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TRB TRANSPORTATION RESEARCH BOARD

TRB Webinar: Transit Exclusion Policies in Public Transportation Systems

June 27, 2024

12:00 – 1:30 PM



AICP Credit Information

1.5 American Institute of Certified Planners Certification Maintenance Credits

You must attend the entire webinar

Log into the American Planning Association website to claim your credits

Contact AICP, not TRB, with questions

Purpose Statement

This webinar will discuss ways exclusion policies are implemented and used by transit agencies, the major issues and challenges of the policies, measuring effectiveness, and the impact on crime.

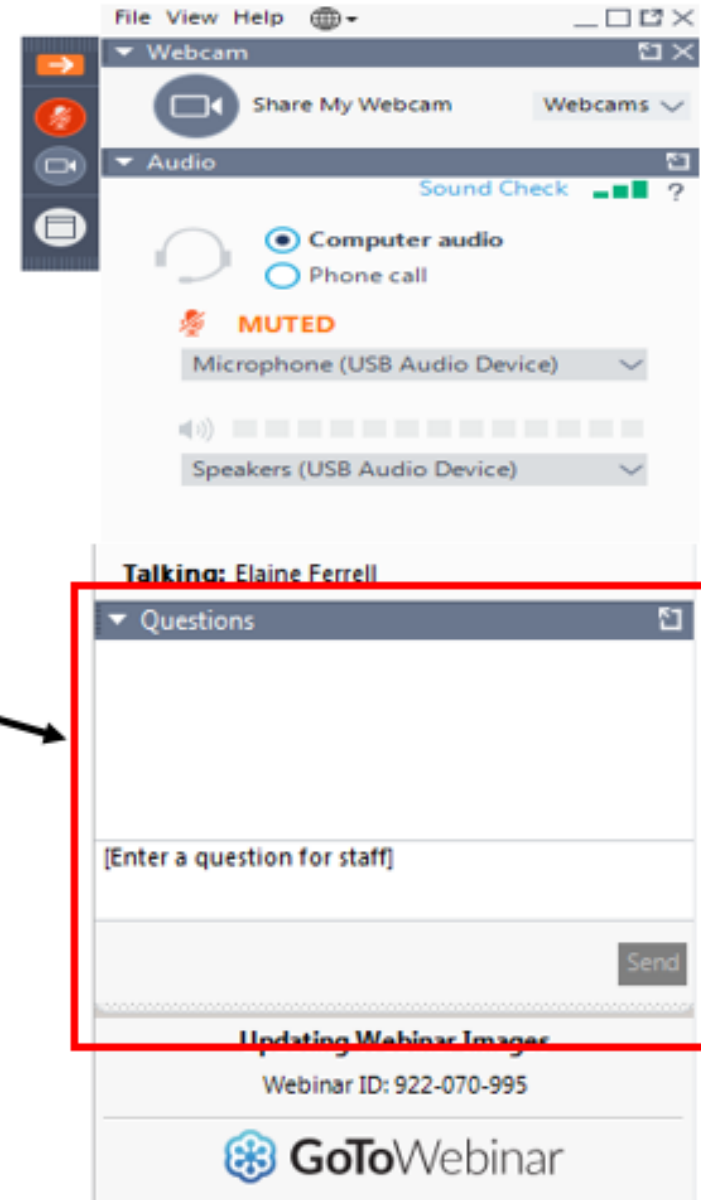
Learning Objectives

At the end of this webinar, you will be able to:

- (1) Incorporate lessons learned from other transit agencies on the use of exclusion policies at their agencies
- (2) Consider approaches that may improve or address gaps in current agency exclusion policies to make them more effective
- (3) Identify strategies to address the issues and challenges with exclusion policies

Questions and Answers

- Please type your questions into your webinar control panel
- We will read your questions out loud, and answer as many as time allows



Today's presenters



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Transit Exclusion Policies:

TCRP Synthesis Report 173

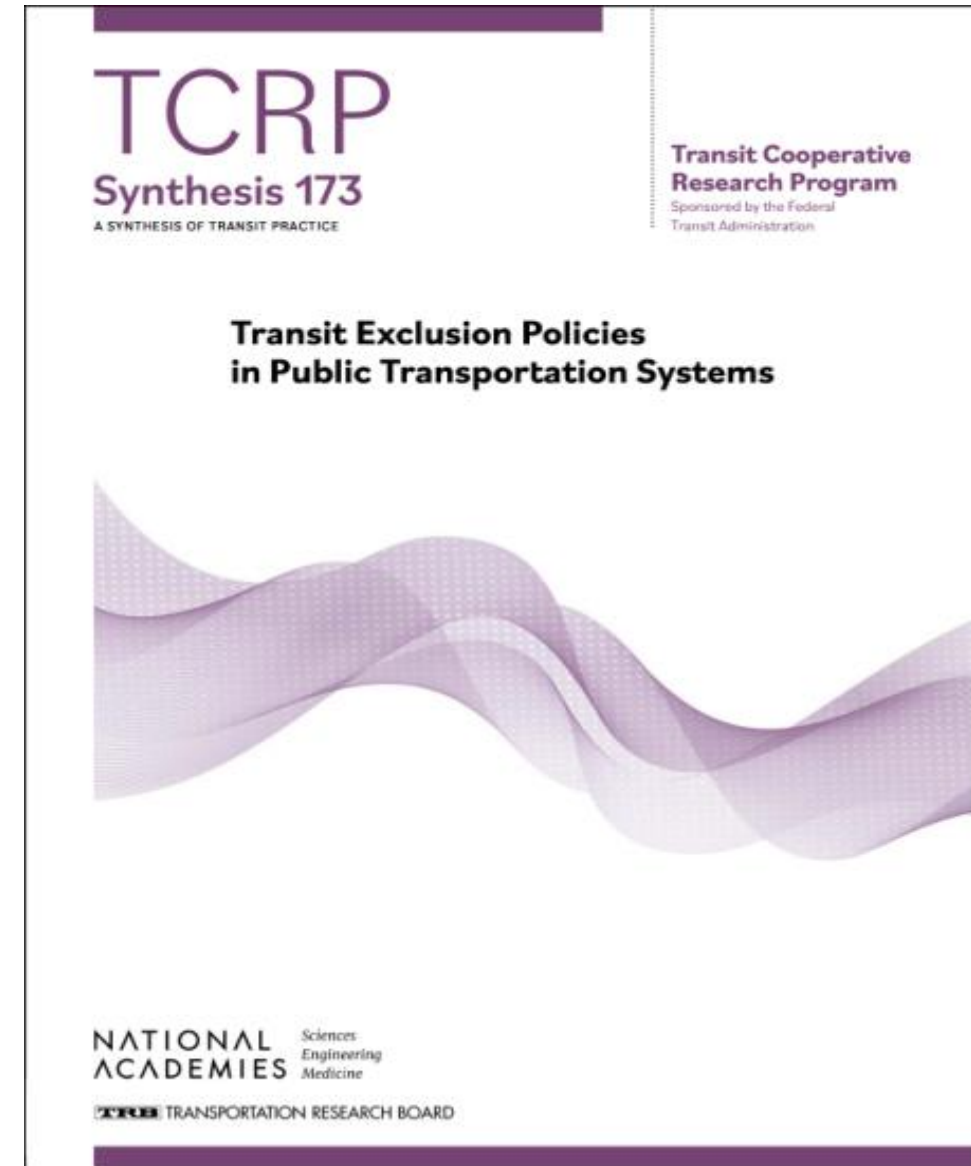
Pat Bye & Deb Matherly, MIRTA LLC

June 27, 2024



Research Objective

- Document the practice and use of exclusion policies in N. American transit systems
- Research results allow transit agencies to better understand:
 - extent of use of exclusion polices at transit agencies
 - how exclusion policies can be crafted
 - when they might be used
 - how to measure their effectiveness



