



LIFT Policy	
Title: Passenger Behavior & Conduct	ATP-001
Date: July 31,2018; Rev. March 1, 2025	Page 1 of 7

1.0 Purpose:

For the safety, convenience, and comfort all passengers including LIFT personnel, and for the preservation of service quality in pursuit of TriMet’s duty to provide a cost-effective source of reliable transportation, it is necessary to establish rules and enforce regulations governing conduct on District property and in performance of District services.

Outlined here is TriMet’s policy for ADA-eligible passengers who engage in violent, seriously disruptive or illegal conduct (“conduct offenses”) while using or engaging with TriMet LIFT service, and/or who pose a significant risk to others (“direct threat”). TriMet is entitled to refuse service to such passengers according to the regulations listed below:

“...an entity may refuse service to someone who engages in violent, seriously disruptive, or illegal conduct. If an entity may legitimately refuse service to someone, it may condition service to him (/her) 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.” [49CFR§37.5 App. D]

“...a person who poses a significant risk to others may be excluded [from service] if reasonable modifications to the public accommodation’s policies, practices, or procedures will not eliminate that risk. “ [28CFR 36.208]

2.0 Definitions

Conduct offenses prohibited under these headings includes:

- Destruction of public property (the vehicle, and/or its furnishings; TriMet facilities);
- Being violent to others or to oneself;
- Behavior that is seriously unruly, seriously disruptive, threatening, or frightening to others;
- Behavior that interferes with the safe operation of the vehicle;
- Violating TriMet’s service animal policy;
- Violating TriMet’s rules governing the provision of transportation service system-wide;

- Engaging in any illegal conduct;
- Other conduct determined by TriMet to represent an actual or potential threat to the health, safety or wellbeing of oneself, the operator, other passengers, and/or TriMet personnel.

“Direct threat” is defined by Federal regulations (49CFR§37.3) as posing a “significant risk to the health or safety of others”. This includes both **safety issues** and **highly infectious diseases or conditions**, when and if “reasonable modifications to ... policies, practices or procedures will not eliminate ... risk.”

Regarding **involuntary non-violent behavior that is disability-related and which does not pose a direct threat** (such as involuntary verbal outbursts), U. S. Department of Transportation ADA Regulations state in 49 CFR§37.5(h) (“Nondiscrimination”): *It is not discrimination under this part for an entity to refuse to provide service to an individual with disabilities because that individual engages in violent, seriously disruptive, or illegal conduct. However, an entity shall 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.*

With regard to “direct threat,” U. S. Department of Justice regulations state in 28 CFR §36.208b: *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.*

3.0 Regulatory Basis

- A. **ADA Passengers:** US Department of Justice and US Department of Transportation Federal Transit Administration (FTA) regulations as cited above.
- B. **Passengers receiving service under contract with the State of Oregon:** Decisions about refusing service to customers whose trips are funded by Oregon Department of Human Services (DHS) (also referred to as “Agency” customers) are left to the Service Quality Administrator’s discretion.
- C. **Application:** This policy applies to ADA Paratransit Eligible, Agency, and General Public riders (who may be traveling as Personal Care Attendants or Companions of ADA or Agency riders).

4.0 Responsibilities

- A. **TriMet LIFT is responsible for maintaining a record of all incidents.**
- B. TriMet staff and Contractors must be mindful of the **critical importance of maintaining confidentiality** concerning information about passengers' identity, personal circumstances, disability status, etc.

5.0 “Due Process” Requirement

In suspending or cancelling service, TriMet LIFT's **Service Suspension and Appeals Policy** and process must be followed. TriMet must provide administrative due process to the customer, as follows:

- A. Adequate documentation must be present to support the decision that a cause for suspension has been identified, carefully investigated, and that action is warranted.
- B. If sanctions are imposed, TriMet will follow established procedure(s) to notify the rider.
 - **If an immediate sanction is imposed**, a verbal notification must be swiftly followed by the required written or accessible format notice.
- C. The notice must identify the basis for the proposed action with specifics and describe the proposed sanction. It must notify the customer of their right to an administrative review and/or appeal and how to request each.
- D. Decisions must be subject to appeal in a hearing before the Independent Appeals Board. The Board's decision is final and binding. In that hearing:
 - The passenger has the right to present written and oral information and rationale for their position.
 - The passenger has the right to bring someone to advocate on their behalf.
 - Relevant records must be made available to the passenger.

6.0 Mandatory Administrative Progression in Addressing Conduct Offenses and Direct Threats:

Severity of Incident

For all progressive discipline, subsequent events will be evaluated based on a rolling 12-month period (for example, if a Level One, Step One violation occurs, and subsequently, a second Level One violation occurs within a 12-month period, the Step Two suspension will be invoked. If no other violations occur within a 12-month period, the progression will restart at step one.)

Exclusions — TriMet Code Chapter 28

TriMet Code Chapter 28 outlines the authority of TriMet’s General Manager to exclude passengers from all or any part of TriMet services for violations of TriMet Code Chapters 28, 29, and 30, or applicable laws of the State of Oregon. Service exclusions issued by TriMet’s General Manager take precedence over all conduct violations and related discipline outlined in this policy.

