



**Trespass Policy of
Susquehanna Regional Transportation Authority**

I. Purpose

The Susquehanna Regional Transportation Authority (“SRTA”) has adopted this trespass policy (the “Policy”) in an effort to enhance the safety and security of its properties within its service area. The purpose of the Policy is to provide a written procedure for banning persons, who have engaged in activities that threaten the health, safety or right to peaceful enjoyment of SRTA properties or services.

II. Definitions

- A. Police Department: Any police department having jurisdiction over any properties that are owned or leased by SRTA.
- B. Trespass: For the purpose of this Policy, SRTA considers trespass to be actions defined below in addition to any definition of trespass as described in 18 Pa. Stat. and Cons. Stat. Ann. § 3503.
- C. Trespassed Person: A person who has been banned from entering SRTA Property in accordance with the Policy or who has performed one of the acts defined by the Pennsylvania Crimes Code as set forth in Section A.
- D. SRTA Property: The properties owned and maintained by SRTA. Though paid for with public funds, SRTA Property functions as private property for a designated mobility purpose. SRTA Property includes, but is not limited to, the buildings, and parks within the SRTA communities, bike facilities, shelters, the common areas, and parking lots within the properties owned by SRTA. Signs have been posted on SRTA Property that clearly identify the property as private property.

III. Procedure

- A. Authorized Persons. Entrance to SRTA Property is restricted to SRTA patrons, authorized visitors and guests, during SRTA hours of operation; as well as authorized SRTA staff, representative agents, contractors, and law enforcement officials carrying out official SRTA or law enforcement business as necessary to protect the interests of SRTA.
- B. Persons Subject to Trespass. Any person who has engaged in activities that threaten the health, safety and right to peaceful enjoyment of SRTA, patrons, authorized visitors or guests, or SRTA staff or agents may be prohibited from entering all SRTA Property. Examples of persons who may be banned from SRTA Property include, but are not limited to, the following:
 - 1. A person who engages in a verbal or physical confrontation with any law enforcement officer, SRTA staff or agent, resident, household member or authorized guest or visitor while on SRTA Property.
 - 2. A person who engages in any drug related criminal activity on or off the property.

3. A person who engages in any criminal activity that threatens the health, safety and right to peaceful enjoyment.
4. A person who engages in criminal activity in which a deadly weapon or dangerous instrument was used, or threatened to be used, or any activity that resulted in physical injury to any person.
5. A person who damages, destroys, vandalizes, defaces, or otherwise reduces the value of the real and/or personal property of SRTA, its employees, commissioners, representatives, agents, residents, visitors and guests, contractors, any law enforcement official, or other member of the public.
6. A person who commits a public nuisance, and other disorderly, lewd or lascivious conduct on SRTA property.
7. A person who loiters, or otherwise fails to have any legal business, on SRTA property.
8. A person who causes significant littering on SRTA property.
9. A person who is not authorized to enter SRTA property during non-business hours.
10. A person who commits any action that is defined as trespass under the Pennsylvania Crimes Code.
11. Any person who leaves unattended property that constitutes litter and/or creates a potentially dangerous health hazard.

C. Trespass Determination. As determined by SRTA's authorized staff or agent, a person who has engaged in an activity that threatens the health, safety and right to peaceful enjoyment, as discussed in Section II.B. above, may be banned from entering SRTA Property.

1. The person being banned may be notified orally or in writing by SRTA's staff or agent.
2. Following SRTA's determination to ban a person from SRTA Property, a SRTA Trespass Letter ("the Trespass Letter") will be completed by SRTA's staff or agent. SRTA will make a reasonable effort, but is not required, to deliver the original Trespass Letter to the Trespassed Person. Once the Trespass letter has been delivered, the same shall be distributed to SRTA staff and police having jurisdiction over the location of the incident leading to the determination.

A photograph of the Trespassed Person (if available) may be maintained by SRTA. The Trespass Letter shall serve as notice that the Trespassed Person shall not enter any SRTA Property and that he/she may appeal SRTA's determination in accordance with Section IV below.