Agenda



Pat Bye

- Use of Exclusion Practices
- Implementation of Policies
- Effectiveness of Policies



Deb Matherly

- Case Studies
- Challenges
- Conclusions

Literature Review and Survey Results



Literature Review

TRANSIT COOPERATIVE RESEARCH PROGRAM
Subject Areas on Operating and Administrative
Transportation Issues of Public Transit

Legal Research Digest 20

TRANSIT PASSENGERS AND CIVIL RIGHTS

This report was prepared under TCRC Project J-5, "Legal Aspects of Transit and Intermodal Transportation Programs," for which the Transportation Research Board is the agency coordinating the research. The report was prepared by Larry W. Thomas, Attorney, Washington, D.C. James B. McDaniel, TBB Counsel for Legal Research Projects, was the principal investigator and content editor.

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TCRP Research Report 234

Measuring and Managing Fare Evasion

NATIONAL ACADEMIES OF SCIENCES, ENGINEERING AND MEDICINE
TRANSPORTATION RESEARCH BOARD

Transit Studies

MARTA proposes new plan to crack down on riders with habitual bad behavior

By Christopher King | Published July 25, 2022 | MARTA | FOX 5 Atlanta

MARTA cracks down on rider bad behavior
MARTA is setting up a new policy for riders who just habitually behave badly on trains and buses.

ATLANTA - MARTA unveils a plan to crack down on riders who act up on their trains and buses. The agency wants to ban repeat offenders who start fights, harass employees, or other riders or violate other rules of the passenger code of conduct. A MARTA board of directors committee on Thursday approved the plan.

"We're consistently seeing a small group of individuals who continually violate MARTA'S rules and regulations," said MARTA Police Chief Scott Kreher.

Under the plan, MARTA would suspend someone from riding if they accumulate three citations in 90 days for violating the passenger code of conduct.

to be banned for a year. You get caught four times and suspended 90-day period, we're going to ban you for life," Kreher said.

also ban you for offenses like indecent exposure, stealing, harassing other passengers and employees.

our officers and our employees an opportunity to ban individuals who are consistently breaking the rules or consistently breaking the law," Kreher

Agency Website & Press Releases

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT ANNUAL PROHIBITION ORDER REPORT

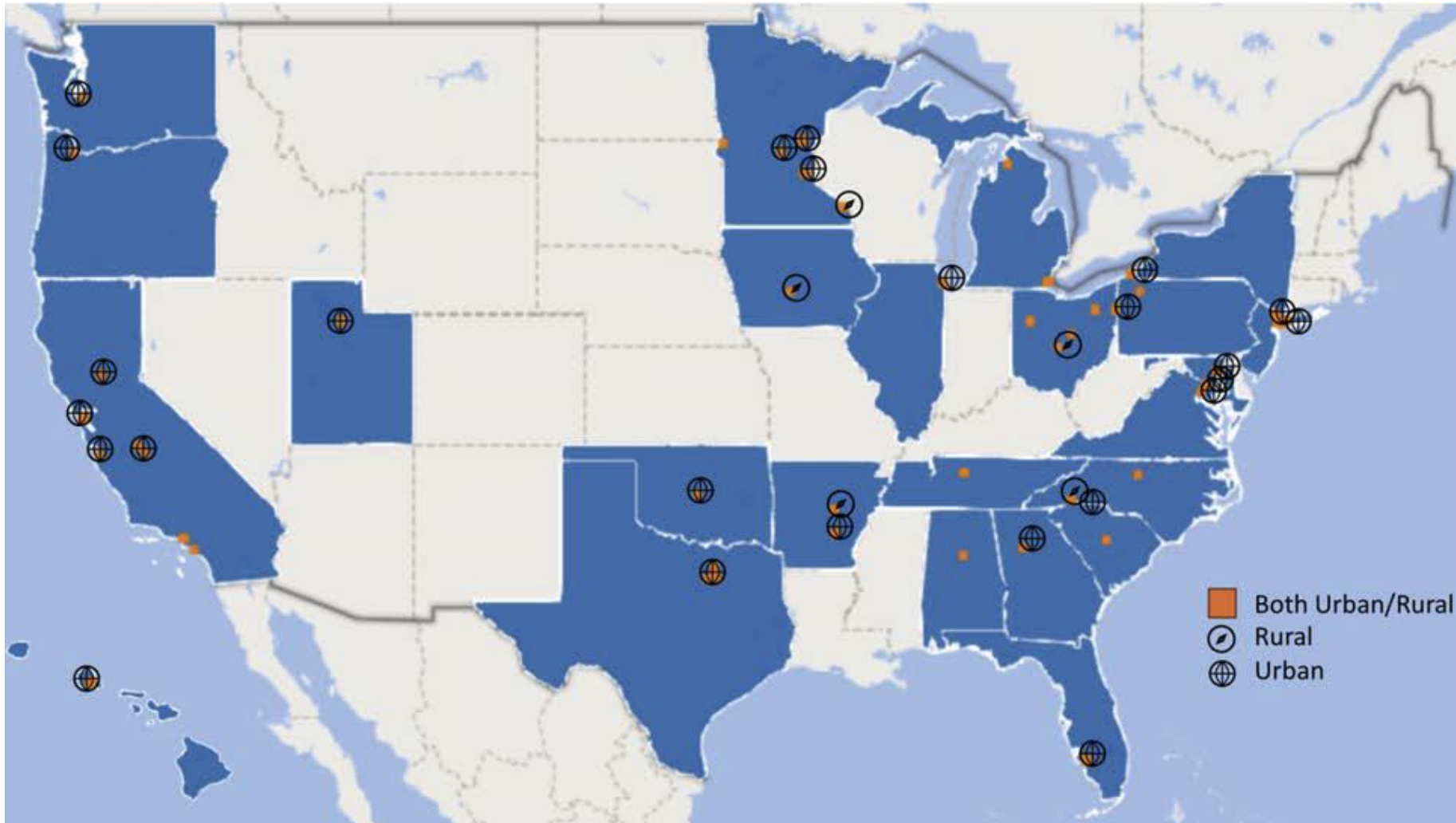
March 26, 2019

This report to the California State Legislature summarizes The San Francisco Bay Area Rapid Transit District's (BART) exclusion policy pursuant to AB 716 (Dickinson).