Level 1

Step One: Warning Letter

Step Two: 7 day service suspension

Step Three: 14 day service suspension

Step Four: 30 day service suspension, plus potential requirement for PCA in order to travel

Examples include, but are not limited to:

- Unintentional Bodily Fluid Incident. A bodily fluid incident is defined as any occurrence where a rider unintentionally releases bodily fluids (e.g., urine, feces, vomit, blood, etc.) in a way that causes a biohazard or cleanliness issue for the vehicle, driver, or other passengers. For the first incident, a plan will be developed with the LIFT Service Quality Administrator and the customer or their care staff;
- Equipment tampering (not including seat belt removal)
- Same-day address change requests that are not due to a LIFT Operations (Reservations or Operator) error;
- Loud sounds: yelling, screaming, shouting or loud music while on the bus or on the phone with TriMet LIFT staff;
- No person shall discard or deposit or leave any trash, debris, offensive substance or other solid or liquid waste in or upon a District or contractor vehicle,
- Slipping out of their mobility device, causing a disturbance in service continuity;
- Intentionally tying up telephone lines;
- Making a false claim about LIFT service, staff or other passengers (not inclusive of items listed in Level Four behavior and conduct violations), including but not limited to:
 - Operator conduct
 - Other Passenger Conduct
 - Any other false claim about LIFT Service, that **does not** pose an immediate threat to the health, welfare, safety of staff or passengers, and **does not** prevent service from continuing as scheduled;

- Requesting PCA-level assistance from an operator
- Failure to maintain appropriate personal hygiene
- Failure to maintain appropriate attire.
- Noxious Fumes or Foul-Smelling Materials or Substances: No person shall carry aboard a District Vehicle any substance or material emitting a foul smell or releasing noxious fumes.
- Oversized Objects: No person shall bring any package or object which will block any aisle, stairway, or doorway on the District Vehicle or contractor vehicle.

Level 2

Step One: 7 day service suspension

Step Two: 14 day service suspension

Step Three: 30 day service suspension

Step Four: 30 day service suspension, plus requirement for PCA for 30 days in order to travel on LIFT

Examples include, but may not be limited to:

- Disruptive behavior (ex. yelling, throwing items, banging on windows, etc.) that requires the TriMet LIFT staff to stop doing their job, causing delays for other riders and disrupting service
- Failure to pay fare, as required by Oregon Law and indicated in TriMet LIFT's Fare Policy
- Actions which impede or deny other passenger's access to service
- For "Hand-to-Hand Service Passengers", having no one to receive the passenger at the designated time and location of drop off.
- Removing or damaging seat belt or mobility device securement straps; intentionally leaving seat
- Smoking, vaping, drinking alcohol, or having an open flame
- Failure to follow directions or instructions of the operator, service supervisor or staff
- Other unsafe conduct (determined at TriMet's discretion)
- Verbal harassment (using vulgar, abusive language or gestures targeted at another person, that are **NOT** targeted at a protected class) inclusive of phone, email, mail and in-person interactions. (Obvious verbal harassment behaviors include things like threatening, insulting or cursing at a victim in public or in private)
- Failure to maintain control of a service animal, including allowing a service animal to occupy a seat on-board a LIFT or LIFT-contractor vehicle, unwarranted and unprovoked violent behavior, such as uncontrolled barking, growling at other customers, jumping on other people, or running away from the owner/handler, or service animal defecation.

- No person shall bring, possess or carry aboard any flammable substance or device that can cause a spark or flame, except for matches and cigarette lighters. No spark or flame may be lit or initiated at any time by any device on a District or contractor Vehicle, including matches and lighters.
- Improper Use of Vehicle Seating: No person shall:
 - a) Lie down on or across the seats of a Vehicle
 - b) Place any object or substance on the seats of a vehicle that inhibits the proper use of such seats; or
 - c) Block or obstruct the use of the seats of a vehicle
- Serious infractions of other TriMet operating rules

Level 3

Step One: 14 day service suspension

Step Two: 30 day service suspension

Step Three: 60 day service suspension + PCA Requirement

Step Four: 90 day service suspension + PCA Requirement, potential removal from service

Depending on the individual circumstances and severity of the incident, the following violations may necessitate an immediate suspension of service to ensure the safety of all passengers and staff.

Examples include, but may not be limited to:

- Intentional Bodily Fluid Deposit. An intentional bodily fluid incident is defined as any occurrence where a rider intentionally releases bodily fluids (e.g., spit, urine, feces, vomit, blood, or other bodily fluids) in a way that causes a biohazard or cleanliness issue for the vehicle, driver, or other passengers.
- Extreme verbal harassment (using vulgar, abusive language or gestures **targeted** at a protected class including; threatening, yelling, insulting or at a victim in public or in private). This includes phone, email, mail and in-person interactions.
- Physical aggression or intimidation towards an operator, passenger or call center agent.
- Fraudulent use of paratransit service:
 - Using another individual's ID number/account
 - Requesting/Cancelling trips for another rider without authority
 - Providing false information for the purpose of obtaining service
- Vandalism/Destruction or damage of property
- Violation of TriMet Weapons policy, TriMet Code Chapter 28.15 (D)(2)
- Destructive Conduct Involving a District or contractor operated vehicle: No person shall interfere with the safe and efficient operation of a District or contractor operated vehicle through conduct which includes to:

- a) Extending any portion of their body through any door or window of a District or contractor operated vehicle while it is in motion.
- b) Attempt to board or de-board a moving District or contractor operated vehicle.
- c) Throw, propel or discard any object or substance in any District or contractor operated vehicle or through any open door or window of a District or contractor operated vehicle.
- d) Unreasonably prevent or delay the closure of an exterior door on a District or contractor operated vehicle.
- e) Strike or hit a District or contractor operated vehicle, stop or cross in front of a District or contractor operated vehicle for the purpose of stopping the vehicle or gaining passage after the vehicle has concluded boarding.
- f) In any manner hang onto, or attach themselves to, any exterior part of a District or contractor operated vehicle while the vehicle is resting or in motion.
- Disruptive Conduct Inside a District or contractor operated vehicle: No person shall occupy, move about or engage in activity in a vehicle in a manner that:
 - a) Interferes with the free movement of passengers; or
 - b) Interferes with or disrupts the function or safe operation of the vehicle, including movement that constitutes a distraction to the operator of a District or contractor operated vehicle.

The following Level 3 offenses would automatically proceed to Step Two discipline due to the serious nature of the infraction. All of these violations would necessitate an immediate suspension of service.

- Assault of Operator or other passenger(s) (if restraining order is issued, removal from service for the duration of restraining order)
- Unauthorized operation (or attempt to operate) a TriMet vehicle
- **Any Criminal Conduct (including illicit drug use)**
- Making a false claim or report regarding any of the following:
 - Any person whose safety is in jeopardy, assaulted, threatened or an activated alarm onboard a vehicle
 - Any situation that would cause the route to be stopped and immediate intervention exercised to maintain the health and safety of all on-board the vehicle
 - A situation that infringes upon the rules for riding outlined in the Rider's Guide or infringes upon someone else's freedom to ride without delay.
 - Situations that prevent the prompt boarding and securing at the origin or, releasing from securement and alighting at the destination, i.e. access barriers; inadequate securement
 - An event where a customer or operator, reported injuries or requested emergency services

- A delay where a resolution is not achievable without supervisor intervention.
- A customer slip, trip, fall, or illness with reported injuries or requested emergency services.

7.0 Contingency to refusal of service

Under Department of Transportation (DOT) Americans with Disabilities Act (ADA) regulations at 49 C.F.R. Section 37.5(e), a transit entity is prohibited from requiring that an individual with disabilities be accompanied by a personal care attendant (PCA) in general. Transit entities are also not required to provide PCA services. This provision must be considered in light of the fact that under 49 C.F.R. 37.5(h), an entity may refuse service to someone who engages in violent, seriously disruptive, or illegal conduct. If an entity may legitimately refuse service to someone, it may condition service on actions that would mitigate the problem. The entity could require a PCA as a condition of providing service it otherwise had the right to refuse.

- A. In the case of subsequent and repeated offenses, TriMet may offer continued service provided the individual be accompanied by a Personal Care Attendant. This offer is a contingency to lengthy suspension or outright refusal of service if such a remedy will mitigate future conduct violations.
 - Contingency to be offered in letter informing passenger of penalty.
 - Contingency may not be offered if presence of an attendant cannot reasonably eliminate risk of recurrence.
- B. If it has been determined that a passenger may be refused transportation and passenger has accepted and agreed to service contingent upon conditions set by TriMet, TriMet will not transport passenger when they are not accompanied by a Personal Care Attendant. If an operator arrives to perform a trip reserved with a mandatory PCA, and the PCA is not present to attend to the rider during the trip, the trip will be refused by the operator at the door.
- C. Offer of contingency and conditions of service provision may be reviewed when TriMet receives adequate documentation that effective steps have been taken to mitigate further conduct violations.
 - TriMet will permit passenger to resume travel without Personal Care Attendant upon receipt of satisfactory proof of action taken and sustained efficacy of action.
 - Further conduct incidents will result in refusal of service, pursuant to the penalty schedules listed above, based on the type of infraction.

8.0 Conduct offenses by Personal Care Attendants or Companions

Per 49 CFR 37.5 (h), in the case of a customer with an aggressive, threatening, or disruptive Personal Care Attendant or companion (all offenses identified previously in Level One and Level Two), Federal regulations permit the following:

- A. Denial of service to offending party should they seek to accompany eligible passenger on a TriMet vehicle or contact TriMet LIFT on their behalf as a companion or PCA.
 - The LIFT-eligible passenger must be given advanced written notice indicating party is not permitted to accompany them on TriMet vehicles due to the specified actions by their companion/PCA.
 - This policy also applies to individuals acting on behalf of a customer when booking rides or contacting TriMet LIFT in regards to service. If an individual has demonstrated behavior that violates rules of conduct when interacting with LIFT staff, they may be barred from contacting TriMet LIFT on the phone or via other forms of communication on behalf of the eligible customer.

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