Conroe Connection and ADA Paratransit Discipline Enforcement and Appeals

Service Denial Due to Rider Conduct:

The Conroe Connection and ADA Paratransit Discipline Enforcement and Appeals policy was written in accordance to FTA Americans with Disabilities Act (ADA) Regulations (49 CFR 37). The Circular (FTA C 4710.1) states that transit agencies may be able to refuse service due to rider conduct in the following guidance.

Section 37.5(h) permits transit agencies to refuse to provide service to an individual with disabilities because that individual engages in violent, seriously disruptive, or illegal conduct, or that individual constitutes a direct threat to others. Overlap among these four thresholds is common and therefore FTA recommends agencies consider them as a unit. Rarely is violent behavior such as physical assault, for example, not also seriously disruptive, illegal, and a direct threat. Consider another example: a verbal outburst directed at a driver or other passengers may start out as seriously disruptive but become so threatening as to prevent a driver from safely operating the vehicle and, therefore, rise to a direct threat as well.

Minor Misconduct:

In case of misconduct of a minor nature, stop the action, remind the customer of the Conroe Connection conduct rules and verbally warn the danger of having their privileges taken away. Should a minor violation re-occur during the same day, the driver will call Ride Right Management to complete a Misconduct Violation Citation. The citation will be distributed according to the following process:

1. The original Misconduct Violation Citation will be submitted to the violator.
2. The second carbon will be submitted to the Ride Right Manager.
3. The third carbon will be submitted to the City of Conroe Transportation Manager.
4. The fourth carbon will remain in the citation booklet for the driver’s record and historical review.

Minor violations include the following but are not limited to:

1. Distracting the driver
2. Mildly disruptive behavior
3. Minor profanity
4. Eating
5. Drinking
6. Music playing without use of earphones
7. Failing to control unruly children

** All recorded violations are at the discretion of the Conroe Connection drivers.

Minor Violation Suspension Actions

1. Verbal Warning
2. If two minor violations occur within a one week period; 1-week to 2-week suspension may be enforced.
3. If three or more minor violations occur within a two week period; 2-week to 1-month suspensions may be enforced.

Major Misconduct:

In case of major misconduct, Ride Right Management must be called immediately to issue a Misconduct Violation Citation. Should the incident be in violation of the law or endanger the safety of other customers onboard the transit vehicles the police, Ride Right Management and the City of Conroe Transportation Manager will be notified immediately.
The Misconduct Violation Citation will be distributed according to the following process:

1. The original Misconduct Violation Citation will be submitted to the violator.
2. The second carbon will be submitted to Ride Right Management.
3. The third carbon will be submitted to the City of Conroe Transportation Manager.
4. The fourth carbon will remain in the citation booklet for the driver’s record and historical review.
5. A follow-up letter will be mailed to the customer or parents of customer informing them of the incident.
6. An incident report and a copy of the Misconduct Violation Citation will be submitted to the City’s Assistant Director of Projects and Transportation no later than the following day.
7. A copy of the incident report will be stored in the Transportation Manager’s office.

Major violations include all of the following **but are not limited to:**

1. Consistent violation of policies and procedures
2. Physical assault on another customer or the driver
3. Major harassment of other customers or the driver
4. Theft of any kind
5. Smoking or any consumption of tobacco products, including use of e-cigarettes
6. Excessive arguing and/or failure to follow the Conroe Connection personnel’s verbal instruction

**All recorded violations are at the discretion of the Conroe Connection bus drivers.**

Major Violation Suspension Actions

1. One major violation; minimum of a 1-week to 3-week suspension will be enforced
2. Two major violations; minimum of a 3-month to 6-month suspension will be enforced
3. Three or more major violations – the Transportation Manager will determine the length of suspension according to the seriousness of the violation in accordance with FTA Guidelines.

**Major misconduct in violation of the law or endangering the safety of others customers are grounds for more severe suspensions. A history of previous suspensions by any individual will be considered grounds for lengthening any given suspension.**

Right of Individuals to Contest Service Denials

Access to public transit is a civil right and inherent in any civil right is the opportunity for due process. This means providing an individual who is denied service the opportunity to contest that decision, correct the situation, and resume service. Service refusals cannot be permanent unless an individual continues to pose a direct threat to the health or safety of others. Riders must have the opportunity to subsequently present information to the transit agency, demonstrating that issues have been resolved or presenting options to mitigate any problems, to have service reinstated.

*U.S. Department of Transportation, Americans with Disabilities Act Guidance, Circular FTA C 4710.1*

Appeals:

Individuals who have been subject to disciplinary action may appeal such action by submitting in writing to the Transportation Manager his/her appeal to SJohnson@cityofconroe.org or by mail to The City of Conroe Transportation Department | P.O. Box 3066 | Conroe, TX 77305. Further action must follow the City of Conroe chain of command.

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