The report contains data gathered from documented calls of service from station agents and patrons regarding incidents occurring on BART property and trains, in addition to statistics obtained from BART police officers.

Agency Reports, Policies

Survey Respondents and Service Areas



- 25 States
- Rural to Intercity services
 - 15K to 34M annual ridership
 - 200K to 160M passenger miles

Summary of Findings: Common Definitions

“Exclusion” is a policy that effectively bans violators from using transit system for a specific period of time.

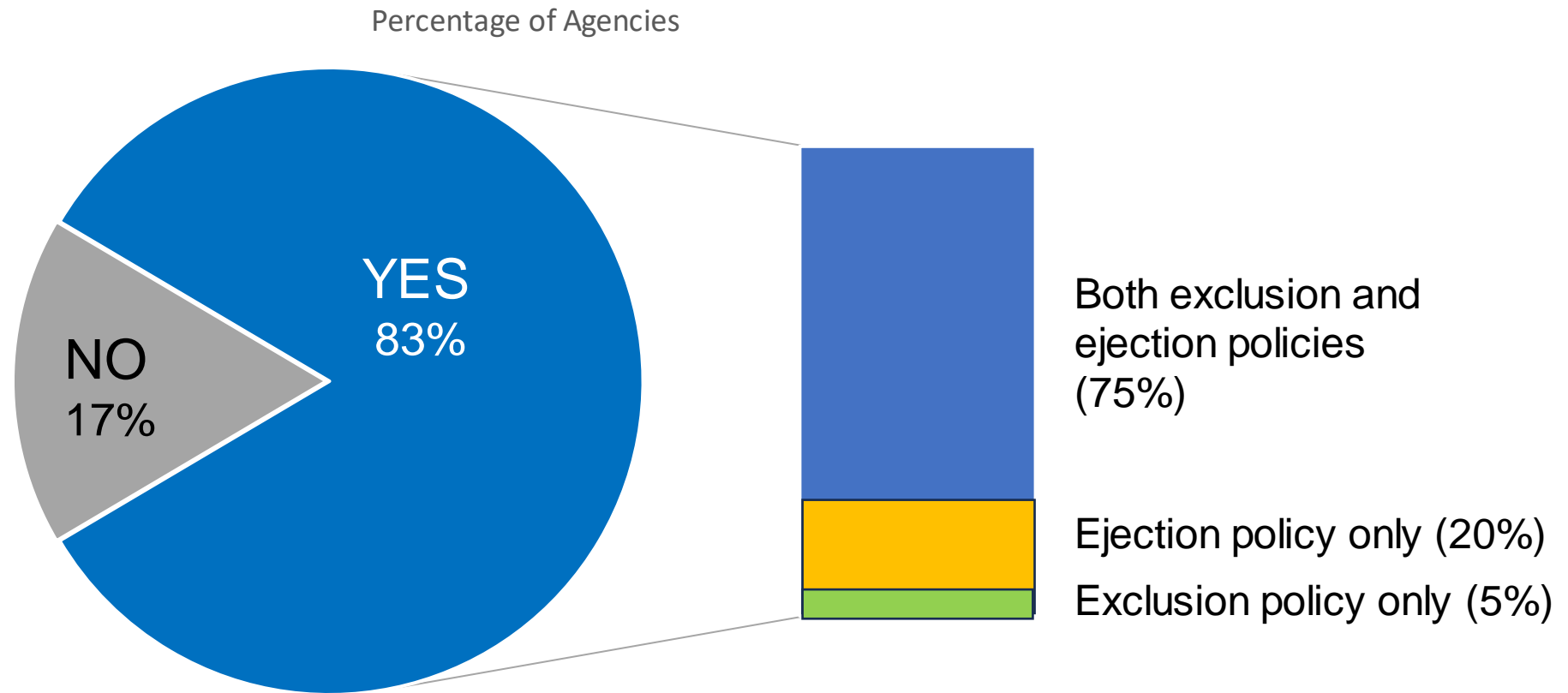
Transit agencies have similar definitions for exclusion, but may use different terms such as:

- Suspension
- Prohibition
- Ban

Summary of Findings: Use of Exclusion Policies

- Many agencies have exclusion policies.
- Some have had them in place for some time:
 - 2004 survey of U.S. transit agencies found that 62% of the 60 transit agencies responding had excluded passengers in the past three years
 - Online search found numerous instances from 2008 onward
- Those that do not have exclusion policies:
 - currently lack the authority to establish one,
 - are in the process of establishing one,
 - do not have behavioral problems severe enough to require one.