- a. In the event that the Trespassed Person is a juvenile, SRTA will make a reasonable effort, but is not required, to deliver the original Trespass Letter to the Trespassed Person's parent or legal guardian.
- b. SRTA staff or agent shall make a reasonable effort to include the following information in the Trespass Letter:
 - (1) the full name and address of the offender;
 - (2) the date the Trespass Letter is delivered to the banned individual;

- (3) the resident/non-resident status of the individual;
 - (4) the development or location at which the incident occurred;
 - (5) the signature of the Police Officer or designated staff person banning the individual;
 - (6) the date, time and place the person was encountered for the offense;
 - (7) the reason(s) for banning; and
 - (8) a description of the individual, to include such information as birth date, social security number, and driver's license or other special identification.
3. The names of all Trespassed Persons will be placed on SRTA's Trespass/Banned List which shall be updated quarterly or as often as determined by the Executive Director. The Trespass/Banned List shall be distributed to: 1) the Police Department, 2) SRTA property personnel and 3) SRTA operations staff.
 4. In the event a Trespassed Person is observed on any SRTA Property by SRTA staff or agent, he/she should contact the Police Department for assistance.

IV. **Appeal Process**

Upon addition to the SRTA Trespass List, the Trespassed Person and/or an interested resident may request a hearing to remove the Trespassed Person from the SRTA Trespass List.

- A. A request for an appeal of SRTA's determination must be submitted to the Executive Director within five (5) days following issuance of the Trespass Letter. SRTA will provide the grieving party with the date, time and place of the hearing within a reasonable amount of time. Should the grieving party fail to appear at the hearing, the determination of SRTA shall be final.
- B. The Hearing Officer shall be the Executive Director, who will review each appeal and conduct a hearing. Prior to the hearing, the grieving party shall provide SRTA with (1) a current certified copy of the Trespassed Person's criminal history, (2) a list of the Trespassed Person's previous home addresses that had been located outside of the County, and (3) any relevant documents. The grieving party may bring a representative and/or relevant witnesses to the hearing.
- C. The Executive Director will make a final determination which will be provided to the grieving party in writing. A copy of the final determination will also be delivered to the Property Manager of the development where the offensive activity had occurred.
 1. If it is the determination of the Executive Director to remove the Trespassed Person from the Trespass List, the Executive Director may remove him/her from the Trespass List immediately or for a probationary period of one (1) year.

V. **Removal from Ban List**

Persons listed on the Trespass/Ban List may not be removed by anyone except in consultation with the Executive Director.

Exclusion of Service Policy

Section 1: Grounds

SRTA reserves the right to exclude person(s) from the use of facilities or service in the best interest of safety and security for public and employees. A determination of exclusion of service or the application of the Disruptive Passenger policy may depend on the program of services utilized by an Offender or the severity of action leading to suspension/exclusion. Offenders whose own actions show a propensity or a habitual pattern of civil disobedience, disorderly conduct, loitering, terroristic threats and harassment may be excluded from service or access to SRTA property or facilities at any time. The Authority may consider factors relative to assault or disruption based upon the factors considered in the National Transportation Database definitions of "assault".

SRTA property is inclusive of vehicles, transfer points, shelters and any other Authority owned property. This list is not all inclusive and an Exclusion of Service Notice may still be issued if SRTA can show a threat to passenger and employee safety and security. The Safety, Security and Training Officer shall be the determining factor based on articulable facts achieved by documentation which shows a pattern or propensity for continued unacceptable actions. The Safety, Security and Training Officer shall be the issuing authority. In his absence, the Chief Operating Officer shall assume that duty. An authorized SRTA Representative or Law Enforcement Officer may issue an Exclusion of Service Notice to any person who is in violation of any described nuisance offenses and/or or who commits an offense under applicable state or local law in or upon a Transit Facility or Transit Vehicle or Authority owned property. Persons who have a disability, as defined by a funding source providing that individual's trips, or utilize the Authority's ADA transportation program shall be governed under the disruptive passenger provisions of this Policy.

Of note, as set forth above, this policy integrates the federal definition of assault on a transit worker which is set forth at 49 U.S.C. 5302(1) as:

to define "assault on a transit worker" as a "circumstance in which an individual knowingly, without lawful authority or permission, and with intent to endanger the safety of any individual, or with a reckless disregard for the safety of human life, interferes with, disables, or incapacitates a transit worker while the transit worker is performing the duties of the transit worker." In the event this definition changes, or state law provides a more strict definition, the Authority will process complaints or disruption pursuant to the most general policy.

Section 2: Notice

In the event an Exclusion of Service Notice is issued, SRTA shall provide a written copy of such Exclusion of Service Notice to any person who has been excluded from all or any portion of SRTA property, including, but not limited to, Transit Facilities or Transit Vehicles or any other Authority owned property described within the exclusion notice. The written Exclusion of Service Notice shall specify the

particular violation or reason for exclusion, all places or property from which the person is excluded, the duration of the exclusion, and the consequences for failure to comply with the Exclusion of Service Notice.

