

City Commission Policy 800

StarMetro Operating Policy

DEPARTMENT: StarMetro

DATE ADOPTED: July 10, 1984

DATE OF LAST REVISION: January 27, 2016

800.01 **AUTHORITY:** The City Commission approved this policy on July 10, 1984.

800.02 **STATEMENT OF POLICY:** It is the policy of the City of Tallahassee to:

Provide a safe, economical, efficient, and convenient mass transportation system by establishing StarMetro’s code of conduct for all StarMetro customers, paratransit operations, trespass procedures for code of conduct violations, and the evaluation of major service.

800.03 **CODE OF CONDUCT, SUSPENSION, AND TRESPASS:**

To help ensure the safety, security, comfort and convenience of all those who use our services, StarMetro has a Code of Conduct and Trespass Procedures to regulate conduct on StarMetro’s property. StarMetro’s aim is for transit passengers to enjoy a safe, secure, comfortable and inviting atmosphere, and to improve the overall efficiency of the transportation system.

- 1. StarMetro’s Code of Conduct
 - a. The Code of Conduct applies to all activities that occur in or on:
 - i. Transit buses, community shuttles, and paratransit service
 - ii. Buses or vehicles provided by a vendor contracted by StarMetro
 - iii. C.K. Steele Plaza
 - iv. StarMetro Administration Building
 - v. Park and ride lots
 - vi. Charter service/special event services
 - vii. Bus shelters, including those built by others to provide service to StarMetro
 - viii. Other passenger facilities
 - b. The Code of Conduct is:
 - Pay the proper fare
 - Appropriate clothing (shirt and shoes is required of all passengers)
 - Respect other passengers' privacy
 - No throwing of items
 - No rider shall interfere with the safe operation of any StarMetro vehicle and will at all times respect the instructions of the driver in regard to the vehicle’s operation. Operating or tampering with any equipment is prohibited.
 - No vandalism or graffiti of StarMetro vehicles or property
 - Use headphones when listening to music at a level that does not disrupt others
 - No eating, smoking (including electronic smoking devices) or littering
 - No alcoholic beverages

- No open beverage containers
- No weapons of any kind
- Do not harass driver, other riders or other transit personnel
- Do not lie down on the seats
- Respect transit property
- No cursing
- Use StarMetro's services and facilities for transportation purposes only
- Children under six years of age must be accompanied by an adult or guardian 13 years of age or older. StarMetro does not accept the responsibility for any unaccompanied minor
- All passengers are required to comply with all State, Federal and local laws and regulations

Anyone in violation of the actions may be asked to leave the StarMetro's vehicle or facility, risk suspension of their privileges to use StarMetro or enter transit property.

c. Code of Contact Violations

i. First Offense

The offender(s) will receive a verbal warning by the bus operator or authorized StarMetro representative. This step may be skipped at the discretion of StarMetro for incidents involving illegal activity, threats, intimidation, verbal harassment, property damage, alcohol, smoking, and incidents of a similar nature.

ii. Second Offense

The offender(s) will be removed from the vehicle at the discretion of StarMetro and riding privileges may be suspended for the remainder of the day. An incident report will be completed.

iii. Third Offense

Riding privileges may be suspended for a period of five (5) days at the discretion of StarMetro. An incident report will be completed, and law enforcement will be notified if warranted by the circumstances of the incident. StarMetro will prepare a letter of suspension for riding privileges. The letter will state why the passenger was suspended and describe any documented history of inappropriate/disruptive behavior.

iv. Subsequent Offenses

When a rider returns from a suspension, the rider's behavior will be closely monitored. If there is another documented incident of inappropriate or disruptive behavior, the rider may be suspended for an additional period of time and/or have all transit riding privileges permanently revoked. This will be determined based upon the nature of the offense, and at the discretion of StarMetro. StarMetro has the right to implement the Trespass Chapter 810 of Florida Statutes.

v. Appeal of Suspension or Trespass

For those receiving a suspension for longer than five (5) days or have received a trespass citation, an appeal may be filed within five (5) business days of the judgment by contacting the Transit Director. The appeal must be submitted in writing to 555 Appleyard Drive, Tallahassee, Florida ATTN: Appeals or by email to StarMetro.CustomerService@talgov.com with Appeal in the subject line. The appeal must include:

- 1) the name and address of the appellant;
- 2) an explanation of the incident that led to the suspension,; and
- 3) why the suspension or trespass citation should be reduced or vacated

The Director or designee will investigate the incident within three (3) business days of receiving the appeal. A written response will be provided within thirty (30) days of receiving the appeal.

d. Complaint/Grievance

The following procedures are established to provide opportunities for complaints/grievances to be filed with StarMetro.

i. Filing a Complaint

A customer may file a complaint by telephone at 850-891-5200 or submit the complaint in writing within 48 hours of the incident. Specific information should be provided which includes:

- 1) the name and address of the complainant;
- 2) an explanation of the complaint in a clear and concise manner; and
- 3) an explanation of the relief desired by the complainant.