Agency Exclusion and Ejection Policies

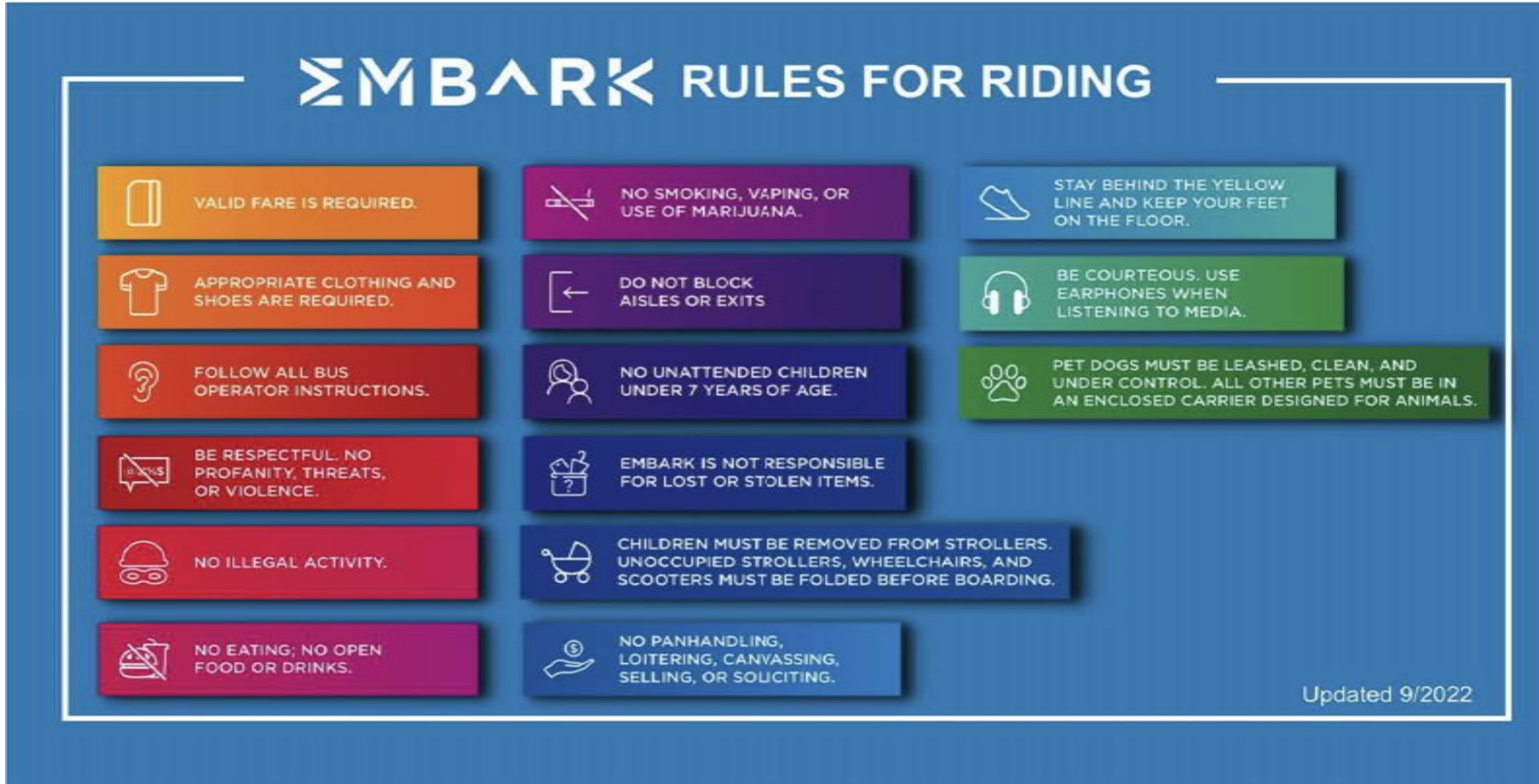


Number of Passengers Excluded/Suspended
















	In Past Year (% of agencies)	In Past 3 Years (% of agencies)
None	19	19
Less than 10	50	44
10-29	19	33
30-50	0	6
51-100	0	6
101-500	12	6
Over 500	0	6

- Majority have suspended or excluded fewer than 10 passengers
- Fare evasion is most common infraction for agencies with large number of suspensions

Offenses Included: Agency Code of Conduct



The infographic is titled "EMBARCK RULES FOR RIDING" and is set against a blue background. It features 15 colored rectangular boxes, each containing an icon and a rule. The rules are arranged in three columns. The first column has six boxes, the second has five, and the third has four. The text "Updated 9/2022" is located in the bottom right corner of the infographic.

Rule	Rule	Rule
 VALID FARE IS REQUIRED.	 NO SMOKING, VAPING, OR USE OF MARIJUANA.	 STAY BEHIND THE YELLOW LINE AND KEEP YOUR FEET ON THE FLOOR.
 APPROPRIATE CLOTHING AND SHOES ARE REQUIRED.	 DO NOT BLOCK AISLES OR EXITS	 BE COURTEOUS. USE EARPHONES WHEN LISTENING TO MEDIA.
 FOLLOW ALL BUS OPERATOR INSTRUCTIONS.	 NO UNATTENDED CHILDREN UNDER 7 YEARS OF AGE.	 PET DOGS MUST BE LEASHED, CLEAN, AND UNDER CONTROL. ALL OTHER PETS MUST BE IN AN ENCLOSED CARRIER DESIGNED FOR ANIMALS.
 BE RESPECTFUL. NO PROFANITY, THREATS, OR VIOLENCE.	 EMBARK IS NOT RESPONSIBLE FOR LOST OR STOLEN ITEMS.	
 NO ILLEGAL ACTIVITY.	 CHILDREN MUST BE REMOVED FROM STROLLERS. UNOCCUPIED STROLLERS, WHEELCHAIRS, AND SCOOTERS MUST BE FOLDED BEFORE BOARDING.	
 NO EATING; NO OPEN FOOD OR DRINKS.	 NO PANHANDLING, LOITERING, CANVASSING, SELLING, OR SOUCITING.	

Updated 9/2022

Summary of Findings: Types of Offenses

Exclusion

- Defacing/Vandalizing facilities
- Disorderly conduct
- Indecent exposure
- Interfering with operations
- Lighting incendiary device

Ejection

- Refusing safety restraints
- Using illegal drugs
- Spitting
- Assault of transit operator or employee
- Assault of passenger

Ban

- Assault of transit operator or employee
- Assault of passenger
- Sexual assault
- Trespassing

Factors determining exclusion, ejection or banning:

- Number of repeat offenses
- Severity of offense
- Varies by incident

Summary of Findings: Implementation

Approaches determined by staffing and resources available

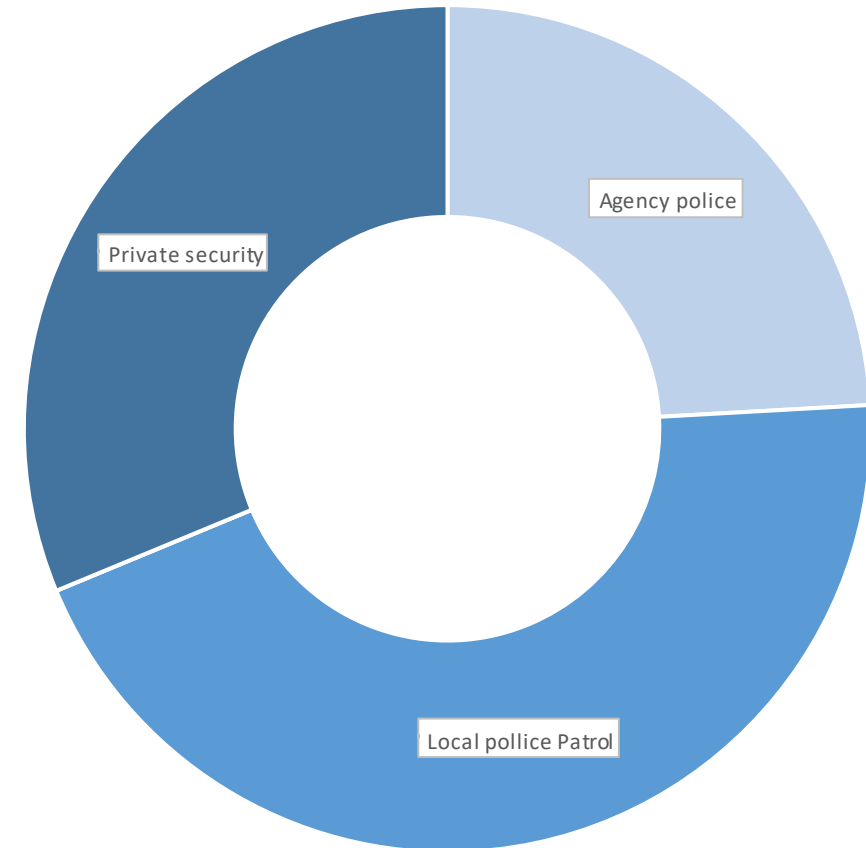
Some authorizations include specifications for implementation:

- who can issue citations and orders
- what type of oversight is necessary

Agency Security and Law Enforcement Forces

Range of available forces:

- 27% - dedicated transit police force
 - ❖ 12% have in-house security force
- 50% - local police as part of patrol
 - ❖ 19% have dedicated local patrol
 - ❖ 9% have local police as needed
- 35% have contracts for private security



Summary of Findings: Implementation Roles

	Identifies Infraction	Notifies Passenger	Removes Passenger	Identifies People Ignoring Order
Operators or Drivers	✓			✓
Supervisors	✓	✓		✓
Security Staff		✓	✓	✓
Transit Police		✓	✓	✓
Local Law		✓	✓	
Legal Staff		✓		✓

Summary of Findings: Enforcement

- Exclusions are effective only to the extent that they can be enforced.
- Agencies utilize a number of methods to enforce an existing exclusion or ban:
 - Transit police show patrols photographs of suspended or banned riders so they can be on lookout for people ignoring their suspension.
 - Agencies train operators/drivers to identify faces of suspended/banned passengers.
 - Photographs are commonly posted in employee facilities such as break rooms.