Section 3: Duration

An Exclusion of Service Notice shall be effective immediately upon issuance and shall remain in effect until the exclusion expires, is terminated via the sole action of SRTA, or is overruled on appeal. Additionally, SRTA specifically reserves the right to issue an Exclusion of Service Notice from all SRTA property.

Section 4: Appeal of Exclusion

A person receiving an Exclusion of Service Notice, including a Notice of Permanent Exclusion, may appeal in writing by contacting the SRTA Civil Rights Officer at info@rabbittransit.org. Any written appeal must be responded to in writing within ten (10) business days. In determining an appeal, the Civil Rights Officer may, but is not obligated, to hold a hearing or consider any relevant evidence to discuss the basis for an appeal. The right to appeal an exclusion of service and method to appeal can be found on the Authority's website under its Title VI program.

Section 5: Application for Modification of Exclusion

At any time during the period of exclusion set forth in a Notice of Exclusion, the person named may file a written protest to SRTA's Executive Director or their designee, to allow such person to enter upon SRTA property or service encompassed within the Notice of Exclusion. In his/her sole discretion, the Executive Director or their designee, may grant a modification if the person establishes a pressing need (i.e. employment, medical treatment, or similar good cause) to enter upon SRTA property, including, but not limited to, Transit Facilities and Transit Vehicles. In his/her sole discretion, the Executive Director or their designee, may terminate a Notice of Exclusion or grant a modification if the excluded person demonstrates by clear and convincing evidence that he or she was wrongfully or unfairly excluded from SRTA property. In granting a modification, additional conditions or requirements may prevent the excluded person from committing future offenses. Any subsequent offenses while on an Exclusion Modification shall immediately result in a reintroduction of the original Exclusion from all service and all facilities.

Section 6: Trespass

A person excluded pursuant to this policy may not enter or remain upon any excluded property or area during the period of exclusion. In the event an excluded person enters or remains upon such excluded property, such person shall be considered to be a trespasser and may be subject to arrest and prosecution for the crime of defiant trespass.

Section 7: Non-Discriminatory Policy

SRTA shall not base a Notice of Exclusion on race, color, sex, age, religion, national origin, ancestry, marital status, physical or mental handicap or economic status. Any action shall be derived from evidentiary facts in the best interest of safety and security for public and employees.

Section 8. Disruptive Passengers/Shared Ride Program

In support of the exclusion of service program set forth above, the Authority also includes a “Disruptive Passenger” program for those persons who utilize any ADA program or similar transport of persons with disabilities. For purposes of this Section, ADA programs shall be all inclusive for any program where the Authority transports persons who qualify for any state or federal program for transport of any person with a disability.

A. When riding a Company’s Vehicle through ADA or other similar program, customer conduct will not be accepted nor allowed that is violent, seriously disruptive, or illegal.

The Company may suspend individual passengers and/or refuse service to an individual with a disability who engages in violent, seriously disruptive, or illegal conduct, using the same standards for exclusion that would apply to any other person who acted in such an inappropriate way pursuant to the Authority’s Exclusion from Service Policy.

The Authority will not refuse to provide service to an individual with disabilities solely because the individual's disability results in appearance or involuntary behavior that may offend, annoy, or inconvenience employees of the entity or other persons.¹ When faced with an incident involving violent, seriously disruptive, or illegal conduct, the vehicle’s operator will complete an incident report detailing the situation and forward it an Operations Management team member who will communicate it to the Safety, Security and Training Officer at the conclusion of the shift. In cases of imminent danger or harm, the vehicle operator shall make the necessary report as in the case of any such incident on a Company vehicle.

With regard to considering a “direct threat” U.S. Department of Justice regulations state in 28 CFR Sec. 36.208. In determining whether an individual poses a direct threat to the health or safety of others, a public accommodation must make an individualized assessment, based on reasonable judgment that relies on current medical knowledge or on the best available objective evidence, to ascertain: the nature, duration, and severity of the risk; the probability that the potential injury will actually occur; and whether reasonable modifications of policies, practices, or procedures will mitigate the risk.

