person: _____ TSS: _____ G4S: _____ LE: _____

Signature of Authorized Person: _____ Other: _____

If you do not request review of this suspension within ten (10) business days of issuance of this Notice, this suspension is in full effect for the duration as specified above, unless you are notified otherwise. You may request a review, as described on the reverse side of this form.

VIOLATION OF THIS NOTICE OF SUSPENSION MAY RESULT IN ARREST AND CRIMINAL PROSECUTION.

Exhibit A (continued)

Request for Review, Modification, or Appeal

All requests for review must be made in writing **within 10 business days** of the issuance of this Notice of Suspension

Mailing Address

OR

Email

Suspension Review Board
Metro Public Safety
3330 Spruce Street
St. Louis, MO 63103

PublicSafety@metrostlouis.org

Requests for review of this suspension of transit privileges may be made with or without a hearing.
All request must include:

- Full Name
- Address
- Phone number
- Email
- Date of suspension
- Notice of Suspension number (upper right corner of notice)
- Reasons suspension should be modified or repealed.
 - Include any documentation to support the request.
- Indicate whether a review hearing is requested
 - Hearings for suspensions of less than 30 days are conducted by telephone
 - Hearings for suspensions for 30 days or greater are conducted in person/teleconference

If you do not request review of this suspension within ten (10) business days of issuance of this Notice, this suspension is in full effect for the duration as specified above, unless you are notified otherwise.
VIOLATION OF THIS NOTICE OF SUSPENSION MAY RESULT IN ARREST AND CRIMINAL PROSECUTION.

Exhibit B

NOTICE OF DETERMINATION

DATE: _____

SUSPENSION NO. XXXXX

NAME
Address
City, State, Zip Code

Dear:

This letter is to inform you that a determination has been made in your Request for Review of your suspension of transit privileges dated _____. The determination is as follows:

_____ Sustained - the suspension stands without modification.

_____ Repeated - the suspension is overturned, and all transit privileges are restored.

_____ Modified - the suspension stands, but with the length, times of day or locations modified for specified reasons:

DAYS: _____ MONTHS: _____ OTHER: _____.

TIMES OF DAY _____ LOCATIONS _____

If you have any questions concerning this action, please do not hesitate to contact the Review Board at:

Mailing Address:

Suspension Review Board
Metro Transit Public Safety
3330 Spruce Street
St. Louis, Missouri, 63103



Email Address:

PublicSafety@metrostlouis.org

OR

Respectfully,

Agency General Manager of Field Security



Passenger Code of Conduct

To help ensure the safety, comfort and convenience of all who use Metro Transit services, please comply with the following:

- Pay the correct fare/have ticket ready
- Respect other passengers
- Service animals welcome
- Use headphones; keep volume low
- Food and drink in closed containers only
- Shirts, pants or skirts and shoes required
- Do not lie down or place feet on seats
- Do not disturb the operator; emergencies only
- Do not be loud or unruly
- No littering
- No smoking, e-cigarettes or vaping
- No alcohol or drugs
- No hazardous, combustible or dangerous materials
- No weapons of any kind
- No soliciting



Thank you for your help. Violators may be asked to leave the premises and/or vehicle and could be subject to civil or criminal penalties under the law.

Metro Public Safety
Available 24/7
CALL: 314.289.6873
TEXT: 314.300.0188



01/2019