Summary of Findings: Training

- Dependent on requirements of agency specific exclusion policy, on enforcement process in place, and overall agency approach to training and passengers.
 - More than half (57%) provide training on exclusion policy.
 - Some (13%) consider policy enforcement procedure clear enough (“call police”) that detailed policy specific training is not necessary.
 - Most agencies train operational staff – managers, supervisors, operators, drivers and other vehicle personnel. Some train entire agency.

Trained Personnel	% of Agencies
Drivers, Operators, Vehicle Personnel	67%
Operational Supervisory Staff/Managers	89%
Agency Police, Security Personnel	33%
Entire Agency	22%

Training Content

- Exclusion policy and procedures
 - Technical - working with law enforcement, supervisors, etc.
 - Operational -Balancing rule enforcement with compassion
- Awareness, cultural, conflict resolution and de-escalation training
 - Tips on common encounters, symptoms, interventions

Agency Examples

California training requirements are encoded in law and includes:

- Familiarization with the elements of the infractions included in policy.
- Citation issuance and court appearances.
- Handling argumentative violators and diffusing conflict.
- The mechanics of law enforcement support and interacting with law enforcement for effective incident resolution.

Fort Worth Transportation Agency training addresses relationships with all customers as opposed to focusing on belligerent customers.

“Operators are taught to understand situations in which common sense and compassion are more important than strict observance of the rules.”

Agency Examples

EMBARC

- Has drivers, the people who were dealing with relevant situations every day, conduct the training which made a significant difference in effectiveness and impact of training.
- Partnered with local social service organizations to provide training to staff:
 - how to deal with someone who is in trauma, such as domestic violence or being trafficked domestic violence,
 - human trafficking and elder abuse,
 - mental health issues including how to recognize someone that might need assistance.

Legal Findings: Appeal Process

- Courts have ruled that an agency may not impose even a temporary suspension without providing the core requirements of due process:
 - adequate notice
 - a meaningful hearing at which the accused are given a full fair opportunity to present their cases.
 - However, it is not required that the notice and hearing occur before the suspension takes effect.
- TCRP LRD 20 found no cases that held that a transit agency's act of barring or suspending a transit user from the system is a deprivation of a right or otherwise triggers some requirements of due process.

Types of Appeal Process

- Transit agencies were found to have a variety of exclusion or suspension appeal processes.
- Internal processes are an internal hearing conducted by either a designated review panel or designated review personnel.
- Decisions of the appeal hearing or panel are usually final.
 - Some agencies whose code of conduct is enshrined in state legislation, such as LA Metro, allow appeals to the state court system.

Agency Process	Hearing Lead
Internal Hearing	Deputy Chief, Security Operation Bureau Manager of Safety & Security Exclusion Officer
Internal Panel	General Manager Agency managers of Customer Service, Operations, Safety Local Advisory Committee Members
Court Hearing	Agency Hearing Officer

Summary of Findings: Effectiveness

- Agencies believe the policies are effective. More than half rated policies as effective or very effective. Only 15% said they were ineffective.
- However, evidence of their impact on crime is limited. Only one third of respondent had conducted analysis of effectiveness and impact of agency exclusion policy.

Type of Analysis	Yes	No
Reduction of incidents	39%	61%
Impact on employee & customer safety	42%	58%
Impact on crime	27%	73%
Assessment of equity and fairness	17%	83%

Agency Example

BART

- Annual Prohibition Order Report includes analysis of effectiveness, impact on crime, and equity of program
 - Tracks repeat offenders, who are very small percentage (2-3%)
 - Reviews crime statistics and trends in relation to number of prohibition order issued
 - Tracks number of offenders “in crisis” or struggling with mental health condition
 - Reports age, race, and gender of people issued prohibition orders



***SAN FRANCISCO BAY AREA
RAPID TRANSIT DISTRICT
ANNUAL PROHIBITION
ORDER REPORT***

March 26, 2019

This report to the California State Legislature summarizes The San Francisco Bay Area Rapid Transit District's (BART) exclusion policy pursuant to AB 716 (Dickinson).

The report contains data gathered from documented calls of service from station agents and patrons regarding incidents occurring on BART property and trains, in addition to statistics obtained from BART police officers.

Effectiveness Analysis: Lessons Learned

- Extensive tracking and monitoring of prohibition orders, types of crimes and offenses, appeals, repeat offenders, and demographics to track potential equity concerns help support the program's legitimacy and transparency.
- Comparative analysis of trends in prohibition orders and crime data can help identify the effectiveness of the policy and areas to be addressed and also provides means and metrics to assess changes in the safety and security of the system.