Examples of the violent, seriously disruptive, or illegal conduct resulting in “refusal to provide service” in the context of the Authority’s ADA programs, include, but are not limited to, the following:

- Disrupting the driver while he/she is driving the vehicle.
 - Engaging in any conduct or activity that represents a danger to himself/herself, to other passengers or to the driver.
 - Making physical or verbal threats to the driver or to other passengers. Such threats may be either verbal or written.
 - Damaging or destroying vehicle equipment or any employee’s or passenger’s property.
 - Getting out of the seat while the vehicle is in motion or while the trip is underway.
 - Refusing to wear a seat belt.
 - Smoking, consuming alcoholic beverages or any illegal substance while on board the Authority’s vehicle.
 - Disrupting other passengers.
 - Disrobing.
 - Swearing, name calling and/or abusive language.
 - Personal Hygiene condition, resulting in a public health hazard as categorized by the Centers for Disease control.
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- Violations of the Authority’s Customer Code of Conduct Policy

B. Processing Disruptive Behavior:

If a customer engages in violent, seriously disruptive, or illegal conduct, the offending customer will:

1) Immediately be asked by either the vehicle's operator or other member of the Company's management staff to stop or correct the disruptive behavior. If the customer continues to engage in a violent, seriously disruptive, or illegal behavior, assistance will be sought as necessary; and

2) Be issued a letter detailing the incident. The letter will also outline the subsequent "suspension of service" notification to the passenger and will include the reason for such determination. A copy of the letter will also be sent to the passenger's guardian, and/or the passenger's service provider. Despite this notification, the Company's staff must be mindful of the critical importance of maintaining confidentiality concerning information about a passenger's identity, personal circumstances, disability status, etc.

Further suspensions up to and including refusal of service will be determined at exclusive discretion of Director of Safety and Security in the event that the suspension of service have not mitigated the disruptive situation.

C. Appeals Process

Adequate documentation must be on file to support the decision that a cause for suspension has been identified and carefully investigated, and that action is warranted. Adequate documentation can take many forms including videos and other digital recordings, witness statements, direct observations or other relevant evidence concerning an event and/or complaint.

When possible, if sanctions are imposed, the customer must be notified ahead of time in writing or in accessible format. If an immediate sanction is imposed, a verbal notification must be swiftly followed by the required written or accessible format notice.

The notice must identify the basis for the proposed action with specifics and describe the proposed sanction. It must notify the customer of his/her right to appeal and how to file an appeal. Customers who are issued a "refusal to provide service" letter will have the right to appeal the suspension, as described below:

The individual will have sixty (60) calendar days from the date of the notification letter to file an appeal with the Company's Civil Rights Officer. The information concerning the appeals process will be included in the correspondence sent to the offending customer, caregiver, guardian or advocate. The appeal process and procedures shall follow those procedures set forth in the section of this policy for appeals of determinations for eligibility. The SRTA will provide transportation to the appealing party to and from the hearing free of charge.

If during the ADA appeals process it has been determined the Company has legitimately refused service to someone who has engaged in violent, seriously disruptive, or illegal conduct, either the Civil Rights Officer may choose to provide conditional service to him or her on actions that would mitigate the problem. For example, the Civil Rights Officer could choose to require an attendant as a condition of providing service it otherwise had the right to refuse.

In evaluating the request, the Civil Rights Officer may hold a hearing and otherwise gather evidence regarding the claim and the proposed sanction. The passenger may have an opportunity to present evidence and witnesses at the appointed time. The Civil Rights Officer's findings will be final and binding.

² 49 CFR, Part 37.5 (App.D) "If an entity may legitimately refuse service to someone, it may condition service to him on actions that would mitigate the problem. The entity could require an attendant as a condition of providing service it otherwise had the right to refuse.

Exclusion of Service Notice

Dear: _____

Name

Address

City, State, Zip Code

This letter is to inform you of the fact that as of today _____,
you are no longer permitted in or around the premises of:
_____, _____, Pa,
and/or _____ permitted to use Authority transportation services for any reason.

If you are seen in or around the premises at the above specified property and/or using Authority bus service after being notified of the Exclusion of Service Notice, any Authority employee will notify the appropriate law enforcement agency to be removed and possibly face criminal charges. You will hereafter be considered as a **"TRESPASSER"** and Police will be called to ARREST you. This notice will serve to comply with the **Pennsylvania Trespassing Statutes**, in that, you were given written notice via certified mail by an authorized Authority Supervisor.

This exclusion shall be in effect until : _____.

A copy of this letter, along with a copy of the certified, registered mail receipt is being sent to the _____ Police Department for their information.

Sincerely,

Name – Print

Signature

Title

Date

CC: _____ Police Department