Staff will investigate the complaint within five (5) business days of receipt of the complaint and respond in writing to the complainant within ten (10) business days following the investigation

e. Appeal to the Department Director

If the complainant is not satisfied with the response from staff, an appeal may be filed with the Transit Director within five business (5) days of the receipt of the response. The appeal shall be submitted in writing and include the same information as requested above, the response from staff, and why the complainant is not satisfied with staff's response.

800.04 **PROCEDURES FOR AMERICANS WITH DISABILITIES ACT (ADA) PARATRANSIT SERVICE:**

1. Application Process

Each individual wishing to use the paratransit service must complete an application, which provides basic information (i.e., name, address, etc.) and specific information regarding their disability, which prohibits them from using the fixed route bus system.

StarMetro staff will review the completed application and an eligibility determination will be made within ten (10) business days of receipt of the completed application. A letter stating eligibility status is sent to all individuals who have applied. The paratransit brochure explaining the program is included in the notification.

2. Eligibility

To be eligible for the program applicants must be determined to eligible based on the guidelines established by the Americans with Disabilities (ADA) Act. A physician, physical therapist, or rehabilitation counselor must document disabilities on Section B of the Application or other qualified professional.

In addition, a senior citizen, aged 65 or older may be qualified as "seniors". This allows the individual to ride between 9am to 3pm, Monday through Friday, on a space available basis. Qualification in the senior category requires proof of age (i.e. driver's license, valid Medicare or Senior Citizen card). For senior citizens, aged 75 or older, service will be provided under the ADA criteria.

3. Eligibility Appeals Process

The following procedures are provided as an appeals process should an individual be denied ADA Eligibility status.

a. Filing an Appeal

An eligibility decision shall be provided in writing to individuals requesting service. Should an individual be denied, an appeal may be filed within 10 days of the initial decision. This appeal must be in writing and sent to the Superintendent of Paratransit Operations. The Superintendent of Paratransit Operations will evaluate the application and respond in writing with a ruling on the customer's eligibility status.

b. Appeal Hearing

If the customer is not satisfied with the ruling, they can request an appeal hearing with the Transit Director which will be held within thirty (30) days after receipt of the letter requesting an appeal hearing. The individual will be allowed to present additional information regarding their disability and ability/inability to use the fixed route bus system. The appeal decision will be provided in writing, or accessible format if requested, and shall state the reasons for the decision if eligibility is still denied.

Should the appeal process not be completed within thirty (30) days of the appeal hearing, individuals shall be considered "presumptively eligible" and shall be provided service until a decision is made as to eligibility.

4. Visitor Policy

A non-resident coming into Tallahassee who has ADA eligibility from another entity will be provided service for up to twenty-one (21) days. After that period, a completed application and eligibility process for paratransit service must be completed.

5. Subscription (Standing Trips) Service

Individuals establishing a standard riding pattern for a minimum of two weeks may request a "standing reservation". Should the individual have excessive cancellations or no shows, standing service may be suspended.

6. No Show

Should an individual wish to cancel a trip scheduled, it must be done one hour prior to the pick-up time. If this does not occur and a vehicle has been dispatched for the pick-up, it will be considered a No Show. No Shows of 25 percent or more of the customer's average 30 day trip frequency within a 30 day period may result in suspension of service of up to one week or 25 percent of their average 30 day trips, whichever is less. Individuals will receive written notification prior to suspension of service.

First notification: warning letter

Second notification: Up to One week suspension or 25 percent of the customers average 30 day trips, whichever is less

7. Appeal Process.

Within ten (10) days after receiving your notification letter, write a brief letter or email to starmetro.customerservice.com (Appeal in the subject line) stating your reasons why the "No Show" suspension was not warranted.