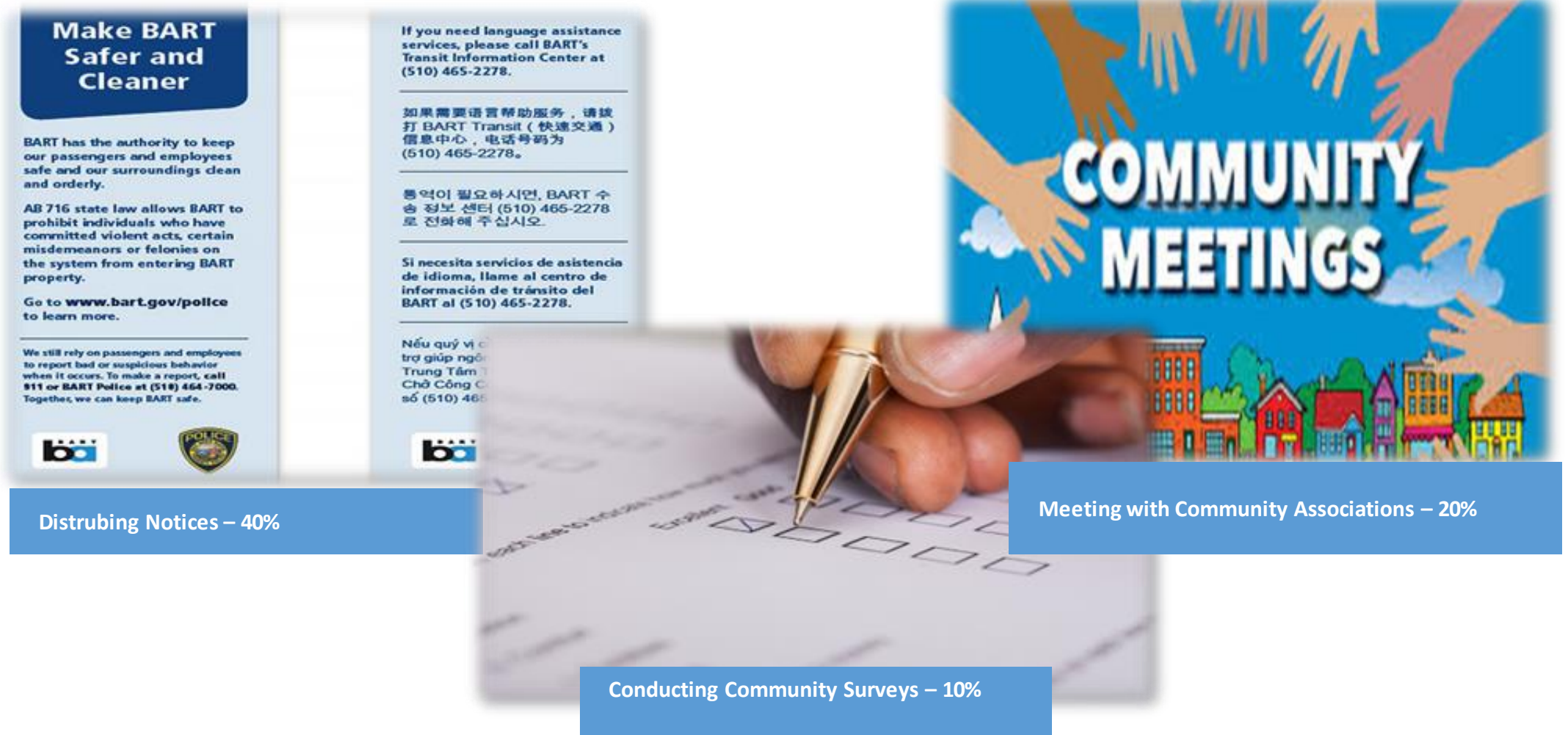
Case Studies



Case Examples

- Crime impact and program performance analysis - BART
- Customer education regarding policy – MARTA
- Training Programs – EMBARK and others
- Dependence on local police - PSTA and Sound Transit
- Working with Local Law Enforcement – Metro Transit and EMBARK
- Working with Social Service Agencies – BART and Phoenix Valley Metro

Communications and Public Engagement



Distrubing Notices – 40%

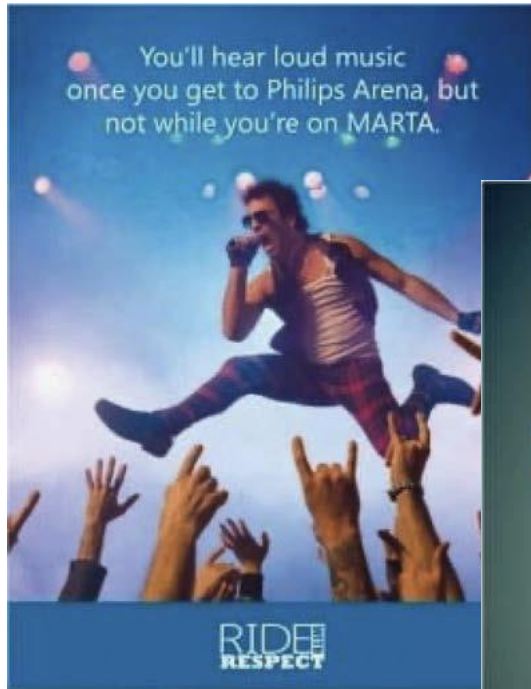
Meeting with Community Associations – 20%

Conducting Community Surveys – 10%

Policy Notification Communication Channels

	Employees	Agency Police	Local Law	Community Partners
Email	✓	✓	✓	✓
Supervisor Notification	✓	✓	✓	
Agency Meeting	✓		✓	
Internal Agency Newsletter	✓			
Facility Posting	✓		✓	

MARTA: Ride With Respect



TV Spot featuring Comedian Jeff Foxworthy and Telemundo Anchor Judith Martinez



TV Spot featuring Music Artist Ludacris

Working with Local Law Enforcement

- Most transit agencies do not have their own security or police force and are reliant on local law enforcement
- As service areas often traverse many jurisdictions, this can include dozens or more local law enforcement agencies
- Law enforcement agencies often don't prioritize transit crimes
- Some agencies work regularly with law enforcement on their priorities and to find win-win solutions, e.g., PSTA and EMBARK

Agency Examples

SOUND TRANSIT

- Made it easy for local police to quickly address incidents with little to no paperwork or administrative burden

METRO TRANSIT

- Establish a partnership with police to provide a part-time security presence

VALLEY METRO

- Regional Security Team (RST), chaired by the Valley Metro's Director of the Safety/Security Office, provides a forum to share information and coordinate on priority issues.

Working with Social Service Agencies

- Partnerships are critical. Relying on enforcement alone does not work.
- Transit agencies have recognized the need to work with social service agencies and with local jurisdictions to address underlying problems such as homelessness.
- Partnerships are critical to success. Agencies have established partnerships with law enforcement, prosecutors, the courts, the municipal human services department, and other social services agencies to create an effective program.
- A successful program to change behavior requires both assistance and consequences. A combination of penalties and inducements is necessary.

Agency Examples

SOUND TRANSIT

- Conducted pilot project with two-person team, a social worker and a person with lived experience (formerly homeless, formerly addicted)
 - proactively reaching out to individuals at stations and helping them access social and medical services available


EMBARC

- Partnered with local social service organizations to address broader issues:
 - contracted with Mental Health Association to hire caseworker to be assigned to EMBARK
 - meeting with other city agencies to explore how can work collaboratively with existing programs.

Agency Example

BART

Pocket guide reminders with tips on common encounters, symptoms

Developmental Disabilities 

What it looks like

Intellectual Disabilities	<ul style="list-style-type: none"> Loss of attention or sleepiness by compulsions with loss of consciousness Rider (takes longer to speak)
Epilepsy*	<ul style="list-style-type: none"> May have trouble understanding what is written Has trouble problem solving or readily understanding a consequence to an action Rider has limited social skills <p>Repeat instructions if necessary; rephrase question in simple language Be patient, positive and relaxed</p> <p style="text-align: right; font-size: small;">*Epilepsy Foundation Stats</p>

What it looks like

Cerebral Palsy	<ul style="list-style-type: none"> Limited ability to control muscles and body May appear clumsy when walking Movements may be stiff May have problems understanding directions
Autism	<ul style="list-style-type: none"> Has difficulty adjusting to change Repetitive body movements or behaviors Lack of speech or comprehension Unable to process loud noises or lights May lack eye contact May show frustration or lack of emotion


Communication with someone who is: Hearing Impaired

Positive Impacts - Physical Disability

	<ul style="list-style-type: none"> Write or type messages on smart phone if possible Allow him/her to adjust to your voice Clearly and slowly, use gestures and facial expressions to reinforce messages to the passenger Understand that everyone (with hearing loss) functions and communicates differently
--	---

