

**Bay Area Transportation Authority**  
**POLICY/PROCEDURE**

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SUBJECT: Denial of Service Policy  
EFFECTIVE DATE: August 15, 2018  
REVISED DATE:  
ISSUED BY: BATA Board of Directors  
APPROVED DATE: August 15, 2018

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**PURPOSE**

Bay Area Transportation Authority (“BATA”) is committed to providing safe and secure transportation services to the citizens of Leelanau and Grand Traverse Counties including the citizens of the city of Traverse City. BATA has enacted this policy to protect the safety and welfare of the members of the public while riding our vehicles or on our property, and to protect the safety and welfare of our staff.

**PROCEDURE**

To ensure the safety and welfare of our passengers and staff, BATA has established a “Passenger Code of Conduct” for our riders. The Passenger Code of Conduct is as follows:

**Thank you for Choosing BATA**

**To ensure a safe and comfortable ride, we ask all passengers to follow BATA’s Code of Conduct. Enjoy your ride and thank you for being a respectful rider.**

**Respectful Rider Code of Conduct**

**To ensure a safe and conformable ride, BATA asks all passengers to adhere to the following:**

- Facilitate boarding by having exact fare or pass ready and moving quickly to your seat.
- Please understand transportation of bicycles is limited to the number accommodated by exterior racks. Bicycles are not allowed inside the bus.
- Show consideration for other passengers and their environment:
  - Limit carry-on bags to what you can carry in one trip and store them securely at your feet.
  - Use headphones.
  - Pick up after yourself.

- Collapse stroller, or similar wheeled devices, and store under your seat.
- Make seating available as needed, with special consideration for older passengers, pregnant women, and those with special needs.
- Wear appropriate clothing, including shirt and shoes, and avoid strong scents.

**The following is prohibited on all BATA buses and property:**

- Consuming alcohol, and/or illegal substances.
- Smoking.
- Possessing hazardous or dangerous items, including weapons.
- Disrupting a safe and comfortable environment including behavior or activities that are loud, threatening, or offensive to passengers or the driver.
- Blocking aisles with objects or activities such as skateboarding.
- Throwing objects inside or out of windows.
- Dangling body parts or other objects out of windows.
- Soliciting or panhandling.
- Interfering with a passenger's personal space, including touching without consent.
- Animals, with the exception of service animals, are allowed only in a cage that fits on the passenger's lap, or on the floor in front of or under the rider's seat.
- Persons with exposed body fluids pose a serious health risk. Those experiencing this condition will be removed or denied access to the bus. This includes – but is not limited to – body eliminations, spitting, and blood.
- To ensure the safety of all passengers, BATA reserves the right to remove or deny service to any passenger who threatens the safety of themselves or others.
- BATA will not tolerate any type of violence, threat, intimidation, destruction of property or insubordination. BATA has the right to refuse service and remove passengers when necessary.

BATA reserves the right to temporarily or permanently ban passengers from service for violations of the above rules, or for any other reason that affects the safety and welfare of our passengers and staff.

**PROCEDURES FOR A TEMPORARY OR PERMANENT RIDER BAN**

If it is determined that an individual rider has violated one of the Passenger Code of Conduct, or otherwise endangers other passengers, or staff or disrupts BATA's operations, that individual may be temporarily or permanently banned from using our public transportation services. For any such behavior or activity, a written incident report will be completed.

The written incident report will be provided to the BATA Etiquette Committee, composed of BATA Staff, who will determine, in its discretion, the appropriate ban on a case by case basis. In making this determination, the Etiquette Committee must consider, but is not required to give equal weight to, each of the following:

- The rider's explanation for the behavior;
- Whether this is a first instance of improper behavior;
- Whether there have been prior attempts to resolve the issue with the rider;
- The type and severity of the behavior;
- The nature, duration, and severity of the risk to themselves and others;
- The nature of the threat;
- Whether the police were involved;
- Whether there were any injuries or there was a probability that potential injury will occur;
- Prior bans for the same or different offenses;
- Whether the individual has a medically documented disability that attributed to the behavior; and
- Any other factor relevant about the situation.

After considering the above factors, the Etiquette Committee will determine whether it is appropriate to provide a written warning to the rider or to proceed with a ban from using the public transportation services and, if so, the duration of such ban. Warnings or bans are not issued as punishment for conduct, but rather used to ensure the safety of other passengers and staff, and the orderly operation of transit services

If an individual is banned, temporarily or permanently, from using the public transportation services, the individual shall be provided with written notice of the ban including the basis for the ban. The ban may be sent to the individual by first class mail or hand delivered to the rider. The written notice will include the name, address, and telephone number of an individual to contact to request a hearing to appeal or to contest the ban.

In some circumstances, an immediate ban may be required. If so, the rider will be given verbal notice at the time the ban is imposed, and a written notice will follow as soon as possible. In most circumstances the rider will be given seven (7) days after receipt of the notice to submit a written appeal and in so doing, the suspension will be placed on hold until the process is completed.

If an individual wishes to further appeal a ban, the rider should provide written notice to the Executive Director within thirty (30) days of receiving the written notification of the ban including a request for a hearing. If a request for a hearing is received, such a hearing shall be held within a reasonable time, and no later than thirty (30) days upon receipt of the request. The hearing will be held before a committee appointed by the Board. At the hearing, an oral or written explanation for the reason for the ban will be given. The individual, or their representative, will be given an opportunity to speak and explain his/her version of events, and will be permitted to present documents or other information (including information that the issues have been resolved or any options to mitigate the problems). The individual requesting the hearing may have an attorney present, at his/her own expense. Any information presented at the hearing will be considered. At the conclusion of the hearing, the Board Committee shall make a determination regarding the ban. The hearing's determination is final and binding.

These guidelines shall also be applicable should a vehicle passenger and/or other individual engage in disruptive or threatening behavior in any BATA building or facility.

*Acting*   
Executive Director

  
Chair, Board of Directors

Date Approved: 8.15.18