The letter is sent to:

StarMetro

Paratransit Appeals

555 Appleyard Dr.

Tallahassee, FL 32304

- a. Provide additional information regarding the “No Show” to staff evaluating the appeal.
- b. Either attend an appeal meeting, OR send written information for that meeting if requested.
- c. Upon receipt of an appeal, the Superintendent of Paratransit Operations will evaluate the information provided relating to the “No Show”. The Superintendent will acknowledge in writing the filed appeal to all affected parties within five (5) business days of receipt of the appeal. Should an appeal meeting be required, the date, time, and place of the appeal meeting will be sent to you.
- d. The appeal meeting will be held within thirty (30) days after the receipt of your letter. You do not need to attend the meeting. Instead, you may send information to the Superintendent. If you do decide to attend, you may bring another person with you.
- e. If you require transportation for the appeal meeting, StarMetro will provide this for you.
- f. Aids and services related to your disability (such as Braille material, voice amplification, sign language interpreter) will be provided if you request them at least five (5) business days prior to the meeting.
- g. Within thirty (30) days of the hearing, StarMetro will provide a written response to the appeal.

800.05 **ROUTE AND SYSTEM MODIFICATION REQUIREMENTS**

1. Major Service Change

A major service change is defined by StarMetro and is in compliance with the Federal Transit Administration as meeting one of the following criteria:

- a. The establishment of new fixed-route bus service
- b. For an existing route:
 - i. Net decrease of more than 25% of round-trip service miles
 - ii. Bus stop changes of more than 25%
 - iii. Net decrease of more than 25% of daily revenue service hours
 - iv. Net decrease of more than 25% of route frequencies
 - v. Net decrease of more than 25% of route service span
- c. For system-wide service - Any fare increase

2. Public Involvement Process

Every major service change will require one or more public meetings to gather feedback. StarMetro will coordinate with stakeholders including but not limited to as community and faith-based organizations, educational institutions, and other organizations to include minority, low income, and groups with limited English proficiency. Public input at meetings may be captured through various formats: written, audio, or video.

3. Title VI Disparate Impact Policy

In accordance with Federal Transit Administration (FTA) regulations, should the impact of any major service change require a minority population to bear adverse effects greater than 20% than those adverse effects borne by the non-minority population, that impact will be considered disparate impact.

4. Title VI Disproportionate Burden Policy

Testing for “disproportionate burden” evaluates potential effects on low-income populations – defined as “a person whose median household income is at or below the U.S. Department of Health and Human Services (HHS) poverty guidelines”. In accordance with FTA regulations, should the impact of any major service change require low-income populations to bear adverse effects greater than 20% than those adverse effects borne by the rest of the population, that impact will be considered disproportionate burden.

5. Results of Disparate Impact and/or Disproportionate Burden Finding

Should a proposed major service change result in disparate impact and/or disproportionate burden finding, StarMetro will consider modifying the proposed change to avoid, minimize, or mitigate the disparate impact and/or disproportionate burden of the change. If StarMetro finds potential disparate impacts and/or disproportionate burden and then modifies the proposed changes in order to avoid, minimize, or mitigate potential disparate impacts and/or disproportionate burden, StarMetro will reanalyze the proposed changes in order to determine whether the modifications actually removed the potential disparate impacts and/or disproportionate burden of the changes. If StarMetro chooses not to alter the proposed changes, StarMetro may implement the service changes if there is substantial legitimate justification for the change and the StarMetro can show that there are no alternatives that would have less impact on the minority and/or low-income population and would still accomplish the StarMetro’s legitimate program goals.

6. EXCEPTIONS

- a. Standard seasonal variations in service are not considered major service changes.
- b. In an emergency situation, a service change may be implemented immediately without an equity analysis being completed. An equity analysis will be completed if the emergency change is to be in effect for more than up to 12 months and if the change(s) meet the definition of a Major Service Change. Examples of emergency service changes include but are not limited to those made because of major road construction, or extreme weather events leading to infrastructure failure.

800.06 **ADMINISTRATION:**

The StarMetro Department shall be responsible for administering this policy.

800.07 **SUNSET POLICY:**

This policy is subject to sunset review by the City Commission no later than five (5) years of the date of adoption. Subsequent reviews by the City Commission are to occur no later than five (5) years from the date of the prior review. Revisions will become effective immediately upon City Commission approval.

800.08 **EFFECTIVE DATE**

This policy shall become effective immediately upon City Commission Approval.

REVISIONS: March 24, 2010
 January 27, 2016