Communication with someone who is: Deaf, Blind or Hard of Hearing


Deaf	<p>Positive Impacts</p> <p>A passenger who is DEAF communicates by using American sign language (ASL) or may lip read</p> <p>Use technology when available (i.e. Type information on the smart phone, text message) Be patient, positive and relaxed Lightly tap the passenger on the shoulder if he/she does not respond to visual clues If you know some sign and fingerspelling, use them</p>
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Seizure Recognition 

Seizure Type	What it looks like
Generalized Tonic Clonic	Shallow breathing / temporarily suspended breathing Bluish skin Loss of bladder / bowel control
(Gran Mal)	Lasts a couple of minutes, Normal breathing then starts again Possible confusion / fatigue, followed by return to full consciousness
Absence (Petite)	A blank stare Beginning and ending abruptly, most common in children Rapid blinking, some chewing movements of the mouth Child/adult is unaware of seizure Full awareness, end of seizure

Seizure Type	What it looks like
Complex Partial	Blank stare, followed by chewing, followed by random activity Unaware of surroundings, may seem dazed and mumble. Unresponsive Actions clumsy, not directed May pick at clothing, pick up objects, may disrobe May run, appear afraid, struggle or flail at restraints Lasts a few minutes, but post-seizure confusion can last substantially longer Lack of memory seizure

Blind	<p>Positive Impacts</p> <p>A passenger who is BLIND communicates through tactile symbols, braille, close-vision signage vibrations</p> <p>Come towards the passenger's voice Always communicate verbally prior to any touch When giving directions, be very specific, left or right as details are vital Always identify yourself as a BART police officer or employee Speak in a normal tone of voice giving commands Be respectful: observe Remember that with blind/visually impaired passengers, sight changes under different light conditions</p>
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 Created by BART Accessibility Task Force (BATF) General Disabilities Awareness Group (GDA)/COPPS Unit Endorsed by CIT Specialist Armando Sandoval

Challenges and Conclusions

TCRP

Synthesis 173

A SYNTHESIS OF TRANSIT PRACTICE

Transit Cooperative
Research Program

Sponsored by the Federal
Transit Administration

Transit Exclusion Policies in Public Transportation Systems



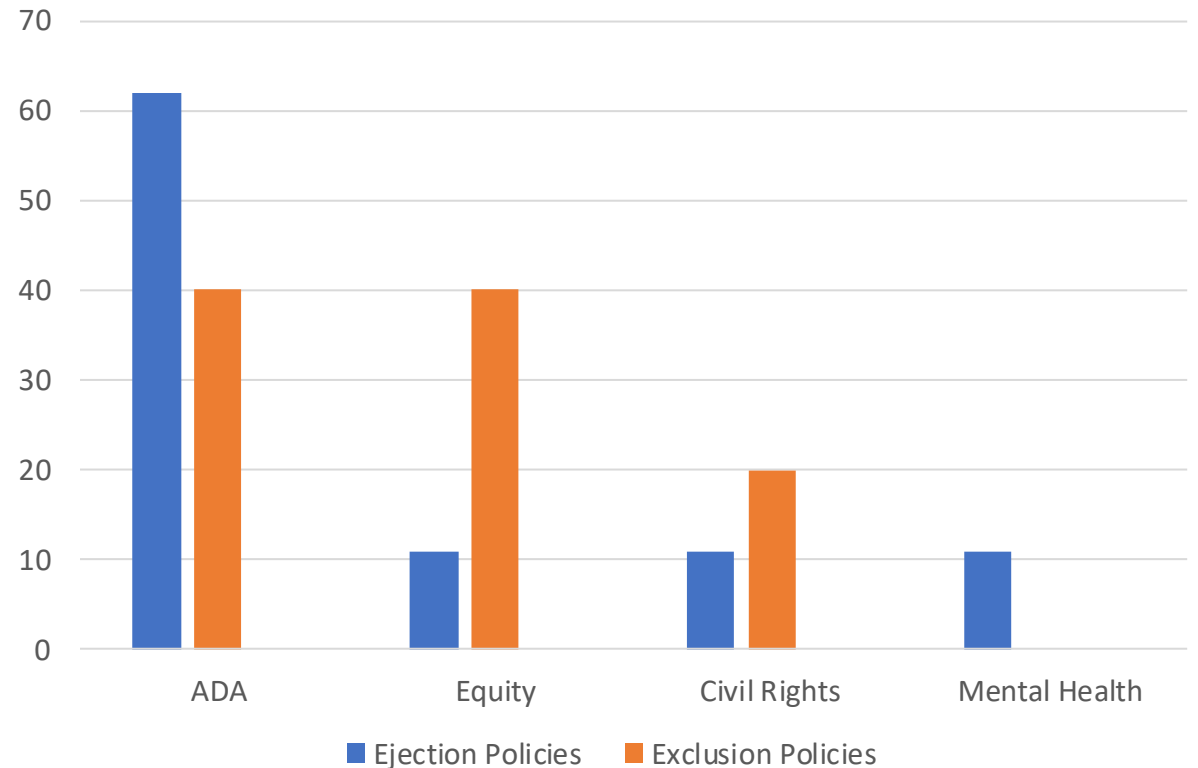
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Challenges

- Exclusion for people who are unhoused, or with mental health challenges, or with cultural or demographic differences may lead to disparities and inequity in outcomes.
- Enforcement (and potential for enforcement) should lessen not worsen existing problems such as operator assaults.

Challenges Noted in Surveys
(Percent of Respondents Who Reported Encountering Challenges)



Conclusions

- Many transit agencies have exclusion policies in place, with more coming.
 - Passengers and operators express concern about their personal safety
- Policies vary by agency and by type of behavior or crime.
- Implementation varies depending on dedicated security/police force, vs. reliance on local law enforcement, on enabling legislation, and agency priorities.
- Most agencies believe the policies are effective and necessary.
- Enforcement alone doesn't work. Partnerships are critical to success.
- A successful program to change behavior requires both assistance and consequences.

Suggestions for Future Research

- Approaches to measure the effectiveness of exclusion policies are advisable.

Transit agencies are using different measurements to assess their policies, such as reduction in number of incidents or percentage of repeat offenders

- Approaches to analyze impacts of the policies on crime are needed.

There is little information documented in the literature on current approaches to analysis and minimal academic studies addressing this issue.

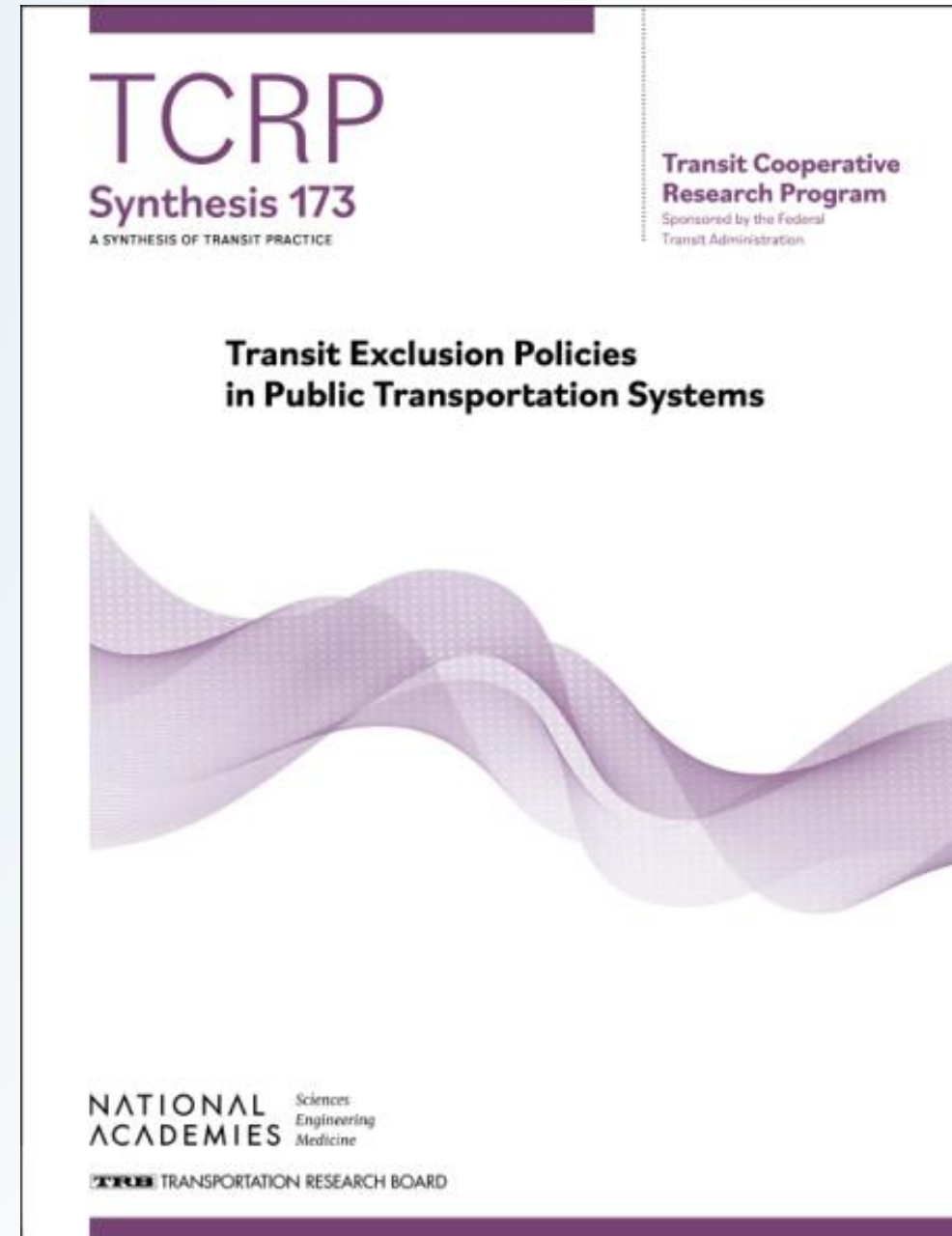
Questions?

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Report available at:

<https://doi.org/10.17226/27474>



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June 23-26, 2024

**2nd International Roadside Safety
Conference**

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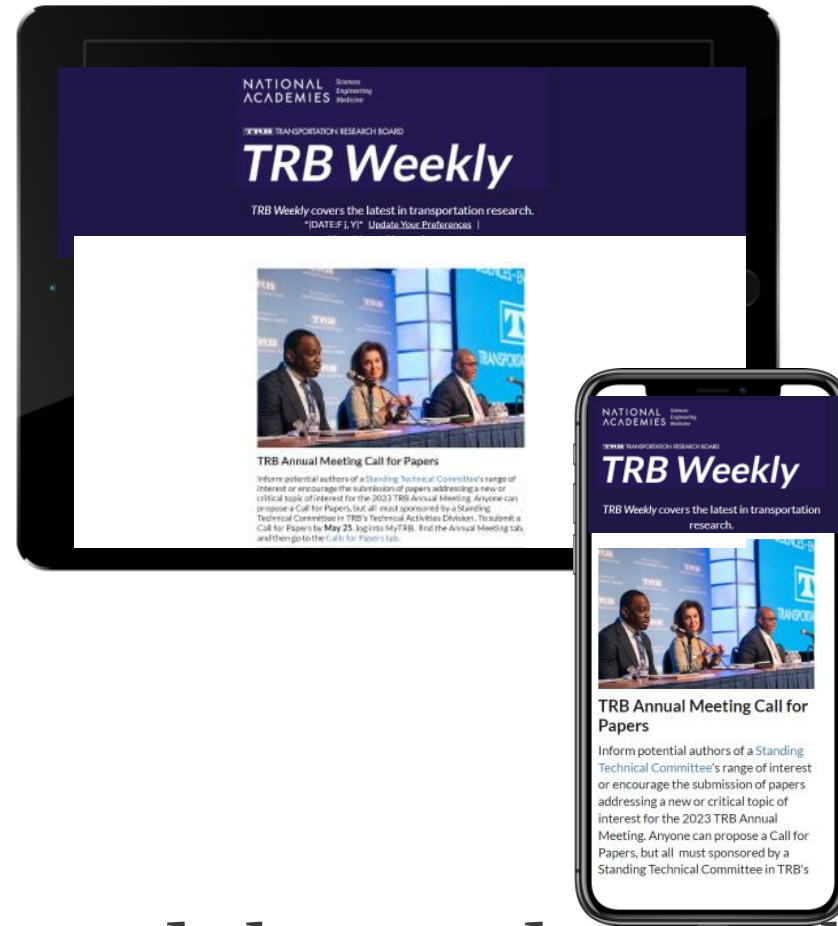


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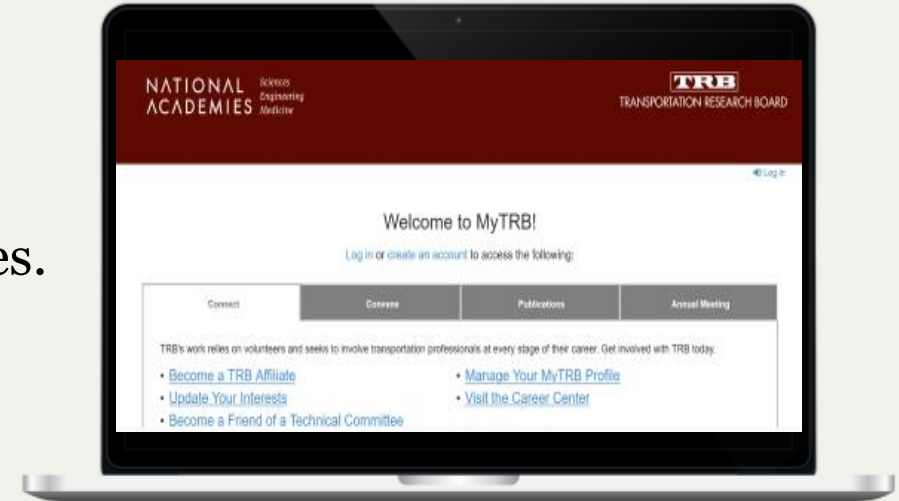


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